



EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY

Official Report of the Proceedings of the East African Legislative Assembly

57TH SITTING – FIRST ASSEMBLY: FOURTH SESSION - FOURTH MEETING

Thursday, 29 September 2005

The East African Legislative Assembly met at 2.30 p.m. in the Chamber of the Assembly in the AICC Building, Arusha

PRAYER

[The Speaker, Mr. Abdulrahman Kinana, in the Chair]

The Assembly was called to Order.

MOTION

“**THAT**, The Assembly, Pursuant to the Provisions of Article 49 (2)(c) of the Treaty and Rule 79 (1)(h) of the Rules of the House, do consider and adopt the reports of the Committee on General Purpose on the Annual Reports of the Activities of the Community for the Years 2001/2002 and 2002/2003.”

(Moved by the Chairperson, General Purpose Committee on 28 September 2005)

Resumption of debate interrupted on 28 September 2005

The Speaker: Hon. Minister, I did interrupt you yesterday, so now I give you the Floor.

Mr. John Koech (Member of the Council of Ministers (Ex-Officio, Kenya): Mr. Speaker, I thank you very much for giving me another opportunity. I had thought that given three more minutes yesterday I would have completed, but now I know it was wise on your part to give me a little bit more time. Mr. Speaker, I also felt that I should spend a few more days in Arusha so that I can have more time with the honourable Members, because once we go to Nairobi, it may take a little bit long to come back – *(Applause)*. So I thought that now that I am here, I had better spend a few more days.

I want to once again congratulate the Chairperson of the Committee for coming up with a very good report, and also the Members of the Committee and the honourable Members for their contributions.

Mr. Speaker, as the House rose yesterday, I was at the point of saying that at this time of implementation it calls on our concerted efforts – all of us - to ensure that we move ahead in spite of the difficulties we may have with the East African Community. I want to request the honourable Members that we walk together, the Council and the East African Legislative Assembly, to ensure that for some of the implementation problems we have, we join our forces together and bring forth suggestions which are going to move us forward. Because, Mr Speaker, if we only become critical without offering practical solutions to the problems that we have, then we may not go anywhere.

We must admit that to pull the people of East Africa together is not a very easy task, but I think that with the minds of the hon. Members who are here, together with the Council of Ministers, the Secretariat and our Partner State's, our colleagues who normally come here to attend the meetings, with that effort of all, we shall be able to achieve what we want to achieve in the East African Community.

I do admit, of course, that there have been some problems of implementation, and negotiations have also been very slow but when I look inside the whole negotiation process, I look with a lot of relief and a lot of optimism that things will move so long as we move with a lot of seriousness and without shouting faults.

Now when I was thinking of coming back to bring this report, I was thinking of a story I heard when I was a young boy looking after my father's goats in the late 1940s and early 1950s.

There was a young boy who used to cry...those days our places were bushy, and there were still a good number of

animals in the vicinity. So there was one young boy who used to cry that there was a leopard attacking him and the goats. And when the villagers rushed with bows and arrows to where the boy was herding the goats, there was no leopard. Then the following day the boy cried again, and again the villagers rushed with bows and arrows but when they got there, there was no leopard. When the boy cried the third day, and indeed there was a leopard that day, he was ignored, and then of course there was a disaster.

So, I want to urge the hon. Members that when they have got to shout very loudly, there must be a very serious issue that we have at hand, so that we all come to attend to it, because some of the problems which are small, we can attend to them ourselves. So, we should get our points very clearly and then we work together – *(Interruption)* - this was a leopard but not a wolf! *(Laughter)*

Now, Mr. Speaker, we do admit that in the annual reports there were a lot of inconsistencies. I believe that the Secretariat has noted that, so that in future they will be able to come up with very consistent reports, which will be useful for all those who may need to make use of the reports.

Mr Speaker, it was also seen that there were some pending issues in the reports, issues which had not been completed. We have the case of some protocols which have not been ratified; the East African University Council and you were talking about the Bills which should have been enacted by this Assembly. But even if the Bill was going to come, some countries - and I want to admit that it is we who are guilty in Kenya because we have not ratified the Inter-University Council of East Africa Protocol, but I want to assure

you that it is already in the process, and I think when the Cabinet meets next, the Protocol will be ratified. So when we come back to talk about the Bills we shall be able to see the way forward as far as that one is concerned.

Now yesterday there were a few issues which were raised by hon. Ovonji-Odida about agriculture and food security. I want to assure you, hon. Members, that agriculture and food security has been adequately addressed by the Council of Ministers. The Council adopted an agriculture and rural development policy for the East African Community, as well as an agricultural and rural development strategy for the East African Community. These two documents, once finalised, will address all the issues pertaining to agriculture and food security in the region. Also, the Council of Ministers is considering the establishment of a Sectoral Council on Agriculture and Food Security within the organisational structure of the Community. I believe this will solve the problem of food security and enhance agricultural development in East Africa.

On information gap, a point was made that some important sectors were not covered adequately in the Annual Report. Health was cited as an example. We concede to that point, and the Secretariat has taken note of this. Henceforth, the Annual Report will accord space in line with the importance attached to the sectors. However, you must also appreciate that we do not want a very bulky report, so only key features can be included in such reports.

Yesterday, also, the Counsel to the Community reported on the relationships between the East African Community and its institutions. I concur with what the Counsel to the Community, hon. Kaahwa,

said that there is need to work on the strategy to streamline the reporting procedure between the East African Community and other institutions. He named the East African Development Bank, the Inter-University Council of East Africa and Lake Victoria Fisheries Organisation. In addition, the Council will be consulting the Assembly and other organs of the East African Community with a view to coming up with clear guidelines for reporting, taking into account the constituting instruments which established these institutions.

There was also a question of reviewing of the Treaty for the Establishment of the East African Community. With consultation I find that since the deal was signed in 1999, there may perhaps be a need to review the Treaty. I think when we meet as Council of Ministers I shall bring this to the attention of my colleagues so that if there is anything we can do to streamline some of the operations, I think it will be a good idea. And it was your suggestion, honourable Members.

On the question of protocols and Bills, I want to thank hon. Marando, hon. Med Kagwa and hon. Mwakyembe, who talked so much about the protocols. On these issues of protocols and Bills, I will give my sentiments to my colleagues, the Ministers in the Council, so that we find a way forward. I do believe, of course, that lawyers, like doctors, do differ; they must have differing interpretations. I have always heard very interesting stories of doctors.

I remember early last year when I took my mother to the hospital. When we got there, the doctor, a cardiologist, told me that she had heart failure; I was very worried. Now when he brought the drugs, my mother told me, "John, these drugs are not good

for me. You just throw them away.” I told her, “Mum, if you do not take these drugs, you will die.” She said, “No! These drugs are useless, take them away!” But this was on advice of a cardiologist. So I went to another cardiologist who examined my mother and told me that she did not have heart failure and that she only had hypertension. She was given the drugs for hypertension, and now my mother is very strong; she is kicking hard. But, I had two cardiologists here, very prominent cardiologists in Nairobi!

So, I have always wondered. The lawyers may have the same problem - (*Laughter*) - their interpretations may differ. I think we should agree on that one. But when I meet my colleagues, we shall go further to discuss with the Attorneys-General and find the way forward, of course taking into consideration your advice. But let us agree that interpretation of the law has got many faces. There is no one way of interpreting the law, just as there are many ways of interpreting medicine and treatment.

Mr. Speaker, I do not intend to say much, but I only want to thank the hon. Members for having given me a lot of co-operation during this time, so that we have been able to pass the Budget – (*Applause*). I am also very happy that they have given me a lot of information. I think as I leave for Nairobi today, I shall be better informed than when I came here. So, I thank you all for the guarded advice to me. I do believe of course that in the next few weeks, we shall meet again on some of the issues which are coming before the Assembly.

With these few remarks, Mr Speaker, I beg to support the Motion – (*Applause*).

Chairperson of the General Purpose Committee (Ms. Rose Waruhiu): Mr. Speaker, sir, I rise to respond to the debate on the Motion for the adoption of the Report of the Committee on General Purpose on the Annual Reports for 2001/2002 and 2002/2003. I would like to thank the Members who have contributed to the debate. I would like to thank hon. Marando, hon. Ovonji-Odida, hon. Med Kaggwa, hon. Maj. Gen. Muntu, hon. Dr. Mwakyembe, hon. Kaahwa and the hon. Minister John Koech.

Mr. Speaker, I do want to agree with the Minister that lawyers have, as their duty in the profession, to always argue a point, and I do not know whether it is a coincidence that out of our seven contributors to this debate, five of them were lawyers. They missed the story given by the minister this afternoon, but I am sure they will catch up with in the *Hansard*. But what struck me is that contrary to the view that lawyers rarely agree, there was a general agreement they had for once on this outstanding issue of the protocols versus legislation debate, which I shall come to later.

What I want to say, Mr Speaker, is that the contributions have enriched the recommendations of the Committee, which we made yesterday. They have also given emphasis to matters that we have to confront as a Parliament, and they have also challenged Parliament about its own work. I want to thank them all for supporting the Motion, and for these exceptional contributions. It leads me, therefore, to be very brief in my concluding remarks.

Firstly, I would like to note that there are issues that came up, and I would like to start with the issue of the centrality of development as a goal in our economic

integration. We talk a great deal about economic integration and we talk about trade being the entry point. The purpose of all this integration is really to achieve development. That is what the Treaty says in Article 5(3)(a). One of the objectives of the Community is to achieve sustainable development for our people. Now, the contributions yesterday therefore pointed to the lack of emphasis in such areas as agriculture, health, education, science and technology and issues of gender. I am very pleased that the Minister and the Executive have accepted this and have promised that future reports will use the achievement of development in reporting what they think the Community is achieving from year to year.

I would like to mention, although it was not responded to, that on page 6 of our Report, we gave mention, for instance, to an existing Bill which has never been to this House. That is the Bill on the Lake Victoria Safety of Navigation Project. As I have seen great willingness by the Minister to follow up these issues, I draw his attention to this issue that so far there is a Bill and the failure to pass the law on this issue means that tourists or visitors who we want to come to East Africa are not willing to risk their lives by going snorkelling or skiing on Lake Victoria. We have delivered some very big tourist boats recently, but if we really want to move on, we need to look at, for instance, all those areas of integrating all our sectors and reporting on them together. So, we really await response on this issue.

I also note that tabling reports will now be scheduled as part of our calendar. I think we have come to this understanding. If, for instance, the tabling of the next reports can be done in time for the sitting in March, then the House programme would include the discussion of reports in the preparation

of the work programme before Members get here, in the same way we have been able to say that in May we come to do the Budget. We should have a cycle now which means that the Secretariat, in preparing information, knows which meeting is going to discuss which reports and which documents. I want to commend, Mr Speaker, the response that this matter should be looked into and that is really the essence of the recommendation of the Committee on General Purpose, on how the House Business Committee should organise its work in future.

Mr. Speaker, we did make a point on the issue of studies and how more information can be availed. Again, I am assuming that in the new spirit of co-operation this matter will be attended to, although it has not been responded to today.

We made a recommendation on the issue of donor funding and the general financing of the Community, and I take the challenge. The Minister is saying that if you cry wolf too often - he corrected me; he told the story of the boy who was crying about a leopard. The first day there was no leopard and the second day there was no leopard, so by the time the real trouble came, nobody took this boy seriously. I think I also remember hearing that story when I was a young girl. So what is happening is that the House is being challenged that those issues you can deal with, move on and deal with them. And I think we have made many comments on donor funding and the issues of financing. So the Committee on General Purpose and other Committees should work alongside this challenge and see whether we cannot make concrete recommendations. But I will give an example, Mr Speaker, to the Minister.

For me personally I first became aware of a study done by the International Monetary Fund on the East African Community integration as a headline news item in one of the local newspapers in Kenya. The outcome of this study was to say that the East African Community integration cannot work. Now that throws back what the three Partner States have decided to do and are six years down the line in doing it. That is only one example where we are saying that matters that are politically sensitive, that are part of our own nationhood as a region and of us growing as a power bloc really need to be looked at by people who are not also paying for the work. But our Committee will continue, as we have now agreed we are going to sit to look at the Budget for next year and the financing together. We will also make our comments on where we think things can be improved.

Mr. Speaker, two or three other issues came up. I think I have talked enough on the issues of development; I think we have made the point. The second one was that the oversight role of this Assembly has been undermined, and I have recognised the response that our concerns are going to be looked into.

Mr Speaker, one of the issues that came up yesterday was that even where the House needs to act, the House is becoming infected with the malaise of dissipated energies; that our energies are not showing any results. I think it was hon. Maj. Gen. Muntu and quite a number of the other contributors. The House must decide, if it means to act, where it can act. I think that is a challenge!

And there is one matter standing alone from all our recommendations yesterday, and that is the issue of protocols versus legislation. I cannot paraphrase the views

of the learned lawyers, the Members of this House who spoke yesterday on this issue. So, Mr. Speaker, I want to suggest to the minister that the House Business Committee acted in courtesy to pass the Bills to the Council with an agreed timeframe which expired six months ago. If since then the Council has received wrong advice from its own advisors after interpreting the matter, there is nothing that stops this House in taking back its Bills on board and moving on them as Private Members' Bills – (*Applause*).

So, Mr Speaker, I am humbly informing the Minister that the view of the House is that the House is no longer bound to wait, except maybe where you mentioned the ratification of the protocols. The House really is not bound to wait for action on these Bills. There will be no harm at all if the Committees responsible for this work can organise their work before the November sittings to complete work on these Bills – (*Applause*).

I am saying this, Mr Speaker, sir, because this House has only one more year to plan its work. So, if work can advance to a level where, in the middle of it the Council is able to improve the Bills, well and good. If the Bills go to completion and then go up for assent, maybe at that time it will be possible then to get an explanation on why they cannot become law. Most of them, Mr Speaker, sir, have been looked at very thoroughly, and it is also within the rights of hon. Members to bring Private Members' Bills.

Finally, Mr Speaker, on the issue of the Treaty, again I want to thank the Minister for his comments. I would also like to inform the Minister that there is a document, produced by this House through the Legal Committee, which would assist him to see the areas that have been

identified through our experience in this House in the last four years for amendment, so that as he goes to follow up the matter with his colleagues, he will have information available from this House.

Mr. Speaker, I said I would brief. Again, I want to thank all the contributors for their very useful participation, and particularly for supporting this Motion. With those few words, I beg to move – (*Applause*).

(Question on the motion put and agreed to)

The Report of the General Purpose Committee on the Annual Reports of the Activities of the East African Community for the years 2001/2002 and 2002/2003 was adopted

MOTION

THE REPORT ON NATURAL RESOURCE-BASED CONFLICTS IN EAST AFRICA

Lt. Gen. Adan Abdullahi (Chairperson, Committee on Regional Affairs and Conflict Resolution): Mr. Speaker, sir, I beg to move_

“THAT, This Assembly, pursuant to the provisions of Articles 49(2) (d) and 49(3) of the Treaty, and Rule 79(1) of the Rules of this House, do consider and adopt the report of the Committee on Agriculture, Tourism and Natural Resources, and the Committee on Regional Affairs and Conflict Resolution, on the natural resource-based conflicts in East Africa.”

Hon. Speaker, sir, in June 2003, the Members of the East African Legislative Assembly conducted a tour of Uganda and

Kenya so as to interact with the people and understand the challenges they face. The Assembly visited conflict prone areas such as Gulu in Northern Uganda, West Pokot, Tran Nzoia District in Western Kenya and the Lake Victoria region. The Assembly also visited the Kenya-Tanzania and Uganda-Tanzania borders, where conflicts have been brewing over pasture lands. Following this tour, the Speaker of the East African Legislative Assembly resolved that the Assembly would do everything possible to address the conflicts in the region, with the aim of finding a lasting solution.

In July 2003, an introductory workshop for the Members of the Assembly on Peace and Security, Conflict Resolution and its Management was conducted by the African Peace Forum. Three sub-committees, made up of Members from the Standing Committees on Agriculture, Tourism and Natural Resources and on Regional Affairs and Conflict Resolution, were formed to investigate the conflicts related to cattle rustling along the Kenya-Uganda border, the fish disputes on the Lake Victoria and the pasture related disputes along the Kenya-Tanzania and Uganda-Tanzania borders.

In August of the same year, the three sub-committees set out to accomplish these tasks. The mandate for the Committees was Article 49(2) (e) of the Treaty which states that:

“The Assembly may, for purposes of carrying out its functions, establish any committees or committee for such purpose as it may deem necessary.”

Article 6 of the Treaty stipulates that the fundamental principles of the Community shall include, among others:

- (b) peaceful co-existence and good neighbourliness
- (c) peaceful settlement of disputes

Article 124 of the Treaty on Regional Peace and Security notes that:

“The Partner States agree that peace and security are prerequisites to social and economic development within the Community, and vital to achievement to the objectives of the Community. In this regard, the Partner States agree to foster and maintain an atmosphere that is conducive to peace and security through co-operation and consultation on issues pertaining to peace and security of the Partner States with a view to prevention, better management and resolution of disputes and conflicts between them.”

The main goal of this fact-finding mission was to provide a lasting solution to the regions of the Partner States affected by various conflicts in order to create a better East Africa, where people will live in peace and harmony.

The three sub-committees were charged with the following specific objectives:-

- (i) to investigate the issue further
- (ii) to establish the facts
- (iii) to recommend actions to facilitate resolution in the interest of the goals of regional interaction

This Report contains the work of the three sub-committees of the East African Legislative Assembly, namely: The fact-finding mission to Mara and Kegera on the resource-based conflicts at the border areas; fish disputes in Lake Victoria

between Kenya and Uganda and cattle rustling disputes along the Kenya Uganda border.

Section one of this Report is an executive summary, section two is the report on the fact-finding mission to Mara and Kagera region, while section three contains a comprehensive study of the fishing dispute in Lake Victoria between Kenya and Uganda, section four presents a full report on cattle rustling disputes along the Kenya-Uganda border.

Mr. Speaker, sir, it has taken about two years for this report to be tabled before this House, and I am glad that at long last the report is here with us. I will not delve into the details of each and every aspect of the report but I will only give the highlights. I pray that when I am through, the leaders of the sub-committees will give further details during the debate.

Study on the Fact-Finding Mission to Mara and Kagera Regions

This study covered illegal arms, illegal immigration, cross-border cattle trade, armed robberies and small arms trafficking, illegal border trade, border beacons that were removed, pasture disputes, illegal fishing, *bhang* cultivation across that border and human rights abuses which were noted in that region.

Mr. Speaker, sir, in some of the areas I have mentioned, some action has already been taken, such as the Nairobi Declaration and the National Action Point, which have come to deal, particularly, with the issue of small arms trafficking and small arms menace in the region. The Customs Union has also come into effect, which will deal with a lot of the issues that relate to border trade between the Partner States. The Lake Victoria Basin

Commission has also come into place, and it is our hope that the issue of Lake Victoria fishing disputes will largely be settled through that body.

On human rights abuses, this is believed to be mainly due to poor training of the security enforcing agencies and also the weak security posts that exist along the borders. It is our hope that this will be enforced, both in terms of the training of the security personnel as well as increasing the number of posts and the manpower in those posts.

The study on fishing disputes in Lake Victoria between Kenya and Uganda notes that fishing in Lake Victoria has become highly commercialised, and consequently competitive. An estimated potential of US\$600 million per annum from fish exports has created pressure between the artisan fishing community, the commercial fishing processors and law enforcement agencies. In the absence of effective legislation and an effective institutional capacity to legislate to the industry, dispute regarding fishing rights in Lake Victoria between Kenya and Uganda is hoped to be settled through the Lake Victoria Basin Commission. There are also injustices and rights abuses generated by inadequacies in the legal regime and security apparatus regarding the Lake Victoria and fishing sector.

The recommendations by the Committee are detailed. I will not go into each and every detail, but I will just mention one or two issues on what I feel are very important:

- The Committee recognised the important function of the Beach Management Units and also the need for organised co-operation between the fish processing plants and the fishermen, and the creation

of co-operative groups to take care of this interest.

- The Committee also emphasised the need for dissemination of information about the prevailing laws and rules on lawful fishing methods, such as the permitted fishing gears.
- At the regional and international level, the East African Community and Partner States should ensure that the regional policy framework for the management of the Lake Victoria should seek to balance the goals and ensure a framework that is conducive, an environmentally sustainable management of the lake and economic development.
- The regional policy should address issues such as ensuring distribution of benefits in the fisheries sector between artisans, local communities and commercial entrepreneurs.
- The East African Legislative Assembly should propose mechanisms for permanent resolution of conflict over shared maritime resources in the region, including the Lake Victoria.

Study on the Cattle Rustling Dispute along the Kenya-Uganda Border

The Committee having had discussions – and this was a common approach of all the Committees; having discussions - with the local authorities and local leaders and the administration recommends the formation of a regional authority that will be charged with the responsibility for peace and development of the regions that have suffered neglect and marginalisation due to

insecurity. The Committee also recommends and encourages the formation of an inter-governmental security committee along the common borders. The Committee recommended that to contain cattle rustling it is important to improve on the branding of livestock, which should be re-introduced through the respective Ministries of Agriculture and Livestock Management. This is hoped to prevent rustling along the common border. It also recommended that adequate policies and patrols should be instituted along the border areas to contain the problem. It is also recommended that border meetings between the security apparatus in the two states should be encouraged.

Mr. Speaker, sir, this report points out that there are many causes of insecurity in the Kagera region, Lake Victoria and along the border between Kenya and Uganda. These factors which are a threat to security are: the illicit trade in small arms and light weapons and their manufacture, which was noted, and the armed robberies that have occurred as a result of these illicit small arms.

It also noted the illegal immigration along the borders, and this is mainly due to ignorance by the communities living along the borders, and also because of lack of proper identification documents; illegal trade along the border which I hope now the Customs Union will greatly take care of; illegal fishing on Lake Victoria, the Lake Victoria Basin Commission should be able to take care of this; human rights abuses which were noted basically emanate from poor training of the policemen who are not quite capable of treating the culprits fairly, and also as a result of the local populations going to the extent of killing people whom they perceive to have crossed the borders

illegally or fished on their side of the border illegally, which have been reported.

On cattle rustling, branding, as I mentioned earlier and formalisation of livestock trade markets is deemed to be the way forward in dealing with this problem. Regional conflicts in the area are also reported as contributing to the proliferation of illicit small arms and the illegal trade that is going on along the border.

Mr. Speaker, sir, I believe that I have just highlighted the main issues and the sub-committee Members will be given, I hope, the privilege to go into the details of this report as we debate. I beg to move, sir.

Ms. Irene Ovonji-Odida: Seconded.

(Question on the Motion proposed)

Mr. Ochieng-Mbeo (Kenya): Thank you, Mr. Speaker. First of all I would like to commend the Chairperson of the Committee and all those Members of the two committees and the three sub-committees that were involved in the process.

Mr. Speaker, it has been two years since the committee performed this function, this job, and obviously a lot of water has gone under the bridge; it is a very sad affair. I believe, and I want to jog your memory, Mr Speaker sir, that when we travelled through Kenya during our trip, it was at the time the peak of the problems on the lake, and I believe from there we developed the process of moving on to where we reached. I find it therefore very painful to stand and try to contribute to a process that has not been given its due respect and recognition.

Mr Speaker, this document, as much as we were all part and parcel of it in seeing it

prepared laboriously, it leaves me with one conviction that nobody takes the East African Legislative Assembly seriously. Mr Speaker, I feel very sad about this because this is a very serious document, which is just going to be thrown into the archives just to show that we did something! I do not even know who we are going to present this document to –
(*Interruption*)

Mr. Med Kaggwa: On a point of information, Mr. Speaker, I would like to inform the Hon. Member on the Floor that at least the President of Uganda took East Africans very seriously when he ordered the release of 92 people who had been imprisoned in Uganda.

The Speaker: Hon Ochieng Mbeo after that information...?

Mr. Ochieng-Mbeo: I have got that information, Mr. Speaker, and I think I withdraw part of my statement, but I still assume that the bulk of it still remains the same. I know that a lot of work was done by various committees, especially the cattle rustling committee, and I also know that a lot of work was done by the other two committees, especially the one on Lake Victoria, and I am glad that hon. Med Kaggwa has mentioned the release of those fisher folks. It is in the report under "Lake Victoria."

Mr. Speaker, I just want to now look at some of the recommendations that are in this document. It goes without saying that if every one of us read these recommendations, you would find some overlapping issues that would help the Sectoral Committee on Legal and Judicial Affairs to note that even at the outset, the committee is recommending harmonisation of the school syllabi. This is what that Protocol on the Inter-University

Council contains. This is a protocol that was signed in the year 2002, and you can see how it has been treated. This is one of the recommendations in this book!

On fishing disputes in Lake Victoria, there is specific mention of Beach Management Units, which should be established and strengthened by all Partner States through appropriate legislation. Mr Speaker, something is already being done, and although we do not know about it officially, the Secretariat, on several occasions, has met the Beach Management Units here in Arusha. The Secretariat has collected them from the beaches of East Africa and brought them to Arusha to try and bring them together. Unfortunately we had not tabled our document by then, so they can claim ignorance of the fact that it was part of our recommendation, and that maybe the Committee on Natural Resources and Tourism, or even the chairperson should have been invited, or just out of courtesy, to inform the Committee through the relevant technocrats in the Secretariat. That has not happened, yet a lot of activities are happening right now with Beach Management Units. A lot of funding has been poured into this process, Mr Speaker, sir, and I believe that we need to harmonise and work together with the Secretariat. Let us be friends.

Mr. Speaker, the second recommendation on fishing is, and I will read: "Fishing communities should be encouraged and facilitated by governments and other actors to organise themselves into co-operatives to enable them to start pilot fish processing plants for direct linkages with international markets." Mr Speaker, at the end of our fact-finding trip, I had a press conference in Nairobi, and this was an issue that I raised; to have pilot fish processing plants – at least three of them - around the lake.

The cost of having one pilot fish processing plant is only US\$2 million, Mr Speaker, sir. The little beach on the Kenyan side of Lake Victoria which is only 6 per cent, produces Kshs9 billion; just that small beach. Now look at all these monies, Mr Speaker! This was a recommendation that I thought needed to have been expounded through the initiative of the Assembly, so as to help our fisher folks also have a stake. And I believe, Mr Speaker, sir, that we will look at it more closely, that the Committee on Natural Resources will take this as a challenge after the adoption of this report and move on with it to the next phase.

During this process we had not known; we were still struggling with the Protocol on the Sustainable Management of Lake Victoria, which has since been signed and ratified, I believe, and through it, the Lake Victoria Basin Commission has been formed. We are told that the new headquarters will be in Kisumu, but unfortunately the Counsel to the Community has not advised the Council of Ministers and their relevant groups that they need a legislative and an administrative framework to be able to operationalise the Lake Victoria Basin Commission. A Bill is still required to be presented in this House, and I hold the Counsel to the Community directly accountable for this Commission. Mr. Speaker, sir, I only wanted to mention those few points because a protocol is already in place, but we still need to bring it before this House for operationalisation.

Mr Speaker, I also just want to look at what happened during our last visit in Kenya, on the northern frontier. This is linked to the cattle rustling across the borders. It was shocking to note that some of the Members of Parliament believe that

taking cows from one corner to another to their own territory is just like looking for vegetables for their children – *Unga, ya watoto* – and therefore they encourage and continuously incite their fellow colleagues or residents to continue with cattle rustling!

A lot of work has been done, Mr Speaker, sir, and I think that from here we need to start looking at what we came with as a final resolution to engage the three Partner States through our Secretariat on pastoralism as a major regional agenda. It is important that we join hands with our colleagues, and more so the East African Community Secretariat, to find solutions to all these problems affecting us in the cattle rustling areas.

Truly, Mr Speaker, I am not saying that not much has been done. A lot has been done but when you hear of meetings being held through the Secretariat in Nairobi, Kampala or Dar es Salaam on these issues which we have raised here year in year out, it would just be courteous to inform the Assembly and those who can participate through their relevant Committees to join in, to be able to help in linking this together. *(Interruption caused by a cell phone ringing in the House)*. Somebody is really messing up here! *(Interruption)*

The Speaker: Before you continue, may we know whose phone is on?

Mr. Ochieng-Mbeo: Can we really know whose phone it is? *(Laughter)*

The Speaker: Is it yours, hon. Ochieng-Mbeo?

Mr. Ochieng-Mbeo: No, sir, I do not have a phone – *(Laughter)*.

The Speaker: Do not involve us in your campaigns back home please, hon. Ochieng-Mbeo – *(Laughter)*.

Mr. Ochieng-Mbeo: Mr Speaker, with those few remarks, I beg to support.

Mr. George Nangale (Tanzania): Thank you, Mr. Speaker. I want to commend the Committees on Regional Affairs and Natural Resources of this Assembly for the exemplary and professional work which they have done. This proves that this Assembly is indeed not only rich in the political front but also in research and academics. And I was wondering how much money the East African Community would have saved if East African Legislative Assembly had been contracted to do the numerous studies at the East African Community over the past four years.

Mr Speaker, throughout history, resource based conflicts have been the cause of underdevelopment and poverty. If you consider a family, for example, torn apart over splitting of estate or property, when do they get involved in income generating enterprise so that they improve their livelihood?

Mr. Speaker, in northwest Tanzania, there are hundreds of refugees from neighbouring countries, countries which have been torn apart by war, and because of the influx of these refugees, sharing of resources has generated a lot of conflict in the area between the refugees and the host communities. Indeed you can see the level of poverty in the area as a result of the influx of refugees. There is also the problem of insecurity in the area. So, Mr Speaker, this study has been very important, and I think it will be very helpful to the development of this region if the findings and recommendations are

taken seriously by the different stakeholders in the Community.

Mr. Speaker, conflicts impair speed and spirit of development. Conflict kills the will to effectively participate in the economic and social development endeavours. A lot of time is spent in fighting, fleeing or negotiating. This study on conflict resolution has revealed that peaceful co-existence in sharing resources, particularly in our major resource, the Lake Victoria, defines the true course of development of the 30 Million people who are living around the lake.

Mr. Speaker, recently I had the opportunity to watch a documentary film by a European cinematographer. This film portrays the story of a triangular illicit trade, which involves airlifting tonnes of arms from Europe to the Great Lakes Region, and these very aeroplanes come to Lake Victoria, collect fish and take them back to Europe. This triangular trade – Europe, Great Lakes Region, and Lake Victoria - has indeed resulted in the continued civil war in the Great Lakes Region, and also increased unsustainable harvesting of fish in Lake Victoria. And as the report said, there is therefore continuous conflict in sharing of Lake Victoria resources. To sum it up, Mr Speaker, it has increased poverty to the people of East Africa.

Mr. Speaker, sir, the international Community, and indeed the East African Community, should now intervene for the sake of development in resolving the conflict in our region. The findings and recommendations of these studies provide us with the basis on which we can start. Mr Speaker, I would recommend that these particular studies be published as a book and be circulated to the different stakeholders in the region so that the

recommendations and findings are shared by the different people within the region – *(Applause)*.

Mr. Speaker, once again I thank my colleagues for doing this work and I support the motion for the adoption of this Report. Thank you.

Mr. Med Kaggwa (Uganda): Thank you Mr. Speaker. I did not think that I would debate the motion, but as the Chairperson and Members of the Committee dealt with this report, one or two things passed in my mind.

First of all, I note that the report herein raises very important issues, and the question that has been running in my mind, and maybe has been partly alluded to by hon. Nangale, is that we take a lot of time, resources, manpower and possibly risk, but then what value is put to our reports when we have finally done them?

I want to suggest that maybe at the end of it all we should make some resolutions, which we should formally forward to the Council of Ministers and, at least for me, I will feel that we would have done our part. Like the Ibos say, “you make the sacrifices to the gods and you leave the rest to them.” I think the Assembly would have done its part by bringing the report to the notice of the Council. And if at some future date, perhaps the 50 years down the road that was mentioned yesterday, somebody may be told that yes, people went out of their way to do this work but no action was taken.

The other issue that also passed in my mind is in relation to Lake Victoria. It is a jointly owned lake, and the revelations made by hon. Nangale, of smuggling arms and whatever, raises very important issues, and I was wondering, can this not be an

area where joint action could be started, so that we have common patrols in the lake for the interest of the East African region? You see, to leave the patrolling of this lake to individual Partner States may be too costly. If it was done jointly, possibly the cost could be reduce!

Mr. Speaker, the other issue that disturbed me is that the Assembly goes out of its way, does reports like this one, and because they take two years to present them, things are smuggled out and other people take credit for them without even acknowledging that this was the original work of the Assembly – *(Applause)*. I think this is academic perjury! Worse still, even when they act on them, there is no courtesy – as someone said – even to involve or at least inform those who originated the work!

Finally, Mr Speaker, sir, when I heard about protocols again in this presentation, I thought I would make a proposal, that maybe whenever we come for meetings here at Arusha, we should be appraised on what protocols are on the agenda, those which have been signed and those which have been ratified, because we are begging to know what protocols are there and which are which. I think it is the duty of the Executive to give us an appraisal of what is going on, especially in view of the new talk of wanting to work together. I think it stops here on the Floor and once we go out of this House, it ceases to be a collegial spirit. I thank you Mr Speaker.

Ms. Irene Ovonji-Odida: Mr. Speaker, I am just giving information, that the recommendation which the Member who has just yielded the Floor is actually making is recommendation number 6 in the report on fishing disputes. In the Executive Summary, it is XXII: “The joint Fishing Patrols”.

The Speaker: I had already said my last contributor was hon. Med Kaggwa, and I hope it remains so. Unfortunately, and it is bad luck for hon. Maxwell Shamala, I now call upon the Mover to reply.

Lt. Gen. Adan Abdullahi: Thank you very much Hon. Speaker, sir. I would like to thank those who have contributed immensely to this Report through the debate in the House. I would like to thank hon. Mbeo, hon. Nangale and hon. Med Kaggwa.

Hon. Speaker, sir, this report, as I mentioned earlier, took two years before it was tabled before this House. I have no doubt in my mind that if this report were debated earlier while the Members still carried fresh memories of their fact-finding missions and tours, and the discussions they held with the administrators, the security agencies and with the communities and interested parties, we would have probably had a debate that would have lasted a whole day.

Hon. Mbeo lamented that this House is not taken seriously in whatever it does. I believe the way forward out of this, which has also been hinted at by hon. Med Kaggwa, is to do justice to this Report by following it up with a resolution of this House on the various areas. These are many. The illicit trade in small arms is being looked at in detail under the National Focal Point, but this House is not fully informed of what is going on. I suppose it is one of the areas in which we probably need a resolution.

Hon. Mbeo also mentioned that as we travelled through the northern parts of Kenya, there was a feeling that there were leaders who were encouraging cattle rustling and that nothing was being done against them. However, I believe that we

could find a solution to cattle rustling through improving the laws on branding. The laws exist in Kenya but probably not in Uganda and Tanzania. I suppose if these laws are enacted in all Partner States, it would help to eliminate the menaces of cattle rustling.

Hon. Nangale emphasised the need for peaceful co-existence and sharing of resources. This is really what this Committee was endeavouring to recommend, that the resources, particularly of Lake Victoria, should be used for the benefit of the three Partner States. He is of the view that a single authority over Lake Victoria would help encourage this process of fair sharing of these resources.

Hon. Nangale also mentioned the issue of a documentary film. It is alarming, if it is really true, that illicit small arms are shipped into the region and in exchange the fish is shipped out of the region. I am sure that small arms are only allowed for trade or are only allowed to be purchased by a sovereign state. So it is funny where these arms ended; where did these arms go? I hope this will be investigated further. I do not know how it can be done, but it should be investigated further to establish, first, if this trade exists, and secondly, who the traders are, and appropriate action taken against them – (*Applause*).

In his contribution, hon. Nangale also mentioned that the international community should intervene on the issue of illicit small arms. I believe that the only reason why we are not fully informed on this is because the East African Legislative Assembly does not get information on what is going in the efforts to eradicate the illicit small arms and light weapons in the region. This is largely because it is in the domain of the security forces, particularly

the police, and we do not get their reports when they do meet representatives from all the IGAD countries and others who are involved in this. We are not quite updated on what is going on, but I hope that we will be kept in the picture as to what effort the international community is making in curtailing this trade in illicit small arms.

On joint actions and patrols on the common borders, hon. Speaker, sir, it is recognised that fish and cattle appear to be the main cause of the resource based conflicts that are currently prevailing in the region. Cattle rustling is not only affecting the Uganda-Kenya border, but also the Kenya-Tanzania border. If you look wider, cattle rustling is also practised on the border between Kenya and Somalia, Kenya and Sudan, Uganda and Sudan and it is endless! One finds it difficult to really know where to end this regional problem. But there is a ray of hope, since recently Kenya and Uganda started conducting joint operations to disarm the communities living along the common border. I hope this will reduce the number of illicit small arms, as well as the prevailing cattle rustling events in that region.

Hon. Speaker, finally, may I thank the chairpersons of the three sub-committees who, in their own time and at their own expenses, produced the bulk of this report. I am referring to the fact that after the tour the hon. Members had to re-write the reports themselves as the African Peace Forum pulled out of this particular process – (*interjections*).

Mr. Daniel Ogalo: Mr. Speaker, I am seeking clarification from the Chairperson of the Committee, whether I can understand him to mean that Members of the Assembly are now using their personal monies to do the work of this Assembly. If so, could we have some explanation from

whoever may be responsible to answer this?

Lt. Gen. Adan Abdullahi: Hon. Speaker, I am referring to Members of the sub-committees, and particularly the Chairpersons, who have re-done, edited and spent their own time and resources on this report. They did, and that is a fact, Mr Speaker, sir.

Prof. Margaret Kamar: Mr. Speaker, I just wanted to add that the sub-committee that was on the Kenya-Uganda border on cattle rustling had the misfortune of having to go twice because of the loss of the Vice-President of Kenya, and actually that one was done at the cost of the sub-committee.

The Speaker: I think that is enough. However, let me also inform hon. Ogalo that the other part of his question will not have any response because those who are responsible to give that response are not in this House.

Lt. Gen. Adan Abdullahi: Hon. Speaker, sir, I hear there are various claims to this report on the side, but I know that maybe it is a collaborative effort also, and I thank the Deputy Clerk if he also spent his time and energy on this report.

Hon. Speaker, I have nothing further to add to that other than requesting the House to adopt this report. I thank you – (*Applause*).

(Question on the motion put and agreed to)

The Report on the Resource based conflicts in East Africa was adopted

ADJOURNEMENT

The Speaker: Honourable Members, that brings us to the end of our business this afternoon, and I now adjourn this House *sine die*.

(The Assembly rose at 4.00 p.m. and adjourned sine die)