



EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

Official Report of the Proceedings of the East African Legislative Assembly

FIFTH MEETING – FIFTH SESSION – SECOND ASSEMBLY

Tuesday 29 May, 2012

The East African Legislative Assembly met at 2.30 p.m.

In the Chamber of the Assembly, AICC Ngorongoro Wing, 5th Floor, Arusha.

PRAYER

(The Speaker, Mr. Abdirahin Abdi, in the Chair)

(The Assembly was called to order)

PAPERS

The following Papers were laid on the Table:

Report of the Committee on Regional Affairs and Conflict Resolution on Public Hearings in
Pastoral Border Communities of Northern Kenya and Eastern Uganda

*(By the Chairperson of the committee on Regional Affairs and Conflict Resolution, Mr.
Abdulkarim Harelimana)*

Report of the Committee on Agriculture, Tourism and Natural Resources on the Tour of Lake
Jipe Aquatic Trans-boundary Ecosystem

*(By Mr. Augustine Lotodo on behalf of the Chairperson of Committee on Agriculture, Tourism
and Natural Resources)*

BILL

Second Reading

THE EAST AFRICAN COMMUNITY CONFLICT MANAGEMENT BILL (2011)

(Debate interrupted on 23.4.2012)

The Speaker: Hon. Members, as you are aware, we adjourned debate on this Bill in our last sitting and the Council at that time had said that they would be ready to move with it in this Session. I am reliably informed that they have already met the Committee. So, debate is open.

But before then, the following Members had debated: Hon. Akhaabi, Hon. Bazivamo, Hon. Wanyoto, Hon. Ngenzebuhoro and Hon. Muntu. So, they will not get a chance to debate again; and anybody else who wants to debate can go ahead.

Dr. Aman Kabourou (Tanzania): Thank you, Mr. Speaker, Sir. I should declare from the very outset that I am a Member of this Committee. We have looked very closely at this Bill and I am satisfied that this is something we need to have in our region. It is without any doubt that the EAC is very much surrounded by hot spots that flare up every other time, from our neighbours and that some of these matters will eventually have to affect Partner States of the EAC.

I just read two days ago in *The EastAfrican*, where we have a report of Transparency International ranking the East African Partner States from the most conflict-ridden member to the least. It looks like Burundi was leading the pack, followed by Rwanda, Uganda, Kenya and eventually Tanzania. So, what I think will happen is that the more we denigrate on human rights, the more likely there will be conflict.

As stated in the Bill, conflict prevention means the effort made to prevent the escalation of a dispute into violent conflict. It is very simple. We will always have disputes – there is no question about that, but then, should we allow the disputes to escalate into conflicts and physical violence? We are saying that may not be the best way and that as civilised people in the region, we have to find a way to contain these kinds of eventualities.

Now, in East Africa, we have areas that have continued to be conflict-ridden. I am very glad to say, Mr. Speaker, Sir, that just recently we came from this tour of pastoral areas in Kenya. We went to Kapenguria; very beautiful countryside. From there, we moved all the way to Karamoja

in Eastern Uganda. We had some meetings with the pastoralists in the region and we were very much informed of what was going on. I am happy to report that our trip to these areas was very much part and parcel of EALA's activities in conflict prevention and management. Back on 2003 and 2005, the Committee on Regional Affairs and Conflict Resolution actually paid a visit and had meetings with the people in that region, and at that time, it was known that there were a lot of killings and that the pastoralists just didn't like one another. Therefore, the East African Legislative Assembly decided on its own to have an oversight trip into that particular area and had discussions with the people there and of course, made some promises as to what the Assembly could do to contain those conflicts. Surely, our trip was about verifying whether or not those promises had been met. Therefore, we held meetings in very remote areas. Kapenguria is not necessarily very remote. But Nakapiripirit and other places in Uganda, even getting there, we had to be towed by a tractor because the road was just impassable. But what we found out was that most of the recommendations that the Committee had made to the Partner States had actually been acted upon. This was told to us by the Members of those pastoral communities. They literally accepted that many of the efforts that had been taken by the governments were beginning to bear fruit. We were very thankful that this was actually happening. Everybody was standing up and some people were very upset, but by and large, they all confirmed that those efforts were beginning to bear fruit and that was a good thing because before that, it was a horrible situation. We were told about how people were killed randomly, women raped, livestock stolen and so on and that people were very uncomfortable and had to move around. They did not have any stability in their lives; and these are pastoralist peoples who have to move with their livestock, but then they are not sure if moving was a wise thing to do. But because of this effort by EALA, things were beginning to change. I think this shouldn't be an ad hoc activity, surely. The Assembly may want to do this over time, but we know budgetary constraints may not make it possible for EALA to conduct these activities. But if we have a permanent office within the EAC Secretariat with a budget line, with people who can be relied upon to follow up on wherever conflict situations have risen, then we will have gone a long way to make it possible for our people in the region to have stability. Of course, there could never be development if there is no stability. If people are not sure of their own lives, certainly they wouldn't want to be building homes because then it would be like wasting their resources and time.

Mr. Speaker, Sir, it is for that reason that I rise here to say that yes, it is time now we have an office which is permanently structured within the EAC to take care of this. We are being very generous. The thing is not that expensive. We have Directors from these Partner States; we didn't want to over-burden the office with too many directors. We think a Director from each country and of course these eminent personalities that we want to have in office will be people of great respect in the region so much so that if anything were to happen, I am sure those within the region would be happy to listen to these people. We can see now that all the time we have conflicts in Syria, Congo and so on, and we have to have people from other places. Koffi Annan was in Kenya. He is now in Syria. He would go to the Congo. We want people from our own region; people who can speak our language; people who understand our own people. Eminent

personalities could be even former Speakers or former Prime Ministers. They don't have to be people from out of space. So, having felt that way, I think it is time now that we allow our communities to have this kind of assurance.

I, therefore, stand up here to support the Bill.

Mr. Augustine Lotodo (Kenya): Mr. Speaker, Sir, I also want to say that I am a Member of this Committee and I wish to support this Bill.

Mr. Speaker, Sir, the issues of conflict have been there for a long time, but where we are heading, not only as EAC but also as people of the world, is a situation where we need to deepen and work together to ensure that the livelihoods of the citizens of the world are uplifted. That can only be assured when we have peace within our region.

Mr. Speaker, Sir, Europe has also gone through these experiences of conflict. When you look at WWI and WWII, which resulted in the formation of the League of Nations, which later turned into United Nations, it was actually to stabilise the world, to ensure that we have a good environment for people to prosper and for development to occur. So, we need this Bill in this Community. I don't want to repeat what other Members have said, but I support the Bill fully and I think we needed this law like yesterday.

I beg to support.

The Speaker: Hon. Members, before I call the Council, I would like to recognise in the Gallery Mr. Maugo, the outgoing Executive Director of CASSOA. He is also going home at the same time as we are. I would like to say that I have found it very enjoyable to have worked with him over the last five years. I have found him to be someone very positive, open, who would say what he wants to say and say it the way it should be said. I would like to say *asante sana*; it was a pleasure working with you and we wish you well.

(Applause)

The Assistant Minister for EAC Affairs, Mr. Peter Munya (Kenya): Mr. Speaker, Sir, I was a bit touched by your compliments for the outgoing Executive Director of CASSOA whom I also found very personable, positive and a very progressive worker for the EAC. We wish him well in other duties. I am sure the home he is going to is an East African home and so he will still find a lot of work to do for East Africa.

(Applause)

Mr. Speaker, Sir, you will recall that during the last meeting of this august House, I moved a Motion for adjournment of debate on The East African Community Conflict Management Bill (2011). The purpose of my action then was to enable the Council of Ministers further time to consult on this Bill. The Council needed more time to analyse the importance, implications,

timeliness and repercussions of this Bill on the development of the EAC. I have also had time to interact with the Members of the Committee.

Mr. Speaker, Sir, the Council of Ministers has studied the Bill. The object is to establish within the EAC, a conflict prevention management and resolution mechanism responsible for:

- (a) Identification of potential sources of conflict and devising response options.
- (b) Provision of pre-emptive measures to address conflict situations.
- (c) Development of capacity for mediation and negotiation to forestall and diffuse conflicts.
- (d) Proposing modalities for intervention and stabilisation on conflict situations.
- (e) Operationalisation of a conflict early warning and response mechanism for the Community.
- (f) Facilitation and support of negotiation and mediation capacity for the Community.
- (g) Provision of appropriate mechanism for conflict management.
- (h) Enhancement of planning capacities of the Community in relation to regional tensions.
- (i) Development of capacities at the Secretariat and in the Partner States to anticipate and mitigate conflicts.
- (j) Sensitisation and popularisation of the EAC Conflict Prevention Management and Resolution Mechanism.

These are very noble objects especially taking into account the circumstances pertaining in greater horn of Africa. The objects also seem to be informed by the history of this region, which is dotted by instances of conflict.

In this regard, I applaud Hon. Dr. Odette Nyiramirimo for conceptualising this Bill.

However, the question which arises is whether or all the problems we have can be sorted out through a legislative solution, because conflicts by their very nature are very difficult to anticipate and to offer legislative solutions.

The other issue that arises is the timing of the Bill, because there are also other initiatives that are already at advanced stages within the Community for dealing with the same problem. So, the main object is not even whether the legislative solution is a problem. The real issue is the timing of the Bill.

Mr. Speaker, Sir, the objects of the Bill do not take into account what the EAC has so far done in the area of regional peace and security, pursuant to Article 124 of the Treaty. All these development are serving the Partner States fairly well in the pursuit of regional peace and security.

Therefore, I would say that the protocol is at Partner States' ratification stage. The negotiations have been finalised and the protocol is actually being assented to by the Partner States since everything within it has been agreed. The protocol has most of the aspects that are being proposed by this Bill. So, our approach would be, if the Bill would have come after the protocol; because protocols come first and then legislation follows; so that legislation can be able to fill in any gaps left by the protocol. A protocol is really more of a framework. My reading of the protocol is that it covers many of these aspects. In fact, it even proposes a mutual defence pact for the Partner States, which is supposed to be concluded within a year after the coming into effect of the protocol. So, you can see Partner States have even gone further to accept that the Community requires a mutual defence pact and the Treaty gives a time-line; within a year, we must have it in place.

Mr. Speaker, Sir, what I am saying is that really, we have moved in the direction that the Members are proposing, at even a higher level. So, we are saying this Bill would have come at the right time when the protocol is already in place, then, we would have looked at what gaps to be filled by the Bill.

The other issue I need to highlight is that in Clauses 4 to 10, the Bill brings some institutional matters which may complicate its implementation.

“For purposes of conflict prevention management and resolution, the Bill establishes:

- (a) a Directorate within the Secretariat; and,
- (b) An office of Eminent Personalities.”

The justification and reporting mechanism within the EAC institutional framework for these institutional structures which, first and foremost, must be articulated from a policy and institutional point of view is a direct proposal for the creation of an East African Defence Force, a matter that has not been addressed from a policy point of view. All these are matters that will give rise to complications in the implementation of the Bill once passed into law.

Mr. Speaker, Sir, I wish to further observe and argue that this Bill covers some matters which would best be addressed at a policy level rather than through legislation. For example, penalties on Partner States that do not respect the advice of the office of the Eminent Personalities and the deployment of the EAC Force; that is at Clause 20 at a time when such force does not exist and the mutual defence pact is yet to be negotiated. That is why I was arguing that, that would come when the protocol is in place and the mutual defence force is negotiated.

Lastly, it has come to my knowledge that the Committee on Regional Affairs and Conflict Resolution has proposed amendments to the Bill. The Committee proposes, among other amendments, to delete the clauses on the creation of a special fund, operationalisation of early warning mechanism, deployment of an East African Force and coordination of harmonisation of assistance. If this proposal is carried, then we are left only with the issue of the timeliness of the Bill. Shouldn't we wait for the protocol which is already finalised and only waiting for the Partner States to sign and then now we can look at this matter?

Mr. Speaker, Sir, for the reasons I have given, the Council finds itself in a difficult position and, therefore, unable to support the Motion.

Dr. Odette Nyiramirimo (Rwanda): Thank you, Mr. Speaker, Sir. I wish to thank all the Members who supported the Motion, who include Hon. Akhaabi, Hon. Bazivamo, Hon. Wanyoto, Hon. Ngenzebuhoro, Hon. Muntu, Hon. Kabourou and Hon. Lotodo. I also thank the Chairman, Council of Ministers for all the explanations that he gave. I have to also explain to this august House and the meeting with the Council of Ministers in this Chamber about four days ago, when we explain to them deeply the objects of this Bill and we showed them how we had amended the Bill that I had brought to the House. All the concerns that the Ministers had on joint forces, NRTs(?) that the Minister mentioned are--- The amendments of the Committee have been withdrawn. Therefore, I wish that we continue with the stages of this Bill, because it will not be in contradiction with any of all these instruments that the Minister talked about. We also read the draft protocol. All these draft papers that are in line are being signed by the Council of Ministers and await to be ratified by the Summit. We are in line with these. What the other members of the Committee who talked today explained is that our region is at high risk of conflicts and we will begin experiencing them. If we put in place this mechanism it will be of help.

(Question put and agreed to)

(The Bill was read a Second Time)

Committee Stage

THE EAST AFRICAN COMMUNITY

CONFLICT MANAGEMENT BILL

(Clause 1 agreed to)

Clause 2

Mr. Abdulkarim: Mr. Chairman, Sir, I beg to move that in Clause 2 of the Bill, we amend Sections A, B, C, D and E in the definition of conflict resolution by deleting the word “continuing” and replacing it with the word “containing”; Section B by replacing the definition of “directorate” with the following:-

“Directorate means the directorate established under Clause 10; Section C by replacing the word “office” wherever it appears in the Bill with the word “panel”; Section D by inserting immediately after definition “early warning” the following new definition:-

“Eminent person means a person qualified to be appointed to the panel under Section 6.”

(Question of the amendment proposed)

Dr. Odette Nyiramirimo (Rwanda): Agreed, Mr. Chairman, Sir.

Mr. Chairman: Hon. C.T.C, on what now?

C.T.C: Mr. Chairman, Sir, this is a further proposal. There is a definition of “preventive diplomacy.” It reads that preventive diplomacy means special efforts or actions taken to ensure timely interventions to avoid conflicts in the community.

Mr. Chairman, Sir, in my humble opinion “preventive diplomacy must by nature be diplomatic.” Special efforts may not necessarily be diplomatic. In fact, special efforts are weightier than diplomatic efforts. So, I propose that this definition be amended by deleting the word “special” and replacing it with the word “diplomatic.”

Mr. Chairman: Hon. Odette!

Dr. Odette Nyiramirimo (Rwanda): Agreed, Mr. Chairman, Sir.

*(Question, that the words to be left
out be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 2 as amended agreed to)

Clause 3

Mr. Chairman: Hon. Atihemi(?), you have an amendment. You should stand up, so that you can move it.

Mr. Atihemi(?): Mr. Chairman, Sir, thank you for the guidance.

Mr. Chairman, Sir, I beg to move the following amendments to Clause 3:

- (i) in subsection 1 by inserting immediately after the word “promote” the words “conflict prevention and”;
- (ii) in subsection 2(a) by replacing the word “boundary” with the word “border.”

Mr. Chairman: Hon. C.T.C!

Mr. C.T.C (?): Mr. Chairman, Sir, it is not me to agree with the Chairperson of the Committee on the Committee’s proposed amendments. But since you have invited me---

Mr. Chairman: I did not ask you to agree with it. You stood up to make a proposal. You could make your proposal.

Mr. C.T.C: I thought that you could have invited hon. Odette first before I come in.

Mr. Chairman: Are you telling me that now I have to run the Committee?

Mr. C.T.C: My sincere apologies, hon. Chairman, Sir.

Mr. Chairman, Sir, regarding Clause 3 and with particular reference to sub-clauses 2(c) and (f), I want to propose as follows:-

- (i) in 2(c), the insertion of the words “to a conflict” between the words “parties” and “two,” so that it reads: “encourage the parties to a conflict to resolve the conflict amicably.”

If you say: “To encourage the parties to resolve the conflict amicably, you have not yet referred to the conflict which requires amicable settlement.

- (ii) Clause 3(2)(f) starts with the words “deepen the culture of reconciliation.” In my humble view, I think the most appropriate words are “enhance the culture of reconciliation.”

Mr. Chairman: Hon. C.T.C, you have the rules with you; do you not? What do they say when you want an amendment? I thought that you were supposed to write and give it to the Clerk. Have you sent them to the Clerk?

Mr. C.T.C: Mr. Chairman, Sir, I have not sent them to the Clerk. I beg your indulgence because I know that under Rule 8 of our Rules of Procedure, you can persuade the Committee to consider these amendments even before they have been submitted in writing.

Mr. Chairman: Why do you not follow the rules and then you can ask, whether I can let you do it?

Mr. C.T.C: Mr. Chairman, sir, may I humbly ask that you accept these proposed amendments meant to enrich the---

Mr. Chairman: Hon. Members, while CTC is finishing, there are any a times that we have rejected some proposals because they have not been sent the Clerk. Mr. C.T.C, this time we will let you off, if they are not here in the next one, we will not take them. So, if you have anything, start writing.

Hon. Odette!

Dr. Odette Nyiramirimo (Rwanda): Mr. Chairman, Sir, I agree with the first amendment that was made by hon. Abdulkarim. For sub-clause 2(c) where the C.T.C would wish that we put “to a conflict”, I think it is not mandatory because it would be a repetition. It says: “Encourage the parties to resolve the conflict amicably.” This means the parties to that conflict. So, to my understanding it is very clear. But I agree with 2(f) to replace “deepen” with “enhance.” Maybe it is a better word.

Mr. Chairman: Hon. Members, now that I have indulged the C.T.C, if he could have written it, it would have made it much easier. But I know that somebody said “repetitive”, but if you say “encourage the parties to a conflict to resolve the conflict amicably,”--- I am just guiding that you have to a party to a conflict. There must be something. This is because if read it the other way; “encourage the parties to resolve”, which parties and to what? The problem is that he has not written it and that is why you are finding it difficult to follow him. But it reads: “Encourage the parties to a conflict to resolve the conflict amicably.” I am telling you to reconsider but just guiding you to say that when I read it here, what C.T.C is trying to say makes sense also.

Hon. Odette!

Dr. Odette Nyiramirimo (Rwanda): Agreed, Mr. Chairman, Sir.

Mr. Chairman: You are not agreeing to me, but to the proposal.

*(Question, that the words to be left
out be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 3 as amended agreed to)

Clause 4

Mr. Abdulkarim: Mr. Chairman, Sir, I beg to move:-

THAT, Clause 4 be amended by replacing subsection 3 with the following:-

The Panel shall report to the Summit through the Council.

(Question of the amendment proposed)

Dr. Odette Nyiramirimo (Rwanda): Agreed, Mr. Chairman, Sir.

*(Question, that the words to be left
out be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 4 as amended agreed to)

Clause 5

Mr. Abdulkarim: Mr. Chairman, Sir, I beg to move:-

THAT, Clause 5 be amended by:-

- (i) replacing paragraph “d”(???) with “propose pre-emptive mechanism responses to address conflict situations.”;
- (ii) replacing the words “develop capacity for” with the word “undertake” in paragraph;
- (iii) replacing the word “operationalize” with the words “cause the operationalization of” in paragraph (e);
- (iv) replacing the word “facilitate” with the words “cause the facilitation” in paragraph (f);
- (v) deleting paragraph (g); and,

(vi) replacing the word “planning” with the words “conflict resolution” in paragraph (h).

(Question of the amendment proposed)

Dr. Odette Nyiramirimo (Rwanda): Agreed, Mr. Chairman, Sir.

*(Question, that the words to be left
out be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 5 as amended agreed to)

Clause 6

Mr. Abdulkarim: Mr. Chairman, Sir, I beg to move:-

That Clause 6 be amended:-

- (i) in subsection 1 by replacing the words “ten eminent persons” with words “one eminent person.”;
- (ii) in subsection 3 by replacing the word “infor” with the word “into;”
- (iii) in subsection 4 by replacing the words “shall elect among themselves a chairperson and deputy chairperson, who shall hold office on rotational basis, with the words “shall elect among themselves a chairperson who shall hold office on rotational basis.”
- (iv) in subsection 5(c) by adding immediately after the word “community” the words “or in the partner states”
- (v) in subsection 5 by adding immediately after paragraph “d” the following new paragraph “e”:-
“Does not hold an elective post and is not engaged in active politics in the partner states.”

There was some correction also because the one which is written “c” is supposed to be “d” and “d” is supposed to be “e.”

Mr. Akhaabi: Mr. Chairman, Sir, consequent upon the proposed amendment by the Chair of the Committee in Clause 6(1), I think there is need for a further amendment in that sub-clause to remove the word “two” ---

Mr. Chairman: He has already done it; it is only that he did not read it out.

Mr. Akhaabi: Okay, Mr. Chairman, Sir.

Dr. Odette Nyiramirimo (Rwanda): I agree, Mr. Chairman, Sir.

*(Question, that the words to be left
out be left out, put and agreed to)*

*(Question, that the words to be inserted in place
thereof be inserted, put and agreed to)*

(Clause 6 as amended agreed to)

(Clauses 7, 8, and 9 agreed to)

Clause 10

Mr. Abdulkarim: Mr. Chairman, Sir, I beg to move:-

THAT, Clause 10 be amended in subsection 1 by replacing the words “the office shall have” with the words “there is established.”

Dr. Odette Nyiramirimo (Rwanda): Mr. Chairman, Sir, I agree with the amendment made by the Committee. There is another amendment that had been done by the Committee, where what

is in Clause 21 has been transferred to Clause 10, but I think we will talk about this when we get to Clause 21.

Mr. Chairman: How can we pass this one and then come back to it? Why are you anticipating that we will agree with you in Clause 21, unless we stand over this one and come back to it after Clause 21?

Dr. Odette Nyiramirimo (Rwanda): Mr. Chairman, Sir, I can read now what is---

Mr. Chairman: We have not reached there. I think the request could be that we stand over this one until we reach Clause 21 and then we can come back to it.

Hon. Member: Thank you, Mr. Speaker, Sir. I propose an amendment to Clause 11 by inserting the following new sub-section 2;

THAT, the Council shall, subsequent to the consideration of the annual report by the Summit submit their annual report to the Assembly.

Dr. Odette Nyiramirimo (Rwanda): Agreed.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 11 as amended agreed to)

(Clause 12 agreed to)

(Clause 13 agreed to)

Clause 14

Hon. Abdikarim: Mr. Speaker, I propose that Clause 14 be deleted.

Dr. Odette Nyiramirimo (Rwanda): Agreed.

(Question of the amendment proposed)

(Question, that the words to be left out left out, put and agreed to)

(Clause 14 deleted)

(Clause 15 agreed to)

Clause 16

Hon. Abdikarim: Mr. Speaker, Sir, I propose to make the following amendment to Clause 16:-

THAT, amend sub-section (i) by replacing the word “the Members and staff of the office” with the words “the Members of the panel and staff of the directorate”

Dr. Odette Nyiramirimo (Rwanda): Agreed.

(Question of the amendment proposed)

(Question, that the words to left out be left out put and agreed to)

(Question, that the words to be inserted in place thereof be inserted, put and agreed to)

(Clause 16 as amended agreed to)

Clause 17

Hon. Abdikarim: Mr. Speaker, Sir, I beg to move that the Bill be amended by deleting the entire Clause 17.

Dr. Odette Nyiramirimo (Rwanda): Agreed.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 17 deleted)

Clause 18

Hon. Abdikarim: Mr. Speaker, Sir, I beg to move that the Bill be amended by deleting the entire Clause 18.

Dr. Odette Nyiramirimo (Rwanda): Agreed.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 18 deleted)

Clause 19

Hon. Abdikarim: Mr. Speaker, Sir, I beg to move that the Bill be amended by deleting the entire Clause 19.

Dr. Odette Nyiramirimo (Rwanda): Agreed.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 19 deleted)

Clause 20

Hon. Abdikarim: Mr. Speaker, Sir, I beg to move that the Bill be amended by deleting the entire Clause 20.

Dr. Odette Nyiramirimo (Rwanda): Agreed.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 20 deleted)

Clause 21

Hon. Abdulkarim: Mr. Speaker, Sir, I beg to move that the Bill be amended by deleting the entire Clause 21.

Dr. Odette Nyiramirimo (Rwanda): Mr. Speaker, Sir, this Clause cannot be deleted. It is a very important section because it says that the directorate shall coordinate the mobilization and delivery of humanitarian assistance to alleviate human suffering resulting from conflicts in the Community. It is part of what this panel which has been established will be doing. That is why I propose that the Clause becomes sub-clause (iv). It can be transferred to Clause 10 and become between sub-clauses (iii) and (iv). Therefore, (iv) will become (v) and (v) becomes (vi) and so on.

Mr. Speaker: Hon. Members, there is a proposal for deletion and another one to move the Clause somewhere else but when I look at Clause 10 it talks about a directorate but this one is talking of a secretariat. So, do they rhyme? It says that the secretariat shall coordinate and mobilize the delivery of humanitarian assistance. Let us look at a situation where we are making a law that we should make sure it is practical. Let us think about how practical it is.

Hon. Patricia: Mr. Speaker, Sir, we should delete it as proposed by the Committee if the Mover agrees. It is just wide-over mandate which I doubt if the secretariat may be able to do. We also know that there are other institutions and organizations in the region which deal such matters. We can leave it to them.

Hon. Frederick: Mr. Speaker, Sir, I think we should delete that Clause because the functions of the secretariat are very clear from the Treaty, Article 71. So we cannot create another function here.

Dr. Odette Nyiramirimo (Rwanda): Mr. Speaker, Sir, I had thought that the directorate should do that work but after explanations given by honourable Members, I agree to have it deleted.

Mr. Speaker: Hon. Members, even though Hon. Odette started off with saying that we cannot delete this Section, she has agreed with the House to delete it.

(Question of the amendment proposed)

(Question, that the words to be left out be left out, put and agreed to)

(Clause 21 deleted)

(Clause 22 agreed to)

Clause 10

Dr. Odette Nyiramirimo (Rwanda): Mr. Speaker, Sir, as it was amended I agree that it be part of the Bill.

Hon. Member: Is it a proposed amendment. The proposed amendment provides that there is established----

I suggest that we add the word “hereby” because the question by arise where is this established. There is “hereby” established meaning the directorate is established by this Act.

Dr. Odette Nyiramirimo (Rwanda): Agreed, Mr. Chairman, Sir.

(Question of the amendment proposed)

(Question, that the words to be inserted be inserted, put and agreed to)

(Clause 10 as amended agreed to)

(Title agreed to)

Dr. Odette Nyiramirimo (Rwanda): Mr. Speaker, Sir, I beg to move that the Committee of the whole House doth report to the House its consideration of The East African Conflict Management Bill and its approval thereof with amendment.

(Question proposed)

(Question put and agreed to)

(The House resumed)

(Mr. Speaker in the Chair)

REPORT

THE EAST AFRICAN COMMUNITY MANAGEMENT BILL

Dr. Odette Nyiramirimo (Rwanda): Mr. Speaker, Sir, I beg to report that a Committee of the whole House has considered The East African Community Conflict Management Bill, 2011 and approved the same with amendments.

I beg to move that the report of the Committee of the whole House be adopted.

(Question proposed)

(Question put and agreed to)

(The report of the whole House adopted)

Dr. Odette Nyiramirimo (Rwanda): Mr. Speaker, Sir, I beg to move that the East Africa Community Conflict Management Bill, 2011 be read the Third Time.

(seconded)

(Question proposed)

(Question put and agreed to)

(The Bill was accordingly read the Third Time and passed)

Mr. Speaker: Hon. Members, before we come to the next Order, I would like to say that for a while we have been passing Bills in this House and the Council has been sitting with us in the same House in terms of passage of Bill. Of late I have started getting letters from Heads of State inquiring about certain letters written by the CTC telling them either to assent or not to assent to Bills. The question I ask, and may be the CTC can answer because none of these letters are ever copied to me or the Clerk's office, is when he sits here as the Member of this House and the Council sits here where Bills are passed, what mandate has the CTC whose mandate is the advisor to the Community in terms of legal issues, give directives to say that a Bill should not be signed without citing legal background about it. There is a case of the East African Parliamentary Institute which I must say has been assented to by all Heads of State. Recently, I got a letter asking me to forward copies of the Eco-system Management Bill. I also read in the press about that issue and what disheartens me is when, for example, a Member of this House is now character assassinated where a Minister of this House goes and says that he has been coerced by other Members from other partner states to move a Bill detrimental to his partner state. So, he

informs the President not to sign. He says that in a seminar. I think that is not proper and fair to the hon. Member who was in the papers. His name was mentioned. That was Hon. Nangale. He only moved the Bill on behalf of the Committee. It took three years before the Bill came to the House. The Council of Ministers supported the same Bill here. So, for a Member of the Council to say something like that to the public, is not fair to this House, the Council of Ministers and to Hon. Nangale. So, we should know how we conduct business here. The Treaty is very clear about what happens when we pass a Bill. If the Council has a problem with the Bill there are ways of addressing it but to go to seminars and newspapers is actually dishonest and I do not think it is fair to Members of this House.

We should all be fair to each other. When the Council agrees with something here, he should not go out there and take country position. As we leave, we should say that so that our colleagues who will come in the next parliament should know how to conduct business. If CTC is going to write letters, it would be good to copy to us the same.

Other than that, Mr. Minister, you talked of timeliness which I think should not stop the signing of this Bill. Clause 1 of the Bill says that the Act may be cited as the EAC Conflicts Management Act, 2011 and shall come into force on such a date as the Council may, by notice published in the gazette appointed. So, when time comes it will be signed and be effective when time comes.

With those few remarks, we can go to the next Order.

BILL

Second Reading

EAST AFRICA COMMUNITY SECTIONAL PROPERTIES BILL, 2012

Mr. Ndahiro: Mr. Speaker, Sir, I rise under Rule 34 of the Rules of Procedure and Rule 68 of the same rules to withdraw the Motion on the Second Reading of East Africa Community Sectional Properties Bill, 2012.

Mr. Speaker, Sir, I am doing this because I think this Bill will receive a lot of input from further consultations by the Committee. The same Council you are talking about failed to show up when we organized a meeting to talk over the same Bill. I am only lucky that I represent the Assembly and I am prepared to re-introduce the same Bill hoping that by that time, we shall have made further consultations and harmonized our positions with the Council.

I beg to withdraw.

(The Bill was withdrawn)

REPORT OF THE COMMITTEE ON GENERAL PURPOSE ON POLICY FRAMEWORK AND FACILITATION OF CSO ACTIVITIES

Mr. Bilal: Mr. Speaker, Sir, I beg to move the following Motion:-

THAT, the report of the Committee on General Purpose on the on-spot assessment of the partner states policy framework and facilitation of CSO's activities for women, youth PWDs, the elderly and other special interest groups in the EAC partner states be adopted.

(Seconded)

Mr. Bilal: Mr. Speaker, Sir, thank you for allowing me to move this report on behalf of the Chair on behalf of the Chair who was forced to travel. I will try to be very brief by summarizing this summary of the report of Committee on General Purpose on the spot assessment in partner states on the policy framework and facilitation of CSO's activities for women, youth, PWDs, elderly and other special groups. The objective of the assessment was anchored on the fact that the EAC strategic plan for gender, youth, children, social protection and EAC development strategy, 2011-2015 recommends among others, for the partner states to:-

- (i) Encourage synergies among all sectors and stakeholders to provide community centered services.
- (ii) Promote social protection for poor and vulnerable.
- (iii) Harmonize social protection policies and system
- (iv) Harmonize the mainstream youth, PWDs, elderly and children issues in developing policies, strategies and plans.

Given the above general objective of the assessment was to analyze and assessment partner states, policy frameworks and facilitation to civil society activities for women, elderly, children and other special groups.

To identify gaps if any in the policy framework in proposed solutions in facilitation for CSOs or Non-Governmental Organizations (NGOs) as well as their relationships with the government agencies in the identified sectors.

Identify and visit at least one civil society organization and identical government institution in each partner state and document the practices that can be learnt from both the sectors identifying possible means of collaboration from the welfare of identified groups of persons and beneficiaries.

Mr. Speaker, Sir, there were achievements and challenges in the issues of youths and persons with disabilities in all the partner states. Please refer to pages 3, 4, 5, 6, 7, 8, 9 and 10.

Let me go to page 11 where we have emerging issues out of the exercise.

- (i) While partner states have excellent policies in places there is at least there is lack of implementation in follow up of the same policies either due to lack of regulations to operationalize the policy or simply no further states are enacting the laws.
- (ii) There were general design of partner states for social protection and welfare in the social sector. This is the only way through which partner issues about vulnerable

- groups may be articulated rather than all persons being categorized as vulnerable whether they are children with disabilities, people living with HIV/Aids or old persons.
- (iii) There is need for all partner states to ratify specific conventions. For example, Burundi is yet to ratify the UN Convention on the rights of PWDs, 2006.
 - (iv) It emerged that partner states had made commendable expertise in establishing and sustaining social protection and welfare facilities for the vulnerable persons and groups.
 - (v) Insufficient funding was a challenge across the board for all vulnerable and interest groups. The role of developing partners is commended but there is need for funding to be secured from local and national resources.
 - (vi) There is large disparity between urban and rural youths, PWDs, women, children and other groups where poverty is a common factor.
 - (vii) There are low levels of awareness and unconsciousness in the issues and sensitivity of the vulnerable groups and lack of positive change in attitude.
 - (viii) There is inadequate access to justice, health, education and other social services due to lack of specific attention given to vulnerable groups. This is further aggravated by high rate of abuse against them especially children.
 - (ix) In the same vein in some partner states there was lack of presentation of clear and accurate statistics on the vulnerable groups and that presented a challenge for the Committee in making comparison. Data base is essential to any process in partner states. Therefore, officials are advised to present updated statistics.
 - (x) Additionally the CSOs and NGOs had the general desire for the relationship with and facilitation with the government to improve in terms of networking and corporations.

Mr. Speaker, Sir, on recommendations, all partner states should establish the cause of lack of action in investing in the social sector. Kofi Annan civilization begins with the level investment in vulnerable people in society. When the vulnerable are neglected then we are not civilized.

There is need to establish a data base that will have aggregated data on all vulnerable groups to ensure planning by partner states and other organs of the community. Furthermore, categorization needs to be done according to the specific needs and vulnerabilities of a particular group since vulnerability is a temporary phenomenon while disabilities in old age are permanent in nature.

There is a need to create a regional framework to ensure sharing of information, best practices, challenges and available infrastructure and other resources that are available for the benefit of all these Africans.

The Council of Ministers should ensure that projects and programmes take into consideration special needs of all vulnerable and interest groups to enable them play their rightful roles in the integration process.

The Council should enable periodic reports to the assembly on the status of implementation of different policies, programmes and projects in the partner states for all vulnerable and interest groups.

There is need for harnessing regional talents among all vulnerable groups in sports and competitions, entrepreneurship and skills competition, music and dance in the spirit of creating role models, think tanks among the vulnerable and interest groups.

EALA should ensure that national councils in partner states are aware of the procedure to follow in establishing regional coordinating bodies with regard to processes and procedures of establishing regional institutions to serve the interests such as acquiring legal observer status in the EAC.

The partner states are commended and encouraged to keep up the efforts in regard to social protection programmes, facilities and institutions established and maintained for the vulnerable groups. The facilities visited in the three partner states had in general commendable hygienic conditions, infrastructure, service delivery and a client friendly atmosphere. Thank you.

(Question proposed)

Mr. Speaker: Hon. Members, the debate is open.

Dr. Odette Nyiramirimo (Rwanda): Mr. Speaker, Sir, I want to support the Motion. I would like to say that I am part of this Committee and we indeed visited all the partner states. We witnessed many achievement but we were very concerned about many activities that are carried out by CSOs. The funding is always from donors. This is a big problem if we consider that more than 10 per cent, that is, between 10 per cent and 15 per cent of the population have disabilities. If people with disabilities are not included in the planning of a country, it is a big issue. It is only in Kenya that we found that there are facilities that are funded by the Government of Kenya. Therefore, we really commend the Government of Kenya for all the achievements that we have witnessed. For example, there is Kabete Workshop Centre. We think that is very important that every partner state adopt a strategy to care for its own people.

In our recommendations, we said that there is need for a regional framework to ensure sharing of information. This can be the role played by the EAC because sometime partner states have to order for things like limbs or other materials for the people with disabilities. They have to order them from abroad in countries like Europe or India while the same can be found in the partner states. So, it is very important that information be shared.

I ask other Members to adopt this report and be spokespersons of these people who cannot themselves ask their government to plan for them. I beg to support.

Hon. Ndahiro: Mr. Speaker, Sir, it is very unfortunate that even at the Committee level we were forced to continue using the word “vulnerability”. We did that because it is the term that is imbedded in all our policies in all partner states. As it was mentioned, vulnerability is a temporary phenomenon. When you have no control of what is happening, for instance, if we all go out there and it is raining, then we are all vulnerable. When there is an earthquake, we are all vulnerable. That vulnerability is not permanent. Looking at the policies in our partner states,

everybody with specific needs is bound together in that department yet, we have different specific needs that should even be addressed differently.

Mr. Speaker, Sir, in terms of budgetary allocation, you will find that in all the partner states, that is the least funded department. It is a department that takes care of internally displaced persons, refugees, youths, women, persons with disabilities, children and so on. The people we are referring to account for more than 65 per cent of our population. Who are we then to sit and make our people social objects? I call them social objects because we are taken and referred to as such.

It is my understanding that the Community should move a step ahead and work closely with partner states to make sure that issues of women, youth and persons with disabilities become human rights issues and not social. These are people who have rights, obligations and are taxpayers. Why is it that we still maintain that level of segregation? Not every person with disability is vulnerable. There are those who contribute to the growth of our economy and some are even contributing on the integration process. There are those who are referred to as normal able-bodied who are not doing the same.

(Laughter)

Mr. Speaker, Sir, as a Member of this Committee, I was persuaded by the practices in some partner states but unfortunately, there is no mechanism in place to make sure that we are running with each other. There are no mechanism to make sure that we know who are our people and their needs. That is why we are calling upon the partner states and the EAC to invest in knowing who our people are. We need harmonized data. We are told from World Health Organization (WHO) that persons with disabilities in our partner states are about 10 per cent of the population. We are told by the data base from the EAC that the youths make up almost 60 per cent of our population and women are 62 per cent. It is time that we call upon all our partners as indicated in the strategy of the Community about issues of the youth, women and persons with disabilities. They should be identified and funded. Since the last fiscal years, we need to know what the Community is doing and we need to support it in doing the right thing.

Mr. Speaker, Sir, I beg to add a recommendation which I have submitted through the Clerk to the report so that the Council can appeal to the partner states to limit the use of vulnerability when referring to able people like women, youths, children and persons with disabilities. They should limit that term to temporary phenomenon which are within their control to eliminate.

With those few remarks, I beg to support the report.

Hon. Member: Mr. Speaker, Sir, I am a Member of this Committee and I stand to thank the Acting Chair for making a good presentation. I support the Motion that we do adopt this report. I would like to start by recognizing the contribution and the work so far by the EAC in this sector. When the Community started with the customs union, this sector was not very well integrated but as we concluded and begin on the actual implementation of the common market, we take cognizance of the fact that the EAC Council of Ministers and relevant organs have taken time off to ensure that this particular sector is part of it. I want to recognize that we have a sectoral

council responsible for the sector. So, I would like to congratulate the Council leadership. We now have a forum where these matters can go at policy level. This is very important for us.

Another issue that we found that is important is the framework. There are frameworks that are beginning to take shape in this sector at a regional level that would be coalescing towards building synergies and practices that would help these particular stakeholders of our communities to be able to partake and be part and parcel of the integration process. I think our intervention is timely because these particular segments our community should be able to participate and benefit from the benefits that come with the common market. I wanted to emphasize that because Dr. Ndahiro and I are drafting a Bill to make operational Article 120 which we hope that is timely, according to the Chair, Council of Ministers. This Bill is timely because it talks about social cohesion. This is supposed to make Article 120 operational and give these people their space in integration process. I am happy that Dr. Ndahiro would be proceeding in the Third Assembly with other Members so that the Bill does not die. It should be able to live beyond next week so that these people are able to be factored in law to guarantee their space.

Mr. Speaker, Sir, my contribution to this issue is that I also feel very uncomfortable. I am a woman as you can see. I also feel uncomfortable when women are put under the categories of vulnerable people. It was so in the past but during the error of integration, we should not place women under affirmative action or marginalized groups because we are here in our own rights. We can only push for more space. I agree with Dr. Ndahiro that we should disaggregate this grouping. Being a woman does not make me lame or unable. I think I am better than many men. So, I do not want to be in this category.

I want to make a point that we should deal with the mindset of people. We should be able to bring up the other women at our level so that they can know that they are able without them feeling vulnerable. By being a woman, one is not disabled. There are issues which are important in this sector. This sector would move towards integration when we are creative and innovative. We are brainstorming on some of the things that can work in this sector. If we can have an exchange programme for the elderly to visit the East African countries or if we can have training programmes for people with disability so that they have their own programmes. What we found in Rwanda is different from what we found in Uganda. Uganda has begun issuing some social funds to the elderly at every end of the year for upkeep. I do not know whether it is a good practice and sustainable. We can share these practices. We also found programmes in Kenya that are specifically geared towards young people, people with disability, women and the elderly. It is good for us to share creativity, innovation and finding space to cross borders and to visit programmes that would give them another lease of life that would make them own the community and be part and parcel of the programme. Some of them have aspirations and can contribute towards the community.

As I conclude, one of the biggest challenges that we discovered, and I shared this with the Secretary-General when we had a meeting for the women entrepreneurs and the business community in Kigali, is the lack of data.

but also the degree of disability, so that we are able to appreciate and then factor in important interventions.

The other factor that is really lacking for planning but also for intervention is: How do you fund? You cannot fund or even intervene programmes and participatory approach if we do not have policy direction that is harmonized and progressive.

So, I support this Report. It is progressive and innovative, but this is a sector that we all need to put our mercy, because one day you will be old or might have a disability. So, really, this is about us and we need to work on it as fast as we can. I would request Members to support the proposed Bill that we have been working on with Dr. Ndahiro(?) which he will present maybe at a later time in the Third Assembly, so that we are able to have something in legislative form that is timely.

Thank you and I support this Report.

(Applause)

Mr. Speaker: Hon. Baruya(?), if you will be brief, please.

Ms. Baruya(?): Mr. Speaker, Sir, thank you very much. I will be very brief, especially having been given the Floor after hon. Ndahiro and hon. Lydia(?) have spoken.

Mr. Speaker, Sir, one can be considered vulnerable simply because he or she has been neglected or not considered as an active contributor towards development within East Africa. But I am glad that our partner states together with the community, have started seeing the importance of according or considering the role of each and every one of us, so that we can really achieve the objective of the community.

Mr. Speaker, Sir, I would like to come back to this very important meeting that was alluded to by many hon. Members and the Women Conference in Kigali. I would like to take this opportunity to sincerely thank the Secretariat because immediately after the Conference, a kind of implementation matrix was elaborated. I am told, with regard to the aggregated data, that a gender audit has been carried out that is going to allow us to think for the future of women and also other categories of the population of East Africa.

Mr. Speaker, Sir, I rise to support this Motion, but also want to make a plea that the department dealing with people with disabilities at the level of the region, has a very big burden in that it is understaffed and underfunded. This is because it is the department dealing with women, children,

youth and CSOs issues. As it came out clearly when we had that opportunity to have that meeting in Kigali, women and other participants to the conference, expressed the wish to see that department upgraded and be considered as a directorate with some departments to deal with those specific issues.

Mr. Speaker, Sir, if that recommendation is really implemented--- What has been done so far in terms of gender auditing is a precursor that the main recommendations that came out from the conference are going to be implemented. But while congratulating the Secretariat, we do implore the same organ that, that department be upgraded and also given more consideration in terms of funding, so that those activities in favour of the protection of those special groups can be implemented.

Mr. Speaker, Sir, I call upon also the very department and ourselves, as lawmakers, to draft Bills so as to assure the protection of these so-called vulnerable groups, even if it has been highlighted that vulnerability is temporary. I am sure that we will support that Bill and some other Bills to come in.

Thank you very much, Mr. Speaker, Sir.

Mr. Speaker: Hon. Bilal(?), I think there is not much. Everybody supported your Bill, but there was an amendment by hon. Ndahiro, which reads:

“The Council of Ministers should direct the partner states to limit the use of the word ‘vulnerability’ to temporary situation, since the issue of women, youth and PWDs are not temporary and social. Instead, they should be considered to be human rights issues.”

So, there was that amendment.

Mr. Bilal(?): I agree, Mr. Speaker, Sir.

Mr. Speaker, Sir, let me begin by thanking all those who took the Floor to contribute to this very important exercise. I have nothing to add except to accept that recommendation by hon. Ndahiro.

Mr. Speaker, Sir, I beg to move.

(Question put and agreed to)

REPORT OF THE COMMITTEE ON GENERAL PURPOSE ON THE EAST AFRICAN COMMUNITY
REGIONAL INTERPARLIAMENTARY FORUM FIELD VISIT ON-SPOT ASSESSMENT

Mr. Bilal: Mr. Speaker, Sir, once again I stand here to move:-

THAT, the Report of the Committee on General Purpose on the East Africa Community Regional Interparliamentary Forum Field Visit on On-spot Assessment Public Hearings, Peer Review Monitoring and Evaluation of Various Regional and National Level, Health and HIV/AIDS Intervention and Responses in the Republic of Kenya be adopted.

(Secoded)

Mr. Bilal: Mr. Speaker, Sir, again, because of the level of cooperation that we have received where we visited, especially in the Republic of Kenya, I wish to state the acknowledgement by the Committee on General Purpose of the East African Legislative Assembly. We would like to express deep appreciation to the Minister for Medical Services in Kenya, hon. Prof. Peter Anyang'-Nyong'o and the Minister for East African Community, hon. Musa Sirma.

Mr. Speaker, Sir, again, I will read the summary and try to be very clear. As far as the background of this important undertaking, the East African Community (EAC) in fulfillment of its mandate and obligation under the Treaty with regard to regional cooperation and integration in the health sector, is currently implementing the five-year EAC Regional Integrated Multisectoral Strategic Plan for HIV/AIDS 2008-2013. The main highlights of this strategic plan includes the presentation of the existing situation on the HIV pandemic in the EAC region, setting the vision, goal, development and strategic objectives for the region and developing strategies to achieve the identified objectives and determining the instruments and processes for measuring the results.

One of the main strategic objectives is to scale up national and regional responses to HIV/AIDS through the strengthening of political leadership and commitment towards addressing the epidemic. The specific activities to be undertaken are:-

1. Establish and implement HIV/AIDS Peer review mechanism by (?) Report.
2. Regularly update the EALA on relevant information regarding HIV/AIDS issues.
3. Develop and implement HIV/AIDS advocacy and communication strategy.
4. Mobilize political leaders to provide high level support to the strategic plan, as political will in the fight against HIV/AIDS.

Justification for Assessment and Public Hearings:

Mr. Speaker, Sir, in accordance with the relevant provisions of Chapter 21, Article 118 of the Treaty for the Establishment of the EAC with respect to operation in health activities, the partner states undertake to among others:-

- (i) take joint action towards the prevention and control of communicable and non-communication diseases;
- (ii) control pandemics and epidemics of communicable and vector-borne diseases such as HIV/AIDS that might endanger the health and welfare of the residents of the partner states;
- (iii) co-operate in facilitating mass immunization in other public health community campaign.

The first meeting was the forum of the EAC nations AIDS council and Commission that was held from 16th to 18th March, 2011 in Mwanza, Tanzania; the Sixth Ordinary meeting of the EAC Council of Ministers of Health that was held on 1st April, 2011 in Bujumbura, Burundi and the 22nd Ordinary meeting of the EAC Council of Ministers that was held on 15th April, 2011 in Arusha, Tanzania approved and directed the EAC Secretariat in coordination with the EALA and EAC partner states national parliamentary department committees on health, social services and HIV/AIDS to jointly conduct national level field visits, peer review in public hearings in the EAC partner states, in order to promote the sharing of experiences in good practices on various proposed thematic areas of EAC regional and national level, health and HIV/AIDS responses and interventions.

Mr. Speaker, Sir, on methodology, EALA and EAC partner states national parliamentary departmental committees on health, social services and HIV/AIDS in coordination with the EAC Secretariat jointly conducted the on-spot assessment in public hearings in monitoring and evaluation of regional and national health in HIV/AIDS interventions in the Republic of Kenya from 13th to 15th March, 2012. Stakeholders and partners in the health sector from both private and government institutions, including civil society organizations also participated in the exercise. The on-spot assessments, public hearings and monitoring and evaluation were in the form of presentations, plenary discussions, visits and inspections to share experiences, challenges and constraints on critical issues regarding various regional and national level health and HIV/AIDS responses.

Interventions of the EAC partner states, in accordance with the implementation of Strategic objective No.5 of the EAC, original multisectoral integrated HIV/AIDS Strategic Plan 2008-2013 cited above. Site visits were made to healthcare facilities providing services, including training of healthcare providers. These included Coptic Hospital, Mbagathi District Hospital, Kenya Medical Research Institute, Kenya Medical Supplies Authority, Kenyatta University

Medical School and Teaching Hospital and Mortuary, Thika Level 5 Hospital and Kenya Medical Training College, Thika Campus.

Observations and Recommendations

Mr. Speaker, Sir, EALA and EAC national parliamentarians took note of the presentation and recommended that the Republic of Kenya:-

- (a) continue with and strengthen the national efforts towards universal access to HIV/AIDS prevention, care and treatment including efforts gearing towards identification of more people living with HIV, so that they are put on treatment to minimize the risk of transmission of the HIV virus;
- (b) harmonize provision of HIV prevention, care and treatment across the national borders;
- (c) design policies and programmes for most at risk populations using the available national evidence; and,
- (d) ratify the protocol on trips(?) to ensure increased access to cheap patent drugs with the country and region.

Country's Status Report on Health and HIV/AIDS related MDGs 4, 5 and 6

The EALA national parliamentarians took note of the progress reports on the country's status of health and HIV/AIDS related MDGs 4, 5 and 6. Under this thematic area, the EALA and EAC national parliamentarians further noted national burden of non-communicable diseases and the various existing programmes, legislation and policies to address them and recommended that the Republic of Kenya:-

- (a) supports the healthcare delivery system to overcome the existing challenges to be able to address the burden of communicable diseases; and,
- (b) enact and enforce legislation and regulations to protect the public against risks of non-communicable diseases.

The country's status report on human resource for health capacity for health and HIV/AIDS service delivery considered in training, (?) and braindrain, et cetera.

The EALA national parliamentarians took note of the existing national efforts to address the human resources for health in the challenges and recommended that the Republic of Kenya strengthens the national efforts to address and overcome the challenges in human resources for health capacity, so as to ensure equitable access to health services across the country.

The country's status report on existing infrastructure and institutional capacity and arrangements for health and HIV/AIDS service delivery

The EALA national parliamentarians took note of the status report and challenges on existing infrastructure and institutional capacity and arrangements for health and HIV/AIDS services delivery. The Members commended the national efforts in improving the national infrastructure and institutional capacity for health and HIV/AIDS and service delivery, and further recommended that the Republic of Kenya continues to invest in health services infrastructure to fill the existing gaps, in order to ensure an equitable access to health services across the country.

Policy and Strategic Recommendations

Mr. Speaker, Sir, the EALA Committee on General Purpose, thereby makes the following recommendations:-

1. To the EAC Council of Ministers
 - (a) The East African Community Health Research Commission needs to be fast-tracked and financed to begin functioning without delay to fill the existing gaps in equated healthcare systems in the EAC region.
 - (b) There is need to streamline EAC meetings to come to clearly guided, productive and forward moving decisions with a positive regional outlook, rather than insistence on national stance that stagnates some meetings.
 - (c) There is urgent need to support the enactment and implementation of the EAC HIV/AIDS Prevention and Management Bill, 2012 that is now before the Committee on General Purpose, to reduce the effect of the scourge and facilitate cross-border treatment facilities.
 - (d) The EAC Council of Ministers is urged to allocate resources in support of the implementation of the recommendations contained in this Report.
2. To the EAC Partner States
 - (a) There is a need for integrated national policies that cover the entire health sector, ranging from prevention, care, treatment and research. This would then be harmonized and integrated at the original level.
 - (b) There has been a blatant failure to take advantage of economies of scale to allow (?) procurement of essential medicine and supplies. This, for example, would favourably apply with agreeing on ARVs regiments to allow bulk manufacture, production and importation as a region.
 - (c) There is need to develop and encourage investment in the region by easing investment laws and strengthening pharmaceutical laws to allow both increased investment and consequent increase in production of essential medicines and supplies, as well as allow pharmaceutical companies innovate and explore.
 - (d) Traditional medicines boards need to be set up and regulated to allow collaboration, particularly in research to take the existing potential in the region and harness efforts, rather than each country going it alone, thereby scattering both efforts and resources.

- (e) There is urgent need for the EAC partner states to pronounce themselves and establish an EAC regional policy on pre-exposure prophylaxis for HIV which does not exist at present; probably create a governance model for a start.
 - (f) There is need to ensure consistent and steady drug and essential medicine supplies to hospitals; and,
 - (g) In general there is need to ensure sustainability of quality services after the exit of donors in the health sector.
3. To the EALA
- (a) There is need for urgent regional legislation to allow, strengthen and enhance cooperation and collaboration in performance in the health sector in areas such as research, collaboration in education, science and technology fields and harnessing and developing East African innovations by pursuing and protecting intellectual property rights;
 - (b) The EALA in coordination with the EAC Secretariat is urged to identify funds to enable Members of the EALA Committee on General Purpose in the EAC partner states national parliamentary committees on health under the auspices of the EAC Regional Interparliamentary Forum field visits, on-spot assessments, public hearings, peer review, monitoring and evaluation of various regional and national level health and HIV/AIDS interventions and responses. The next phase of the exercise is scheduled for the Republic of Uganda from 20th to 24th May, 2013.
 - (c) In order to promote international collaboration, sharing of experiences and resource mobilization efforts, EALA in coordination with the EAC Secretariat is urged to consult and invite members of the European Parliamentary Forum on Population and Development and the G8 Parliamentarians and representative from the Interparliamentary Union to attend and participate during the on-spot assessments, public hearings, peer review monitoring and evaluation of various regional and national level health and HIV/AIDS intervention and responses in the Republic of Uganda from 20th to 24th May, 2013.
 - (d) EALA and EAC national Parliaments are urged to jointly develop a regional project proposals under the auspices of EAC Regional Interparliamentary Forum on Health, Population and Development to support advocacy, legislation and resource mobilization towards strengthening oversight in the implementation, identifying priority regional health interventions in diverse areas such as sexual and reproductive health and rights, HIV/AIDS, Malaria vaccines and immunization, maternal and child health, communicable and non-communicable diseases, public health and sanitation, safe water supply, nutrition, promotion of local manufacture of quality pharmaceuticals, medical equipment and health supplies, strengthening and integration of health systems and services delivery, infrastructure as well as other emerging public health concerns within the EAC region.

In conclusion, the on-spot assessment was an initial leg in the Republic of Kenya that was a success and funds for meeting(?) will be undertaken in all the partner states, to take stock of each partner state's status and share best practices and regional initiative that can be emulated and strengthened. The second leg of this exercise is scheduled to be conducted in the Republic of Uganda.

Thank you, Mr. Speaker, Sir.

(Question proposed)

Dr. Odette Nyiramirimo (Rwanda): Thank you, Mr. Speaker, Sir. I rise to support the Motion.

We had one day to do this oversight activity and public hearings. The fund that was given this activity was not timely. So, I would wish that next time, the funds are disbursed on time, so that we can conduct activities in the correct manner.

Mr. Speaker, Sir, we encountered some difficulties when we were conducting these activity. When we arrived at Mbagathi District Hospital, we were told that, that was where we would see activities on HIV/AIDS and what they do. But the only thing that we were shown in that hospital was the---

We thought that by being their representatives we would be accepted inside but it was not the case. We only enjoyed some entertainment by the children who were hospitalized. This activity allowed us to see that in Kenya, the countries that we visited are doing very good things, especially in Coptic Hospital. It is run by a religious community and they also have donor support. We would wish that our partner states think more of giving more funds to those affected by HIV/Aids.

While I support the adoption of this report, I would wish to bring one amendment on page 7. When the report was written we had not yet passed the Bill on EAC HIV/Aids Management. We passed it in the last plenary session in Nairobi. Therefore, I want it to read:-

“There is urgent need to have the Bill on EAC HIV/Aids Management, 2012 that was passed to be assented to.”

I want to give this amendment to the Clerk. Thank you.

Mr. Speaker: Hon. Members, we are running out to time but I will give the Chair of the Committee a chance.

Hon. Member: Mr. Speaker, Sir, I acknowledge the amendment that Hon. Dr. Odette has suggested. This is very important so that the issue of HIV/Aids is accordingly addressed. I want to express my gratitude on behalf o the Chair that this report is properly debated.

(Question put and agreed to)

MOTION

REPORT OF THE COMMITTEE ON REGION AFFAIRS AND CONFLICT RESOLUTION ON PUBLIC HEARINGS

Mr. Abdulkarim: Mr. Speaker, Sir, I beg to move:-

THAT the Report of the Committee on Regional Affairs and Conflict Resolution on Public Hearing in Pastoral Border Communities of Northern Kenya and Eastern Uganda be adopted.

(Seconded)

Mr. Abdulkarim: Mr. Speaker, Sir, the Regional Affairs and Conflict Resolution Committee is mandated according to the Rule 79 of the East African Legislative Assembly, Rule of Procedure, 2008 among other to review legislation and oversee Chapter 23 Articles 1, 2, 3 and 1, 2, 4 of the Treaty for the establishment of the East African Community with regard to the implementation of the political affairs and general peace and security issues. The current public hearing on pastoral border communities of northern Kenyan and eastern have wedged on the fact-finding tour of pastoral districts of northern Kenyan conducted in October, 2003 and July, 2005 by the Committee on Regional Affairs and Conflicts.

Whereas pastoralism is viable livelihood for a considerable population of East Africans, for over a century now, it has been viewed as a fundamentally defective way of life. Pastoralists have suffered prejudicial treatment, by forced by discriminatory laws and state policies. There have not been interventions in pastoral areas and perceptions have been characterized by general ignorance about pastoralists and pastoral systems. Many development projects have failed because of the stereotypical attitude held by government officials, development agents, Non-Government Organizations (NGOs) and civil society organizations. It is for this reason that pastoralist areas today are characterized by poverty, lack of opportunities, intractable conflicts, low education rates and poor infrastructure.

Endemic conflicts, war and famine displaced and impoverished pastoralists characterize the region. There population has diminished through drought, disease and rustling. Agricultural expansion increasingly cast in pastoral land and cultivated production through wells. Examples of governments shifting to pastoralist friendly policies are few and far between. Governments concentrate resources on the high potential areas where the returns are regarded as higher. Indeed, pastoralism has always lacked support at the highest level of governance and has rarely if ever benefitted from institutional frameworks designed for its promotion as a viable livelihood system.

It is against the above background that the Committee on Regional Affairs and Conflict Resolution, in its annual programme decided to hold public hearing in pastoralist districts of northern Kenya and eastern Uganda to see and hear for themselves the conditions under which these communities irk out their living.

The main objective of public hearing was to enable pastoralist communities to influence the policy and legislative processes and the attitude at both the local and East African Community (EAC) level. The specific objectives of public hearings included:-

- (i) Promote and enhance modern ways of pastoralism as a viable livelihood system in the region.
- (ii) Lobby and influence the EALA Members to appreciate pastoralist issues in Kenya and Uganda with a view to enacting laws that assistive to pastoralists needs.
- (iii) Develop strategies for raising and sharing pastoralist concerns with EALA, Kenya National Assembly and Uganda National Assembly Members.
- (iv) Address the problem of pastoralist conflicts and its dynamics from a regional perspective.
- (v) Publicize and create visibility for pastoralist issues in the region.

Regarding methodology, in carrying out this mandate, the Committee employed various methods which included the following:-

- (a) Review of literature on pastoralism as a way of life and pastoralist border communities in the areas visited.
- (b) Review of media reports including radio, print and electronic.
- (c) Meetings and interaction with various stakeholders at the pastoral border communities like the parliamentarians, councillors, government officials, activities, influential local leaders, religious leaders, pastoralists, youth, the police and local communities.
- (d) Visit the two partner states selected pastoral border communities.

Regarding the general findings, it was apparent that the patterns of conflict in Kapenguria, Kacheliba and Nakapiriri pastoral border districts visited are complex. Many factors were mentioned as contributing to the violent conflicts involving pastoralists and these have tended to become mutually reinforcing.

It was noted that some conflicts within and between pastoral border communities visited such as cattle rustling have a long history and have to some extent have an expression of some traditional pastoral culture. However, such traditional conflicts have become increasingly destructive and less manageable. The major causes of conflicts cited by stakeholders among the pastoralist included but not limited to intensified cattle rustling, proliferation of arms, inadequate policing and state security arrangements, diminishing role of traditional governance systems, competition over control and access to natural resources such as water, land and borders, political incitements, ethnocentrism and increasing levels of poverty and idleness among the youth.

The pastoral communities visited are areas noted for lagging behind for development and not reaping the same post-independence benefits that other communities and regions have

capitalized on. In the three pastoralist communities visited there is general lack of infrastructure such as roads, schools, health care centres and communication systems. The economic base of the communities visited revolves around livestock and pastoralism an activity that has been demonized for its propensity to cause conflicts. Although the official figures for contribution of pastoralism to national economies of the respective countries remain obscure, the absence of proper pastoralist development action plans have been rightly or wrongly blamed on the communities who controlled the formal production and financial systems of their communities and regions. This has also been complicated by the refusal to accept pastoralism as the legitimate production which if harnessed wisely, could trigger an improvement to the lifestyles of practicing communities as well as boost the economy of the respective counties.

Irrespective of the concerns raised the Committee noted that in all the pastoral border communities visited, stakeholders expressed their appreciation for the fact-finding mission and tour conducted by the First Assembly on October, 2003 and July, 2005 and the recommendation made thereof which resulted into the following:-

- i) Establishment of a minister responsible for the Northern Kenyan affairs.
- ii) Establishment of a minister responsible for Karamoja Affairs in Uganda.
- iii) Disarmament programmes carried out on both sides of the border by the Government of Kenya and Uganda which has greatly increased the level of security and decreased significantly the number of people walking with AK47 and engaging in cattle rustling activities among and between the pastoral border communities.
- iv) Existence of peace on both sides of the border.
- v) Establishment and existence of a number of committee on both sides of the border to mediate conflicts between and among the pastoral border communities.
- vi) Pockets of development in terms of construction of schools, health services, roads, electricity and water.

It was evident from the stakeholders concern that borders between Kenya and Uganda are not clearly demarcated and if not addressed on time, it could be a potential source of conflict in future. It was obvious from the stakeholders that a comprehensive and a harmonized approach to address pastoralist problems was lacking in the region in general.

Mr. Speaker, Sir, regarding specific findings, it was obvious that the majority of stakeholders at Kapenguria were of the opinion that cattle rustling incident have to a large extent subsided existed among and between the communities compared to the past. This has facilitated the Karamojong, Turkana and Pokot communities to meet at market places and enjoy the fruits of peace. To existing peace on the Kenyan side was attributed to the military disarmament operation carried out in the Ugandan side among the Karamojong pastoralist community. This has helped to enhance peace since after every five kilometres there is a military post unlike in Kenya. Since the Kibaki Government introduced the Constituencies Development Fund (CDF) a number of infrastructural development facilities have been established in the communities. These include schools, roads, water services, electricity, health centres and so on. It was also noted that the Government of Kenya has not done enough to determine the boundary between Pokot, Turkana and Karamajong communities who have been fighting over land and the use of resources obtained therefrom. Boundaries disputes remain a big stumbling to permanent peace among the Pokot and the Turkana pastoral communities of northern Kenya and Karamajong in

the Ugandan side. Stakeholders expressed their dissatisfaction for the poorly identified and marked boundaries separating the three communities. To make matters worse, some politicians have been accused of inciting the Pokot and Turkana community with regard to the actual place where electoral power plants belong. On one hand politicians in the Turkana communities have been misleading their people that the plant is on their side and the Government was in the process of redrawing the boundary separating the two communities. Their counterparts in the Pokot community have maintained that the plant is on their side and the community should be able to benefit from the revenue accrued. The media is accused of fuelling conflicts between and among the pastoral communities by exaggerating the number of cattle stolen. For example, the media could report that Pokot warriors have stolen 5,000 heads of cattle from Turkana communities while the actual heads of cattle stolen could just be only 200. The media also advised to refrain from labeling and generalizing that all the Pokot communities are thieves. This leveling theory damages and smears the good image of the Pokot communities. The Government taking sides in disarming one community and arming another one was an emerging issue during the public hearing at Kapenguria. There were accusations that the Government was selectively disarming the Pokot communities and arming the Turkana. This has increasingly increased the vulnerability of the community since they cannot protect themselves in case of attacks from their neighbouring communities. It was further observed that girls are alienated in terms of education which increases their marginalization in the communities.

Mr. Speaker, Sir, in Kacheliba, it was observed that there is no formal livestock marketing systems in Kacheliba. The situation denied Kenyan Government million of revenue collection. It was estimated that a weekly livestock market at Kacheliba earns pastoralist communities over Kshs10 million. If the money from these markets could be tapped by the Government in form of revenue, it could have been invested back to improve the pastoralist communities and livelihoods. Stakeholders identify the youth as major actors and perpetrators of violent conflicts in the communities. Poverty and unemployment makes them vulnerable to manipulation mainly by politicians and elders.

The role of women as perpetrators or providers of emissaries for peace cannot be underestimated. Stakeholders at Kacheliba expressed the need for specific activities that target women such as education for girls, workshops, seminars and exchange programmes.

During the public hearing in Nakapiripirit, the Committee was informed that the Government of Uganda has been doing a lot to improve and enhance the livelihoods of the Karamojong communities. Examples are bound. Scholarships are annually offered by His Excellency, Mr. Museveni for pastoralist students to enroll at university, cultivating 100 acres per district for pastoralists to engage in agriculture and produce food to avoid recurring famine in the area, provision of iron corrugated sheets for the communities to build good and permanent houses, training local and placing them in strategic areas to trade their livestock.

Stakeholders were of the opinion that their government has often considered conflicts among pastoralists as a localized issue rather than a national one. They noted that this is evidenced by the Government's response to inter-community conflicts which is always relatively slow, inconsistent and provocative. In the opinion of pastoral communities, security personnel conduct security operations confiscating livestock belonging to innocent people and resale of recovered

livestock. The communities reported to experience a number of challenges in terms of insecurity on one hand and disarmament on the other. Initially, the Government requested the community to voluntarily surrender their arms to the Uganda Defence Forces. When voluntary disarmament was not successful, the Government resolved to disarm the communities by force. However, not all the communities were deservd. Hence there were a number of raids on those who had surrendered their guns and were incapacitated for self-defence. There is a feeling amongst the pastoralist communities that security appears to be feeble and powerless to contain livestock raiding and to curb availability, transfer and unlawful use of guns. One such incidence was the raid of more than 600 cattle kept in military protected areas. Although the Government promised to compensate the communities for their livestock the promise has never been fulfilled for three years down the line. Because of economic and political isolation, the pastoralist communities have often viewed their government as an enemy. They usually look at any initiative from the Government or her agent with mistrust. This is because of the failure by the Government to protect those who handed over their guns to the disarmament centres in Karamoja.

Mr. Speaker, Sir, stakeholders informed the Committee that throughout Karamoja there was no tarmac road. They further informed the Committee that this has made Karamoja communities not to consider themselves as Ugandans in terms of development. If one falls sick, it would take two days to get to the nearest hospital which is 200 kilometres in Mbale. Karamoja thought that they are taken as tourist attraction. The Committee confirmed the poor status of roads in the area when it got stuck four times on its way from Kapenguria to Nakapiripirit from 1500 hours to past midnight.

Stakeholders were appreciative of the Government effort to construct a primary and secondary school in the area. However, they complained that the area does not have tertiary schools with an exception of tailoring and carpentry. Widowed women were similarly appreciative of the Government constructing a number of primary schools for their children in the communities. However, since their livestock have been raided, they are unable to foot the bills for their children to attend secondary schools. They also informed the Committee that when the Government provides scholarships for the needy children, the sponsorship go to the children of the rich while the poor are left. Hence the only alternative is to let their sons marry and their daughters get married. The councillors complained that the disarmed youth are currently desperate. Despite the fact that they have fertile land, they have not been given loans by the Government to purchase tractors to cultivate land. The councillors lamented that the youths were persuaded to release and surrender their guns to the Government but now they are desperate.

Mr. Speaker, Sir, we recommend that the Government should adopt t an affirmative action to ensure that the pastoral community lagging behind in terms of development are developed at par with other regions. This should ensure that development projects are initiated to help improve the pastoral communities' livelihoods and engage them in productive activities which will dissuade them from engaging in conflicts. The pastoralist communities should be involved in identifying priority projects from which they will derive direct benefits.

--which has maize, cassava, sorghum, millet and fruits such as mangoes, pawpaw as well as gama(?) Arabica and aloe vera.

4. There is an urgent need for the partner states governments to improve accessibility of the pastoral community through improving the existing poor road networks and constructing of feeder roads that will open up the interior.

5. The partner states governments in collaboration with other stakeholders should facilitate and promote change of pastoral community mindset through the following:-

(i) sensitizing them on the value of education featuring the modern competitive world;

(ii) establishing boarding primary and secondary schools;

(iii) Enforcing universal primary education;

(iv) Injecting quality teaching and learning processes into schools; and,

(v) Improvement of polytechnics, non-formal education to habilitate former combatants and schools dropouts.

6. Partner states governments should empower idle youth economically through establishing sustainable income generating activities like carpentry, making beehives, sand harvesting and gravel production among others.

7. Regarding disarmament and improving pastoral communities' livelihoods generally, the partner states should adopt and harmonize regional approach involving all EAC member states, South Sudan, Ethiopia and other greater horn of Africa countries.

8. Partner states governments and relevant stakeholders working on conflict should develop a harmonized regional approach to address the root causes of conflict involving the pastoralists. Particularly, the harmonized regional approach should focus on addressing issues of land use, resource management and governance.

9. Governments of Kenya and Uganda should establish a special commission of experts to determine the exact borders between the two. This will avert unnecessary future border conflicts and all wars between the two EAC member states.

Acknowledgements

Mr. Speaker, Sir, the Committee would like to thank the following personalities and institutions for having facilitated the public hearings in the EAC partner states, pastoralist border communities of northern Kenya and eastern Uganda:-

1. The Rt. Hon. Speaker, EALA for facilitating and making sure that the Committee got the funding from AWEPA to enable it carry out its oversight function effectively in the two EAC member states.

2. The Ministry of East African Community Affairs in Kenya and Uganda for the coordination, warm reception, hospitality and courtesy extended to the Committee throughout the exercise in all the pastoralist border communities visited.
3. Various stakeholders in the pastoralist border communities visited for turning up in large numbers to share with the Committee their pastoralist livelihood and challenges faced.
4. Office of the Clerk, for ensuring that all logistics were in order prior to conducting the public hearings to the above named EAC member states.

Mr. Speaker, Sir, I beg to move.

(Question proposed)

Mr. Speaker: Hon. Members, before I call the next Member, I would like to ask the Committee-- If you look at page 6 of the Report, the last two or three sentences, where you start “on the other hand politicians in the Turkana community have been misleading their people that the plant is on their side”--- When you use the word “misleading” about politicians in Turkana, when you were being told this in Kapenguria--- I know that hon. Nauli was not here and hon. Lotodo is here and Kapenguria is in Lotodo’s constituency. Is it fair for you to be putting this? I do not know whether you saw the boundary and saw that they were misleading or whether you took the word of mouth of somebody to say that the Turkana politicians were misleading their people. I think you are saying something about people who are not here to defend themselves. Maybe the Chair will tell us how they came to this conclusion.

Hon. Bisivama(!)

Mr. Bisivama(!): Mr. Speaker, Sir, I rise to support the Report. I am part of the Committee and have been privileged to visit these regions. They are really regions with high potential of agriculture and livestock activities; if, of course, these activities are well organized and even affirmative action is well undertaken for the development of the population in these regions. What we have seen clearly shows that these regions are in need. Therefore, the recommendations in this Report should really be considered and followed by the next Assembly, to ensure that they are implemented. It will be of help not only for these populations, but also for the two countries, if really affirmative action is done to develop them.

Mr. Speaker, Sir, as we speak about economic development in the EAC, I think this cannot be achieved if some populations are left behind. Therefore, I would wish that this issue is seen seriously not only in the areas that we visited, but also in similar regions.

Mr. Speaker, Sir, I would also wish that this issue is reported, at least, twice per Assembly term. I have formulated how this recommendation can be and if you find it correct, it can be considered as the 10th recommendation from the Committee.

Mr. Speaker, Sir, I support the Report.

Mr. Bilal: Thank you, Mr. Speaker, Sir, for giving me the opportunity to say something about this Report. First of all, let me declare my support to this very beautiful Report by the Committee. I must commend the Chair for this Report.

Mr. Speaker, Sir, some of the observations that I believe should help in future undertaking--- First of all, I was wondering if there is something called “modern pastoralism” or modern ways of pastoralism. I was consulting with a colleague here and he was telling me that the maybe it is the model adopted by President Museveni, because we did visit his farm. But that might not be a good model for everybody. I believe that we need to be very careful with the words “modern pastoralism” since we want to be pragmatic and practical about the words we are suggesting.

Mr. Speaker, Sir, the other issue is about the general findings. I find them to be too many. Are these general findings or are we groping for a way to understand the situation, which has been very good coming from the observations and recommendations. So, I am suggesting that we need to narrow down, because these are so many to qualify for general findings.

Mr. Speaker, Sir, when following these findings, we should also ask ourselves: How significantly will these findings reduce incidents of conflicts in the areas? We should also go further and see how there is (?) or inverse in terms of “this one tends to increase or decrease the incidents.” We have hon. Lotodo and hon. Nakuleu and they offer convincing evidence that education is really the way to go. Therefore, if we have to narrow down, we should choose and support education. This is because there are so many diverse activities that we may not be able to attend to all. But as a start, we should think of having role models. This will reduce incidents of conflicts in those areas.

Mr. Speaker, Sir, we need also in the recommendations to see how we can look elsewhere. Have we looked at the Maasai? We should go beyond that. Everyone knows in East Africa that these are the areas which have frequent incidents of conflicts.

Thank you, Mr. Speaker, Sir.

Mr. Frederick: Mr. Speaker, Sir, I rise to support the Report. I would also like to get some explanation from the Committee, especially regarding the situation in Karamoja. Karamoja as far as I know, is a region which is specially treated in Uganda. Karamoja has been granted a special

Minister who is very important. But from the Report it seems that the problem is still there. I would like to know if the Committee that visited that region has tried to know why there seems to be no impact of that special treatment in Uganda. For example, when I read page 9, it is laughable. It says: "Hence, the only alternative is to let their sons marry and their daughters married"--- I would like to have some information about that because I do not expect such a situation.

Mr. Ndahiro: Mr. Speaker, Sir, I just want to quickly make reference to page 7 of this Report. I want a clarification from the Committee. There are some serious allegations that we could only keep in this Report if they are clearly substantiated. When we say that there is an allegation that the government is favouring one group against the other and you keep it in the Report without a corresponding recommendation to investigate the matter, I do not think that we shall be doing justice to conflict management agenda. I would like that clarification from the Committee. If it is true and they believe that, that accusation is serious and should be maintained in the Report, the other recommendation is that, that allegation be investigated.

Thank you.

Mr. Lotodo: Thank you, Mr. Speaker, Sir, for giving me the opportunity. I support the Report fully and I am glad that actually the Committee had an opportunity to visit the region. This is because basically, when we make statements here without the practical approach to it, it will just remain a rumour. But when Members visit and feel what the people feel--- I think I am really grateful for the authorization of this tour. This is because from the first tour that was undertaken in 2003 and 2005, there have been changes. If the Members go there and hear from the people themselves and get stuck in mud in the middle of the night, that is when they will understand that there is need to address issues in this region.

Mr. Speaker, Sir, the issues in this Report are very real and we need to find a mechanism of addressing them. I thank the House for passing the previous Bill on conflict, because this is the entry of addressing these issues. There are so many Bills in this House on conflict management that need to be addressed. So, there is a potential in this region. These are East Africans who need attention like anybody else. So, I am glad that the Members went there and up to now, they still speak of the challenges that they faced there. We need to undertake more of these tours, not only as we expressed in the Committee, but also the Council of Ministers and Secretary General. You need tour this region.

Mr. Speaker, Sir, I support.

Hon. Lionce: Thank you very much, Mr. Speaker, Sir, for giving me the Floor. I rise to support the Report, but I am likely to question some things, like hon. Ndahiro did on one paragraph. I would like to question the assumption that the next thing that the youth are contemplating to do is to get rid of the elders. I have not yet reached that age, but I am on my way there. It may look like an incitement and so, we better remove it and probably, say that you wish to see people of different ages living in harmony.

Mr. Speaker, Sir, I have not yet reached that age. In Central Africa we say that I am between two ages; the young and old. In Burundi they say (*spoke on local language*)

(*Laughter*)

Mr. Speaker, Sir, I support the Report.

Mr. Abdulkarim: Thank you, Mr. Speaker, Sir, for giving me the Floor again. I take this opportunity to thank my colleagues for their contribution, especially that all of them have supported the Motion. Especially, I would like to thank hon. Christopher Bisivama, hon. Bilal, hon. Fredrick, hon. Ndahiro, hon. Lotodo and hon. Lionce.

Mr. Speaker, Sir, concerning the comments made, beginning with yours, maybe the word “misleading” is very heavy on our colleagues in politics in Turkana. We can replace it with another word and say that the Turkana community have been telling people that the plant on their side---

Mr. Speaker, Sir, hon. Bisivama was proposing another recommendation which will be number ten. I think it will be very nice to see the Council of Ministers reporting to the House what is going on there twice a term. That will be very good. When we do not have time to go there, the Ministers can tell us what is going on there, so that we can be updated every now and then.

Mr. Speaker, Sir, hon. Bilal is emphasizing education. By the way, regarding the example that he gave us, we heard it from the people themselves talking about hon. Lotodo and hon. Nakuleu, because both of them were with us. They said that they would like to see their children also be like them one day. That cannot be achieved without education.

Mr. Speaker, Sir, regarding comments by hon. Frederick, we have the Ministry of Development of Northern Kenya in Kenya and the Ministry of Karamoja Affairs in Uganda. They are the result of other two missions which were made by First Assembly. As we mention in the Report, since the establishment of these two Ministries, things are changing. So, people were not satisfied because it is still low compared to other communities in both countries.

Mr. Speaker, Sir, Dr. Ndahiro noted that the Report says that the government is arming or disarming one side and leaving the other side with their arms. These were the words of the people. In our meetings we had the District Commissioners (DCs), District Officers (DOs) and other local government authorities. In some areas we had even Members of Parliament. They did not deny what the people said against the Government. So, we took it as the people said it. By the fact that the Members of Parliament and local authorities kept quiet, we took it that maybe these things happen and they were looking forward to improving on it.

Hon. Lionce, do not fear, but the youth do not have work now. They used to work through cattle rustling. The Government has taken arms from them and they cannot do that work now. It is not good work by the way and we do not accept it at all. But they are waiting for an alternative. Those who convinced them that they had to surrender their arms to the Government were the local authorities in place and the elders who told them that they no longer needed those guns. But they are not getting any alternative from that and maybe, one day if not properly managed, they can cause another problem. So, it is our duty, as politicians and government----

(Question put and agreed to)

MOTION

REPORT OF THE COMMITTEE ON AGRICULTURE ON THE TOUR OF LAKE JIPE AQUATIC TRANS-BOUNDARY ECOSYSTEM

Mr. Lotodo: Mr. Speaker, Sir, I beg to move:-

THAT the report of the Committee on Agriculture, Tourism and Natural Resources on tour of Lake Jipe Aquatic Trans-boundary eco-system be adopted.

(Seconded)

Mr. Lotodo: Mr. Speaker, Sir, the Committee on Agriculture, Tourism and Natural Resources visited the aquatic trans-boundary ecosystem of Lake Jipe while on a public hearing tour of the shared eco-system in the region. The objective of the tour was to gather information to enrich the EAC Trans-boundary Eco-system Bill, 2010 which was on the Floor of the House at that time. The sub-committee visited Lake Jipe on 13th May, 2011 and held discussions with stakeholders on the degeneration of the eco-system of the lake. The stakeholders presented their views from what they thought was wrong with the lake. Among them were the following:-

- (i) A big part of the lake on the Tanzanian side was covered by unwanted vegetation which was hampering fishing activities and subsequently affecting livelihood support initiatives.
- (ii) The level of water had reduced greatly so that the fishermen had to go further into the lake to fish.
- (iii) The part of the lake from the Tanzanian side to Kenyan side was no longer usable because of the heavy silting and the water weed. This made the normal cross-border

- interactions of the community difficult. The amount and type of fish had greatly reduced and some of the species had completely disappeared.
- (iv) The quality of water was poorer.
 - (v) Human activity and investment on the Kenyan side was affecting free flow of water from the water catchment area of the lake and this was having a negative impact on the Tanzanian side.
 - (vi) There was no evidence of research done by the Government to ascertain the causes of these negative trends.

The sub-committee observed, among other things:-

- i. Indeed the water of Lake Jipe had reduced extensively to a difference of about 2 kilometres from the shore.
- ii. The water body had become marshy with unwanted vegetation cover that was interfering with the marine life and hampering fishing activities on the lake. However, the sub-committee did not establish whether indeed the activities on the Kenya's side of the lake was the cause of the problem as alleged but took note of the degeneration of the lake ecosystem and was concerned that it was affecting the livelihood of the people. The committee was also concerned that the issue surrounding the degradation of the eco-system could become among others a source of trans-boundary conflicts if the source of the problem was not identified quickly. The sub-committee therefore recommended a follow-up visit by the entire committee.

Mr. Speaker, Sir, I cannot go through the whole report but I would like to go to the findings on page 9.

Regarding the causes of degeneration of Lake Jipe, the Committee observed that the causes of problems of Lake Jipe could be grouped into two namely man-made causes and natural causes.

- (a) The committee noted that this mainly arose from the poor management of the environment which led to the degeneration of the lake and therefore affecting the lake.
- (b) The committee took note of the encroachment of the Lake Basin and inappropriate human activity around the lake and within the catchment area of the lake which had caused extensive soil erosion and the eroded soil ended up at the lake as silt. This in turn causes the level of water to recede and flooding in the banks occur. These activities include poor farming methods, deforestation and overstocking which leads to over-grazing and over-flooding.

Among the natural causes that the committee took note were the proximity of the inlet, River Lumi and the outlet, River Kifaru is a problem because of the silting at the mouth of the lake. River Lumi flows directly into River Kifaru without flowing into Lake Jipe.

The natural convex shape of the lake itself also affects the flow of water to and out of the lake.

The geography of the area around the lake is that the area slopes from Mt. Kilimanjaro up to lake. Moreover a very strong east-west wind and the natural soil in the region exaggerate the problem of the soil erosion and ultimately siltation at the mouth of the lake.

For interventions, the committee was informed that the governments of both Kenya and Tanzania were aware of the situation of Lake Jipe ecosystem and that a number of interventions were underway. These includes:-

- i) Drenching of the silt by volunteers in 2004;
- ii) The Kenyan Government strategic plan to save the indigenous lake. The Government has already secured some funding for ht project which include the banning of poor agricultural practices that lead to silting of the lake.
- iii) The Government of Tanzania plans to involve experts to seek ways to fight the toxic weed from the lake.
- iv) The EAC secretarial council on Lake Victoria Basin mandated the Lake Victoria Commission to facilitate the Republic of Kenya and Tanzania in joint-cross border integrated water resource management of the Lake Jipe among other ecosystems. A draft memorandum of understanding between Kenya and Tanzania towards this end exists and it awaits signing.

Committee Recommendations and Way Forward

- i. There is urgent need to control and manage human activities within the lake basin.
- ii. There is need to policies and laws to deal with encroachment in the river bank.
- iii. Policies and laws for the management of human activities in the banks of the lake from the two governments of Tanzania and Kenya should be harmonized.
- iv. The Republic of Kenya and the United Republic of Tanzania should be join any efforts towards addressing the issue of the lake however temporary they may be.
- v. There is need for cautious desilting or drenching of both the lake and the canal. This requires simultaneous interventions and joint efforts from both sides of the lake.
- vi. The Guru Canal should be drilled so that it can channel the water of River Lumi back to Lake Jipe instead of flowing into River Kifaru.
- vii. There is need to bring on board the relevant committee of national assemblies of both partner states for future interventions on issues concerning Lake Jipe ecosystems.

Conclusions and way forward

The Lake Jipe ecosystem is a great significant for both Kenya and Tanzania because the communities along the lake rely on it as a source of water for human consumption, agriculture, fisheries, tourism and domestic use. The committee took note of the challenges of the eco-system and the threat to the livelihood of the community mainly arising from catchment or watershed degradation. It also took note of the efforts by individual partner states to alleviate the problem but they feel that this is a trans-boundary eco-system and the issues require cross-border intervention. The Committee therefore calls upon the East African Community to take charge at a regional level. In that regard, the Committee calls upon the EAC Secretariat to speed up the finalization of the memorandum of understanding between Kenya and Tanzania for joint trans-boundary management on Lake Jibe, Lumi and be eco-systems for immediate implementation.

With those few remarks, I beg to move.

(Question proposed)

Hon. Nangale: Mr. Speaker, Sir, I am a Member of the Committee and I had the opportunity to be part of the team which visited Lake Jibe on both sides of Tanzania and Kenyan side earlier this month. I support the Motion. It is true that the situation we found there is alarming. The people we met were questioning where our leadership is. In fact, the Committee on Agriculture, Tourism and Natural Resources had made a second visit to the place. Three years ago when we were doing a research on EAC Trans-boundary Management Eco-system, a team managed to visit the place. Since then the people there have been expecting action.

The situation is alarming. The water level of Lake Jibe is declining, siltation is increasing and the proliferation of weeds is also increasing. It is unfortunate to note that up to now there is no research which has been done to see how those problems can be handled.

Since I joined Parliament ten years ago, this House has been advocating for harmonization of policies and laws. When we visited the Kenyan side of the border we found that farmers are actually cultivating on the banks of River Lumi. River Lumi is the main source of water to Lake Jibe. When we asked, we were told that the laws of Kenya allow cultivation up to six metres from the river bank. This is different in Tanzania because it is up to 30 metres from the bank. What we saw is that they are cultivating up to the river itself. We have a documentary to prove that. The issue of harmonizing laws is very important and we have been saying that year after year. I want to appeal to the council of Minister to look at that very urgently so that we can solve these problems which are still going on for the betterment of our people.

Mr. Speaker, Sir, the report talks about Guru Canal. This canal was constructed by a Greek settler in 1947 and since then nothing has happened to the canal. Therefore, it has not been maintained. It is now blocked and the water is not flowing through that canal. That canal takes water from River Lumi back to Lake Jibe. So, it was helping water to flow to the lake. Since the settler left our governments have not done anything.

I want to appeal to the authorities, I now understand that the Lake Basin Commission has been mandated to look into this matter to see that this canal is dredged so that the livelihood of fishermen in Lake Jibe is once more given a light. I also want to appeal to other stakeholders in the region like the national environmental management authorities to take interest in these matters. It seems that the people on both sides of the borders are left without proper support.

Lastly, despite many clarifications, some people in this House still link the issue of land ownership and trans-boundary eco-system management. I can say that this is misleading. The Lake Victoria Basin Commission, which is essentially, a trans-boundary eco-system management area today is commanding almost 29 per cent of the EAC budget. This is mainly in development ventures like agriculture, afforestation, fisheries, environment and so on and supporting almost 40 million people. Therefore, the issue of trans-boundary eco-system management is very important to the region. If this assembly is going to have a legacy is on how to handle the issue of trans-boundary eco-system management.

Thank you.

Mr. Karan: Mr. Speaker, Sir, thank you for giving me the opportunity to support this Motion. I fully concur with the report of the Committee on Agriculture, Tourism and Natural Resources but there are a few issues which I want to highlight.

If you visit this place, you will realize that it will soon be a source of conflict if partner states do not urgent measures of advising the communities. If you go there, the Tanzanians on one side pointing fingers at Kenyans and vice-versa. If nothing is done, then naturally we will move there to go and see people who are dead because they are fighting about a shared eco-system. When we visited the place, we realized that even what has been done on the Kenyan side was an attempt to ensure that water moves to Lake Jibe. The Guru Canal which is being spoken about is not a natural canal. It was dug by the Greek. Because of the overflowing of water from the lake, he thought that having a canal to reach the lake was the best solution. A number of times, we were also briefed of periodical desiltation when money is available. We must agree that there are bad practices on both sides of this lake. We were equally told that the union farmers on Mt. Kilimanjaro are also causing siltation through the rivers. So, if we want to sort out this problem, our governments must move and talk to people who live in this eco-system to protect it. We should pointing fingers on both sides. We have identified a problem and it must be solved. That was the essence of the Eco-system Bill which this Assembly had passed. This is the same Bill that a Member of this House advised his President not to assent to it. It was not about land but about managing the shared eco-system shared between partner states so that it could be managed. That was the essence and that is what this assembly was working for. I do not know what other people are working for. If we do not work and be able to protect these natural resources then we are deceiving ourselves that we are working for the East Africans.

The issue of land is sensitive. People are so obsessed about the issue of land. A partner state is that geographical region with a certain people with natural resources and it is our duty to ensure that we protect them. If we keep on defeating good policies which are supposed to benefit the people of this country in the name of land, I think we are not moving anywhere. We might talk about land as a national investment but end up giving it to foreign investors. Nobody will come to protect the natural resources that we have. I want to refer you to a statement on page 11 which says that Lake Jibe is of great significant to both to Kenya and Tanzania because the communities along the lake rely on it for sources of water for human consumption, agriculture, tourism and domestic use. I do not know if there is any Member of this House who can stand to dispute that statement. If there is any one then we would like to see him or her. If there is none, let us all work towards the benefit of the people of East Africa and preserve this eco-system.

If you go around Lake Jibe, you will find that it is a very beautiful eco-system that should be protected. A river flowing from Mt. Kilimanjaro to Lake Jipe into Kenya and goes back to Lake Jipe and back to Tanzania; what beauty do we not want other than that?

Mr. Speaker, Sir, my only appeal is to the Secretariat so that it can take this matter with the urgency that it deserves so that we do not have conflict in that region. Once the politicians involve themselves--- Like in the Tanzanian side there was a militant councillor and he rallied his people behind him and if you go on the Kenyan side there is another militant councillor with his people and every group was pointing fingers at each other while we sit in our offices and watch. This has been identified. My appeal to the secretariat is to see to it that this matter is

solved. Even if we have not reached the stage of a memorandum of understanding, let each partner state talk to those people. Even Members of Parliament have deserted those areas. Therefore, nobody is there to help the people. Let us ensure that the Government officials in those regions talk to the people and pass the correct information. Those people work on rumours and if you do a research, you will find that the lake is dying because of siltation but they do not know it. They will say that it is farming that is killing the lake. Partly they are right but I think there is no presence of our governments in those regions to protect those eco-systems. The legacy that this assembly can leave is the Eco-system Bill which the President was advised not to sign. Nobody was going to take land from Kenya and nobody was going to take land from Tanzania. It was a Bill which was going to streamline the management of that eco-system. It is so sad that in the current dispensation we still have leaders who cannot be able to identify and support what is good for the people of East Africa rather bringing politics into the issue.

I beg to support.

Hon. Munya: Mr. Speaker, Sir, I would also like to support this report and congratulate the member of the Committee who had the opportunity to visit this area and see the problem directly. I assure the House that I will transmit this report and the concerns of the House to the Ministry that is involved in the eco-systems management so that they can be able to carry out the interventions that are necessary at the national level.

I also join the House by saying that this is a trans-boundary problem that needs a trans-boundary solution. Therefore, the framework of the community to be able to be handled in a holistic manner and blame game as to who is responsible is not the way to go. The way to go is to come up with positive interventions both at the national and regional level. I am happy that there is already a commitment and an intervention being carried out under the auspices of Lake Victoria Basin Commission which again needs to be speeded up so that positive results can be brought from those interventions. I also wanted to say that the support of the Eco-System Management Bill by the council was done after consultations. The council is an institution. Therefore when it supports a Bill it is because it has made consultations. Therefore, the council never gives a position of one partner state. It is after we have discussed and agreed on a position before we take a common position. Even the amendment that we brought forward to the Committee came out of consultations. The rules do not allow us to give positions of individual countries. If I am speaking, I will make it very clear that I am speaking for Kenya. But if I am speaking as the Chair of the Council, I will only give a position that is agreed when the council has met. I also wanted to make that very clear. I would like to say that the council also does not rely on media reports because the media can sensationalize or distort information. Therefore the council relies on formal communications.

Regarding assenting to Bills, there is always a report that comes from the partner states. There are provisions that guide that. It is only on that basis that the council can be able to respond. Clearly, there are certain areas that are trans-national that require trans-national solutions. As other hon. Members have said, the Lake Vitoria Basin Commission is a very clear example of an eco-systems management initiative that is successful and has not had any interference with ownership of land. So, let land not be given an excuse to defeat very progressive initiatives that are moving the community forward. In any case, when we talk of a partner state, it means that it

has land otherwise how would it exist without land? So, all partner states have land. Land is actually the geography of a partner state. Therefore, the issue of land should not make us not do positive things that can make us the community move forward.

In any case, we moved away from land when we said that land is a national matter. Common markets can move forward without land and it is doing so. So, interventions like this which can help even land users survive. Farmers in those regions are losing land due to degradation of the system. So, there are certain interventions that have nothing to do with land rights or ownership but actually can help the land owners enjoy their land rights without getting involved in who owns or manages that land. Those interventions are necessary to move the community forward.

Thank you.

Hon. Lotodo: Mr. Speaker, Sir, I want to thank the House for the overwhelming support for this report. I want to thank Dr. George Nangale, Hon. Clarkson Otieno Karan, The Council Chair, Mr. Munya, for expressing support to the report.

Mr. Speaker, Sir, I just want to say that we are co-operating in all areas in the EAC and there is need to sign the Trans-boundary Eco-system Management Act. There is need to ratify and make it to pass the protocol of environment and natural resources. There is also need to bring the Wildlife Management Bill to this House.

These issues are timely and progressive. As you have explained in the report, the Lake Victoria Management Bill, is supposed to be concluded and also the signing of the memorandum in May. So, it is our expectation that the Secretary-General to ensure that these issues are addressed because the serious challenge is that the animals were crossing over from the other side of Kenya to Tanzania. So, people were threatening to kill the elephants. This is the seriousness of these issues. So, it is not only human beings but also animals.

With those few remarks, I beg to move.

(Question put and agreed to)

ADJOURNMENT

Mr. Speaker: Hon. Members, we have come to the end of business today. I now adjourn the House until tomorrow morning, 30th May, 2012 at 10.00 a.m.

The House adjourned at

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