



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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Wednesday, 2 December 2015

The East African Legislative Assembly met at 2:31 p.m. in the Senate Chambers, Parliament of Rwanda in Kigali, Rwanda.

PRAYER

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

(The Assembly was called to order)

COMMUNICATION FROM THE CHAIR

The Speaker: Honourable members, good afternoon. I would like to beg your indulgence to restructure the Order Paper a bit based on the request I have received from the Chair, Council of Ministers to allow Order number 2 to become Order number 3, and Order number 3 to become Order number 2. I thank you.

REPORT OF THE COMMITTEE OF ACCOUNTS ON THE AUDITED FINANCIAL STATEMENTS OF THE EAC FOR THE FINANCIAL YEAR ENDED 30 JUNE 2014

(Resumption of debate interrupted on Tuesday, 1 December 2015)

The Speaker: Honourable members, you will remember that last evening we adjourned

the House when debate was supposed to ensue on the report of the Committee on Accounts on the audited financial statements of the Financial Year ended 30 June 2014. The Chair had eloquently presented the report and we were supposed to begin the debate. I now declare debate open.

Mr Yves Nsabimana (Burundi): Thank you, Mr Speaker for giving me time to debate this report. First of all, I would like to thank President Kagame, the government and people of Rwanda and in a special manner, the Rwanda chapter for the warm welcome and hospitality we are enjoying since we have been in this A Thousand Hill republic. *Mungu awabarike.*

Coming to our report, Mr Speaker, I would prefer that this debate take place when we

have the Chairperson of the Council of Ministers, the entire heads of organs and institutions of the Community to be present here when we debate this report. It could be very important.

Mr Speaker, it is now more than five years that I have been in the Accounts Committee and it is the first time that all organs and institutions of the Community has received an unqualified opinion. That is to say, the financial statements of the organs and institutions are clean and are in conformity with international standards.

That is why, Mr Speaker, I would like to congratulate the accountants and financial managers for the improvements they have achieved. They still have some small issues that can be handed very quickly.

Mr Speaker and honourable members, coming to the management, we still have a long way to go. We still have many issues and many challenges and these issues and challenges have come many times in our previous reports.

Mr Speaker and honourable members let me highlight some of them. The first issue I want to highlight is the financial performance, planning, budget, monitoring, evaluation, and implementation of the planned activities.

Mr Speaker and honourable members, on this issue, a number of activities are not implemented as planned such that some expected results are not achieved as per the annual operational plan. The non-implementation of planned activities are caused by a low absorption capacity, which has a direct impact on disbursements of funds from development partners.

The monitoring and evaluation unit is critically under staffed and not adequately being funded. One staff, Julius Birungi

cannot, by himself, carry out the monitoring of all activities being implemented.

The second issue I want to highlight is the delay in implementation of Council of Ministers decisions and directives. Mr Speaker and honourable members, a number of Council of Ministers' decisions and directives remain unimplemented by Partner States for a long time, some since 2001; almost 15 years. Here, there is a need for the Community to consider putting in place an enforcement mechanism with penalties and sanctions that will compel Partner States to implement outstanding decisions and directives.

The third issue is operationalisation of EAC protocols. Mr Speaker and honourable members, while substantial achievements have been recorded, EAC has first predominant challenges towards the achievements of the set objectives regarding operationalization of the four EAC protocols which are Customs Union, Common Market, Monetary Union and Political Federation.

Mr Speaker and honourable members, I wish that this august House tasked the EAC management to coordinate the formulation and operationalization of a robust system to harmonise all national and regional policies, laws and regulations in support of the protocols to address the challenges being faced.

Fourth, procurement department do not comply with the EAC financial rules and regulations. Mr Speaker and honourable members, when we review the procurement procedures, records and other related documents of EAC, you find that organs and institutions of the Community enter into agreements with various suppliers for procurement of goods and services without competitive bidding procurement process contrary to EAC financial rules and regulations.

This opens a window of corruption and acquisition of goods with less quality at high prices. If the management of organs and institutions are not able to comply with the procurement procedure in dealing with all procurement of goods and services, my suggestion is that this august House puts in place a steering committee for a deep investigation and come with a very string report with recommendations to stop wasting money of the Community.

Organs of the Community not audited by the Audit Commission. Mr Speaker, when we look at our Treaty, the Council of Ministers has been given a lot of power and authority but this organ does not have a budget. Because of this, the Audit Commission cannot audit this organ. We cannot know if they are doing well or not but Mr Speaker and honourable members, if you look at this Accounts Committee report, you find that all recommendations are addressed to the Council of Ministers. If they decide not to act, any achievement cannot be done.

I end my debate by putting a question to this august House. Who are we going to blame if the management fails to achieve their mandate or to improve activities when we know that even the Secretariat does not have any authority on officers and staff working for the Community?

Mr Speaker, it is with these remarks that I support the report of my committee. Thank you.

The Speaker: Thank you so much, hon. Yves. Honourable members, our Rules of Procedure would require you to seek for special permission to read your speech but if you are constantly referring to your notes, it is okay but we should limit that. I would like to give as many people to speak on this matter so can we limit ourselves, if possible, to five minutes each.

Mr Abubakar Zein Abubakar (Kenya): Thank you very much, Mr Speaker. I am going to be shorter than that. I want to limit myself to only four things and reserve my right when we are considering this in the coming plenary substantially to speak to other matters.

The first one, I make a request that the committee considers that it is important that the report and all relevant documentation be availed to honourable members in soft copy. That is the first one. I have made two copies and I will pass the first one to the Clerk so that they can be shared with the Chair.

The reason this is important is so that we can interact with all the documentation vigorously, rigorously and extensively in order for us to make informed decisions and proposals.

Secondly, on page 31 of this report on the recommendations, I read (II), “Expedite finalisation of the East African Immunities and Privileges Protocol.” An analysis is done before this recommendation is made. I am absolutely unhappy about this recommendation and I beg the committee to consider instead to make reference to the East African Community Immunities and Privileges Act of 2004 for the following reasons: this is one of the most underutilised law unknown law in the Community. Why would we be worrying about finalisation of our protocol when a law has already been passed on the same subject?

This enhances the tensions between protocol making and law making. I submit that we have a law that is begging to be implemented and no one is willing to implement it. Further, if there are problems with the law, the Council of Ministers has not indicated to us, nor any Organ or institutions of the Community that they have a problem in implementing the law. If you have a problem,

there are ways of amending sections, adding or removing.

As an Assembly that makes a law, we should be demanding its implementation as opposed to asking for a development or finalisation of a future protocol, which does not exist. Let us work with what we have. Let us reduce this tension between protocols and laws. Let us give a chance to the law to work.

Thirdly, Mr Speaker, I would like to suggest that having been here, this is the third year interacting with a similar report. I do not want to sound like a broken record that we said this last year and the year before and no one is listening or doing anything about it. I suggest that we have the power to demand that all organs and institutions of the Community establish a framework and mechanism for compliance.

Each organ and each institution should take care of its compliance and there has to be somebody answerable if there is no compliance. Therefore, I will be making a suggestion on that.

The last but the best and the most important for me is found on page 65. You will find a catalogue referring to EALA. EALA is asked, we who are elected to sit in this august House and sir, I would like to make only three issues about this. One, I will really beg the committee to consider not to outsource their responsibility because the recommendation under EALA is that we urge the Assembly to urge the Council and the Council to urge back the Assembly to make changes.

Really, this is a convoluted way of shirking our responsibility. I would like to beg the committee to consider amending that section so that it is directed to the Assembly, its institutions and offices to act without further delay. I have already done those four recommendations and with your permission, sir, I will hand them over to the Clerk.

The Speaker: Thank you so much, hon. Zein for the debate and the amendments proposed.

Mr Pierre Celestin Rwigema (Rwanda): Thank you, Mr Speaker for giving me the floor. I wanted to wish you and my colleagues a very healthy stay in Rwanda.

Mr Speaker, I am a member of the Accounts and I beg to support this report and to thank the members of the committee and the Chair and even the Clerk of the Accounts Committee. We did a very good job because this committee – Mr Speaker, it is a matter of scrutinising numbers with data and this takes time.

Mr Speaker and honourable members, I wanted to ask something that can be accepted because two years ago, we were given 14 days to finalise this report and one year after, it was 12 days. This time we were given eight days. It was not easy to work because sometimes we were not able to take lunch and we had to stay even until 7.00 p.m.

Mr Speaker, I have a few comments on this report. My comments are in fact general and I have to say, because I have almost three years in this committee, that there is really a visible improvement.

The financial position of the Community remains reasonably healthy. They have sufficient assets to cover the liabilities, which means when you go through the financial ratio and the analysis of ..., you can find that the Community is doing very well but there are some deficiencies because in a system of management, you have to go by the component of management. You have to go by planning and when you plan, you go into budgeting. They go together. Then you go by staffing. This is a main component, which is really lacking in the system of management of the Community. You also have to organise, direct, control and evaluate.

There are some problems in which we do not pay attention and we cannot really expect to get performance. We have a main problem in staffing. I can give an example where the EAC management pays less attention in aligning budget to the planning activities, which means they do not take the tool of control ... budgeting and planning and they cannot match. This means that sometimes you can go for over spending or spending on budgeted activities, which is not matching with the accounting system.

Mr Speaker, planning and budgeting must be our main tool to see if they can fit with the management system. You know we have some challenges because we do not have sufficient financial resources, we do not have enough human resources, and I can say that there is an improvement because now we have improved the system of recruiting people, and now we can get a very strong policy on the matter of recruitment.

What I can say is that we miss the monitoring and evaluation unit as a component in the Secretariat. This is because the Secretariat is working but it cannot really make a follow up in the labour of Partner States. For example, in the Secretariat there is only one staff. How can one staff make a follow up? It is not possible.

Another thing is that at the level of project management, which is the heart of management – Now we have hope that next year it will be operationalized but before there was nothing. We need a unit of project management at the level of the Secretariat to monitor the whole process within the region.

Mr Speaker, in 2017, we will get almost 27 staff retiring. Imagine at that time if there is no arrangement to see how to recruit or keep the recruited staff, how inefficient the Community will be. It is a matter of emergency. What is very problematic within the Secretariat is that they do not even have

data concerning how and when people will retire. It is not normal.

I remember my colleague focused on something that is also very important; how the implementation of the decisions and directives of the Council of Ministers- Since 2001 there are many lacunas concerning non-implementation and no action at all. These you cannot do in eight days if it cannot go through the report deeply.

Mr Speaker, I want to give some time to my colleagues also. I want to end on something that is abnormal with the Community. I am not a lawyer but when you say ‘temporary staff’ and we compare with short term contracts, they are not the same. I think in our rules and regulations, temporary staff according to our rules and regulations but short-term contracts are not. Even when people try to see how to accommodate and make interpretations, this is not normal.

Mr Speaker, I support this report. I wanted to go deeper in many details but I wish to stop here. Thank you.

Ms Isabelle Ndahayo (Burundi): Thank you, Mr Speaker. Since it is my first time to take the floor here in this republic, I would like to thank the Republic of Rwanda for the warm welcome they have given to this Assembly.

I would like to thank, in a special way, the Rwanda chapter for their warm welcome, but particularly hon. Hajabakiga. She did very good work; we are feeling at home because of what she did.

Mr Speaker, before I continue, I would like to give a general observation on this activity. The exercise we are doing now we always do every year but it seems that we debate for the sake of debating. This is because we always raise the same issue and I do not want to come back on this. I would like to ask the

committee, when they are doing this activity, if they take time to access the implementation of the recommendation this House did on the previous reports.

Of course, if you look at this report, the situation has improved. There is a big improvement but I have an issue that always this reports on the negative facts. I think we should also look at positive ones. Is there any positive aspect which can be reported and which can motivate this House?

Mr Speaker, when we analyse this report, there is always an issue of mismanagement of funds of EAC. This mismanagement is very big. You cannot imagine such a big organisation where there is no clear monitoring and evaluation system. How can you expect to achieve an objective when you have a weak monitoring and evaluation system? According to this report, the monitoring and evaluation unit is understaffed and it is inadequately funded. That is why, if the committee accepts, I would like to recommend this House to urge the Council of Ministers to strengthen the monitoring and evaluation unit of EAC so that they can help to monitor all these recommendations and also specially to monitor and evaluate management of EAC organs and institutions.

Mr Speaker, as I have said, we always raise the same issues. I do not think that we should stop raising some of these issues like the issue of institutional review which never ends, the issue of management of human resources in EAC- these are the issues (*-Inaudible-*)-observing. It is in some way caused by this institutional review which never ends. I think this House should put more emphasis on the implementation and finalisation of this institutional review.

Regarding the issue of human resources management, we have always requested to put in place a human resources management

strategy for EAC but it is always the same; they never change.

Therefore, I would like to urge this august House to urge the EAC to enforce the total autonomy of EALA to manage its resources especially human resources. EALA should be independent and autonomous. We should manage our resources, maybe it is where we can overcome the issue of inequity which is there. When we talk of more than 50 members of staff for EALA and we have just one Burundian, it is very bad. Yes, that is the case. Out of more than 50 staff members of EALA, we have just one from Burundi. This means the human management is still a problem and the problem of equity should be reviewed.

Mr Speaker, I was surprised to see in this report where some officials, including EAC Secretary General, when they are doing their activities in Partner States travel by air. At the same time, vehicles follow them with all related cost implications.

I want to support the recommendation given by the committee that this should be reviewed. These officials or secretaries general should hire vehicles in the Partner States that they are working in. they should not go and call the drivers with all the vehicles and financial implications which follow.

Mr Speaker, I beg to support the report.

Ms Shy-Rose Bhanji (Tanzania): Thank you, *Mheshimiwa* Speaker for giving me the floor. The audit report has revealed serious management malpractices as revealed in this report of the Accounts Committee. There are two to three issues that I would like to touch upon. One is the project management unit.

We are told in this report that this unit is almost non-existent. The report reveals that to date, this unit is under staffed. How are we going to count the milestones of the projects and programmes of this Community if this very important unit is almost not there? What is the problem?

I am always asking this same question in this Assembly. What is the problem with this Community? How are our donors going to view us if they give us funds and then we tell them that we do not have the unit to monitor and evaluate the projects?

Mheshimiwa Speaker, it follows that even the project appraisals are not properly reported upon. Moreover, there is a problem of over budgeting and re-budgeting for activities that have been already completed. Where is the problem? Why are we allowing these kinds of things to take place in this Community? Year after year we are debating over the very same things. *Mheshimiwa* Speaker, it is time we got serious in this Community.

There is also another problem of not following financial rules and regulations. This is a serious issue. If we do not abide by the rules and financial regulations, again we are painting a very negative picture of the East African Community. The irregularities in financial management show lack of seriousness. For how long are we going to continue allowing these kinds of problems to take place every day? For how long are we going to talk about the same things in this Assembly? I think it is time for this Assembly to put to task all these staff and officials who have committed such malpractices.

I am requesting my colleagues to support me today so that today we demand good answers from the Chair, Council, short of which they should go. Chair, Council is asking, go where?

Mheshimiwa Speaker, on a serious note, having gone through this report thoroughly, I have come to a conclusion that there is no seriousness at all. There is no seriousness on the part of the management, on the part of the Secretariat and the Chair, Council. There is no accountability at all.

Mheshimiwa Speaker, it is very important that we do have a road map if we want things to work out. We need to have a road map from the management, EAC Secretariat and other Organs so that year after year we do not talk about the same things over and over again. I am calling for strict disciplinary action against all those who have committed malpractices.

Lastly, please allow me to talk about the delay of assent of 22 Bills by our heads of state which are still pending. We are told in this report that some of these Bills have been pending from 2010 and only one Bill has been assented to. It is said in the report that it was agreed that these Bills would have been signed by 30 July 2015. We have now past six months and these Bills have not been signed. Can we please be given the status of how many Bills, out of these 22, have been signed to date?

Mheshimiwa Speaker, given the delays over the lack of assent to these Bills, we cannot avoid giving the impression to the public that we are not taking issues of the East African Community very seriously. We demand to be given a way forward by the Council of Ministers. What is the problem with these Bills because so much effort has been taken by this Assembly to prepare, to debate and then pass these Bills? We need to be given the reasons as to what the problem is.

On the other hand, with these delays of assent to these Bills, maybe it is time for EALA to pause and reflect on the quality, exhaustiveness of the subject matter and also give enough room and time to the Partner State who show concern and reservation when these Bills are brought to be read for the first and second time.

My advice on the way forward for EALA is to take a step backwards and re-examine our modus operandi on the way and manner in which we are passing these Bills in the House. One example and I am winding up, is on the Bill on forest management –

The Speaker: Honourable member, is your concern on how this Assembly passes Bills or the assent to Bills? This is because our procedure of how Bills are treated when they are introduced are a matter of our Rules of Procedure and we have followed them to the letter. I think you need to help the House know where your concern is; whether it is a matter of the assent or it is a matter of how we pass the Bills. Thank you, proceed honourable member.

Ms Bhanji: Thank you, *mheshimiwa* Speaker. I was very clear. One, I was saying that a lot of time is taken, not only time and money to prepare these Bills to debate and finally pass in this House. However, there are 22 Bills pending that have not been assented to. I wanted to know what the reasons are for the delay in assenting to these Bills.

Secondly, I went on to say that maybe it is time for EALA to pause and reflect on the way and manner in which we pass these Bills. I am saying that because 22 Bills are many so if one Partner State or two Partner States – *(Interruption)* I am not taking the information, Mr Speaker.

The Speaker: Order is granted.

Mr Mathuki: Thank you, Mr Speaker and thank you very much, hon. Shy-Rose. Is the honourable member in order to insinuate that this Assembly should not do their work by debating? Our role is to legislate and do oversight and that can only be done through the Bills. When she says we should take a pause as an Assembly, pause to do what? Is the honourable member in order?

The Speaker: Thank you so much, hon. Pater Mathuki. The Treaty and our Rules of Procedure are very clear. The processes of how the Bills are treated are well laid down. Once we pass our Bills here, they are forwarded for assent and if assent is withheld, it is supposed to be returned back to this House for reconsideration.

The Office of the Speaker has not yet received a returned Bill with clear reasons of withholding of assent. Therefore this Assembly is still doing its work as required by the Treaty and the rules. I would urge the honourable member to explore where the problem is. Thank you. Hon. Shy-Rose, proceed and conclude.

Ms Bhanji: *Mheshimiwa* Speaker, I think we are all talking about the same thing. I am not disputing or saying that this House is not supposed to pass Bills. That is our job and we are supposed to be doing that. However, what I am trying to say is, let us reflect. When I said let us take a pause, it was just –
(*Interruption*)

Mr Zein: Mr Speaker, is it in order for the honourable member to persist on the same line of argument even after you have given a ruling on this?

The Speaker: The honourable member is advised that this Assembly is doing a fantastic job in accordance with the Treaty and our Rules of Procedure. The Speaker has guided that the honourable member explore where the problem is outside this Assembly because we have not yet received a returned Bill with the reasons for withholding assent. Therefore, the problem is likely to be beyond us.

Maybe also the member should be cognisant of the fact that this Assembly has advised that the mode of assent be reviewed and this process is on-going. Three heads of state have already consented to the advice of this House to the effect that Bill assents shall be done when Summit sits. So this matter is a concern of this Assembly as well. Thank you, honourable member. Proceed and conclude.

Ms Bhanji: Thank you, *mheshimiwa* Speaker. I was going to – (*Interruption*)

Mr Mathuki: In line with our own rules, the honourable member keeps on using the word '*mheshimiwa*'. I do not understand this word. I only understand English and I think it is only fair that she uses the right language that is provided for in these rules.

The Speaker: Just to guide the honourable member on a serious note, the official language of the Community is English and our rules are very clear as to how the Speaker is referred to. So please confine yourself to the Rules of Procedure. Proceed.

Ms Bhanji: I beg your pardon, Rt hon. Speaker. *Mheshimiwa – (Interruption)*

Mr Zein: Mr Speaker, is it in order for the honourable member to be persistent after she has been corrected?

The Speaker: I would think that the honourable member has a tongue twist but her intentions are clear so refer to the rules.

Ms Bhanji: Thank you, Rt hon. Speaker. Please allow me to use this example. I know I am just winding up. I do not want to dwell on this subject matter but I just want to give this example so that from now onwards, we are very clear on how we go forward regarding the Bills in this House.

Mheshimiwa Speaker – (Interjections)

The Speaker: Let the honourable member proceed. We will accept her tongue twist.

Ms Bhanji: Mr Speaker, last week this House passed the Forest Management Bill. Tanzania had requested for more time to consult further – *(Interruption)*

Mr Opoka-Okumu: Mr Speaker, is it in order for the member who is sitting on my right to reintroduce debate on a Bill that has already been passed by this House?

The Speaker: Honourable member holding the floor, I would guide you for the last time that ruling has been made on this matter. The question of lack of assent to the Bill is not a matter or a problem of this House. It is a problem beyond this House and we are working together with all the concerned parties to find viable and lasting solutions. So please, desist associating this august House to the problems of assent. Please proceed and conclude.

Ms Bhanji: Thank you, Mr Speaker but I do not think that I am being treated fairly because I have the right to give my opinion and my advice in this House and I do not think that the treatment I am receiving in this House is fair. On that note, I end my debate. Thank you.

The Speaker: Honourable colleague who has been holding the floor, for the purpose of the record of this House, this is a rule based Assembly and the way we debate is governed by the Rules of Procedure. Members are at liberty to raise issues of procedure, order, information. There are those which are mandatory and we confine ourselves to the rules. All members are supposed to be treated and are going to be treated fairly by the Speaker. Please, there is no unfair treatment, let us stick to the Rules of Procedure. Thank you so much.

Ms Agnes Mumbi Ng'aru (Kenya): Thank you, Rt. hon. Speaker. It is my first time to stand on the floor in this Kigali plenary. I want to take this opportunity to thank the President of the Republic of Rwanda, His Excellency Paul Kagame and also pass my condolences to him for the loss of his mother and to the people of Rwanda. Thank you very much for hosting us through the Chair chapter. They have done a very good arrangement for us and we feel at home. Thanks to the National Assembly for giving us space to enjoy ourselves as we debate and do business in our Kigali plenary.

I want to state from the onset that I am a member of this Accounts Committee. I have been a member since 2012 when we joined the Third Assembly and therefore, I have worked with the Accounts Committee and the Audit Commission for three years now. I stand to say that there is a big improvement.

I listened as members were contributing like we have not adjusted ourselves. What have we done? Have we given an account of the recommendations we previously gave in the previous audit reports? I want to ask members if they went deep into the report. There is an account of the previous recommendations done by the committee and they have been tabulated. It is just because the assembly does not have the time and the committee also rushed through them but there is an attempt so we are making progress.

I am aware that members know what is in the Accounts Committee but I want to pick on two or three issues and the reason why I am convinced that there is a lot of improvement in the whole layout of the Accounts Committee as I urge members to adopt this report of the committee.

Last year in our sitting in Bujumbura, when we were discussing the previous audit report of 2012/2013, there was acrimony. I

remember the Chair, Council standing on the floor of the House and calling the Audit Commission incompetent. Actually he almost told off the Accounts Committee then but our dissatisfaction at that time and the issues that we raised, the reflection that the EAC Secretariat and other organs sat through the Audit Commission this time round has really contributed to the improvement in the current Audit Commission report.

There were issues but even discussing the issues between the Audit Commission and the Accounts Committee and the management of EAC was cordial. I stand to be corrected by my other colleagues in the committee that the relationship and discussion was cordial and for the first time, all the organs, the senior officers in all the organs actually sat with us and discussed face to face in a very cordial relationship.

However, there are things that still stick out as wanting in the Audit Commission report. This big animal called institutional review is something that is really wanting. It was there in 2012, 2013 and even now, it is still sticking out as a sore thumb in the Audit Commission report. Something must be done to bring it to an end and for the committee to urge the Council of Ministers to bring this to an end is actually a cry for the whole Assembly and the other institutions of the EAC that are suffering because of this institutional review.

Sometimes I feel lie the problem is also being created and not being given the attention that it deserves because probably somebody is benefitting out of the confusion. I tried to believe that if the Chair, Council of Ministers would really stamp his foot to bring this thing to an end – It has consumed quite a lot of resources of the EAC, it is like a hydrant. Every time we talk about six months, then it is extended to the next financial year. –

Therefore, I would ask the Council of Ministers to sit and make a decision about

this institutional review. EALA as an institution is suffering, all members know that about 17 members of staff are retiring, we know that there is probably a problem of equity that members are talking about. Although we are talking about the HR department, when we sat with them, they brought it to us again that the problem is the institutional review. It was like that last year and it is the same song this year. Please, let us not have the same song next year.

My other issue with the report is on procurement. It is another area that is wanting and sticks out like it is a deliberate thing and like somebody is a beneficiary and like we are not serious like a colleague said. Let this be handled with the seriousness that is deserved for an institution or an organ or the whole of the Secretariat. Let us get our hats in order so that the procurement does not look so bad. It paints the whole of us in a wanting manner in some of the arrangements that are in this report, especially when it comes to the underperformance of programmes and projects where some projects are at 3 per cent and others at 30 something per cent and others are below 40 per cent.

Mr Speaker, that tells members that we are under performing and therefore, that is an area that the management, the EAC Secretariat really needs to sit and talk about. Under performance is not a very good thing ... *(Inaudible)*... be talked about by the auditors and we sit and discuss as a House on under performance.

As the Accounts Committee, we have raised the issue of value for money audit quite a number of times and it still appears in this report. Even as they gave us kind of a clean bill of health on many programs and projects, the issue of value for money was raised. We raised it before as Accounts Committee and it has been raised now. The reason we were given is that, that is not what was asked for

and it is only this Assembly that can ask for value for money.

I am urging this House to get to the bottom of value for money so that the issue of waste and under performance in the Assembly and other institutions of the EAC are addressed.

I am a member of this committee, I am happy about the report this time round. It is not always good to be acrimonious. We can disagree but disagree in a respectable manner. That is what happened this time round in our interaction with most of the organs that we met although the time was not enough. Thank you, I support the report.

The Speaker: Thank you, hon. Mumbi.

Mr Peter Mathuki (Kenya): Thank you, Mr Speaker and thank you so much for protecting the rules of this House because protecting this is a house of rules as you have already put it and I am sure whatever is said and done in this House has nothing to do with any personality.

I want to start by congratulating hon. Shy-Rose for ably bringing the issue of assent of Bills because this is important because if heads of state do not assent to the Bills and yet we have been debating and passing these Bills, obviously that is again touching on the mandate, duty and work of this Assembly.

In terms of content of what the honourable member was bringing that is valid and I think I fully associate myself with that and I want to congratulate her most dearly.

Mr Speaker, let me start by saying fighting corruption is holy and godly. It is only through fighting corruption that we will be able to fight poverty in this region. It is only through fighting poverty that we will be able to embrace sustainable development.

Mr Speaker, if you read this reports of accounts and what the Secretariat has been doing, this is nothing but corruption at the Secretariat.

Mr Speaker, when we are doing budgets, all the heads of organs are there. When we are doing accounting, they do not come but send some staff. Therefore, you wonder whether they are using this Assembly as a guitar where they beat the guitar and nobody is singing and yet each one of them knows and understands their responsibility.

How can we be seated here as members and every other time we talk of issues year in, year out and hon. Mumbi has said this. When we come to actual implementation, there is nothing. I think it is high time that each officer and staff member of the East African

Community take their responsibility, starting from the Secretary General because that is what they are meant to do.

I think it is high time that we did audits of the senior staff of the Community in terms of what they do during their tenure. This is because it is not fair for senior staff to come to the Community, finish their period of five years and simply say you have done your part when you have done a lot of injustice to the Community.

That is why I am saying that it is important that we start fighting corruption because all that is contained in this report signifies corruption.

Mr Speaker, I appreciate you and your wisdom and the wisdom of this Assembly when you said that the committee responsible for Legal Rules and Privileges and track decisions of the Council of Ministers. Mr Speaker, the Chair of this committee, and I want to thank him so much because he has recommended, together with the committee, that the only way of enhancing efficiency is by ensuring that there is proper monitoring and tracking mechanisms that are put in place. If that is not done, it will be a free ride for all. It is high time that each one of us did their duty diligently.

Mr Speaker, I want to speak on two major issues and the first one is on social security. There is a danger here because I have realised that there are some staff that work in the Community and do not even pay their NSSF. I thought that is automatic. It is actually a statutory deduction that should be done. If they are not enjoying retirement or pension then obviously there must be a way of cushioning them in terms of social security and that is by paying NSSF.

Mr Speaker, for whatever reason I am not inciting anyone but if the staff would go to any court and challenge that the Community

has not been paying NSSF on their behalf, the Community would pay with a lot of interest and yet there is a leadership in the Community that is supposed to be checking on some of these things. There is no institution that is exempted from paying statutory deductions in any country. Therefore, why is it that they have not been taking this seriously?

I think it is high time that some of these things are checked so that we proceed-

I have seen and somebody has spoken about casualization. What we are doing at the East African Community Secretariat is not what we call the short term, temporary – There is nothing temporary and short term in law. It is casualization. In fact they are employing our East Africans on casual basis. Why do you want to casualise labour in this Community when we are supposed to be fighting for decent work for all? Decent work for all is the only way to fight and eradicate poverty in this Community. Short of that, you are keeping staff here on temporary and giving them serious responsibilities. Some of them in charge of security and cash and it is not right, it is illegal.

Mr Speaker, it is high time that the Community takes their responsibility and I think the buck stops with the Secretary General. Secretary General, what are you doing? Why aren't you putting policies to ensure that these things do not happen? It is high time that we are more serious than ever and I may, at some point, give notice so that we deliberate and debate some senior staff members of the East African Community and their performance during their tenure in the office. I think that is important.

Lastly Mr Speaker, I would want to talk about the issue of staff privileges. You find for example the Lake Victoria that we visited as a committee and found that the local staff at the Lake Victoria Basin Commission do not

enjoy the same privileges as those at headquarters. That is an issue of motivation and morale. I thought that we should harmonise the issue of privileges so that those staff who are based in institutions or organs of the Community in Partner States are not disadvantaged. It is high time that they are all treated together because it is an issue of motivation and you wonder why some of these institutions are not performing. It is because they are not treated the same.

Some of these Partner States actually signed an agreement with the head office on some of these issues. Why is it that they are not implementing this? I think before we even send some of these institutions or commissions to Partner States, there must be a commitment by Partner States that the staff who come from that particular Partner State will enjoy the same benefits as those staff who are in head office and I think that is important.

Mr Speaker, lastly I would like to recommend to the committee and I hope the Chair will take this. The Accounts Committee checking the issue of accounts of the Community and so forth but I realised that it is very important that within the Community we have institutions that handle issues of finance for example the East African Development Bank and so many other institutions going forward as we talk about the issue of Monetary Union.

I think it is important that we look at the issue of calling this committee a Finance and Accounts Committee so that once we call it that, it has the capacity to handle and even get involved in the issues of negotiating the Monetary Union. Mr Speaker, I submit and thank you.

The Speaker: Thank you so much.

Mr Martin Ngoga (Rwanda): Thank you very much, Mr Speaker. Let me first of all congratulate the committee for the good work they did and particularly the Chair, hon. Jeremie for the resilient way he presented this voluminous report to the House.

Mr Speaker, I am encouraged to note that there is almost unanimity among the members of the committee and who have been around for some time who have observed the positive improvement in the way the resources of the Community are managed.

I would have no reason to dispute that observation, I believe that there has been positive improvement and we need to commend those who have been involved in that process. Of course we do not need to spend much time dealing with the positives, we need to spend much time paying more attention dealing with those things that we are not yet doing right. But we have to note with appreciation that there has been an improvement.

I have to plead ignorance on certain issues that I did not know until I read this report. Mr Speaker, I did not know that the Secretary General cannot sanction the staff of the Community who are not performing their duties the way they should.

Even if it was a private company, you cannot have a situation where the board of directors goes back to do micro management of the company when they have the executive officer they have put in place. So I am not sure that this is something that is also going to be hinged on what the honourable member called the animal of institutional review but it is a serious matter.

You cannot have a situation where the Secretary General cannot deal with errant staff but he has to wait for the Council to convene and have a consensus that never

comes and then we keep complaining about mismanagement. We are going to continue having this situation for as long as those we have put in place to manage the Community are not adequately empowered to do what they should do.

If the idea is to contain the abuse of power, there must be a benefit of doubt. This is a position that members hold on rotational basis, let us empower the Secretary General and if he abuses the power that is another problem. We can find other remedial mechanisms that can also be put in place but having the Secretary General, the chief executive of the Community who cannot sanction the driver, the cleaner- whoever is involved in malpractices -

I am told there are some situations where reports are made and they are debated in some sentimental ways when there is clear evidence that someone has done something criminally wrong. This is where we need to pay attention and fix this structural problem because it is a structural problem that needs to be addressed – (*Interruption*)

Ms Byamukama: Mr Speaker, I thank hon. Ngoga for giving way. Maybe the clarification may not go specifically to hon. Ngoga but maybe to the committee I think we have some few issues to look into because we are all aware that we have staff rules and regulations. I would be surprised if the staff rules and regulations are not very clear on a disciplinary procedure for errant officers. Hinged to this, when you look at the Treaty under Article 67, *“The Secretary General shall be the principal executive officer of the Community and shall (a) be the head of the Secretariat.”*

When you read further, you will find under Article 71, functions of the Secretariat, that, *“The Secretariat shall be responsible for 1(h) the general administration and financial management of the Community.”*

So as far as I am concerned, I think in principle we have where we can hinge that power for the Secretary General to be able to carry out general administration and financial management which obviously would encompass human resource administration.

So maybe it is a matter of us finding ways and urging for a review of staff rules and regulations which would be able to fix this. I just wanted to bring it to our attention and maybe we could have an answer to this at some point from any other entity. Thank you.

Mr Ngoga: Thank you, hon. Dora for the clarification.

One final point is again something I have learnt in the process of reading this report; that the Secretary General does not have powers over certain institutions of the Community. Some institutions of the Community are outside the total purview of supervision by the Secretary General in the way they do their business. It is another structural problem that we need to fix. The chief executive officer means exactly that. You cannot have a situation where we delegate certain powers and take back the same powers we are supposed to be delegating.

With those two general remarks, I am generally in agreement with the recommendations of the committee, subject to the proposed amendment by hon. Zein and I believe that it is not in contravention of any rule, subject to that amendment that seeks to do away with another bureaucracy that stands in our process of dealing with this situation. Thank you very much, Mr Speaker.

Mr Emmanuel Nengo (Burundi): Thank you, Mr Speaker for giving me way to contribute to this important report. Before I do that, let me first of all thank the government of the Republic of Rwanda and the people of Rwanda specifically the chapter of Rwanda for the hospitality and warm welcome extended to us in this wonderful city of Kigali.

I congratulate Rwanda for having been ranked as Africa's most efficient government in global competitive report, 2014/2015 released by the World Economic Forum.

Coming back to the report, I wish to say a few things. First of all, I think as members of the Committee on Accounts, we found that there is now an improvement on the collaboration between the committee and the top managers of institutions. We found that a good way in improvement.

Secondly, when we are complaining about the implementation of the recommendations we made before, I think where I found an issue is the Council. Now we are debating on this important report and the honourable member of the Council is available. Others, we do not know where they are. How will we improve and implement those recommendations?

During our meetings, we did not meet the Council. We do not know where they were but I think it is better that all the members be involved: the Council, EALA, the Secretariat so that we can see some improvement in implementing the recommendations.

Talking about the obstacles we have in executing the projects and programs, I think somewhere we need to emphasise. When we are talking about understaffing, I think the institutional review is the key problem and I think if we come up with this institutional review, things can move very fast.

When we said that there is poor performance, planning, budgeting, monitoring, evaluation and procurement, I think those key areas will lead the Community not to improve because if those plans are available but not planned and executed, I think it is a big challenge for this Community.

When we met the management, I was very glad to hear from the Secretariat saying that now they are agreed with the Audit Commission and also the Committee on Accounts on the recommendations and they now agreed to improve. I encourage them to go ahead.

Finally Mr Speaker, I think what we need to do is to increase the EALA oversight activities because for me when we do those oversight activities, we are proud to meet those managers and heads of institutions and they improve. If the Council does the same, I think things can go in a better way.

Let the Council do its responsibility and follow up and I think if every institution and organ is committed to improve, we will achieve many things.

I end there and I thank you, Mr Speaker.

The Speaker: Thank you so much.

Mr Adam Omar Kimbisa (Tanzania):

Thank you, Mr Speaker for giving me the floor. I also join my colleagues to congratulate the Republic of Rwanda and the Rwanda chapter for the warm hospitality. Indeed we have been enjoying ourselves silently but very effectively.

Not only that, I also pay very special tribute to the Mayor of Kigali for keeping this city clean. Of course I know that it comes from the head of state. If only I could sum up and say the speed of the leader is the speed of the team. So that is why everybody is responding accordingly.

Mr Speaker, money is a mirror of an organisation and I was following with keen interest, the presentation done by the Chair. It said, a number of activities are not performed and one of the reasons among many is the development partners either bringing money too late or not bringing money at all.

Let us see the reality. Our budget is about \$ 140 million. Partner States contribute about \$ 35 million plus and development Partners \$ 60 million plus or about 60 per cent of the whole budget. My million dollar questions are: whose Community is this? Is it our Community or the Community of the development partners? Why did we decide to have the EAC if we cannot fund it in the first place? Three, unless we were given some pressure before this Community and in so doing, we agreed with the development partners that okay, let us form it then you will give and we will implement – I do not think this was the case. It is our baby and therefore you cannot give your baby to somebody else to take care of. You need to take care of our family and this baby is our Community.

The point I am trying to drive home is, let our Partner States take this Community very seriously and seriousness does not mean coming to the Summit, coming to the Council of Ministers, we meeting in these areas but

between and among these, the issue of taking financial responsibility is the crux of our Community. Otherwise, all the time we will keep on blaming people who are not interested, others wanting us to fail and we who are supposed to take our issue seriously, we are the least interested. I am sorry to say this. I think it is our responsibility to push and demand answers to these hard questions. You guys, if we are still interested in this Community, let us fund it.

Regarding the issue of staff, we want more staff but at the same time we do not have money to pay especially quality staff. So there is a contradictory approach here. We want good quality staff and at the same time, the Partner States are unable to fund and at the same time, we expect good performers. It is not possible. We are pushing something else uphill.

Lastly, the issue of procurement procedures. This one, especially in the third world countries, is one of the chronic problems; tendering procedures are tedious but that is where money is eaten. Sometimes if I go direct to the shop and buy this bottle, I can buy it for – How much is it, hon. Patricia?

The Speaker: Honourable member, proceed with your debate. There is no dialogue here.

Mr Kimbisa: Okay. Assume it is 300 but if you go to the tendering procedure, this same bottle, the highest bidder secures will cost about 600. Is it the rational choice of going to the tender?

I have seen in some parts of Europe and elsewhere that there is a big list of goods which has been researched well and people just go to the book and know the price of a bottle of water. You do not need a tender because that item is there. You just send someone to go and buy because the book is big and they will buy in time so long as you have the money.

So these tendering procedures can also be the way these people eat money. It is not only in our organisations but also in the third world and that is why we are called the third world, among many other reasons.

With that I say, thank you very much, Mr Speaker.

Mr Straton Ndikuryayo (Rwanda): Thank you, Mr Speaker. I want to declare first of all that I am a member of this committee. The first thing I would like to do, if I am allowed, is to respond to the clarification from hon. Dora because she raised clarification to the committee on the issue of if there is some provision under the staff rules and regulations on sanctions of the staff.

I remember as a Committee of Accounts, we met the Secretary General and raised that issue to him. There were actually two particular cases and one was the estate manager and another was a staff from Lake Victoria Basin Commission, if I remember very well, which were reported in the audit report for the year ended 30 June, 2012. We were looking for the implementation of recommendations but the issue was that actually the provisions are there like warning letters, seeking explanation from the staff, temporary suspension to allow investigation and others.

The big challenge is that even the report from the investigation should pass via the Council of Ministers. So the challenge is coming from consensus from Council of Ministers. The decision of sanctioning the staff is not taken by the Secretary General nor the executive secretary of the institution or organ of the Community and that is the challenge. We can appeal to the Council of Ministers to provide some amendments so that we empower the head of EAC institutions and organs instead of going around that process.

Mr Speaker, there are some recommendations that we made three years ago. I do not want to enumerate all of them but I will enumerate a few. One is inadequate staffing across EAC organs and institutions. My honourable colleagues have talked about this but like hon. Mumbi said, the response is only one; the institutional review. If you say there is no performance of a planned activity,

they say, “We are lacking enough staff, we have many vacant positions and we are still waiting or institutional review.”

Mr Speaker, there is another issue of unauthorised use of gratuity by some EAC organisations. This was reported from 2012. For example in Lake Victoria Fisheries Organisation and even this report, the case is there for using gratuity of staff. Of course they have a big challenge of lack of funding and that is a case to be dealt with by the Council. If you raise the issue, there is a total disconnect between the governance council of the Lake Victoria Fisheries Organisation and the Council of Ministers.

Mr Speaker, there is an audit query in this report regarding non implementation of the Treaty provisions especially Article 9(3) on the issue of auditing EAC organs and institutions where the auditors reported that they did not even have a chance to audit the East African Development Bank. If you remember, honourable members, we met the management of the East African Development Bank and they raised the issue of sensitivity of money, they raised the issue of shareholders because even if they are an EAC institution, they have other shareholders outside the East African Community.

We agreed that at least even if they have the report from external audit firms, at least a copy of the audit report can be availed to the Audit Commission.

Mr Speaker, the last two things include the issue of questionable sustainability of service delivery. It is related to the points raised by hon. Rwigema and other honourable colleagues where the audit Commission reports that about 27 staff will retire in 2017. I want to specifically talk about EAC professional staff and the issue of term limits of those professional staff. I think that can be good for executives but if it comes to professional staff, it is a big challenge for the

Community and it does not serve the Community at all.

We even had a comment from the Secretary General mentioning that they are not able to attract good professionals when they are young. A young professional who is 25 years cannot join the East African Community for 10 years because he knows he will retire at 35 years. What is he going to do?

For the professional staff, I appeal to the Council to work on that issue to at least have sustainable service delivery and continuity and institutional memory of the Community.

Lastly Mr Speaker, is on the issue of the career progression scheme. Hon. Mathuki mentioned the issue of pension but I want to also speak on the issue of career progression scheme. The East African Community is lacking the career progression scheme where you can join the East African Community in 2010 and you reach 2020 keeping the same salary. That is not attracting more and qualified professional staff.

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

Ms Maryam Ussi (Tanzania): Thank you very much, Mr Speaker. First of all, as it is my first time to stand, I would like to thank the government of Rwanda and the Rwanda chapter members of EALA for their warm welcome.

In the same vein, I would like to congratulate you as well, Mr Speaker, for the good work you are continuing to do.

Mr Speaker, I will just dwell on two points going quickly because of the time and many members have contributed. I would like to first speak on misappropriation. Many members have said that the Accounts report of this year is better but I was asking myself and I said when I stand here I will ask members if EAC has to be given a certificate for clean accounts today with this report for 2013/2014, will we be able to get a clean certificate for the accounts of EAC? I do not believe we will be.

Mr Speaker, I would like to remind members as well that many people in all five Partner States in this Community are living on less than a dollar a day. This is very little money and at the same time, there is no sieve in the EAC especially in the Secretariat to save this money.

I do not regard this report as a good one because there is so much misappropriation, procurement procedures have not been adhered to, documentation to the Audit Commission for verification were not provided, projects under performed on page 73, EAC institutions do not claim tax exemption and as I said, we are living in five Partner States where people are living on one dollar a day and yet we do not claim tax back.

Mr Speaker, I did not mean to talk much but I want to declare that I am a member of the General Purpose Committee which deals with budgeting so in the recommendations of the Accounts report that was provided

yesterday, many issues that were brought forward we were told will be clarified in March 2016.

Therefore, I would like to urge the committee members of Accounts especially the Chair of the committee to make sure that it is even 30 March when members receive the interim report to know what has been done from what has been commented here.

Lastly Mr Speaker, on the issue of institutional review, as I said before, I am a member of the General Purpose Committee which deals with the Budget. Most of the times when projects are not finished, when there is not enough staff, we are told it is because of institutional review so I was amazed to see that in this report, it also says in March 2016 there will be finalisation of the institutional review.

I would like to take this opportunity to urge the Chair, Council if he will give any of his words here, that in March 2016, this House should receive a report because we have been singing about this institutional review and – This is my third and a half year and we have singing the same thing of institutional review. I remember last year when we were about to pass the Budget, the Chair, Council promised us that the institutional review is about to be finalised. So I believe this March date will not be overdue. When March arrives, which is not very far, we will have institutional review which will solve a lot of problems.

Mr Speaker, I support the report and I thank you for the opportunity to speak. Thank you.

Ms Patricia Hajabakiga (Rwanda): Thank you, Mr Speaker. I wish to thank all the members for thanking the EALA Rwanda chapter for receiving them and I want to say once again that you are at home and we would want to welcome you to come back even in January instead of sitting in Arusha. You are most welcome.

Mr Speaker, mine will be very short because so many issues have actually dealt with the issues which I wanted to look at.

First of all, let me thank the Council of Ministers and the Secretariat for having this time around, produced an improved accounts, taking into account what has been happening in the past where at one time we had a problem of whether we should pass the report or actually refuse the report. I want to congratulate them.

That being said, there are issues which keep on coming year after year. The issue of delayed project implementation – As much as my colleague, hon. Kimbisa raises the issue that why should this Community depend on donors, even our Partner States still depend on donor funding. However, it is not an excuse that even the little we are receiving experience delays in implementation.

I counted over 15 projects which were audited during this minus the specific projects under Lake Victoria Basin Commission which I know – I did not see them in the report because they audit the Lake Victoria – Not a very specific project.

Most of them are delayed, there is weak absorption capacity, there is the issue of procurement under projects, the issue of consultancy who actually receive a lot of money and yet when you look at the work which they are doing, you do not see any improvement.

Mr Speaker, I wanted to know if this committee or maybe the Audit Commission have actually had an opportunity to look at the external audit report of this project because I know most donors have specific external audit for their projects. I would like to know if this committee has had an opportunity to look at those reports or it is only this report which comes from our Audit Commission which they have looked at so that we can hear what the donors are saying in relation to their own projects which they are funding.

Mr Speaker, I also want to look at the issue of staff at EAC. I think this Assembly has pronounced itself several times that we need to know how, in building into the institutional review, what we can do. For example, in EALA alone, leave the general issue of the Secretariat, most of the clerks we have entered the Assembly in 2007/2008 which means they will almost all be leaving in 2017. What does that mean? It means this Assembly will begin to recruit the clerks, train them in order to be able to perform the activities and the work of this Assembly – *(Interruption)*

Mr Sebalu: Thank you very much and I would like to thank hon. Patricia for giving way. Coincidentally, that will be happening at a time when the Assembly will be having a new team. So look at a situation where the staff are new, it is a new Parliament. Definitely it is not a desirable position.

Ms Hajabakiga: Thank you, hon. Sebalu for giving this information. It is really very critical for continuity of an organisation. We need to look into the policy because I think it is a policy issue where people come in with a term of five years renewable once. So there is a lot of problem associated with that.

The issue of career development of staff –
(Interruption) -

The Speaker: Hon. Patricia, before you leave that point, for the benefit of the Council of Ministers, this House has also addressed itself to that effect. The Commission discussed that matter and has written a position paper on the matter that has been forwarded to the Council of Ministers for consideration and review of the policy. I think that is important to be known. Thank you.

Ms Hajabakiga: Thank you, Mr Speaker for giving that information. I was about to say that they really need to look into it because in the last years, when staff know that they only have one year or two years, they stop working and start looking around for jobs where they will be going next.

Therefore, the Council of Ministers needs to look into these policy issues otherwise we do not have a Community which continues to lose staff. You employ new staff who will not have developed at all to save the Community. They do not even have morale to continue to work because they know that at the end of five years or ten years, they are leaving. So we need to review this policy and look at how we can have more career development especially among the staff of the Community.

Having said this, I want to support the report and congratulate once again the Council and the Secretariat for the good work done in this year at least.

Mr Twaha Taslima (Tanzania): Thank you, Mr Speaker. A lot has been said about things that have been happening badly but you will find that most of these things range around financial husbandry. The biggest problem is about financial husbandry which is happening to an institution which happens to depend heavily on the financing partners of our development.

On this case, you will find that it is a big contradiction where you have people who have to go and beg for financial assistance. They are the same people who do not use that money as it should be used and at the same time, they are the same people who do not put in enough effort to make sure that the regulations that are in place are followed to the letter.

I just pointed out three areas which I do not want to take a long time speaking on. The first one is about non-compliance with procurement policies and procedures which appear on page 49 and page 50 of the report. The committee has found out that procurement units did not prepare annual procurement reports so the reports for annual procurement are not there at all for all the tenders. There are no contract management systems in place, no standard format of contracts used in the EAC and generally management said it agrees with that. If management has been put to the corner of agreeing with these things, it is a very serious matter.

The second one is about the EAC having to pay back to SIDA the amount of more than \$ 2 million unutilised by the Partner States and the Secretariat. If we are the people who have to go outside and beg for money and at the end of the year we are the people who have to return the money because apparently we have not put it to use then we are in a very serious situation which should be rectified

very quickly if we want to see out EAC go on.

The last thing from me is about delay in accounting for staff imprest. A shining example is IUCEA where almost half of the balances date as far back as 30 June 2013. If today we are going into 2016 and you find half of the unaccounted for staff imprest dating back to 2013, that is a very serious issue that we have to look into.

In fact I go to the extent of saying even the recommendations by the committee are not serious enough. They do not come with that seriousness which we should be putting in.

IUCEA management responded that it agrees with the auditors. So if it agrees with the auditors, it means it is a thing which is agreed upon and accepted. That acceptance is an acceptance to failure so if we fail, how are we going to make sure that our people in East Africa have to depend on our expertise and seriousness? It is a very serious position.

Mr Speaker, a lot has been said, I think I should stop there. Thank you very much.

The Speaker: Thank you, hon. Taslima.

Mr Francois Kalinda (Rwanda): Thank you, Mr Speaker for giving me the floor. First of all I want to join my colleagues from the Rwanda chapter in wishing you, Mr Speaker, a good stay in the Republic of Rwanda as well as a good stay to other non-Rwandan members of this House.

I stand to support this report presented yesterday by hon. Jeremie Ngendakumana, the Chair of the Committee on Accounts.

Before I come to my points, I would like to say that as a new member of this Assembly, I was also very happy to be a member of the Committee on Accounts because being a member has given me the opportunity to be introduced to the Community through its organisations and functioning. Being a member of this committee has also given me the opportunity to get the global image of the Community.

Of course I still have a lot to learn but at least I could know what the institutions, organs, programs and projects of this East African Community are.

Coming back to my points, I have a comment on the general recommendations even though as I said, I am one of the members of this committee. When I was reading through the report, I realised that there is an issue that deserved to come out as a general recommendation and that is the issue of retirement of imprest.

The Audit Commission raised the issue of retirement of imprest across the different projects and programs of the EAC but in our report, we could not give this recommendation as a general one. The Audit Commission raised this issue referring to the regulation 40 paragraph 3 and 4 of the financial rules and regulations of the EAC.

I therefore propose that the issue of delay in retirement of imprest be a subject of a general

recommendation urging the East African Community Council of Ministers to direct EAC management to ensure that all the imprest given out is retired timely as provided for in regulation 40 paragraphs 3 and 4 of the financial rules and regulations of the EAC.

That is my only point and I beg to support the report. Thank you, Mr Speaker.

The Speaker: Thank you so much, hon. Kalinda for your maiden speech. I can assure you that you are on the right track. Keep it up. I had intended to stop with hon. Kalinda but my eyes have caught hon. Susan and hon. Valerie.

This report is very crucial and any additional voice that brings corrections to the process is necessary. Kindly, do not over emphasise what has already been stated. Help us introduce your new points. If you can take three minutes each, it will be good.

Ms Susan Nakawuki (Uganda): Thank you very much, Mr Speaker. I will try to summarise my issues.

Allow me to add my voice in appreciating those members of the Rwanda chapter who have worked tirelessly to ensure that our stay here is very comfortable. I thank you.

I also want to bring you, Mr Speaker and the entire Assembly regards from the Commonwealth of the Bahamas. I should say you missed but never know, I might do it again for the sake of the rest of the members who were not able to attend. I would like to say many members sent me with a lot of flowers. I cannot mention each of the members but I just want to say thank you to all of you, honourable members.

I also want to appreciate the Accounts Committee for the job well done. I had the chance to serve on this committee for two and a half years and I would say it has been my best committee so far. I am no longer there and I deeply miss it but I know my colleagues who are there are ably doing the job.

Mr Speaker, I just have a few issues that I would really want to re-emphasise. I know these issues have been ... *(This part of the Speech was inaudible to the Editor, please fill it in if you can, Madam)*... to see that nothing has been done about them. That is why I want to re-emphasise them. Mr Speaker, one of these issues is the constant missing of receipts. In almost every audit report, you find that receipts are missing. The auditors raise it, the committee complains about it, the management keeps saying it is noted but after that, what next? It is a vice that keeps reoccurring. If something like that keeps occurring and nothing is done, the habit keeps growing.

Therefore, I would like to inquire from Council of Ministers, what are you really doing about this? Because receipts are

missing every day, that means funds are not accounted for.

Indeed it is true that the auditors keep saying that funds have not been accounted for in different organs of the Community and the answer is always, "Noted." What do we do about this?

Hon. Shem Bageine, you always come here and you are a very eloquent minister I am really proud of that eloquence – *(Interruption)*

Mr Mathuki: Mr Speaker, is it in order for the honourable member to personalise this? I thought when she was talking of the Chair, Council, it is an office. But when she goes to be specific to hon. Bageine, I think it is not fair and I do not think it is in order. Is it in order, Mr Speaker?

The Speaker: Thank you, hon. Mathuki although you always want to rule on your own order. However, the issue is the matters should not be personalised. Hon. Susan, proceed.

Ms Nakawuki: Thank you, Mr Speaker, for your guidance. I wanted to emphasise because fortunately or unfortunately, it is always hon. Bageine in that seat and giving us assurances. I have always taken him for his word and that is why, to hold him accountable, I wanted to name him but I want to thank you for your wise counsel and I will request my brother hon. Mathuki that if you want my attention, wait for me elsewhere. Allow me to submit on my issues because they are really important.

Another issue, Mr Speaker is the issue of forensic audit. This has also been a constant recommendation either from the Audit Commission or the Accounts Committee or the Assembly itself but this has never been implemented at any point in time. So I would also like to learn from the Council of Ministers what they are doing about this because we seem to be a talking post. We say whatever we want to say, they listen and that is the end of the road. So I want to hear some assurance from the Chair, Council of Ministers.

The other issue of concern, Mr Speaker, is the issue of previous audit recommendations not being fully implemented. This is always there on the audit report. I want to find out from Council because the Accounts Committee has done its part and tried to tabulate these recommendations and what has been implemented and what has not. However, the excuse is always the institutional review.

The honourable ministers have always given us new time lines that next year by this time and it keeps going on and on. I am waiting for a new timeline right now from the Chair, Council. I want to hear what next because as far as I am concerned, I know the consultant has done his part and now the ball is in the hands of the Council of Ministers. So we want to know what Council of Ministers is doing or you are simply enjoying the titles.

I will end there, Mr Speaker. I thank you.

The Speaker: Thank you, honourable.

Ms Valerie Nyirahabineza (Rwanda):

Thank you very much, Mr Speaker for giving me this opportunity to add my voice to those who spoke before me in outlining my comments with regard to this report.

First of all, I have to declare that I am not a member of this committee but I fully support the report with the explanations therein.

Many of the points I wanted to raise have been well and ably presented by my colleagues. I am going to focus on one issue which has always attracted the attention of my colleagues and myself. The issue I want to emphasise on is the operationalization of EAC protocols.

Mr Speaker, it is not for the first time that we are being told that the Audit Commission and other citizens of East Africa have been reporting that the East African Community Development Strategy, as we all know, for the period 2011 to 2016 outlines broad strategic goals of the Community as well as specific targets to achieve during this period.

This strategy also refers to some programs and projects for the objectives of the Community to be attained. This strategy has always and still aims at implementing four protocols namely the Customs Union Protocol, the Common Market Protocol, the Monetary Union Protocol and the Political Federation Protocol.

Mr Speaker, we all know that the Customs Union Protocol which came in to force in 2005 was aimed at uplifting lives of East Africans through increasing the intra trade regime and so on. However according to some reports and also when we have the opportunity to do some oversight activities, we have noticed that there is a slow pace in implementation of the very objectives of the Common Market Protocol in that – If I give the example of the elimination of non-tariff barriers, I would like to thank the Council of

Ministers because much has been done so far in eliminating the non-tariff barriers but even recently during our last plenary, we were told that today one non-tariff barrier is removed but another one is created or established.

That is why we should all put our efforts together in eliminating those non-tariff barriers so that we attain the objectives that the Customs Union Protocol was meant for.

Secondly, the Common Market Protocol. I am very sorry because it is something that I always speak about. The main objective of the Common Market Protocol is to widen and deepen cooperation among the Partner States in the economic and social fields. This was to be realised through different aspects namely the removal of restrictions on the movement of goods, persons, labour and so on. Again when we do oversight activities, we have seen that EAC is still experiencing a number of challenges that hamper the realisation of the Common Market Protocol as signed and ratified by our Partner States.

I would like to thank the Council of Ministers so far because a few things are being done regarding the Monetary Union and I hope that the Assembly will be involved in the fulfilment of the objectives and attainment of the objectives that this protocol is meant for.

Regarding the Political Federation, much is also being done but we need to put more effort so that things are done smoothly for the betterment of the East Africans.

However, here I would like to emphasise one thing. We are told that the Monetary Union which was signed by the heads of state in 2013 has only been ratified by two countries namely the United Republic of Tanzania and the Republic of Rwanda. So Mr Speaker, it is the right time for us to call upon other sister republics to – (*Interruption*)

Mr Bageine: Rt hon. Speaker, I would like to inform the member holding the floor that the information that I have which can be verified is that all the five Partner States have ratified the Monetary Union Protocol. I thank you.

Ms Nyirahabineza: Thank you so much, Chair, Council for this information. Unfortunately in the report under consideration, it is not highlighted anywhere that all the Partner States have ratified but if it is true, it is good. We thank you so much.

In line with that, Mr Speaker, considering all the protocols that are not being fully implemented, I fully concur with the committee which came up with a recommendation stating that the Council of Ministers should work out and table before this House a road map on the operationalization of the EAC protocols so far signed and ratified by May 2016. Because the protocols call upon all stakeholders to harmonise all related policies, laws and regulations that will foster integration in all EAC Partner States, I think it is high time for us to insist on this so that whoever has this responsibility has to play their part or role.

I thank you so much, Mr Speaker.

The Speaker: Thank you so much, hon. Valerie. I now invite the Chair, Council of Ministers to make brief comments then I will invite the Chair of the Committee.

The Minister of State for East African Community Affairs, Uganda (Mr Shem Bageine) (Ex-Officio): Thank you very much, Rt. hon. Speaker. I have listened carefully about the comments that various members have made on this report and I will comment on a few of them and also ask my colleague who was here yesterday when the report was presented to make some further comments.

Mr Speaker, very many issues and serious at that, have been raised about the performance of the Community, the management of funds of the Community and some members have gone as far as stating that they envisioned corruption in the manner in which the Community's funds were managed.

Mr Speaker, many have commented on the famous delayed institutional review and I would like to inform this august House that the consultants' report was received and is being studied and Council will deliberate on this report and report to the Summit which, during its last meeting, directed that this is done and the matter is put to rest.

Mr Speaker, the institutional review is important because it attempts to bring various expanded activities and expansion of the Community including elevating the status of the Secretariat and possibly providing political presence at the centre in Arusha in order for certain decisions to be taken without having to be delayed.

Mr Speaker, I have, as a substantive chair, talked about this matter before and as acting Chair, I talk about it again that we had hoped that the Summit would take place as usual last month but because of the elections in the United Republic of Tanzania and subsequent absence of the Cabinet and therefore we could not proceed with the Council of Ministers meeting and indeed the Summit, we are still hoping that when the Summit is held, which now must be next year, the

Council of Ministers will have deliberated on this institutional review and made final recommendations to the Summit.

We cannot continue and I agree with members who said we cannot continue talking about this institutional review over and over again. I want to assure this House that the next Council and subsequent Summit will take a final decision on this matter.

I believe that a decision should be taken and I also want to inform this House that this institutional review is intertwined with the financing mechanism because the institutional review, if we go by the recommendations of the consultant has a lot of financial implications.

We have also looked at reports by experts on the financing of the Community and the sectoral council of the Ministers of Finance had a meeting and looked at this report from the experts and came with various views relating to the same. The Council will also study this and bring it alongside the institutional review so that a decision is taken on both at a go.

Mr Speaker, I have listened to members about the policy needs for the staffing of the Community, the permanence of the staff. I have also listened to members' concerns about mismanagement of funds, weaknesses that are recurrent and many other issues.

Mr Speaker, given the importance of financial management of any organisation, including the projects that we are supposed to undertake, it is the Council's view that we be given time to study this report and interact with the various executives of the organs and institutions of the Community so that we can give adequate responses to the various issues raised.

I would like to request my colleague for any further comments that he may have,

particularly listening to the presentation of the report yesterday and I want to promise this House that we will come up with a comprehensive report relating to the various recommendations that have been made and we will, where necessary, take the necessary action – *(Interruption)*

Mr Mathuki: Thank you very much, Mr Speaker. I wanted to clarify from the Chair, Council. As he commits that they will sit down to see and verify, timeframe – When can this be done, for purposes of records because we cannot just leave it open ended. It is good for him to commit and say, by this particular time, it will be possible to come back to us and report on some of these issues raised by the committee. I thank you.

Mr Bageine: Thank you very much, Mr Speaker and I thank hon. Mathuki for his comment. I want to promise that the Council should, particularly the Council of Ministers responsible for East African Community Affairs and planning should meet with the executives of the organs and institutions of the Community and prepare the necessary report which should be submitted during the next sitting of this House.

Mr Speaker, as I said, I would like to request my colleague to make a few comments and then we will come back to this House with a comprehensive report. Thank you.

The Minister of EAC Affairs, Rwanda (Ambassador Valentine Rugwabiza) (Ex-Officio): Thank you, Rt. hon. Speaker. I would like, first of all to apologise to yourself, Mr Speaker and the honourable members of this august House for joining this session late. As we are holding our session, the national Parliament is holding its Assembly and I was instructed by the Rt. hon. Prime Minister to represent the government in defending a number of laws so please do accept by apologies.

Mr Speaker, as mentioned by the Chair, Council of Ministers, these are only preliminary comments to the excellent report which was presented to the House yesterday. In addition to the comments and reactions presented by the Chairperson, Council of Ministers, I would like to make a few additional comments and one is to do with the performance of projects and programs.

I think this was mentioned in several instances in the report which was presented yesterday; the matter of low absorption capacity, low budget performance for projects and in a number of places in the report, it was suggested that a project management unit be established. This is an essential point that, in the view of the Council of Ministers, should be considered with the executive management and reported back as mentioned by the Chair at the next sitting of this House.

Another comment I would like to make here has to do with the procurement issues. Again it seems to me that procurement issues are part of the issues we ought to consider very seriously in our Community. Procurement issues include those to do with supply, delivery or installation of different types of equipment, delayed supply again procurement exceeding approved thresholds, irregularities which were pointed out in a number of cases in conducting procurement

committee meetings, non-compliance with a number of procurement policies and procedures – I do believe that these are some of the issues that will have an impact on the performance of our Community as a whole.

My third comment has to do with the Value Added Tax issues that we failed to claim refunds on. Indeed it is somehow appalling to realise in the report that the amounts are close to \$ 1 million. I do not think that this is a kind of thing we can entertain in the Community. We will aim at establishing a dedicated unit to handle claims and follow up refunds with respective revenue authorities and make sure that is corrected as soon as possible.

If you allow me, Mr Speaker, I will stop at this stage and as announced by the Chair, Council, we shall revert to the House with more comprehensive responses at the next sitting. Thank you very much.

The Speaker: Thank you so much, hon. Amb. Valentine and the Chair, Council of Ministers for the remarks and the promise to come back to this Assembly in the next meeting in January.

I would like to take the opportunity to invite the chair of the committee to respond but in the interest of time, you may avoid repeating all the points mentioned by members but rather confine yourself to clarification that has been sought and the amendments that have been made for us to proceed on the report.

Mr Ngendakumana: Thank you, Mr Speaker. The financial statements, as a tool or picture, reflect the picture or image of an organisation at a determined time.

We are glad to report, as I have said that the EAC organs and institutions have provided financial statements that were in accordance with international public sector accounting standards and that is why they have all got unqualified audit opinion. That is a very good things and we must commend all our organs and institutions on this.

Another thing I can highlight is that regarding the so many queries that have been raised in this report, we have been told by the Audit Commission which was doing the audit exercise for the Financial Year 2014/2015 that many queries have been addressed and will be reported in the subsequent audit report which will be referring to the Financial Year ending 30 June 2015. Those improvements will be seen in the next report.

There are some issues that are cross cutting and that we have found in all the organs and institutions. These include the issue of procurements. In almost all organs and institutions, the non-compliance with financial rules and regulations has been observed and I am happy to hear from the Council of Ministers that they will address this issue.

There is also this issue of imprest not retired. It is also a generally bad practice in all the organs and institutions.

The low budget absorption is also a problem and the implication is when there is low budget absorption, you are not meeting the requirements of the donors and there is a risk. There is also this issue of short term contracts. This is about the staff rules and regulations. The short term contracts are not provided for at all in EAC staff rules and regulations. They talk about the temporary

staff which is very different from short term contracts.

The temporary contract is when there is a vacancy, when someone is retires, when someone is fired or when someone is dead. Here there is this issue of short term contract which is not provided for by the rules at all.

There is also this issue of equal representation in recruitment. It is provided in the staff rules and regulations that as far as possible, the recruitment should be reflective of equal representation of Partner States. This one is not complied with at all.

There is also this issue of the need to have in place monitoring and evaluation unit but also the issue of having a project management unit. It is important that those tools be put in place to make sure that we are doing our business well.

There is also this issue of cars of some executive officers driving from Arusha to Kampala, or different capitals just to meet the officer who has gone by air. We think that it is a problem that must be addressed because they may be able to hire cars in the different capitals when they go. I think that the only per diem give to the driver is enough to hire a car where the officers are.

The other issues, before I come to the different recommendations, include the one of institutional review and we have got a commitment from the Council of Ministers on this. Let us wait until we have it in place.

There is also an issue of social security that was raised by hon. Mathuki. I think that it is a legal matter and I would like to have the Counsel to the Community to look into the legal tools that we have and assure us that we are in compliance with the rules and laws. I think the CTC will be able to advise properly.

There is also this issue of staff that are treated differently. This is an issue of LVBC where the staff from Kenya are not enjoying the same privileges like those from other Partner States. This is an issue that must be addressed to make sure that we are fair with everybody.

I would like to talk about the issue of corruption that has been raised – *(Interruption)* -

The Speaker: Honourable Chair, we had about 17 to 20 people who contributed on this report. If you are to go on each issue raised by the members as debated, it will take us a lot of time. I kindly request that you summarise and respond to the amendments, cognisant of the commitment of the Council.

Mr Ngendakumana: Yes. The issue of empowering the Secretary General has been addressed and I think that we may find a way of interpreting the Treaty to find an appropriate solution.

The issue of funding of the Community is also an issue because we have seen in this report that the different Partner States have remitted their contribution and there is a problem of the donors who had remitted about 42 per cent of the promised funds.

The problem of time limits of our staff must also be addressed and also the problem of salaries that have not increased for 10 years.

The other problem of poor performance has been addressed but there is also this problem of continuity and institutional memory in the Community. This is related to staff terms and – *(Interruption)*

Ms Bhanji: Mr Speaker, is the Chair in order not to heed your advice because time and again you have told him to summarise his report? Thank you.

The Speaker: Thank you so much. Honourable Chair, you can tell from the claps

of the members that my guidance to you is very important that you just summarise and then go straight to the amendments of the recommendations because 20 people contributed to this debate, you cannot go through all of them. Just go straight to recommendations and acknowledgement of those who contributed. Proceed, Chair.

Mr Ngendakumana: Much obliged, Mr Speaker. I was about to finish the comments. Let us talk about the amendments. First of all there is an issue about the report and other documents to be availed to members in soft copy. I think the Clerk is here and we can agree on this. It will be done.

There is this issue of an amendment talking about expediting the protocols and privileges and so on. Hon. Zein said we have our Bill that must be implemented. This is the EALA Powers and Privileges Act, 2003 that may be implemented and this can address the problems that were raised. I think it is okay. We may then have the amendment as provided for by hon. Zein and we will consider it.

There is also this issue of EALA requesting the Council of Ministers to do this. We must be responsible ourselves and do things the right way, I think.

There is a recommendation proposed by hon. Isabelle that the House do urge the Council of Ministers to strengthen the monitoring and evaluation unit. I think that this amendment can be accepted because the monitoring and evaluation unit, together with the project management unit are very important for the Community.

There is also an amendment to make EALA autonomous and independent in terms of management of its resources and also the human resources. I think this has always been a request by this House and I think we can also take this.

I have a recommendation from hon. Kalinda who proposed that the issue of impost be part of the general recommendations as it is cross cutting. I think that is okay.

Mr Speaker, I would like to thank all the members that have contributed to this important report. I thank hon. Yves, hon. Zein, hon. Rwigema, hon. Isabella, hon. Shy-Rose, hon. Mumbi, hon. Mathuki, hon. Ngoga, hon. Nengo, hon. Kimbisa, hon. Straton, hon. Maryam, hon. Patricia, hon. Taslima, hon. Kalinda, hon. Susan, hon. Valerie, the Chair, Council of Ministers and hon. Hon. Ambassador member of the Council of Ministers.

Mr Speaker, I submit.

The Speaker: Thank you so much, honourable Chair of the Committee on Accounts for the good response. Honourable members, the motion before the House is that the report of the Committee on Accounts on the audited financial statements of the EAC for the Financial Year ended 30 June 2014 be adopted. I put the question.

(Question put and agreed to.)

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The Speaker: As we adjusted the Order Paper earlier, I would like to invite the Chair, Council of Ministers to make very brief comments and lay the report.

The Ag. Chairperson, Council of Ministers (Mr Shem Bageine): Thank you very much, Rt hon. Speaker. May I request my colleague to make the few remarks and lay the annual reports on the table?

The Minister for EAC Affairs, Rwanda (Ambassador Valentine Rugwabiza)(Ex-Officio): Rt. hon. Speaker and honourable members, as requested by the Chair, Council, let me make a few remarks.

The annual report of 2013/2014 that we will be tabling before the Assembly in a few moments on behalf of the Council, is a product of the hard work by all organs and institutions, Partner States and other stakeholders.

The report as presented is divided into 15 chapters. Chapters one and two give the introduction and socio-economic setting of East African countries, chapters three to eight highlight the key achievements under the various directorates and departments of the EAC Secretariat and these include audited financial statements of the Community for the Financial Year 2013/2014.

Mr Speaker, the remaining chapters; from nine to 15 highlight the key developments registered by the following organs and institutions of the Community: The East African Legislative Assembly, the East African Court of Justice, Lake Victoria Basin Commission, Civil Aviation Safety and Security Oversight Agency,. The Inter University Council, the Lake Victoria Fisheries Organisation and the East African Development Bank.

Mr Speaker, allow me to highlight in summary some of the key achievements for the period July 2013 to June 2014. First regarding the Protocol on the establishment of the East African Monetary Union, the East African Monetary Union Protocol was signed by the EAC heads of state, as you all know, in November 2014.

We are happy to report that as of today, it has been ratified by all EAC Partner States. However, regarding the comments made earlier by hon. Valerie Nyirahabineza, indeed

during the period that was ending the review, it was only two Partner States that had ratified but we are very happy to report that as of today, all the EAC Partner States have ratified the protocol.

The draft Bills for the establishment of the institutions necessary for the implementation of the East African Monetary Union. Specifically the Monetary Institute and the Statistics Bureau were prepared.

Regarding the operationalization of a single East African Community Customs Territory, pursuant to the following Summit directive to commence the implementation of the Single Customs Territory on 1 January 2014, and finalise the operational instruments by June 2014, pilot tests for clearance of goods under the single customs territory commenced in February 2014 on both the Northern and Central corridors respectively.

The Council is also happy to report that as of today, we have moved from pilot tests and now it is full implementation of the Single Customs Territory on both the Central and Northern corridors.

Negotiations for the tripartite free trade agreement reached advanced stages during the period under review and the free tripartite agreement was signed earlier this year so this is also a progress that we are very happy to report to this august House.

Regarding infrastructure development, a grant of \$ 2.8 million was secured to undertake feasibility studies and detailed designs for roads linking the Republic of Rwanda and the Republic of Burundi to the Central Corridor.

Constriction of the Holili-Taveta road commenced in April 2014 on the Kenya side and the project was launched in June 2014 in Tanzania.

Another key achievement concerns the Vehicle Load Control Bill, which was enacted by this august Assembly in May 2014. We are happy to report that it has been assented to by the Republics of Burundi, Kenya, Uganda and Rwanda during this ... The Secretariat has commenced the development of regulations to support the implementation of the Act once fully assented to.

Under the productive and social sectors, the EAC Protocol on Sanitary and Phyto-Sanitary measures was finalised and the ratification process was commenced.

The Food and Nutrition Security Policy aimed at ensuring food security and adequate nutrition for the people of our Community was finalised. In addition, a harmonised registration system for issuance of mutual recognition agreements for immunological, veterinary products in the EAC was equally developed.

Mr Speaker, in order to facilitate movement of persons both within and outside the Community, the computer generated East African new generation e-passport was designed and the new passport is expected to be launched by the next Summit early next year. The specific dates are yet to be determined. However, it will be in the first quarter of the next year. The reasons why the Summit was postponed were explained earlier by the Chair, Council.

The East African Legislative Assembly passed three Bills namely the East African Community Appropriation Bill, 2014; the East African Community Supplementary Appropriation Bill, 2014 and the East African Community Supplementary Appropriation Bill numbers 1 and 2 of 2014.

The East African Court of Justice registered an increase in case filings from 20 in 2013 to 37 in 2014, which I think honourable

members will agree is an impressive improvement. Of these cases, 13 were references, four were appeals and 20 were applications. The court also heard 50 cases and delivered 14 judgements.

The East African Development Bank portfolio grew from \$ 82 million in June 2013 to \$ 110 million in June 2014 so that is also an improvement that I think we should all be pleased with.

The percentage of non-performance loans reduced from 5.1 per cent in June 2013 to 1.4 per cent in June 2014 which clearly reflects that we do have an able management in charge of the East African Development Bank.

CASSOA continued to assist, support and guide Partner States in carrying out their safety and security oversight obligations under the Chicago Conventions and the provisions of its annexes.

The Inter University Council with a mandate to promote strategy and sustainable development of higher education systems and research in the region continued to work very closely with the Partner States, the Secretariat, higher education institutions, the private sector, different private sector apex bodies through the East African Business Council, development partners and a number of other stakeholders.

Mr Speaker, Lake Victoria Fisheries Organisation continued monitoring the control and surveillance of fisheries on the lake, full joint operations through the promotion of commercial aqua culture, review and harmonisation of regional fisheries policies and continue to pursue strategies for sustainable funding of the management of fisheries.

Mr Speaker, the Council has continued to grapple with a number of challenges and if

you allow, I would like to mention a few among them:

First, the slow pace of implementation of key Summit and Council decisions and directives by individual Partner States.

Another challenge has to do with the delayed institutional review and I think we have spoken about that as mentioned by the Chair earlier, what is clear is that when we next meet, we need to make a final decision on this and sometimes it is probably better for the entire Community and for the Council of Ministers, in the absence of any agreement in which direction to go, to then agree to disagree and stay with the status quo but put an end to expenses that are expended.

There have been persistent delays by Partner States to remit their contributions to the budget of the Community and this has directly affected the timely implementation of a number of projects and programs.

Another critical challenge is one which has been outlined and explained at length in the report which was earlier presented to us and it has to do with the inadequate financial and human resources capacities to deliver the different activities and to deliver fully the mandate of the Community.

Mr Speaker, I beg to move and table the EAC annual report for the period 2013/2014.

The Speaker: Thank you so much, Council of Ministers for tabling the report complying with the provision of the Treaty for the establishment of the Community and also fulfilling your promise that you gave to this House that you will try your best to deliver this report on a timely basis. I congratulate you upon that.

**MOTION FOR THE INTRODUCTION
OF A PRIVATE MEMBER'S BILL**

Ms Margaret Nantongo Zziwa (Uganda):
Mr Speaker, I beg to move that this Assembly, pursuant to the provisions of Article 59(1) of the Treaty and Rule 64 of the Rules of Procedure of the Assembly do grant leave to me to introduce a private members' Bill entitled, "The East African Community Whistle-blowers Protection Bill, 2015."

The Speaker: Secunder? Hon. Mumbi and hon. Susan. Hon. Zziwa you can proceed to justify.

Ms Zziwa: Mr Speaker, allow me from the onset to thank you for giving me the chance to move this very important motion which has been in the precincts of the annals of this House since 2011.

Mr Speaker, before I proceed, allow me to join you and the honourable members to appreciate the warm welcome to Rwanda and Kigali by His Excellency the President Paul Kagame, the Speakers of the house of Senate and Chamber of Deputies and the people of Rwanda.

I want also to join my colleagues to thank the Rwanda chapter who have been very gracious.

Allow me in the same breath to extend my sympathies and condolences to His Excellency Paul Kagame and his entire family upon the loss of their dear mother whom I and my family had the honour to know during her time. May her soul rest in eternal peace.

Mr Speaker, allow me before I go on, on this very m=important motion to deliver anther very important message from His Holiness Pope Francis who has just been visiting East Africa and Africa over the past week.

I wish to bring the Pope's blessings and best wishes to each one of us individually and to all of us as members of this august House and I want to say that he gave us these blessings during his pastoral visit.

Particularly, allow we to congratulate the Partner States who welcomed and hosted His Holiness the Pope; the Republic of Kenya –
(Interruption)

Mr Mathuki: Thank you very much, Mr Speaker and hon. Zziwa for giving me the way but I thought what she is bringing in is a persona statement that is provided for in the rules and she can use that able to give that information and go straight to justify her motion without necessarily getting into issues that are well provided for in the rules.

The Speaker: Thank you so much, hon. Pater Mathuki. As you may know the courtesies of this Assembly is that when we are dealing with a particular subject, we rise up, congratulate our Partner States for hosting us, our colleagues and otherwise and the occurrence of the visit of the Pope is not something light to let pass. I think hon. Margaret Zziwa who was also part of the organising committee of the visit of the Pope to Uganda is doing a very great work to bring the blessing of the Pope to this House. Hon. Margaret, proceed and move to your justification.

Ms Zziwa: Thank you very much, Mr Speaker. As I proceed, the honourable member will appreciate why the message was very important and it is important for me to deliver it to this august House because it was not only the East Africans but it was all of us as leaders.

Mr Speaker, as I was saying, I want to congratulate the Partner States who welcomed His holiness the Pope: the Republic of Kenya, the Republic of Uganda and the Central African Republic. I want to say, you made us proud.

Allow me also to relay a very important message urging the people of East Africa and Africa to decry tribalism, sectarianism, mainly based on religion, class and race and which has caused so much pain in Africa. He called for unity and love, forgiveness and reconciliation for one another as children of God.

Mr Speaker, he also called us leaders to desist and shun corruption, likening corruption to the licking of sugar and attesting that once one starts that habit, he will not stop and it will end up leading to his or her body getting saturated with this sugar and eventually he will get diabetes and other associated illnesses and the end will be death.

He pleaded with the leaders to desist from corruption that it takes the meagre resources meant for the poor people who are entrusted to these leaders to take care of.

Indeed he called upon us to emulate the example of the Uganda Martyrs who withstood all forms of temptations for the sake of Christ. Even in the Central African Republic, where religious – (*Interruption*) -

The Speaker: Hon. Margaret, I think just give us a purview of the Pope's message but if you want to give a detailed complement to the Pope, you can move by way of motion. I

granted you leave to give us a purview of the message. Proceed and conclude and move to your motion.

Ms Zziwa: Most obliged, Mr Speaker. I just want to thank the Republic of Rwanda for being responsible for the security of His Holiness the Pope in Central African Republic and I think – I wish I had a lot of time to say much more because I think East Africans are a shining star.

Mr Speaker, as I move to justify this motion, allow me to talk about the genesis of the EAC Whistle-blowers Protection Bill, which dates way back to 2011.

I had the honour to serve on the Committee of Accounts and after realising the increased reports in the plundering of public resources yet many of the perpetrators were known and yet much of the information which was sought had no clear areas where it could be given or even where it had, many of the whistle-blowers were not protected, as a member of the Accounts Committee then, I had an opportunity to share with the members of the august House and also with the members of the Audit Commission.

Specifically, I had an opportunity to share with the Auditor General of Uganda and that one of Kenya and they showed a lot of interest in support of this Bill. However at the time I proceeded to work on the Bill and with the support of the legislative services of the Assembly, I managed to push it to the level of seeking special leave from the Speaker then.

I also sought support from one of the committees where I served that time; the Committee of Regional Affairs to lobby for the support of this Bill. However, the Speaker did not grant me permission that time to move this Bill urging that the EAC Secretariat was in the process of preparing the EAC whistle-blowers policy.

When I took over office as Speaker, I requested a member from the Uganda chapter who was also a member of the Committee of Accounts to work on this Bill. However, we did not have the opportunity to have this Bill come to the floor then and I am happy that Mr Speaker, when you attended the conference of East African Accountants in Entebbe, they were able to affirm to you the importance of this very important regional legal framework.

Allow me to say that in that vein, I was able to talk to you and you were able to agree that you will give me space on the Order Paper in Kigali to seek leave of this important Bill and I am indeed grateful that you have accorded me this opportunity.

As I presented to you then and I still feel I need to emphasise this, this Bill seeks to create a regional framework where whistle-blowers with information on impropriety, corruption, graft can freely give it when they are protected without fear of being persecuted or being dismissed from work and other related intimidation.

The Bill is acknowledging that the vice of corruption, wastage of public resources, graft, among others has deeply eaten into the fabric of many East Africans not sparing many of the leaders who are in positions of leadership and who are the custodians of these funds.

So we always witness misuse of funds, misappropriation and in other instances, outright theft of public funds. That is why I was referring to the visit of His Holiness the Pope because he spoke emphatically about this.

The fact that many of the leaders who practice corruption do not act in isolation, somehow some other officials who detest this practice are always willing to come forward to help stop this vice.

I can quote a member who said, “Fighting corruption is godly and it is at the core to fostering development.”

I want to say that drawing on Article 6 of the Treaty on the fundamental principles that govern the Community, this Bill intends to enhance accountability, transparency, social justice and ultimately the rule of law.

The members of the EAC Summit and indeed the heads of state have decried this vice of corruption. Some have outrageously and rightly talked against it. For instance, I was reading in the dailies that His Excellency Uhuru Kenyatta, during his recent official state of the nation address, talked emphatically against corruption and many others who have addressed this august House on the matter. Others have instituted commissions of inquiry where corruption has been manifested.

The vice has been seen majorly in the areas of big government projects like building of roads and dams here even a centimetre thickness of a road can translate into billions of shillings. This is widespread, sometimes involving the very technocrats and expatriates who connive with the engineers during the project implementation.

I want to share with you that one of the books I read is called, “*The Confessions of an Economic Hit Man*” which I believe many of you have read, reveals this vice and how widespread it is in the developing countries.

Another book which I read, “*It is our turn to eat*” also tells us how difficult it may be until we get to grips with the matter to fight corruption.

With all this, I became convinced that as a legislator, we need to do our bit and this law is one of such efforts we can start with.

Honourable members, I know that many of you share the same thoughts I have for this Bill and some of you were thinking in the direction of bringing the same Bill. I call upon you to support this motion and we expeditiously bring forth the law which is eagerly awaited by East Africans.

The Bill will enable those with information on corrupt officials to offer it so that we can curtail the heinous act of corruption.

Mr Speaker, I beg to move.

The Speaker: Thank you so much, hon. Margaret Zziwa. Honourable members, the motion before the Assembly is that this Assembly, pursuant to the provisions of Article 59(1) of the Treaty and Rule 64 of the Rules of Procedure of the Assembly do grant leave to hon. Margaret Nantongo Zziwa to introduce a private members' Bill entitled, "The East African Community Whistle-blowers Protection Bill, 2015." Debate is open.

Honourable members, let us be brief. In the practice of this House, when we are seeking leave, we do not take much time on it.

Ms Susan Nakawuki (Uganda): Thank you, Rt hon. Speaker. I rise to support the motion.

I would like to appreciate the mover for the job well done and I want to appreciate you, Rt hon. Speaker for putting this very important motion on the Order Paper.

The East African Community Whistle-blowers Protection Bill is long overdue as far as I am concerned. I remember when I was in the eighth Parliament in Uganda we came up with a similar piece of legislation so having this at the regional level is equally important.

I also want to appreciate all our heads of state for the spirited effort in fighting corruption. I know all our Presidents are concerned about the vice, it is all over East Africa. I know some countries are doing worse than others but many countries have put up a very spirited fight and that has translated into development which is very visible.

Mr Speaker, allow me to note that even within the East African Community, we have had quite a number of anonymous letters sent to members of EALA so these are whistle-blowers who are not sure of whether to relay their information. We have gotten these letters especially in the Accounts Committee. Every time the audit report is coming up, someone comes up with some information which is not treated as official but sometimes gives leads which would be investigated to get to the core of the problem.

So I believe that since we have such people who constitute whistle-blowers, it is high time these people are protected and given the confidence to give this information which can be acted upon to ensure that things are better within our region.

Mr Speaker, also allow me to note that these whistle-blowers do not necessarily be current employees. They can even be former employees so we can end up recovering what

was lost before and then it comes back into the coffers within the region, which is very good for the East African tax payers.

Mr Speaker, allow me to add that it is very important to ensure that there is no retaliation. I want to give an example. We had an interaction when I was still in the Accounts Committee with the internal auditor of the Inter University Council of East Africa. She complained that every time she writes something negative in the report, the executive director attacks her and for that reason, as a punishment, they had told them that they will not staff the department of Internal Audit. That was intended to intimidate this person who needs this urgent protection.

Mr Speaker, I want to request my colleagues that it is high time we came up with this Bill to protect the East African whistle-blowers. I want to thank you and I support the motion.

Mr Martin Ngoga (Rwanda): Thank you very much, Mr Speaker. I want to congratulate the honourable member who brought the Bill and for the long history of pursuing this project.

I have gone through and I find it self-sustaining in the sense that it has clarity on which institutions are responsible, it creates the procedure to find substantive issues of protection and offenses and corresponding penalties.

However, I think this is part of a bigger family of a set of laws that we need to have at the regional level that deal with issues of corruption. This Bill is self-sustaining but in my view, we would be in a better situation if it was pegged on a bigger parent law- a statement in which we define corruption and how we want to deal with it.

Whistle-blowing is just one component so I am not going to insist so much on the issues of sequencing and I am not going to suggest that we can put this on hold as we await for those other legislations but it provides a challenge that we need to come up with other Bills on other areas in that bigger family of anti-corruption laws.

Mr Speaker, I had personally indicated to you in the past that I wanted to bring one of those legislations or Bills and I understand other members like hon. Dora Byamukama - Hon. Zein has pursued this to a bigger extent so you can, as you always do, provide leadership in this so that we can have a comprehensive set of these laws.

That said, I support the motion, I think it comes at the right time. There is renewed sense of vigour among the Partner States to deal with corruption and at the regional level we must provide leadership and this is one of the critical areas or ways we can provide that needed leadership so I support the motion but insist on the challenge we have to complete

this set by coming up with another law on corruption. Thank you.

The Speaker: Thank you so much, honourable members. Honourable members, in the interest of time, a preview of information, I have had consultation with hon. Zein, hon. Martin Ngoga, hon. Chris Opoka, hon. Dora who are also working on sister legislations or related legislations as mentioned on issues of access to information, procurement, the overall anti-corruption Bill being worked on – Hon. Zein has been pivotal in doing these studies and I really appreciate the spirit of the mover who has said that there are many members who are working in the same direction but we need synergy to work to get the best legislation for this region.

Honourable members, the motion is that this Assembly pursuant to the provision of Article 59(1) of the Treaty and Rule 64 of the Rules of Procedure of the Assembly do grant hon. Margaret Nantongo Zziwa leave to introduce a private member's Bill entitled, "The East African Community Whistle-blowers Protection Bill." I now would like to put the question.

(Question put and agreed to.)

MOTION FOR THE INTRODUCTION OF A PRIVATE MEMBERS' BILL

Mr Frederic Ngenzebuhoro (Burundi): Thank you, Mr Speaker. Allow me to move that this House, pursuant to the provisions of Article 59(1) of the Treaty and Rule 64 of the Rules of Procedure of the Assembly do grant to my person to introduce a private members' Bill entitled, "The East African Community Retirement Benefits for specified heads of organs Bill, 2015."

Mr Speaker, I beg to move.

The Speaker: Seconders? Hon. Dora, hon. Hafsa, hon. Bazivamo, hon. Dr Martin. Hon. Frederic, please proceed and justify your motion.

Mr Ngenzebuhoro: Mr Speaker, allow me to first thank the people of Rwanda and in a special way, His Excellency Paul Kagame for the tremendous achievements that the people of Rwanda have achieved and reached under his leadership.

I also send my gratitude to the EALA Rwanda chapter for the warm welcome we have enjoyed since we arrived in this very clean capital.

Mr Speaker, the object of this Bill is to make provision for retirement benefits for specified leaders who have honourably served and completed their terms in the service of the Community.

Mr Speaker, the Bill specifically provides retirements benefits for a former President of the East African Court of Justice, a former Speaker of the East African Legislative Assembly and a former Secretary General of the East African Community.

Further to that, the Bill makes provision for payment of gratuity to the dependants of a

person where the holder dies in office or if he or she dies after seizing to hold office but before retirement benefits are paid to him or her. In such a case, the appropriate authority shall pay to the dependants a gratuity which shall be calculated on the basis of the period he or she held the office.

Mr Speaker, further to that, I wish to say that according to Article 9 of the Treaty for the establishment of the East African Community, the organs of the Community are Summit, the Council, the Coordination Committee, sectoral committees, the East African Court of Justice, the East African Legislative Assembly, the Secretariat and such other organs as may be established by the Summit.

The organs which daily deal with the Community business are the East African Court of Justice, the East African Legislative Assembly and the Secretariat. Those organs are governed by EAC laws and that is very important. Other organs operate from the Partner States even if sometimes they intervene at the regional level and until now, their retirement benefits are governed by national laws.

Consequently, this Bill caters for the organs which are governed by EAC laws and not for those organs governed by the Partner States' laws. Those organs governed by EAC laws are respectively headed by the President of the Court of Justice, the Speaker of the Assembly and the Secretary General for the Secretariat.

Mr Speaker, those heads of organs, through their respective dockets, keep the aspirations of the entire East African Community. They are the symbols and actors and facilitators of the EAC integration. I must say that they hold very big and heavy responsibilities over their shoulders while in the offices.

Indeed, Article 24(7) of the Treaty provides that, *“The President of the court shall be the head of court and shall be responsible for the administration of the court. (b) shall direct the work of the appellate division, represent it, regulate the disposition of the matters brought before the court and preside over each session.”*

Further, Article 24 (10) of the Treaty provides, *“The President of the court shall direct the work of the court, represent it, regulate the disposition of the matters brought before the court and preside over its sessions.”*

Article 25 of the same Treaty stipulates that, *“Subject to paragraph 2 of Article 24, a judge appointed under paragraph (1) of Article 44 of this Treaty shall hold office for a maximum period of seven years not renewable.”*

Article 55(a) of the Treaty provides that shall, *“Preside at any sitting of the Assembly (a) the Speaker of the Assembly.”*

Rule 7(1) of the Rules of Procedure of the Assembly stipulate, *“The Speaker shall direct all activities of the House and its committees in accordance with the decisions of the Commission and shall preside over the proceedings of the House under this rule.”*

Section 3(3) of the Administration of the East African Legislative Assembly Act provides that, *“The Speaker shall be the chairperson of the Commission.”*

Coming back to the Treaty, Article 33(1) of the Treaty provides that, *“The Speaker of the Assembly shall be elected on rotational basis by the elected members of the Assembly from among themselves to serve for a period of five years not renewable.”*

Article 67(1) of the Treaty provides that, *“The Secretary General shall be appointed*

by the Summit upon nomination by the relevant head of state under the principle of rotation.”

67(3) provides that, *“The Secretary General shall be the principal executive officer of the Community and shall (a) be the head of the Secretariat; (b) be the accounting officer of the Community; (c) be the secretary to the Summit and (d) carry out such other duties as conferred upon him by this Treaty or the Council from time to time.”*

Article 67(d) adds, *“The Secretary General shall serve a fixed five year term.”* Once again, there is no possibility to renew.

Mr Speaker, let me say that all those high personalities of the Community are not allowed to do any other business. There is no provision in the EAC laws to cater for how they will survive after their loyal service to the Community.

I think it is time that the EAC takes a good look at its leaders who have served as heads of its organs and contributed a lot to its integration by providing them a minimum of retirement benefits.

Mr Speaker, whereas the former leaders have been useful to their countries like in the United Republic of Tanzania, Uganda, Kenya, Botswana, South Africa, Senegal and elsewhere, they have put in place proper laws to govern the life of the former leaders. Those laws ensure them adequate welfare like salaries, pensions and various facilities in line with the dignity and their services to their countries.

This is very important as we know that when a person in office is assured of good retirement benefits, he or she works hard and renders better because there is no worry about where the ... are going to come from when he or she retires.

Mr Speaker, even when out of office at the end of their tenure, a former head of organ remains an important person who can be called upon to provide services when required. They continue to have so much respect among East African Community citizens. They are able to give lectures, seminars about East African integration as they have time and space to reflect, write and constitute references. People can come to seek advice out of their experience as well as their wisdom ...

Mr Speaker, former heads of organs are and continue to be called pillars of the EAC integration. They remain references in building East African Community especially as institutional memories. They are a source of tradition, knowledge and collective memories for the Community.

Mr Speaker, when I proposed this Bill on retirement benefits for specified heads of organs in the EAC, I did not think about countries of organs. I think about the past and the future of the Community and about the role they have or will continue to play in the integration and development of the Community after they have finished their terms and retire.

Through this Bill, I do not want to personalise the issue of retirement benefits. I propose the Bill for the purpose of making history for posterity and for establishing a tradition that we must admire, appreciate and respect what our leaders have done to strengthen our Community. That is what I am targeting.

Mr Speaker, it would be shameful for the Community to see one of its former heads of organs living in misery, becoming a beggar somewhere after having served the Community with a lot of dedication for many years. I am very convinced of that.

That is why the purpose of this draft Bill which seeks to establish retirement benefits

for specified former heads of organs of the Community by catering for their welfare, security, basic households, transport and others is to facilitate them to live in dignity, to be respected and consulted for the interest of the Community.

Let me conclude by saying, a Community without a history is a Community without memory and collective consciousness. Through this Bill, this House will make history by assuring that those who have made history continue to make it, even if they are no longer in the offices where they used to make it.

Mr Speaker, I beg to move.

The Speaker: Thank you so much, hon. Frederic.

Ms Dora Kanabahita Byamukama (Uganda): Mr Speaker, I would like to second this very important Bill and to congratulate hon. Frederic Ngenzebuhoro for coming up with this very important Bill.

By way of seconding, I would like to make four short points. One, the practice of providing for retirement benefits and gratuity is not new in the East African Community and what we are doing through this law is to adopt one very important best practice from some of the Partner States such as the Republic of Uganda which has a similar tradition.

Mr Speaker, as hon. Frederic has ably put it, the fact that one is honourable does not mean that this title ends when their tenure ends and I would like also to remind this honourable House that from this very House for example, we get what we now call eminent leaders. So it is very important that these eminent leaders or the members of Parliament who are here and I would like to urge that we also consider that we should be able to make sure that they live a lifestyle worthy of being eminent and

worthy of being honourable rather than being paupers.

Mr Speaker, I would like to give an example of some of the things I have seen in my short lifetime and not very short. Sometimes when members leave Parliament, you find that they do not even have money to buy lunch or pay school fees for their children. They become paupers and hon. Frederic was talking about number of years. If you come to EALA and spend five years and you are not able to come back, you stand a very big chance of actually being unable to continue with the kind of lifestyle that should be accorded to you by virtue of your service to the Community.

Even after 10 years, it is not long enough in certain instances for you to be able to sustain this life because the more responsible you are and the higher you are held in esteem, the more people expect of you.

So Mr Speaker, I would like to say that since this is a draft, at some appropriate time we may need to look at this in a very serious way because much as you might get a lump sum of gratuity, this lump sum is sometimes used to pay off a loan or outstanding issues and it leaves you in the negative.

Mr Speaker, when we proposed for example the institution of a SACCO, we were also of the view that if we cannot do it in a voluntary fashion where we also contribute retirement benefits, maybe our retirement to the SACCO can be wholesomely used to be able to enable us get some kind of benefits.

So I would like to urge members to be able to look at this in a broad way and look at the leadership that hon. Frederic has proposed and we see how we can look at the broader leadership because as we know, all of us are eligible to become for example judges or even Speakers for that matter or presidents.

So I would like to say humbly that we should give this consideration and see how best we can put into practice a very good practice that has been adopted across the board.

Mr Speaker, the Bill also talks about gratuity to dependants. I believe that this is a practice that should be adopted even for members obviously because if gratuity accrues to a person and that person dies, the next of kin should take it up.

I would like to say and conclude that this particular Bill is very important especially when we are talking about the issue of corruption because once a person is not very sure about where their next bread is coming from or not sure about maintaining the same lifestyle in future, you will find for example that in this final year and a half or final term. You will find that the person will be tempted to do things which are actually corrupt and therefore, we would like to ensure and maintain the security of members and the Speaker so that they are able to do their work when they are comfortable, well knowing that their interests are taken into account.

Mr Speaker, as hon. Frederic Ngenzebuhoro said, and this is my last point, members of EALA, Speakers of EALA, judges of the EACJ and even the Secretary General and deputy Secretary Generals make a pool of resource for the EAC. These should be the consultants, the people who are lecturing on the EAC, these are champions of integration and they cannot champion integration when they are not able to even portray an image of prosperity to which we all believe in.

With these few comments, I would like to humbly urge the members to support this very important Bill. I thank you.

The Speaker: Thank you so much.

Mr Leonce Ndarubagiye (Burundi): Thank you very much, Mr Speaker for giving me the floor. I will just give you an example of a European country where they have found the best way of fighting corruption and that is Germany. If a minister is a minister for a period of four months and he leaves, he gets a small life pension for his tenure of four months.

If he stays for the entire legislature; four years, he gets his last salary for life and that is the best way of fighting corruption. Thank you very much.

The Speaker: Thank you so much, honourable members. This motion by hon. Frederic has received support and in the interest of time – *(Interjection)* -

Mr Ogle: Thank you, Mr Speaker. I thought you should have allowed one or two more to take on this matter as it is so critical. As far as I am concerned, this is legislating for only three people here – *(Interruption)* –

The Speaker: Thank you so much, hon. Ogle. He has risen on clarification. Hon. Ogle, please proceed.

Mr Ogle: I am saying this is legislation for three people holding three offices only. I was just wondering, are members of Parliament included? Is the deputy judge of the EACJ included? Are the deputy secretary generals included? Because in its current form, this Bill is defective and we need to oppose this vigorously.

The Speaker: Thank you so much. Hon. Ogle, as you may realise, we are not debating the substance of the proposed Bill. We actually do not have a Bill before the House. We have a motion by the honourable member seeking leave of the House to proceed to introduce a Bill. At an appropriate time, when he has finished work on the Bill and it is introduced in the House, it will be referred to the relevant committee that a lot of work will be done to it. We are not really debating the substance of the proposal of the Bill by hon. Frederic. Please hold on to your concern. If the motion carries the day, you can raise it at the appropriate time.

Honourable members, the motion before the House is that the Assembly, pursuant to the provisions of Article 59(1) of the Treaty and Rule 64 of the Rules of Procedure of the Assembly do grant leave to hon. Frederic Ngenzebuhoro to introduce a private members' Bill entitled, "The East African Community Retirement Benefits for specified heads or organs Bill, 2015." I put the question.

(Question put and agreed to.)

**MOTION FOR A RESOLUTION
CONGRATULATING THE FIFTH
PRESIDENT OF THE UNITED
REPUBLIC OF TANZANIA, HIS
EXCELLENCY JOHN POMBE JOSEPH
MAGUFULI ON HIS ELECTION
VICTORY AND COMMENDING THE
PEOPLE OF THE UNITED REPUBLIC
OF TANZANIA ON THEIR
COMMITMENT TO PEACE,
DEMOCRACY, FREE AND FAIR
ELECTIONS**

Mr Jeremie Ngendakumana (Burundi): Rt hon. Speaker, I beg to move that this Assembly do resolve to congratulate the fifth President of the United Republic of Tanzania, His Excellency John Pombe Joseph Magufuli on his election victory and commending the people of the United Republic of Tanzania on their commitment to peace, democracy, free and fair elections. Mr Speaker, I beg to move.

The Speaker: Second? Hon. Patricia, hon. Frederic, hon. Kimbisa, hon. Bazivamo, hon. Shy-Rose, hon. Hafsa, hon. Kiangoi, hon. Kessy and all the members standing. Hon. Jeremie, proceed and justify your motion.

Mr Ngendakumana: Rt hon. Speaker,

“WHEREAS the Republic of Uganda, Republic of Kenya and the United Republic of Tanzania, herein after referred to as the Partner States signed the Treaty for the establishment of the East African Community herein referred to as the Treaty on the 30th day of November 1999 and;

WHEREAS under Article 6(d) as set out in the Treaty, in order to promote the achievements of the objectives of the Community, the Partner States agreed to promote good governance through adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality as well as the recognition, promotion and production of human and people’s rights in accordance with the provisions of the African Charter on human and people’s rights;

TAKING COGNISANCE that the general elections of October 2016 in the United Republic of Tanzania were the fifth since the re-introduction of multi-party democracy in 1992 and therefore constitute another

important step towards the consolidation of democracy, since the first multi-party elections in 1995, the United Republic of Tanzania has enjoyed peaceful transfer of political power in conformity with the constitutionally established presidential term limits;

CONVINCED that the people of the United Republic of Tanzania and its political leadership have demonstrated once again a high level of political maturity and proven that Africans are civilised enough to exercise peaceful and real competitive democracy;

RECOGNISING that we take pride in the success of the United Republic of Tanzania which should be a god model of democracy in the neighbouring countries and a good role model of solid institutions and stability to whoever wants to learn that diversity can be a great resource and that ethnicity is not a problem in Africa but rather poor leadership, unable and unwilling to manage naturally divergent societal demands without resorting to repression or coercion of its own people;

AWARE of the credible elections held in Tanzania, we would like to seize this great opportunity to extend to His Excellency President John Pombe Joseph Magufuli, our warmest congratulations and to wish him every success at a time of great expectations in Tanzania, the East African Community and Africa in general in terms of national unity, prosperity of the people in maintaining the positions as a strong champion for regional integration and democracy in Africa.

We would also like to extend our sincere congratulations to the CCM party for the renewed confidence and trust by the people of the United Republic of Tanzania to spearhead their aspirations for a great future.

We also commend the Opposition fraternity for a well fought battle, for behaving

responsibly after the defeat, keeping in mind that peace and security which are common interests are above any other individual interest;

FURTHER AWARE that Tanzanians have made history in what could be the most competitive presidential elections ever held for the country since the beginning of multi-party politics, we also appreciate ... and tone of campaigns demonstrated the maturity and vitality of democracy in Tanzania;

NOW THEREFORE this Assembly do resolve:

- 1. To congratulate His Excellency John Pombe Joseph Magufuli for his resounding victory as the fifth President of the United Republic of Tanzania and the people of Tanzania for having conducted themselves to the ideals of peace, democracy, free and fair elections.*
- 2. That all Partner States holding elections and other forms of political participation to:*
 - (1) Ensure that they create conditions conducive for peaceful, free fair and transparent elections;*
 - (2) Ensure that contesting parties, in particular opposition parties, are given equitable access to state controlled media and resources;*
 - (3) Ensure that all participating parties, in particular the Opposition parties, are allowed to conduct their campaigns freely without any violence and intimidation;*

(4) Take all necessary measures to prevent, investigate and prosecute election related human rights violations and provide adequate redress to victims;

(5) Ensure the freedom of movement and the physical integrity of human rights defenders, journalists and other media practitioners in the run up to and during and after elections of referenda.”

Mr Speaker, I submit.

The Speaker: Hon. Jeremie that was a good presentation of your motion. You can go ahead and give a short support to your motion so that the members can debate. You have just read it so go ahead and give some support to it.

Mr Ngendakumana: Thank you, Mr Speaker. I would like to say that part of the indicators of democracy is the free, fair, transparent and inclusive elections. For this case, Tanzania has been an example of free, fair, inclusive and transparent elections and after this, they came up with the elections of the President John Pombe Joseph Magufuli and we have noted that the people of Tanzania as a whole have all stood before peace, knowing that peace is above everything and the country is above every other interest and for this reason, I thought that it is a very good opportunity for us to congratulate the President, His Excellency John Pombe Joseph Magufuli and also the people of Tanzania for having held peaceful elections but also for having stood before peace.

Mr Speaker, I submit.

The Speaker: Thank you so much, hon. Jeremie. Debate is open. Three minutes because there are many members who want to contribute.

Ms Shy-Rose Bhanji (Tanzania): Thank you, Mr Speaker for giving me the floor so that I can say a few words on the motion to congratulate His Excellency President John Magufuli on his election victory and to commend the people of Tanzania on their commitment to peace, democracy and free and fair elections.

Mr Speaker, to begin with, I fully second this motion which is on the floor. Let me wholeheartedly congratulate His Excellency John Pombe Magufuli on his election as the President of the United Republic of Tanzania. Despite the stiff competition in this year's election, His Excellency Magufuli managed to win by 58 per cent of the total votes.

Mr Speaker, similarly, the ruling party to which I belong, also won a total of 74 per cent of the total seats in the Tanzania Parliament.

Mr Speaker, even in the midst of the electoral tension in Tanzania, I am happy to say that peace and tranquillity prevailed throughout the country. Also, I want to commend Tanzania for a very exemplary campaign in the way and manner all the political parties exhibited.

Mr Speaker, John Pombe Magufuli is the former Minister of Works and infrastructure development was under his portfolio. He has done so well on the road network and today, he has added value to the East African infrastructure and thus being a very big contribution to EAC integration.

Mr Speaker, during His Excellency Magufuli's tenure as the Minister of Works, we can now travel cross East Africa. We can go to Rwanda, Burundi, Uganda and also Kenya so this is a very big achievement from President Magufuli.

Mr Speaker, in his recent inaugural speech in the Tanzanian Parliament – (*Interruption*)

Mr Ngoga: Thank you very much and thank you, hon. Shy-Rose for giving ay. Mr Speaker, I want the House to address itself on the question of time. We are going past 6.30 and we need to make a decision as to whether we have to proceed or not. I move that we extend the time to cover the important issues that we have started discussing.

The Speaker: Thank you so much. If I have got the honourable members well – Honourable members, we have given ourselves time limits as to when we must conclude our sitting and I seem to understand that hon. Martin Ngoga is moving under the provision of our rules that Rule 11(1) be suspended to allow us deal with the items on the Order Paper.

Mr Ngoga: That is what I mean, Mr Speaker.

The Speaker: Is hon. Martin Ngoga supported in his move? Hon. Dora, hon. Dr Odette, hon. Mumbi, hon. Kimbisa and all the members standing.

Without necessarily having to put this to debate, can I put a question to hon. Ngoga's motion that we suspend the provision of Rule 11(1) to allow us deal with the urgent items on the Order Paper? I put the question.

(Question put and agreed to.)

The Speaker: Hon. Shy-Rose, you were substantially on the floor. Can you proceed? You know we have just extended our time, please restrict yourself to three minutes for whoever takes the floor.

Ms Bhanji: Thank you, Rt hon. Speaker. I was saying recently during his inaugural speech in the Tanzania Parliament, His Excellency President Magufuli, among many priorities, highlighted four, which in my view, have a direct impact on East African integration.

He talked about railway and road networks which are going to be in his priority list in his five year term in office. He has also promised to develop railway networks in Tanzania which will eventually have the biggest impact in our integration.

On industries, he has promised to revive the industries that are not working at the moment but he has also promised to build new industries.

He gave an example that the contribution in industries will be of importance in Tanzania but also in East Africa as a whole.

He cited an example of many kettles in Tanzania saying that if we produce enough leather goods, this will boost Tanzania's economy but also distribute or sell these leather goods to our East African Partner States.

Lastly... **(Inaudible)**...

... fully highlighted is Dar es Salaam port. This port is a very important investment, not only for Tanzania but also for East African integration. He pointed out that there is room for improvement at the Dar port and if bureaucracy, corruption and theft can be abolished then the Dar port will be great importance at the East African level. I support the motion.

The Speaker: Thank you so much, honourable. Please honourable members, many members want to contribute to this motion and we have another motion which I think we should dispose of. Restrict yourself to three minutes.

Dr Odette Nyiramilimo (Rwanda): Thank you very much, Mr Speaker. I rise to support the motion and if the mover would accept my amendments, that is what I would like to propose.

On page two where this Assembly resolves, it should not hold this entire title that reads, “All Partner States holding elections and other ...” because we are here to congratulate His Excellency President Magufuli so we are not including the other Partner States in our resolution.

Therefore, I would propose that we have only two points on this resolution. The first one, to congratulate His Excellency John Pombe Joseph Magufuli for his victory as the fifth President of the United Republic of Tanzania.

Two, we congratulate the people of Tanzania for having conducted themselves to the ideals of peace, democracy and conducted free and fair elections.

The other points are not appropriate for this motion. Thank you, Mr Speaker.

The Speaker: Thank you so much, hon. DR Odette. Just write your amendment and pass it over to the mover of the motion.

Dr Kessy Nderakindo (Tanzania): Thank you, Mr Speaker. I stand to support the motion with some few amendments. Talking about free and fair elections of Tanzania, we should bear in mind that the election in Zanzibar are not completed yet and the electoral commission in Zanzibar did declare that the elections were not free and fair and therefore, they are waiting for another date of elections in Zanzibar.

Unless we as an Assembly agree that Zanzibar is not part of Tanzania, of which I do not believe. So we need some amendment here. It is not about free and fair elections in Tanzania but the motion should be about congratulating our friend, our brother His Excellency John Pombe Magufuli for being elected the fifth President of Tanzania.

In addition, on the first page, the fourth paragraph which talks about the leadership of Tanzania and its political leadership have demonstrated once again a high level of political maturity and proven that Africans are civilised.” I do not think that this is appropriate because we do know that there are many parts in Africa where our brothers and sisters are butchering each other like animals. So what happened in Tanzania is just an anecdote of what a political situation should be.

We are also not sure whether the elections were peaceful. What we know is that Tanzanians are tolerant people. Tolerance is part of being human. We still have to wait and see how long Tanzanians are going to be tolerant. We know many countries in the world that have been independent for many years and have tolerant elections but as time goes on, what was inside exploded and the peace, which was expected disappeared.

We cannot talk about competitive democracy while we know many of those who went to the elections and voted did not know how to read and write. I am a mathematician and I

have the data. I have done the research and I am talking now. I have looked into the data and saw that even the polling agents could not add or subtract and therefore, I do not see how we can justify and say that this proves that Africans are having real and competitive democracy while the rate of ignorance of reading and writing is very high.

I therefore suggest that the mover just ends at that paragraph with the words ‘high level of political maturity’ and delete the rest of the paragraph. Thank you, Mr Speaker.

The Speaker: Thank you, hon. Kessy. I hope you have put as per the requirement of our rules your amendment indicating clearly to the mover and to the Clerk's desk for ease of follow up.

Ms Patricia Hajabakiga (Rwanda): Thank you, Rt hon. Speaker. In the onset I want to say that I support the motion and congratulate His Excellency John Joseph Pombe Magufuli for his election and for the people of Tanzania for having successfully got their president whom we appreciate very much.

However Mr Speaker, when I look at the motion and its title and all the way through, it is like there are two issues in this motion. One is the congratulatory message to His Excellency but there are other issues in relation to peace, democracy and free and fair elections. When you look at it, it is like we have two issues in the same motion and I would urge the mover if we could suspend this motion to rewrite it because there are so many amendments and if we start going through them, we might not be able to capture properly what he wanted to give.

Mr Speaker, I propose that we suspend and come back to this motion tomorrow after advising him on what should be captured because there are so many issues which are being touched on.

Second Mr Speaker, when I look at the first prayer, he is mentioning only three countries: the Republic of Tanzania – *(Interruption)* -

The Speaker: Hon. Patricia, can you help the Speaker? Are you debating or you are moving a motion on suspension of debate?

Ms Hajabakiga: Mr Speaker, I move a motion for suspension of debate so that we can assist and agree on the way this motion is written. Thank you, I beg to move.

The Speaker: Seconder? Hon. Pareno, hon. Taslima, hon. Hafsa and all the members standing.

I do not think this motion needs a lot of justification. She has talked on the point of what she wanted to say. I want to dispose of this motion and then we see how to proceed depending on how you vote. I put the question to hon. Patricia's motion to suspend debate on this motion moved by hon. Jeremie to allow further scrutiny on the details of the motion and prepare people for more debate tomorrow.

(Question put and agreed to.)

The Speaker: This motion is therefore in the House but suspended for debate at a later time which is likely to be tomorrow to allow more attention to it. I urge the mover, hon. Jeremie to cooperate with members and the office of the Clerk to see how best we can proceed tomorrow. Thank you so much.

MOTION FOR A RESOLUTION URGING
EAC PARTNER STATES AND THE
COMMUNITY TO IMPLEMENT THE
THEME "FROM PEACE IN THE HOME
TO PEACE IN THE WORLD; MAKE
EDUCATION SAFE FOR ALL" IN
COMMEMORATION OF THE
INTERNATIONAL DAY FOR THE
ELIMINATION OF VIOLENCE
AGAINST WOMEN; 16 DAYS OF
ACTIVISM

MOTION

Ms Dora Byamukama (Uganda): Thank you, Mr Speaker for allowing me to move this motion and it reads as follows: It is a motion for a resolution of the Assembly urging EAC Partner States and the Community to implement the theme: "From peace in the home to peace in the world; Make education safe for all" and this is in commemoration of the International day for

the elimination of violence against women under 16 days of activism. I beg to move.

The Speaker: Seconder? Hon. Frederic, hon. Chris Opoka, hon. Bucumi, hon. Kessy and all the members standing. Hon. Dora, please go ahead and move your motion.

Ms Byamukama: Mr Speaker, I thank all the members who have seconded the motion and allow me to quickly read it because everybody has had a copy for some time. It reads as follows:

"WHEREAS the year 2015 marked the 24th year of the 16 days of activism against gender based violence campaign initiated in 1991 which is used as an organising strategy to call for the elimination of all forms of gender based violence by individuals, groups and institutions through the world and;

WHEREAS the 16 days of activism include:

- 1. 25 November international day of no violence against women;*
- 2. 1 December World AIDS day;*
- 3. 3 December International day for the disabled;*
- 4. 6 December anniversary for the Montreal massacre when a man gunned down 14 women engineering students for allegedly being feminist and;*
- 5. 10 December International Human Rights day and;*

WHEREAS the dates 25 November the international day for the elimination of violence against women ad 10 December international human rights day were chosen to emphasise the links between gender based

violence and human rights principles and highlight that gender based violence is an international human rights violation;

NOTING this year that the 16 days campaign will focus specifically on the relationship between militarism and the right to education in situations of violent conflict, in relative peace and a variety of education settings while continuing to make links with militarism as an encompassing patriarchal system of discrimination and inequality based on our relationships;

RECOGNISING that education is a public good and a fundamental human right recognised in Article 26 of the 1948 universal declaration of human rights and upheld in various international and regional human rights conventions and treaties;

REALISING that the right to education is subject to political, economic and social shifts and upheavals, leaving certain groups especially women, girls, persons with disabilities, migrants and indigenous people particularly vulnerable and liable to being denied this crucial right;

NOTING that recent data shows that approximately 38 million people are internally displaced worldwide while 16.7 million are refugees;

FURTHER NOTING that girls and young women in particular are most adversely impacted by insecurity and crisis with the most recent estimates showing that 31 million girls at primary level and 34 million at lower secondary level are not enrolled in school and 15 million girls and 20 million boys will never see the inside of a classroom and;

NOTING that as many as 58 million of primary school age do not have access to education with approximately half of these; 28.5 million living in conflict affected areas;

AWARE that the protection to the right to education in conflict affected settings relies on national governments and the international community's commitment which are often difficult to obtain;

FURTHER AWARE that the right to education is often affected by weak infrastructure including unsafe and unsanitary educational environments, inadequate curricula that are not gender sensitive and continue to be framed with stereotypical patriarchal notions of gender, limited resource provision for the delivery of or access to education;

FURTHER AWARE that children and young people of all gender can face further disadvantage due to disability, race or ethnic origin, economic difficulties and obligations thrust upon them by families and by the situation many find themselves in whether in times of violent conflict and after and environmental disaster or during relative peace time;

CONSIDERING that the advantages experienced by girls are particularly acute, girls and young women face the spectre of early marriage or forced marriage or unwanted pregnancies that cut short their education, the threat of different forms of school related gender based violence which includes sexual violence, abuse on the way or within education settings and discrimination in the availability of essential infrastructure such as an adequate and safely accessible sanitary facilities that consequently many families chose to keep girls and young women from school and actively prevent them from continuing with their education;

RECOGNISING that the Treaty for the establishment of the East African Community under Article 49(2) (d) enjoins the Assembly to inter alia discuss all matters pertaining to the Community and make recommendations

to the Council as it may deem necessary for the implementation of the Treaty;

FURTHER RECOGNISING that the objectives of the Treaty are to develop policies and programmes aimed at widening and deepening cooperation among Partner States in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs for their mutual benefit are underpinned by fundamental and operational principles of the Community which include good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality as well as the recognition, promotion and protection of human and peoples' rights and the maintenance of universally accepted standards of human rights in accordance with Articles 5(1), 6(d), 7(2) of the Treaty;

NOTING that Article 121 of the Treaty inter alia recognises that women make a significant contribution to the socio-economic transformation and sustainable growth and that it is impossible to implement effective programs for the economic and social development without the full participation of women and that Partner States have committed to eliminate prejudices against women and promote the equality of the female gender with that of the male gender in every respect;

FURTHER NOTING that Article 124(1) of the Treaty states that the Partner States agree that peace and security are prerequisites to social and economic development within the Community and are vital to the achievements of the Community;

NOW this Assembly do resolve as follows:

1. *That the Council of Ministers directs the Secretariat to institute mechanisms to initiate studies and*

research, capture gender disaggregated data on access to the right to education in the EAC in order to effectively make education safe for all;

2. *That the Council of Ministers calls for measures for the maintenance of peace and protection of the right to education for all by directing Partner States to provide an adequate and appropriate enabling environment such as conducive policies and basic infrastructure.*
3. *That the Council of Ministers urges Partner States obligations to uphold the principles of good governance, maintenance of universally accepted standards of human rights and political commitments made thereunder be matched with meaningful action and adequate resources to end gender based violence in the EAC.*
4. *That the Assembly keeps under constant review the implementation in the Community of the theme "From peace in the home to peace in the world: Make education safe for all" and establishes an annual practice of commemorating 16 days of activism against gender based violence. In line with this, the EAC Secretariat and Partner States are urged to put in place mechanisms to implement the theme for this year's 16 days of activism against gender based violence to inter alia, ensure the safety of girls and boys at home and in schools and make education safe for all by promoting public awareness to raise civic consciousness, adoption of appropriate sex education, implementation of policies and laws that prohibit gender based violence,*

increase support for law enforcement mechanism, prohibit cultural and religious practices such as female genital mutilation and trafficking in persons that prevent girls and boys from accessing education and provide support to girls who get pregnant to be allowed to continue with their education and (b) to increase school enrolment, setting standards on equality of education, promote skills acquisition and development that contribute to a prosperous, competitive, secure, stable and politically united Africa.

5. *To ensure that all EAC Partner States sign and ratify the protocol on peace and security within a set period of time and that this resolution be transmitted to the Secretary General for appropriate action."*

I beg to move.

The Speaker: Thank you so much, hon. Dora. In the interest of time, can you use one or two minutes to give some extra justification to your motion and I open debate?

Ms Byamukama: Mr Speaker, the motion is very long but let me just say that in the home there is a new phenomenon whereby there are increasing cases of incest. This is where fathers are actually having sexual relations with their daughters and it is a very big problem which we should look out for.

There are also issues which have come up as crimes of passion. Every so often, a husband or wife may see a message on the phone and they end up killing the partner because of these messages.

There is also the issue of domestic violence and I will not go into this, we know it very well. The others have been stated.

On the issue of schools, teachers also have become a problem especially to the female as well as male students because unnatural sexual offenses are on the increase.

On the other hand, when you are a female student, you will find it very difficult to go to school when the school has no water or when you have no sanitary towels.

There are other issues which I would like to mention for example, on the type of education. The type of education which is provided in our schools should include appropriate sex education because in most cases, a lot of biological changes are happening and parents still think that talking about sex and what happens on the body is a taboo so there is need for this to be appropriate for all the age groups.

Linked to militarism, Mr Speaker and honourable members are aware that rebels target schools especially girls' schools. You are very well aware of the issue of for example, Boko Haram which is happening on the African continent.

I would like to couple this with the issue of drugs which are used to lure young boys for example into militarism. So basically, these coupled with social media, pornography and militarism have led to a major problem.

With these few comments, I would like to urge the members to support this motion. I thank you.

The Speaker: Honourable members, the motion on the floor is urging Partner States and the Community to implement the theme “From peace in the home to peace in the world: Make education safe for all in commemoration of the international day for the elimination of violence against women; 16 days of activism”. Debate is open.

Honourable members, I am aware of how unhealthy it is for us to sit for so long. I am going to allow only four members to contribute to this matter and we dispose of it. Each member will take not more than three minutes.

Mr Frederic Ngenzebuhoro (Burundi):

Thank you, Mr Speaker. I stand to support this motion because I am convinced that peace must be at home first before peace spreads to the rest of the world.

As stated by hon. Dora, we are now, especially in this region, experiencing issues which are not acceptable. The issue of domestic violence, I will not talk about it but the shameful thing now in the region is the sexual abuse by the fathers or the relatives.

You can imagine a parent abusing his daughter and she becomes pregnant and is forced to give birth. It is not acceptable and that is done at home.

I would also like to say that there is a new phenomenon; trafficking in persons done by parents. It is not acceptable especially when you see that those parents ... their young girls somewhere. It is not acceptable.

It is not understandable how for example a parent can send her daughter into prostitution to bring money. Unfortunately when that young girl has not been able to get a client and she comes back without money, she is beaten. It is not acceptable.

Let me talk about the bad practices we have in the region which are in total violation of human rights; FGM and others. Unfortunately, those very bad beliefs are because of witch doctors.

At school, as we are talking about education, it is unfortunate that we have teachers who continue to beat young pupils and because of that, those young pupils refrain from going back to school.

We also have teachers who sexually abuse their young pupils. It is not acceptable. Education must begin by those persons who are supposed to educate others. I do not talk about the consequences of that which is early

marriage. When those young girls are forced to go and marry someone who is not ..., it is not acceptable.

So for me I totally support this very important motion because we must ask people to implement this theme. Thank you.

The Speaker: Thank you.

Ms Hafsa Mossi (Burundi): Thank you, Mr Speaker for giving me the floor. I rise to support the motion on the floor and I sincerely thank hon. Dora for having come up with this motion which was overdue.

Mr Speaker, it is true that women have been empowered but it is also true that women and girls are subjected to physical abuse. Women are subject to deprivation of resources. In most cases, they do not have access to health care or education. Women are subject to treatment of taking perceiving women as commodities and that is leading to sexual exploitation.

Others have talked about physical abuse, sexual assault, psychological abuse and I think these facts are appalling and need action.

Mr Speaker, to address these issues we need to tackle the root causes. My colleague, hon. Frederic has talked about cultural practices and I believe that we like to be identified with our cultures but those bad practices need to be dropped.

Mr Speaker, when we talk about violence and the relationship with culture and traditions, in most cases you will find that the abusers think that being involved in those kinds of activities, they think that they are justified, they are acceptable and the bad part of it is that women and girls are unlikely to come out clearly and be open about it. You find that in most cases women and girls suffer in silence.

This is why the issue of public awareness and education about these actions is needed. I think we need to promote this kind of education, not only for girls and also for boys because when a boy is in a home where there is no respect of human rights about the mother or the children, they will grow up in such an environment and when they become older, they will behave in the same way.

Mr Speaker, I think we also need to promote social inclusion in encouraging women to not suffer in silence.

As we address the root causes, somebody as talking about parents selling their children for prostitution. I think this is appalling but in most cases, it is due to poverty and I think this is something which we need to address.

Mr Speaker, finally I think we need in our Partner States to have the political will and in saying this, I want to commend Partner States which have come up with laws and legislations and policies to deal with gender based violence.

I salute the Republic of Rwanda in particular because they have such a set up that will not allow men to think they are superior to women and I think this is very important.

Mr Speaker, we need to change our mind sets but I would also like to propose that this Assembly carries out an assessment on the situation of this gender based violence in our Community. I thank you, Mr Speaker.

The Speaker: Thank you so much.

Mr Joseph Kiangoi (Kenya): Thank you, Mr Speaker for the opportunity. I want to support this motion because we as parents are noticing, and as a Community we are noticing that there is a lot of disadvantage. Women are being disadvantaged and children generally are very disadvantaged be they boys or girls.

Mr Speaker, I want to talk about one issue that has arisen and has become a recent phenomenon; internal displacement arising out of a breakdown in peace and security.

Mr Speaker, when the people get into the so called camps, you will find that whereas the boys might survive the ordeal, the girls' lives are generally ruined because of this happening.

There is also the trend of divorce which leaves children exposed and in many cases, you will find that the girls will lose their way and there will be no proper education for them.

The other issue is that of inheritance where, because of the mind-set that has been talked about, parents generally provide for boys – You find a man has written on his shop, “So and so and sons” and the daughters are not provided for. Eventually if there was to be a death of that particular person, the girls are left exposed to a lot of problems.

Therefore, education should be wholesale so that everybody is educated in the family as in the country. Everybody should cater for the children and in particular the vulnerable ones who are the girls. I thank you, Mr Speaker.

The Speaker: Thank you so much.

Ms Maryam Ussi (Tanzania): Thank you very much, Mr Speaker. I will be very brief. First of all I would like to thank hon. Dora for bringing this very important motion which touches the lives of all women and children.

Mr Speaker, I would like to put it to hon. Dora that she forgot one example of violence against women which is marital rape which is now very eminent.

Mr Speaker, I need protection from hon. Mathuki, my chairman.

The Speaker: You are protected. Proceed.

Ms Ussi: Mr Speaker, I will talk about one point regarding children. According to UNDP data of 2014, young girls and boys under the age of 18 are the ones who are at higher risk of HIV/AIDS infection right now compared to before when older persons were the ones who were more at risk. Because hon. Dora's motion also comes together with the December World AIDS day, I am combining my comments regarding children with the aspect of our laws in all our Partner States. HIV/AIDS laws and also in our new law which has just been passed; the EAC HIV/AIDS Prevention and Management law of 2012 which was passed by this Assembly, this issue has not been touched or recognised.

Children or young persons under the age of 18 should be allowed to get tested for HIV earlier without their parents or guardian's consent because now we have medication and people can live longer with ARVs; more than 30 years. Children of under 18 years are not allowed to get tested for HIV without their parents or guardians consent and as we know with the UNDP data, it says that now children are starting to have sexual relations as early as 15 years. So if we change our law or if we include children to be tested with only their consent and not by force when they are under 18 – we know that there are some 16 and 17 year olds who are living on their

own in boarding schools and they are very independent so we should change our law to include this so that they get tested early and they get medication early.

We should also prevent children being born with HIV because when a mother knows that she is HIV infected early enough, it is possible for them to give birth to uninfected children.

In time, I would like to put – because I realise that this EAC HIV law was brought to the House by hon. Patricia, if I am not mistaken or by an EALA member in the third EALA but we can bring amendments to include that children should be tested with their own consent and without parents' consent under the age of 18.

Thank you, Mr Speaker.

The Speaker: Thank you so much. I recognise all members who have interest in contributing: hon. Valerie, hon. Chris Opoka, hon. Isabelle but in the interest of time, I think I have over stretched members of the Assembly sitting for so long. I would like to invite hon. Dora to respond to the comments made by the honourable members.

Ms Byamukama: Mr Speaker, I will be brief. I would like to start off by thanking your office for finding space for this very important matter to be put on the Order Paper. I would like to implore you that next time we should take off a morning or some ample time for us to talk about an issue which is real in the Community and I would like to urge your office to find time maybe for us to have another activity or to encourage some kind of research because we cannot gloss over these real issues.

When we talk about women, the most recent report we got of 2015 was talking about 50 per cent of East Africans being women and these 50 per cent own less than 10 per cent of the resources. These are serious inequalities.

That said, I am also very concerned about the boy child and the men who are increasingly –

The Speaker: Hon. Dora, before you leave that point, hon. Hafsa Mossi moved that in amendment but because of time, she could not write it. She said that this Assembly do undertake a study. So if you consented to that, in essence it means the Assembly and the relevant committee are mandated. Just proceed as such.

Ms Byamukama: Thank you very much for your guidance and I warmly accept.

I would like to conclude by saying thank you to each and every one of you who voiced your support and those who intended to voice your support and for those who gave audience to this motion. I am very grateful. I will not name you but I just want you to know that I am very grateful.

Finally, I humbly request the Council of Ministers, which has kept very quiet on this very important issue – I am very concerned – that the Council of Ministers and the Secretariat will give this motion the seriousness it deserves.

With these few comments, I thank you again and I beg to move.

The Speaker: Thank you so much, hon. Dora. Honourable members, I have seen the gravity of this matter and the amendment has been accepted by the mover that this Assembly do further studies on this subject matter. That means therefore that the Committee of General Purpose is therefore mandated to undertake this activity. During that, I think you will involve many stakeholders to generate more debate for this House to make further resolutions or even bring a motion to that effect.

The people we are talking about are our children, our daughters, our wives and our mothers. I now put the question on a motion for a resolution urging EAC Partner States and the Community to implement the theme, “From peace in the home to peace in the world: Make education safe for all in commemoration of the international day for the elimination of violence against women: 16 days of activism.” I put the question.

(Question put and agreed to.)

The Speaker: Honourable members, I would like to apologise to you for having made you stay for so long. The Order Paper was so long and we have only one day left, that is tomorrow to accomplish the many things we are supposed to do but I thank you for our patience. House stands adjourned to tomorrow 2.30 p.m.

(The House rose at 19:21 p.m. and adjourned until Thursday 3 December 2015 at 2.30 p.m.)