



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

The Official Report of the Proceedings of the East African Legislative Assembly 107TH SITTING – SECOND ASSEMBLY: FOURTH MEETING– FOURTH SESSION

Wednesday, 30 March 2011

The East African Legislative Assembly met at 9.30 a.m. in the Chamber of Deputies, Parliament of Rwanda, Kigali

PRAYER

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

The Assembly was called to order.

PAPERS

The following Papers were laid on the Table: -

(by the Chairperson, Committee on Communication Trade and Investment (Dr. James Ndahiro (Rwanda):

The Report of the Committee on Communication Trade and Investment on the on-spot Assessment of the EAC/ICT Inter-connectivity

(by Ms Kate Kamba (Tanzania) :

The report of the Committee on Agriculture, Tourism and Natural Resources on the On-Spot Assessment of EC Projects and Programs in Tourism and Wildlife

(the Chairperson, Committee on Tourism and Natural Resources (Ms Safina Kwekwe (Kenya):

The Report of the Committee on Tourism and Natural Resources on the Workshop on Renewable Energy in the East African Region

MOTION

FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE LEGAL RULES AND PRIVILEGES COMMITTEE ON THE ASSESSMENT OF PARTNER STATES ADHERENCE TO THE TREATY

Mr. Fredric Ngenzebuhoro: Mr Speaker, Sir, I beg to move that the Report of the Committee on Legal, Rules and Privileges on the Assessment of Adherence to the Treaty by Partner States be adopted. Mr Speaker, I beg to move.

Ms Margaret Zziwa: Seconded.

Mr. Ngenzebuhoro: Mr Speaker, Sir, since the report is there with you, I am going to summarise it. In accordance with the East African Community Development Strategy, 2006 – 2010, the Assembly is required to develop and assess adherence to the principles of good governance, democracy, rule of law, preservation of human rights and social justice.

It is required to review the potential of the Partner States' contribution through the strengthening of the integration process. It is also required to assess if the Partner States have social and economic policies compatible with those of the Community.

Mr Speaker Sir, the Committee on Legal, Rules and Privileges Committee handles matters pertinent to good governance. In addition, since good governance, democracy, rule of law and social justice are principles set to achieve regional integration and sustainable development, the Committee on Legal, Rules and Privileges was tasked to assess compliance to the Treaty provisions of Articles 6 and 7, which stipulate – the afore-mentioned principles in all the Partner States of East African Community.

Mr Speaker Sir, it is also based on the mandate of EALA that the Committee on Legal, Rules and Privileges was tasked to with the above responsibility of assessing the adherence to EAC Treaty in the Five Partner States in the period 8th – 12th June, 2010. To be able to assess all Partner States at the same time, the Committee formed sub-Committees to cover all the five Partner States consecutively.

The Methodology we used:

The Committee on Legal, Rules and Privileges prepared questionnaires that were administered to the relevant stakeholders in the Partner States. To accomplish the tasks, the Committee set up five groups and visited all Partner States of EAC, namely, Burundi, Kenya, Rwanda, Tanzania and Uganda.

Each group was tasked to meet beneficiaries in the respective Partner States namely: Ministries of East African Community in our Partner States, the ministries of Justice, the Parliaments, the Judiciary, the institution of Defence, Prisons and Police and the Human Rights Commissions and institutions of higher learning and the civil society. However, depending on the set-up of each Partner State and prevailing situation at the time of probe, the questionnaire was not strictly applied in some of the Partner States.

Mr Speaker Sir, in Burundi, the sub-Committee met the following stakeholders:

- Ministry of East African Community Affairs
- Ministry of Justice and Constitutional Affairs
- Ministry of Security i.e. the Police and Defence
- Forum for Civil Society Organisations of Burundi
- The Electoral Commission
- The Council of Churches
- The Ministry of Home Affairs; and
- The Ministry of Good Governance and the Ministry of Gender

In Kenya, Mr Speaker the subcommittee met the following stakeholders:

- Ministry of East African Community Affairs Officials
- Minister of Justice, National Cohesion and Constitutional Affairs and other ministry officials
- Officials of the Judiciary
- Justice and legal Affairs Parliamentary Committee and the Parliamentary Staff
- Kenya Police and Prison officers; and
- Academia, human rights organisations and the civil society

Mr Speaker Sir, in the Republic of Rwanda, the sub – Committee met the following stakeholders:

- Supreme Court,
- The Ministry of Justice,
- The Ministry of East African Community Affairs,
- The Army, Police, Prisons;
- The two Chambers of Parliament; and
- The human rights commission, civil society and academia.

In the republic of Uganda, the sub – Committee met the following stakeholders:

- Ministry of East African Community Affairs,
- Parliament of Uganda,
- National Human Rights Commission,
- Ministry of Justice and Constitutional Affairs,
- Inspector General of Police and
- Ministry of Internal Affairs.

Mr Speaker, the subcommittee that went to the Tanzania reported that at the time of the probe, the United Republic of Tanzania was engaged in other national activities and was not able to meet anyone for the purpose.

Mr Speaker Sir, in accordance with the mandate, the Committee undertook the following objective:

- 1) To assess whether Partner States were complying with the provisions of the Treaty.
- 2) To sensitise the Partner States to operationalize Treaty provisions.

Mr Speaker Sir, the Committee has detailed the findings in the report, copies of which have been sent to honourable members.

Now the Committee concludes and recommends as follows:

- 1) The Committee noted that all EAC Partner States visited have the political will to adhere to the principles of good governance, democracy, rule of law, conservancy of human rights and social justice.
- 2) It was observed that much as the principle had been adhered to, however they have not been fully administered and operationalized by the appropriate offices. At the time, the offices of the ombudsman and human rights commission have not been established in some EAC Partner States.
- 3) Most of the EAC Partner States have put in place social and economic policies in response to the Treaty provisions.

Mr Speaker, to this end the Committee recommends to the Assembly that:

- 1) The Council of Ministers cause establishment of Ombudsman and Human Rights Commissions offices where they do not exist in order to comply with the Provisions of the Treaty establishing the East African Community.
- 2) The responsible Committee investigates Human Rights violations as indicated in this report and report back to the Assembly.
- 3) The Council of Ministers in collaboration with media owners established a framework for media self-regulation to ensure professionalism and adherence to good conduct and ethics.
- 4) The Council of Ministers should ensure that free and fair elections are conducted in all EAC Partner States.
- 5) The Assembly draws a program of activities for EAC awareness activities and sensitization. The Council of Ministers should henceforth ensure that there are sufficient funds to implement the program.
- 6) The Council of Ministers should ensure that all EAC Ministries continuously sensitize the EAC citizens on programs, projects, and activities of the Community.
- 7) EAC Partner States should expedite harmonization of legal and judicial systems in order to easily standardize law, judgments, and law reporting.
- 8) The Council of Ministers initiates discussion on the Constitution of East Africa leading to Political Federation.

- 9) The EAC Council of Ministers should create a mechanism that ensures Standing Committees in all National Parliaments are established to allow EALA Members report back.
- 10) The EAC Council of Ministers should ensure that all legislation passed by East African Legislative Assembly is implemented by Partner States.
- 11) The EAC Council of Ministers should ensure that protocols whose provisions have not been enacted by EALA be domesticated by Partner States.

Acknowledgements:

Finally, Mr. Speaker Sir, The Committee wishes to thank the Hon. Speaker, for allowing the Committee to carry out its oversight function. The Committee further wishes to thank the governments of all Partner States visited and all Stakeholders who availed the Committee with information.

Mr. Speaker I beg to move. (*Applause*)

The Speaker: Honourable Members, the proposal on the floor is that the report on the Committee on Legal Rules and Privileges on assessment of adherence to the Treaty by Partner States be adopted. Debate is open.

Ms Margaret Zziwa (Uganda): Thank you, Mr Speaker, Sir, for the opportunity. In addition, I would like to take the opportunity to congratulate the Committee on Legal, Rules and the chairperson upon this very important report.

Mr Speaker I support the report most importantly because it is a very important activity, undertaken to evaluate and assess adherence to the Treaty. I appreciate that there could have been time limitations, but I also accept that the job they did was very comprehensive. When you look at the report which is an addendum to the one submitted, you can see that there was a lot of work done. However, I will limit my comments to the report, which the chairperson has submitted on the floor.

First, let me support the fact that there is an effort in all the Partner States to ensure that they comply with the provisions of the Treaty because the Partner States are actually the owners of the Treaty. To that effect, I would say that there may be differences in the applications, but there is hope that something will go on.

Personally, I am not happy with the word, “Probe”, which appears on page 3, because it connotes that things were going wrong in the Partner States. That word is specifically on the second paragraph of page 3; the last sentence on that paragraph – (*Interruptions*) -

The Speaker: Hon. Zziwa, continue.

Ms Zziwa: Thank you, sir, he states in the summary that “However, depending on the set up of each Partner State and prevailing situation at the time of probe, the questionnaire was not strictly applied in some of the Partner States.” I am not happy with that word, “probe” because it

connotes that things were wrong, and so the EAC set up a Committee to go and establish the matter. Therefore, it gives a negative connotation. So, if the Chairperson and the Committee do not mind, we would delete that word and use say, "Assessment", or "The exercise of assessment", so that we are not seen as if we are criminalizing what they are doing; that is my humble request.

The second observations, this too is a humble request, from page 5. "The subcommittee that went to Tanzania reported that at the time of the probe..." again the word, "probe", appears. So, I kindly request to also delete it.

The third point is a request – subject to correction - on the general conclusion and recommendations. The first conclusion, bullet one, "The Committee noted that all EAC Partner States visited have the political will to adhere to the principles of good governance –". If you look at the word, "have" in relation to the time the Committee took, it is a very subjective word. I do not know whether we should settle with "have", or substitute it with, "Expressed". When we talk about expression, it means that the institutions with which the Committees interacted with presented the political will of that particular country. Therefore, it is my view is that instead of the word "have", we use, "expressed". I also want to look at the recommendations; on recommendation four, I wonder how practical it will be. When I talk about practicability, I mean – "The Council of Ministers should ensure that free and fair elections are conducted in all EAC Partner States". (*Laughter*)

Mr. Speaker, Sir, it is good for us to make recommendations but it is also important that we make practical recommendations. It is important that the elections conducted in the Partner States are free and fair. Nevertheless, may be what the Council of Ministers could do is to – we could insert the phrase, "Principles of..." so that the sentence becomes "The Council of Ministers should ensure that principles of free and fair elections are adhered to" – (*Interjections*). Mr. Speaker, Sir, you can see my problems together with the chairperson and the Members. I think we need to improve on that statement. It is true that we need to have free and fair elections in our Partner States but I do not know how the Council of Minister is going to do it. The applicability of that recommendation is a problem.

I also want to make another comment on recommendation number eight. Mr. Speaker, Sir, I think this is the mother of all the recommendations; "The Council of Ministers initiates discussion on the Constitution of East Africa leading to Political Federation". I want to support this recommendation fully because following what transpired last week in the Deputy Secretary Generals' seminar – the bill of rights, issues regarding where the bill of rights is to be located – all this points to the fact that East Africa needs to start thinking about a constitution. Therefore, I am in support of these recommendations.

When you consider that there are ideas, and actually there is already a proposed law on the formation of an Electoral Commission of East Africa, I think that can be best placed if we have a constitution, because then it would have a place of domicile.

Finally, on point eleven, I am a bit at a loss; I need someone to help me: “The EAC Council of Ministers should ensure that protocols whose provisions have not been enacted by EALA be domesticated by Partner States”. I think there is something not very clear there. It is an important recommendation but I think either – something is wrong with this recommendation. If we want to ensure that the protocols whose provisions have been enacted by EALA – but I think even that is not correct; we need to have point eleven cleaned up a bit.

With those observations, I wish to support the report and congratulate the Committee for the job well done.

The Secretary General (Ambassador Juma Mwapachu) (Ex-Officio): Thank you, Mr. Speaker, I also wish to join the previous contributors to this report which I also fully support. I think that one of the major weaknesses in the Treaty...and I maybe when the drafters of this Treaty were doing their work in the period prior to 2000, they were also concerned about. I think they were looking at the history of the EAC and at a stage when we had to move towards a great deal of confidence building.

They hesitated to make the Treaty very self-regulating and a Treaty that would ensure that Partner States do adhere to Treaty provisions. Therefore, you should find that the Treaty is rather weak in terms of ensuring compliance by the Partner States of the various Treaty provisions.

I want to congratulate this Assembly and this Committee in particular for taking the bull by its horns because who then does the work of ensuring that the various provisions of the Treaty are actually implemented and enforced by Partner States? You will find that in the various chapters of the Treaty, a lot of the work of EAC's integration is left in the hands of the Partner States, yet the Treaty lacks an oversight mechanism for ensuring that the Partner States comply and enforce those Treaty provisions.

I think we need to be mindful that the realization of the various objectives of this Treaty depends on how the Partner States respond to the provisions of this Treaty. Many areas, which would enable the EAC to concretize its integration, are in the hands of the Partner States. I think, because of the sovereignty issues, the Council of Ministers, which seems to represent more of the national interest rather than the overall EAC integration objectives do increasingly find themselves in a rather difficult position in terms of holding the Partner States, which brought them as ministers to the EAC in enforcing those particular provisions.

I think EALA needs to take the bull by its horns and undertake this role. I think what we have before us is a path breaker towards ensuring that the Partner States are implementing and enforcing this Treaty provisions. We cannot think of EAC integration just in terms of the four pillars: customs union, the common market, monetary union and political federation.

A wide spectrum of areas underpins the achievement of our integration agenda. Therefore, if we leave the Partner States to determine them at their own will and their own time, I think we will not be able to realize the ultimate and more concrete objective of integrating the five Partner States into an important economic and political union.

Therefore, Mr. Speaker, Sir, I stand to support this report and I wish that we would have come with a more concrete proposal on how we sustain this kind of oversight role. Yes the word “probe” is wrong; I think the aim is creating a very strong oversight role that continuously is able to hold the Partner States to account in terms of realizing the various obligations denounced in this Treaty.

In addition, I think part of the problem is that many of these provisions, which are left for the Partner States to implement, are very loosely provided for. Therefore, there are no benchmarks or timelines and there is almost like a discretionary mandate on the part of the Partner States to implement those provisions.

Therefore, I call upon this honorable House to put this matter on its continuous agenda all the time to ensure that the Partner States do fulfill their obligations. If you read the Treaty, it says, “The Partner States shall...” “Shall” is a legal obligation, but is that legal obligation actually being fulfilled? It is not being fulfilled, therefore, I want to commend this Assembly for undertaking this exercise, and I think it should be sustained on a continuous basis.

Let me respond to one of the recommendations, Mr. Speaker Sir, that is recommendation no.3 in the summary, where it talks about the Council of Ministers in collaboration with media owners should establish a framework for media self-regulation. I just wanted to report to the House that the media owners have adopted a resolution - not in the last Media Summit but in the previous one, which took place in Kampala- that the EAC should move forward in establishing an EAC Media Council, which will provide the framework that, is captured in this particular recommendation. So as a secretariat, we are already mandated to begin work in the development of the legal framework for this media council.

As you know, Mr. Speaker Sir, I think in all the Partner States, at least in know four Partner States already have national media councils. Therefore, it is a question of how we bring this perspective on a regional scale.

Thank you, Mr. Speaker Sir. (*Applause*)

Mr. Dan Kidega (Uganda): Thank you, Mr. Speaker, Sir, for the opportunity. In accordance with our tradition and practice, allow me to extend my appreciation to the government and the people of Rwanda for their traditional hospitality that they have extended to us since we came to this country.

Mr. Speaker, Sir, over the weekend, there were very important activities, which are regional in nature that took place in the sports sphere. The Republic of Rwanda played football with the Republic of Burundi and Republic of Rwanda defeated Burundi to a 3-1 victory. I would like to congratulate Rwanda. (*Applause*)

Mr. Speaker Sir, it did not stop there; there was also volleyball competition emanating to the qualification to the All Africa Games in which Rwanda again played finals with Uganda in Zone 5 group. Rwanda again beat Uganda to a 3-1 victory. (*Applause*) Therefore, the presence of the Assembly seems to have brought good luck to the Republic of Rwanda and we congratulate them. Those may sound like light notes but sports is a recreational activity that always brings people together.

Mr. Speaker, Sir, I just want to address myself to one matter in the report; that is recommendation number eleven. Moreover, I think it is important to make it known that I am a Member of the Committee. I think in the process of summarizing – or coming up with an abridged version, a few drafting errors or omissions took place. To put hon. Zziwa's concern to rest, recommendation number eleven is actually supposed to read, "To urge Partner States to sign and ratify protocols that have been concluded and not yet signed and ratified". In addition, part b of it is, "To urge the Council of Ministers to introduce bills operationalize these protocols".

Mr. Speaker, Sir, we have serious concern in this area; we are aware of some protocols that have been concluded in terms of drafting and so on but not yet signed, or signed but not yet ratified. An example is the protocol on environment and natural resources. Only Uganda has so far ratified, but out of the original three Partner States that signed, two of them have not yet ratified. That is the depth of that recommendation.

Thank you, Mr. Speaker, Sir. (*Applause*)

Mr. Leonce Ndarubagiye (Burundi): Thank you, Mr. Speaker, Sir for giving me the floor. I also wish to express gratitude to the Government of Rwanda and our colleagues of Rwanda Chapter for the hospitality, thank you very much. I read quickly through the report and I really commend the Committee for the job well done, however, there are some issues that I would like to raise.

On page 9, point 13.1: freedom of assembly, association, and speech, it is stated that during the last five years, three journalists were arrested and they have been imprisoned for a long time without trial. It was reported that after some time they were taken to court and found not guilty of charges leveled against them.

If it went to court, there are legal provisions for them to claim compensation in case they are not guilty. However, the following paragraph says that in a similar scenario; which means that the people were arrested by police – in a similar scenario, a one - (*Inaudible*) - was allegedly assassinated while the older society had been harassed. Which means that the journalist who had been arrested are in a similar situation with the assassination – which means the government assassinated him; or at least it is implied; but it is not true.

This case is before justice and in I think the second paragraph should be deleted because this is an allegation, which is not true, and this is a case, which is before justice. I happen to know personally the man because we used to work together; he was my colleague in the office of the Second Vice President, he was a very good man; I know him. Nevertheless, here it is alleged assassination because they say in a similar scenario. This is not correct. I request to delete this paragraph.

Later the subcommittee was informed that most political parties boycotted the electoral process with a few participating only in the parliamentary elections. Well I think we sent an observer mission and they made their report – (*Interjection*) – part eleven, paragraph 1.6 on political parties. It is true that some political parties boycotted the elections for their own reasons, but we sent an observer mission and it gave a report.

It is said in part 14.1.11 general observations that there was an appeal from the civil society organization to the members of EALA to up-lift a ban on its organization which was banned last year – I believe that if they have been banned, these Committee should do more investigations to find out why they have been banned. If law has banned them, then they can go to court there or in East Africa.

Therefore, those are my comments, and in conclusion, I wish to say that the Committee softened the thing that I said before, and I really would like to support this report if the case of – (*Inaudible*) - is going to be deleted. Thank you, Mr. Speaker Sir.

Ms Dora Byamukama (Uganda): Thank you, Mr. Speaker, Sir, for giving me this opportunity. I would also like to add my voice to those who have spoken before me to thank the people of the Republic of Rwanda for their hospitality, and to say that for some of us who come from the border areas and who do not know whether we come from a part of East Africa or not, it is always a pleasure to be home.

Mr. Speaker, Sir, I have some few points to rise. I am a Member of this Committee, but I just thought that I would amplify some of these points so that maybe we can understand the report even better. My first point relates to what the Secretary General alluded to in respect to the issue the fact that when you consider the most recent protocols like the one on the common market, most of the powers for implementation are relegated to Partner States and I would like to give an example.

When you look at article 8 (3) of the Treaty, it states that “*Each Partner State shall designate a ministry with which the Secretary General may communicate in connection with any matter arising out of the implementation or the application of this Treaty and shall notify the Secretary General of that designation*”.

Mr. Speaker, Sir, I am aware that for the ministries of East African Affairs to be constituted, the first EALA has a major role. I would like to congratulate that Assembly for ensuring the creation of those ministries. I would also like to say quickly that after they were created, and now that we have seen these ministries in operation, there are some areas, which may need to be changed in order to enable these ministries to be able to do the work that the ministries were supposed to do. For example, when you go to the ministries for East African Affairs, you will find that much as they should be the focal ministries, especially in respect to East African Affairs and in respect to issues under the Treaty, you still have to go to the different department of government or different ministries in order to get the information.

Therefore, I would like to say that it is time that these ministries get changed such that they are able to act as focal points and let them be placed in a higher. In order for them to be able to manage or ensure that, other ministries of government comply with the Treaty; I believe this is what should have happened.

Mr Speaker, Sir, this House has hitherto recommended that ministries for East African Affairs should have specific portfolios and that the ministers should be resident in Arusha. I believe that this recommendation still stands and it is by doing this that we will be able to move the ministries for East African Community Affairs to a level that will enable them not to act as if they are leading government delegations but in effect enable these ministries enforce the Treaty.

My second point is on the issue of Article 143 of the Treaty. When all fails and there is lack of adherence, his article on sanctions is supposed to be utilized, for example when the Partner States default in meetings, and other obligations, financial and others under the Treaty, should be subjected to action as the summit may on the recommendation of the council determine.

Mr Speaker, Sir, we have commented on this article before and as it stands right now it is almost impossible for the council to determine that a Partner State has defaulted because we know that in the last ten years or so, there must have been defaults. However, this article has never been evoked. This means that it may have no relevance in the Treaty and therefore there is urgent need amend this article so that we can use it to ensure adherence to the Treaty.

My next point, Mr Speaker Sir, is on the issue of the different roles – the secretary General noted this. When you consider article 14 of the Treaty and you look at the articles of the council, it states that:

14(1) “The Council shall be the policy organ of the Community

(2) The council shall promote monitor and keep under constant review the implementation of the programs of the Community and ensure the proper functioning and development of the Community in accordance with this Treaty”.

So in effect the Article is giving the Council the mandate to ensure that there is implementation of programs of the Community, and as we know that, the Assembly has a role in form of its oversight function. I would like to say that when you have a policy-making organ, given the mandate to also do the oversight and ensure implementation, it may not work because there may be conflict of interest or it maybe hampered by the fact that it has too many roles.

This is why His Excellency President Paul Kagame was saying that we need a major surgery on how we operate in order to move the integration process into the arena where we shall have three distinct arms of government and where we will have a secretariat that will implement these programs.

Finally, Mr Speaker, I would like to note that it was sad that our Committee was not able to interface with the United Republic of Tanzania. Notwithstanding that, they have a ministry for East African Affairs. This clearly drives home the point that much as these ministries may be in existence, and much as they may have been given notice, they are reluctant, which we cannot explain, in their support of the Assembly in its execution of its work.

The report is asking for another opportunity, but obviously, this was wastage of funds as well as time. Therefore I would like to register my dissatisfaction that this was unfortunate and I pray that the next time the Assembly wishes to meet any Partner State on any issue it is given due respect. Thank you, Mr Speaker.

Dr. James Ndahiro (Rwanda): Thank you, Mr Speaker. I would like to contribute to this debate particularly after listening to the submission by the Secretary General.

Mr Speaker, I wish we had this debate five years ago; we would be very far now. However, now that we are able to debate, we cannot read the Treaty in isolation. Any document of law –

although I am not a lawyer, I know that any instrument or contract should always be read in a certain perspective; examine the content and look at the context.

He mentioned the intentions of the drafters and other people who participated in drafting the Treaty. If we put the Treaty in the objective and intention of the drafter, we produce the content we have now. However, it goes ahead to put it in a context in such a way that all people involved have a law degree.

This Treaty puts our integration process in the hands of governments, the people and the private sector. I believe there is so much achieved, not only by governments but also by those other stakeholders; the civil society and the private sector.

The Treaty again gives power to organs and institutions of the Community. We have not received any complaint from any institution or organ of the Community that they have failed to execute their mandate because of the Treaty provisions. Yes, those weaknesses might be there, but what is failing us is failure to put our Treaty in the context in which we operate. I imagine the private sector, the civil society and other organizations or associations of East Africans can be coordinated. The Treaty provides a mechanism for their coordination and participation in the integration process.

I do not think that we have failed to bring different players in the Community and pose a question about their role in the integration process. Do we need any instrument; don't we have enough? Have we operationalized the protocols? The governments have negotiated instruments, signed and ratified. Is the problem now about "Shall", why don't we examine our roles and see whether our failure is due to that documents or there other areas that we can improve to make sure that we discharge our mandate?

Mr Speaker, Sir, I am not a Member of the Legal Committee, but after listening carefully to their recommendations, I notice that the Parliament is discharging its mandate; the Council and the Secretariat should discharge their mandate. In addition, as institutions and organs of the Community, we could sit together, look at areas of difficulty, and revise ways and means of tackling those barriers – I was almost going to say, non-tariff barriers. (*Laughter*)

So, Mr Speaker Sir, hon. Byamukama gave us a way forward; the surgery. Can we seek the surgery of our integration process? As institutions of the Community, probably we could again have a retreat or any other forum to discuss these things in details.

We should establish whether the Treaty is a hindrance, and if so, what we should do. If we just look at it and complain here; move out of this meeting and go to another one, where are we heading for. People are expecting results; East Africans are looking at the opportunities in the Common Market.

We know that there are difficulties in that protocol; the people who negotiated the Common Market Protocol were self-centred. They were nationalists rather than East Africans.

I am sorry to generalize, but the whole document is about what the Partner States will do and what happens if they do not. We cannot sit down and discuss how we will finally make the Common Market operational, given the challenges. We know and we have discussed them. We know that under the Customs Union, there is Customs Management Act, which requires Partner

States to implement of resolutions. However, we always say, “This is not implemented”; why? All these questions require answers and this should form part of that surgery. I think this forum can recommend that organs and institutions of the Community sit again to discuss all those challenges.

Thank you, Mr Speaker for the opportunity. (*Applause*)

The Speaker: Hon. Members, I do not see anybody else who wants to debate. Therefore, I want to call upon the Council of Ministers, if they want to say anything before I call the chairperson of the Committee. Does the Council want to say anything about this? I guess not.

Hon. Members, as I have always said, when you want to debate, you stand up and debate as your request for the floor. I only give it out of courtesy because this time I find this is an important document. However, if members of the Council want to stand up and debate it, they may do so. *Mheshimiwa Waziri, Karibu.*

The Third Deputy Prime Minister and Minister for EAC Affairs, Uganda (Mr Eriya Kategaya)(Ex-Officio): Mr Speaker, Sir, I was not standing up because I thought there were more debate coming from the Members of the Assembly. I would like to thank you very much for this opportunity to contribute to this important report.

First, I would like to join those who have thanked the people and Government of Rwanda for continuously extending hospitality to EALA and ourselves. Secondly, is the contribution by the Secretary General about the enforcement of the Treaty provisions? It is true that in the Treaty, the Partner States have the primary responsibility to enforce the Treaty.

I think this was correct at the time of making this Treaty, because the integration will move fast or slowly depending on the commitment of the Partner States. They are the ones to move it fast if they think that integration is an important strategic policy matter in their respective countries.

I know that the implementation has been uneven because each Partner State has different priorities including the integration of East Africa. I think the Assembly should urge our Partner States to make integration of East Africa an important policy matter; for our future and for the future of our people. Without the Partner States taking up this matter, I do not think anybody can take up the interaction process.

The idea of a superior power making sure that Partner States enforce or adhere to the Treaty is something that is coming up now. However, before that, in 2000, I remember we had not come to that level. Now that the ground has been softened and cleared, in my view we can even start on the constitution of the East African Federation as stipulated in recommendation 8 of the Committee.

Mr Speaker, Sir, may I take this opportunity to mention; I am sure the Chairperson will say something about it, but in recommendation 8, I think everybody knows that there have been two attempts to bring this matter of a political federation forward.

We set up consultative Committees in each Partner State, they made their reports on the views of the *Wananchi* about the political federation and I think there was overwhelming support for the political federation from the *Wananchi*.

But when we came to implementation, we got a problem. Each Partner State has a different view. The majority of them said, yes we should go ahead and work on the political federation but why are you in a hurry. I think this question has not been answered.

In the last summit, this question came up again. The summit ordered the Council of Ministers to consider this matter and come up with concrete recommendations on this issue. I think the Council is to meet and discuss this matter and the report and we shall make a recommendation to the Summit next month in Dar-es-salaam. (*Applause*)

What the members here should do is to find out what recommendations we are going to make. We should participate in this debate; what recommendation do we make to our Heads of State on the way forward for the political federation?

Therefore, the principle of the Partner States I think is important because the leaders of these Partner States must; if they believe in integration, go out to sensitize their population. They must go out and encourage civil society organizations. I Mr Speaker Sir, I think there has been improvement as Dr. Ndaïro was saying.

I was reading the report last night on the contributions of our Partner State members; for the first time, we are on time – (*Applause*). In addition, it has been a long way to come to a point where members contribute on time because we had said by December we should all have paid. However, according to the report, everybody is on board on this matter; so this is very encouraging. This is good; unlike in the old days where Partner States would not pay in time.

In addition, there have been some other civil society organizations, which have been set up and are going to encourage coming together. The lawyers for example have come up on this issue; they want to practice across the border. The doctors, nurses and midwives have also come on board; they want an East African organization to make sure they can practice their medicine across the board. Moreover, I think the engineers and other professional bodies are coming up to emphasize the importance of coming together.

Under the Common Market, I think traders are now coming up to take the opportunity. What the Common Market is not doing is the movement of the *Wananchi*. Travel documents are still a problem. Now there is resurgence of civil society organization about the integration.

Mr Speaker, Sir, I would like to bring the attention of the House to Article 1.74, which we have never implemented. The Article says, “The Secretary General shall provide a forum for consultations between the private sector, civil society organizations, and other interest groups and appropriate institutions on the Community. I think we should urge the Secretary General – the present one has a few days to go, so we are not going to disturb him. Nevertheless, I think the one coming in should implement this. We need a forum where the civil society and private sector and institutions of the Community can interact on the way forward so that -as we have said in the Treaty- integration should become a people-centred process rather than a government centred process.

Mr Speaker, Sir, I think we have moved far. What we should discuss is what we should recommend to our Heads of State next month. Stagnation is not a way forward; avoiding the matter is not a way forward. I think we should say, yes the Treaty has worked very well; there is general awareness of the importance of the integration of the region. We have also seen practical

advantages of the integration of the region, particularly in the Customs Union. As I said, the most specific achievement was the new expansion of intra-East African Trade. This is very important for our development in my view. We should first start with our industries and agriculture, and especially trading amongst ourselves rather than all the time looking for markets outside in Europe where actually we cannot compete favourably yet.

So, I think that is what we should be working for and tell our Heads of state that much as the Treaty has worked, we need to move forward on having a superior body can insist or question or find out if all of us obeying the Treaty and moving forward towards real integration.

Mr Speaker Sir, with those few words, I thank you for giving me the opportunity. (*Applause*)

The Assistant Minister for EAC Affairs, Kenya (Mr. Peter Munya) (Ex-Officio): Thank you, Mr Speaker, Sir, I fully share the sentiments expressed by the Secretary General and hon. Kategaya that the Community has not come of age. We have reached a stage where we need to do a proper review of the Treaty so that we can be able to move forward. It has served us well for the time it has served, but the stage we have reached in the integration, we cannot move forward unless we look into the weaknesses that are in-built within the Treaty so that we are able to strengthen the framework to be able to move forward.

Mr Speaker, Sir, I also support recommendation no.8; there is a need to stimulate debate on the issue of political federation. The debate we have had so far is so unstructured, because there is no draft proposal for people to debate on. So we have very generalized debated that are not focused on anything. Therefore, a time has come for us to provide a draft so that the East African citizens can debate.

Those who are against having a draft...I do not understand why. When people say that time has not come to have a federation to have a federation; but can you also say the time has not come to have a debate? Surely, we need to debate because the debating will take time before we crystallize the future. In addition, the debate must be an informed debate because if there is no framework along which the debate can take place then we do not have any debate at all.

We have been hearing sentiments like the federation cannot come now because we have been having instability and violence here and there; I thought the federation is to stop those kinds of instabilities. I thought the federation is supposed to make East Africa Stronger and entrench common values within the federation. So, some of the issues that we are raising now are, in my opinion, issues that should actually make us have that federation when the time comes. Therefore, the time for initiating the debate is now.

I also share the sentiments expressed by Dr. Ndahiro that even though we say that we have a Common Market and we have a protocol, there are serious weaknesses within the protocol that we have to address. When you have a protocol that even attempts to oust the jurisdiction of the East African Court of Justice, it is pertinently illegal, because the Treaty gives the Court power to interpret the Treaty.

Now you have a protocol that says that the Partner State courts are supposed to resolve disputes that relate to the protocol; that is a step backwards! I have been saying and I will say it again here today; if any East African decides to challenge that protocol in court, they will succeed, because a protocol cannot be superior to the Treaty.

All matters relating to the Treaty are given the responsibility of interpreting are given to the East African Court of Justice. Then we have a protocol, negotiated after the Treaty, attempting to backtrack on what the Treaty already provides. If I were not a minister or East African Community, I would go to court - (*Laughter*) - but now that I am a minister, I cannot do that.

But I urge East Africans who are spirited to take the matter to court, I know it is very able given the rulings and judgments it has given in the past to explore that particular provision. We cannot have a Treaty providing rights and then allow Partner States to decide when to provide those rights. You say the Partner States are free to say, we “will give this and the other freedom”. Actually when you do that, you negate the rights that you have given when you allow Partner States to decide at what point they provide certain rights. Therefore, we need to address these issues to have a properly functional Common Market.

On the issue of giving Partner States obligation to implement decisions, which is okay because they should be the ones to implement, but the problem comes at enforcement. If they do not implement, what happens? That is where the problem is. The problem is not the power given to them to do it, because once you pass a directive that the member states are obligated to implement...actually, in all integrated institutions all over the world that is what happens. The Partner States do the implementation.

What we are lacking is an enforcement mechanism to implement in a skill manner; which organ comes in to make sure that that Partner State does what they are obligated to do? That is where we need to review the Treaty to provide an enforcement mechanism. Usually an enforcement mechanism would be provided by empowering the secretariat, because the secretariat is supposed to be an independent organ. The EAC Secretariat should be able to say, this Partner State has not implemented this and that and empower them to provide sanctions; they should be able to fine you. If you are supposed to do something within a given period and you do not do it, then you should be fined so that you feel the pain – the Partner State should feel the pain of not carrying out their duty. If we do not provide such enforcement mechanisms, even the Common Market will never work because the state where we have reached, there must be an enforcement mechanism and the capacity to impose sanctions where a Partner State fails to do their obligations under the Treaty.

Mr Speaker, Sir, this is a historic moment for us as a House and for us as the Council to make that brave decision of moving in that direction. If we do not move, as Dr. Ndahiro has observed, stagnation can never be an option for us. We have reached a stage where we must move forward and we must make that brave step forward.

The Minister for EAC Affairs, Burundi and Chairperson, EAC Council of Ministers (Ms Hafsa Mossi): I thank you, Mr Speaker, for giving me the floor. I wish to begin my intervention by thanking the Rt. hon. Speaker of the National Assembly of Rwanda and the Government of Rwanda for enabling us to meet once again in this beautiful city of Kigali, but also for the hospitality accorded to us.

I would also like to thank the Committee on Legal, Rules, and Privileges for undertaking such an exercise that has given rise to this report. Let me give some few comments. First, I would have wished that this report covered all the Partner States and not only four of them – it would have been a complete report. Also the Committee should have engaged as many stakeholders as

possible both in the public domain and in the public sector given the fact that our integration process is people-centred and market driven.

I wish also to observe that the report could have been improved taking into account the fact the statistical survey principals indicating the sample, whether this was a qualitative or quantitative survey, include Tanzania and draw references from the findings of the survey.

Having said that, I now wish to make some clarifications on pages 9, 10 and 11 of the report. On page 9, I think the annual development with regard to putting in place the office of the Ombudsman in Burundi – this is a new development should be included in the report.

On page 10, it says, “The subcommittee was told that activities of the civil society organizations have been banned”. I wish to report to this House that the incident happened at that time but now all the civil society organizations are working freely.

On page 11 of the Report, it is stated that Burundi has more than 40 political parties but only five political parties were represented in parliament and they name them. But it would have been better if they stated why only these political parties were represented and maybe why the other political parties did not participate in the elections.

Having said that, I wish to thank once again the Committee for having undertaken this exercise and I wish to support this report.

Mr. Ngenzebuhoro: Thank you, Mr Speaker, first of all I would like to highlight and indicate that what we have in the report is our findings on the ground; I think that is the most important thing. I would like also to thank the people who compiled this report, and the Secretary General for his remarks. I want to thank the Chairperson of the Council for the comments she has made. I would also like to thank the Chairperson for the methodology because in talking about the survey, the report has indicated the personalities or stakeholders the Committee met in each Partner State.

Mr Speaker, Sir, very quickly, I would like to again say that we are very grateful to the comments made by the members here and mainly I would like to thank hon. Zziwa who has proposed that we change the word “Probe” with “Assessment” and I think there is no problem, we will do that.

I would also like to thank the Secretary General, Hon. Kidega, Hon. Ndarubagiye, Hon. Byamukama, Hon. Ndahiro, Hon. Kategaya, Hon. Munya, and the hon. Chairperson of the Council of Ministers, Hafsa Mossi. (*Applause*)

Once again, Mr Speaker Sir, I would like to beg this House to adopt this report and I would like to move.

The Speaker: Hon. Fredrick, before I put the question, I have an amendment here from hon. Ndarubagiye, I think during his debate he did not bring in this amendment of deletion of on page 9 – the last paragraph on page 9.

Mr Ngenzebuhoro: Mr Speaker, Sir, I quickly went through the comments made by the minister to the office of the president responsible for the East African Community Affairs –

The Speaker: Mheshimiwa, I told you hon. Leonce has an amendment here for deletion of the last paragraph on page 9.

Mr Ngenzebuhoro: Mr Speaker Sir, there is no problem with that. *(Applause)*

(Question put and agreed to.)

Resolution Adopted.

MOTION

FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE OF AGRICULTURE, TOURISM, NATURAL RESOURCES ON THE ON-SPOT ASSESSMENT OF EAC PROJECTS AND PROGRAMS

The Chairperson Committee on Agriculture, Tourism and Natural Resources (Ms Safina Tsungu Kwekwe)(Kenya): Mr Speaker, Sir, I beg to move that the report for Committee on Agriculture, tourism and natural resources on the on-spot assessment of EAC Projects and Programs, Tourism and Wildlife be adopted.

Mr Dan Kidega: Seconded.

Ms Kwekwe: Mr Speaker, Sir, on the dates of 1st – 7th March, the Committee on Agriculture undertook an on-spot assessment and we would like to acknowledge the stakeholders that we met during the study and the government authorities, particularly the ministries of tourism and East African Affairs from the five Partner States.

For the mobilization of stakeholders, a warm welcome and all courtesy is accorded to the Committee members. Specifically I would like to commend you, Mr Speaker Sir, for having made this exercise possible and the Committee wishes to appreciate the EAC Secretariat for having funded this important activity through the EAC Partnership Fund.

Mr Speaker, Sir, the Committee further appreciates the Ministries of East African Community Affairs in the East African Community Partner States; Ministry of Tourism, Trade and Industry, Uganda; the Ministries of Trade and Commerce in the Republics of Rwanda and Burundi; the Ministry of Natural Resources and Tourism of Tanzania; Ministry of Tourism, Kenya; and the Ministry of Wildlife and Forestry, Kenya both for their insightful presentations and the coordination of the various stakeholders whom the Members interacted with.

We also wish to thank Tanzania National Parks (TANAPA) and Mweka College for the warm welcome and for availing meeting facilities for the Sub Committee in Arusha and Moshi.

The Committee further extends its gratitude to Hotel Managers in the Partner States: Kilimanjaro Hotel Kempinski, Movenpick Royal Palm Hotel and New Africa Hotel in Dar es Salaam; New Safari Hotel, Kibo Palace Hotel and Kundayo Apartments in Arusha. the Lemigo Hotel and the Manor Hotel in Kigali; Hotel Source du Nil, Hotel Du Lac Tanganyika and the Waterfront Hotel in Bujumbura; The Imperial Royale Hotel in Kampala; Utalii college, Utalii hotel, Kenya Wildlife Services and Chester house apartments in Nairobi; and all other private sector industry players from across the region for their warm hospitality and availing information to Members.

Finally, the Committee would like to extend its appreciation to offices of the Clerk and the DSG Social and Productive sectors (especially Ms. Gladys Nabwire, Ms. Elizabeth Barinda, Ms. Elizabeth Gitonga and Ms. Beatrice Ndayizeye) for having ably facilitated the Committee in different ways.

Mr Speaker, Sir, before I proceed any further, I would like to take this opportunity to congratulate the Republic of Burundi for having come emerged the top African country in marketing on tourism at the just concluded Berlin Tourism Fair. I think that is indeed commendable. Burundi used their culture and traditions as their selling points and have emerged winners and I think it is an honor for the Community to share in that honor.

Introduction:

Article 115 and 116 of the Treaty given the mandate to Partner States to cooperate on matters of tourism and wildlife management. It is in this contest there that the Committee Agriculture Tourism and Natural carried out the on-spot assessment of the EAC projects and programs in the Tourism and Wildlife sectors with the view of identifying progress made, the existing gaps, challenges and charting a way forward in this respect in order to ensure sustainable development and exploitation of the tourism and wildlife resources in the region.

Mr Speaker Sir, the Committee was divided into four missions. One mission went to Dar es Salaam and Zanzibar; another mission went to Arusha and Moshi. The third mission went to Rwanda and Burundi, and the fourth to Uganda and Kenya.

1.1 Objectives

The objectives of the spot assessment were the following:

- i. To take stock of the progress so far made in implementing EAC projects and programmes within the context of the EAC Tourism and Wildlife Marketing plan and strategy.
- ii. To Interface with stakeholders in the Tourism and Wildlife industry.
- iii. To undertake a study tour of some colleges offering trainings relevant to the Sectors.
- iv. To suggest recommendations for improvements for the benefit of all East Africans.

Mr. Speaker Sir, the missions met players drawn from both the private sector, the public sector and the civil society and we have attached the list of participants for your reference. The Committee did this through:

In all Partner States, the methodologies used were:

1. Courtesy calls to government offices;
2. Meetings/workshops with stakeholders to interact with them to ascertain how far they have gone in implementing EAC projects and Programs related to Tourism and Wildlife;
3. The Committee also visited centers of excellence in the region and other training centers relevant to the cited sectors

4. The Committee also visited various hotels to access the classification and services offered and toured the tourist attractions including the museums, national parks, cultural centres among others.

Mr Speaker, Sir, from the visit to Dar es Salaam, there are emerging issues including that there is inadequate information on the integration processes particularly on the matters of the Common Market and how this benefits the key stakeholders in the tourism and wildlife industries and the question of single tour destinations- There was the relevance of the EAC single trust, which was questioned taking into account the global financial crunch which may have changed the dynamics of tourism.

It also emerged that there is a communication gap between government departments and stakeholders in relation to policy positions, policy direction, taxation and levies. There is also the tendency of retaliation on actions of Partner States on each other and the example that was cited all over was when Tanzania barred Kenya travel partners from conducting business in Tanzania, Kenya did the same in 2009 in retaliation.

It was also noted that even though we have Utalii College, which is a centre of excellence in the area on tourism training, Tanzania on the other hand has no common curriculum and this affects the quality of the products of these colleges particularly when they join the labour market. Currently, most tourism facilities are designed to cater for the needs of foreign tourists and not necessarily for the needs of domestic and local tourists. Therefore, recommendations that emerged from this is that as a Community, we need to enhance advocacy on issues of the integration process particularly the Common Market.

We also need to undertake a study to access the impact of the financial crisis on the tourism industry. The Ministries that are responsible for tourism and wildlife management in the Partner States should regularly meet stakeholders to discuss matters pertaining to policies, legislation and global tourism dynamics. The Council of Ministers should address issues such as the retaliation, reciprocity and competition between Partner States so that we can foster complementarily and closer cooperation. The Council of Ministers also needs to address itself to the issue of harmonising the education curricula including that of tourism and wildlife management. The Private sector should also be encouraged to promote EAC domestic tourism by providing affordable services to citizens.

The next stop was Zanzibar. Though Zanzibar has a world wide fame, history and culture, it attracts a mere 200,000 tourists a year and this is because of many reasons. One of them being the high cost of travel to Zanzibar particularly from the regional entry points which are mainly Mombasa and Nairobi.

Stakeholders are also eager to venture into EAC domestic tourism but the challenge is that the market is quite uncertain and stakeholders are sceptical of the Common Market because it is perceived that it will kill local tour sectors particularly for Zanzibar and that the desire for Zanzibar is to have high end tourism instead of the backpackers of mass tourism because of the issues of culture and the impact on the environment.

The recommendations that arise from this is that Zanzibar Island should be branded in a big way and in addition to the EAC single trans-destination, it should be allowed to market itself from the Indian Ocean Island Group as well.

The Council of Ministers should, as a matter of urgency, push for the EAC single air space to eliminate intra EAC air transport tariffs and non tariff costs.

We should have a study to determine the modalities and benefits of the intra EAC tourism so as to help the private sector and motivate them to venture into domestic tourism.

Education on the Common Market Protocol and its annexes is paramount.

The issue of culture corrosion as an impact of tourism in East Africa should be studied through a whole encompassing course benefit analysis.

In conclusion, the ongoing negotiations regarding the expansion and further opening up of the scope of the four freedoms and two rights as ensconced in the Common Market should emphasise the promotion of EAC as a single tourist destination and investment area both for EAC citizens and for foreigners.

There were also visits to museums, hotels and recommendations arising out of this are that the EAC Partner States should be urged to search and claim back all historical heritage items and artifacts taken during colonial times and any other time.

Members recommend that the Council of Ministers ensure that all sectors of cooperation, including cultural and heritage entities, which attract tourism interact so that we have coordinated actions and response to opportunities and challenges and the development of the sector concertedly.

Urging the EAC Council of Ministers to establish mechanisms for maintaining regional museum and database of cultural artifacts, their current locations, the international property holders of those products so that the EAC cultures and history can be preserved.

EALA should legislate on the EAC Hotel classification and standards which was gazetted last year in August in order to enforce sanctions and enhance its legitimacy.

Visits were also made to Zanzibar Tourism College. This is quite a disappointment as it is under staffed, has poor infrastructure though there has been anticipation that there will be financing from the African Development Bank to improve on the same.

The recommendation is that Partner States should address the issue of beach tidal destruction because this is a challenge particularly for Zanzibar and encroachment though adaptation and mitigation measures so that clear and clean beaches which are a selling point for coastal tourism are safeguarded.

There were also courtesy calls to the ministries of natural resources and tourism both in Dar es Salaam and Zanzibar.

From these ministries, the issues emerging are that there are issues of disconnect in communication from the coordinating minister of EAC Affairs and this therefore hampers coordination and mobilisation particularly when it comes to EAC related activities.

Also the Government of Zanzibar is planning to expand and modernise the Zanzibar international airport to cope with the annual increasing tourists in the Isles.

The recommendation is that the respective Ministries of EAC Affairs in Partner States should provide adequate coordination roles within their states to foster the realisation of EAC activities.

Mr Speaker, Sir, there were also tour of cultural centres, discussion with hoteliers and the issues emerging from these is that EAC has a very rich culture but this as an area of tourism has not been fully exploited and therefore the EAC and Partner States must come up with programs for such activities and for the hoteliers, it emerged that irrespective of their standing, hotels do not get more than 20 percent of their business from the traditional tourism that we know of the *wazungus*. But most of their clientele is from local communities for example the government and people attending meetings in Arusha and elsewhere.

Therefore, the Common Market concept as seen by EAC is not really understood by the business community particularly those in the tourism industry and therefore it is a matter of priority that we must sensitise the public and educate them about the positive aspects of the Common Market.

We also need to have concrete, coherent and a structured way of selling EAC as a single tourist destination because evidence shows that when we do this either in Berlin or London or elsewhere, we do this in competition with each other and there is no concrete support from hotel associations in the industry.

For the tour operators, in Arusha alone, there are over 200 tour operators but only four of them can be said to be dominant. Most financial transactions for tourists coming from abroad are fully paid overseas and therefore little trickles down to the areas where these attractions are situated.

Safaris which are the main selling point for the Arusha northern circuit are either tailor made or group safaris.

What was noted was that a number of tour operators were not willing or comfortable to meet the Committee members even after the intervention of TANATHA which is the licensing body and this evasive behaviour led to the belief that there is something which is not transparent.

Emerging issues are that although Partner States are hesitant to sell the region as a single destination, they acknowledge that the benefits of selling EAC as a single destination are enormous.

The issues of work permits need to be harmonised across the region.

There is a limited scope of knowledge about tourism and wildlife attractions in the region and therefore the need to sensitise the public and get them to know the attractions that exist in East Africa and promote domestic tourism.

Work being done at the EAC is more theoretical than practical because decisions made at the EAC level do not trickle down to the people.

Tanzania echoed that it suffers from lack of big airlines and tourists complain of constant loss of luggage when they use small carriers.

The loss of fear of jobs is constant and the relevant bodies of the Partner States of EAC should come up with enforcement mechanisms which will ensure transparency in the sector and full disclosures will ensure appropriate tax payments and these gains must be shared and enjoyed by all the people.

Mr Speaker, for Tanzania we concluded by touring the Arusha national park which is just next door to the seat of the Assembly. We discovered that it is the second oldest after Serengeti and it covers the Mt Meru region. The attractions here are mainly wildlife and the emerging issues is that there is serious human encroachment into the park and this blocks the migration routes in the park therefore leading to human-wildlife conflict.

For the mainly small traders in this industry, their emerging issues is that there are very few wealthy tourists who go into Arusha town to purchase from Curio shops because of the negative publicity that Arusha is a very insecure town.

Travel and tour companies have their own establishments such as huts where they sell their own curios to the tourists that they host.

The City Council of Arusha should remove the “fly catchers” instead of the women who sell the beads because the women are actually an attraction in themselves.

There is need for tourist police in Arusha.

The Ministries of Natural Resources should advertise attractions including curio shops because they are also part of the industry.

There is need to link curio shops and the Arusha cultural heritage centre.

There is also need for a mechanism to control permit issuance to non East Africans and foreigners should work hand in hand with East Africans instead of creating their exclusive value chains.

For the Republic of Uganda, the Committee met officials from the Ministry of Tourism, Trade and Industry and we were met by Amb. Julius B. Onen. We also had people from the private sector and civil society.

From the report, the classification of hotels has not been done but funds have been sourced and it is expected to commence in April this year that is next month. Thereafter, training of assessors

will follow in July and August 2011. The country's tourism brand is "the pearl of Africa" and from the presentations that were made by all those who participated in this workshop,

- 1) We note with appreciation and commend the strong commitment shown to promote the Tourism sector as well as the continued engagement between the Ministry and stakeholders particularly the private sector. Further, the Committee encouraged that this engagement continues. An example is that there is a five year Development Plan that prioritizes the tourism and wildlife Industry as strategic and this will propel the process.
- 2) Further improvements are noted in the transport sector with the plans to upgrade to airport status, aerodromes in Masindi, Kisoro, Arua and Kasese. Support by Entebbe Airport has included free accommodation facilities/office space at the airport for tour operators receiving guests and this is a 24 hour service. Massive branding at the airport is also expected to commence by June of this year.
- 3) Training institutes in the industry have also been transferred from the Ministry of Education to allow for a larger degree of specialisation so that all the institutes that are training people in the industry have been taken back to the Ministry of Tourism, Trade and Industry.
- 4) There is slow implementation of regional programmes at the national level was raised as a serious impediment to the integration process whereby status reports sometimes given in council meetings and other meetings do not reflect the reality of what is on the ground and this is very serious because it shows that sometimes what we receive as reports is not actually the true picture.

From the private sector, their concerns are:

- 1) Lack of financial incentives;
- 2) Lack of trained personnel
- 3) Prohibitions of vehicles entering Kenya and Tanzania (Tour operation vehicles)
- 4) Complications created by regional laws and regulations such as the one that says tourist vehicles should be eco friendly, they should have open roofs even if it is air transfer car. These kinds of laws and regulations do not create incentives for operators.

The recommendations include:

- i. A mechanism to implement Council and Summit decisions.
- ii. Need to have enabling policy and legal frameworks.
- iii. The marketing of EAC as single Tourist Destination should be done by EAC itself and not by the Partner States because EAC would do that literally and Partner States tend to compete against each other.
- iv. Facilitate the private sector to grow the sectors and the industry

- v. Strengthen governance and administration of the tourism and wildlife Sectors particularly because tourism is a major sector in the economy of all the East African Partner States and it could greatly benefit from creation of a stand- alone ministry.
- vi. Diversify tourism products. As a country and a region, we need to turn around and create black tourism as tourist attractions. For example for Uganda particularly, the tragedies of Northern Uganda and the 2010 Kampala bombing and the Luwero Triangle. All tense should be explored as possible attractions and take advantage of them. Rwanda has done it so it can be done everywhere else.

In the Republic of Kenya, Members met with stakeholders again from both public and private sectors and with regard to Council decisions, implementation has started and that was the report that was shared with Members.

Indeed Nineteen Assessors (19) have already trained and 25 more are to be trained starting July of this year. Classification of hotels is to start this month (March). A uniform fee at touristic spots is also in place.

Challenges have been faced in marketing EAC as a single tourist destination and the steps towards a single visa. This is mainly the fault of the EAC Secretariat because work has been done but there is need to convene meetings to validate reports and coordinate further actions in the sector.

The brand name of Kenya is “magical Kenya” although there is a marketing strategy for domestic tourism, which is “*twende tujivinjari*.” The emerging issues include:

- 1) Commendable efforts have been made towards improving both the tourism and wildlife sectors which include among others, the close collaboration between the public and private sectors, the levying of a service/ catering levies that support the industry and the off-take of the training of assessors so we commend that.
- 2) Challenges faced by industry players include infrastructural and policy difficulties, which include un-harmonized standards of facilities and human resource development institutions, limited air connections and poor road network to tourist attractions, lack of a single tourist visa thereby making it difficult to market EAC as a single tourist destination, un-open air spaces between EAC Partners States amongst other challenges.

There are best practices identified and these include the operations and management of Utalii College with regard to standards, which can be copied by other Partner States in the region, the use of the service levy to subsidize and finance the sector as well as the use of Marketing Development Representatives (MDRs) who promote tourism abroad. This should be complimented by utilising our embassies and foreign missions abroad. Therefore we need to build the capacity and orientation of embassy staff to ably market the EAC as a tourist destination.

The recommendations are that:

- i. The implementation of regional programs and agenda needs to be prioritised.
- ii. The challenges faced with regard to infrastructural difficulties for example at the Amboseli- Longido Corridor. These should be resolved as a matter of urgency.
- iii. Infrastructure issues involve the high expense of air transport. This can be cured by the single air space etc.

For Burundi, their brand name is “Source of the Nile”. Interactions were with private, public and the civil society. Of course, the history of Burundi itself has presented challenges to the tourism industry. However, the Republic of Burundi nominated persons to form a National Commission that would coordinate the classification process. This Commission has held several meetings to sensitise hotels owners on the importance of classification of hotels. This is a new concept for Burundi and therefore no hotel in the past has been classified.

There are a couple of emerging issues, which include:

- The classification criteria and curriculum, which is in English, should be into Kirundi because even though people speak French, only three percent of the population speaks French. Therefore, it means 97 percent of them speak another language, which is Kirundi. Therefore, for this classification curriculum to be understood there should be local mechanisms to make it friendlier to the users.

The recommendation is that the EAC Partner States should come up with a strategy to translate all the important documents.

The Republic of Burundi does not have a professional training Institute and the country largely depends on the Rwanda Tourist University College and the Utalii College in Kenya. Therefore, it was brought to the attention of the ministry that there is need to establish at least an institute even if it is in the short term as a stopgap measure to build the human resource capacity for the industry.

Regarding tour operators, there are:

- No organized tour travel operators,
- There are no special vehicles in the country to enable tourists travel round the country,
- The small tour operators that exist in Burundi are linked to the tour companies in the neighbouring countries of Democratic Republic of Congo (DRC) and with the Republic of Rwanda
- There is urgent need of training of staff in service provision with emphasis on customer care and service.

With artists and handicrafts makers, the plea that came from this category of stakeholders included:

- The government should build the artists' capacity to enable them manufacture merchandise that is able to compete favourably with items from outside the country.
- The government should come up with a policy that enables the Hotel Industry to support the local artists for example by purchasing their furniture and products.
- The country should have a bureau of standards that is able to vet all items from outside to check on their quality and compare with what the local artists are producing.
- The government should have policies that allow the local artists to procure the raw materials at minimum cost so that they do not have to sell their merchandise at very exorbitant prices.
- There is need for handicraft makers to collaborate closely with the East African Business Council so that they can have a vehicle to market their goods within and outside the Community.

With the game reserves, the recommendation is that:

- The government of Burundi – There is actually a bill in the making or under consideration and it is on Tourism and Wildlife. This should be enacted as a matter of urgency to give direction to the sector.
- The country needs to come up with a policy that would standardise the mode of transporting tourists for example borrowing from what is happening in other Partner States.
- There is no formal registration formula for tour operators. This needs to be done to bring sanity to the sector.
- There is also need to build and provide capacity for tour operators so that they can be able to coordinate their activities professionally.
- Promote the tour operators to cooperate within their own country as well as with similar actors within the region.
- Government should improve its infrastructure such as roads to enable tourists travel to all tourist sites.

For the Republic of Rwanda, “the Country of a thousand hills”, the Committee met with private sector including hotel owners, tour operators and public institutions including ministries.

On the issue of classification of hotels, it has not been done in Rwanda. Actually, Rwanda did classify its hotels unilaterally in 2009 but now with the EAC criteria, Rwanda has to do classification in line with the EAC Hotel Classification Criteria, and this is expected to begin by the end of June.

Concerning marketing Rwanda as an East African Tourist Destination, in the past Rwanda has participated in all the world fairs, and for the previous three years Rwanda has consecutively emerged number one. Now Burundi has taken over from Rwanda.

On the emerging issues:

- a) Rwanda has been and is collaborating with other Partner States like for example students to Utalii College, which gives a 20 percent quota to non-Kenyan students. This includes East Africans and others.
- b) There has been a pre-test on the classification of hotels, which has been undertaken.
- c) Four assessors have been trained.
- d) As I said, the classification will be finalised by June 2011.
- e) Pricing in the National Parks have been harmonised for citizens from the East African Community though this has not been the same with the accommodation sector but for the parks they have gone East African.

There are challenges though:

- a) Some hotel owners, managers and staff are not professionals and this affects the quality of service.
- b) Many of the hotels were not initially built to serve as hotels; they were actually converted to hotels. Therefore, this poses a challenge for the classification process.
- c) Some hotels are run as family businesses even though they serve the public. Because they are family businesses, they mainly employ family members and relatives and this lowers the provision of standards and services in various facilities.
- d) Some of the workers in the tourism industry are not properly compensated in terms of pay and other benefits and this means that there is a great turn over of key staff and low motivation.
- e) There are no safety precautions that are adhered to particularly when hotels are being constructed. You find a hotel where all the exit doors are under lock and key and this is a major challenge to safety of tourists or hotel users.
- f) The Republic of Rwanda apparently has very high rates in the Tourism Industry. The Committee could not ascertain whether this is because of tariffs or because Rwanda is land locked but it was generally noticed that there are very high rates charged by the tourist industry in Rwanda.

Hon. Members, in Section C I want to go through the general observations for the entire exercise:

- 1) The architecture of the Partner States' ministries responsible for tourism and wildlife is different in each Partner State. In some they are stand alone in others they are together with trade, commerce or industry. This makes it difficult to position tourism and wildlife at the centre of the ministries' implementation programmes. It is therefore important to have independent.
- 2) Whereas Partner States strive to forge common positions at international forums, there have been incidences where Partner States have differed and campaigned against each other thus flaming mistrust and resentments. An example is that of the sale of ivory by Tanzania that was heavily refuted by other Partner States for different reasons.

- 3) Overall, there is an inadequate qualified and professional pool of personnel to serve the industry across the region including Kenya that has Utalii College; there is inadequate human capacity to service this industry.
- 4) Infrastructural impediments affect the marketing of East African Community as a single tourist destination because tourists have to go from one embassy to another seeking for tourist visas. We also have poor transport systems, high airfares within the region. All these are infrastructural impediments.
- 5) Structural and systemic limitations affect flow of information from the East African Community to Partner States and subsequently to industry actors and vice versa.
- 6) Leaving implementation of East African Community projects and programmes to Partner States hampers progress of Community projects (e.g. Partner States expected to train their own assessors for hotel classification, they are expected to find the funds and market and therefore sometimes funds that were earmarked for this activity are transferred to other “needy sectors”. The issue of marketing of tourism abroad done from different stalls by each country is also one way of saying that the Member States are not yet practising promoting EAC as a single tourist destination. Therefore, this affects our “one people, one destiny” brand of the region.
- 7) Whereas some sectors of the industry such as the parks have become East African and charge all East Africans same rates, other actors discriminate East African citizens particularly hotels were cited as the main culprit.
- 8) Across the board, there has been slow and at some instances no implementation at all, of East African Community directives at the Partner State level and Partner States delegations provide false information at sectoral meetings and other meetings such as the East African Community Council of Ministers Meetings.
- 9) It was noted that attendance to sectoral meetings did not target the relevant stakeholders.

The recommendations that the Committee is making are:

- i. The East African Community Council of Ministers should provide adequate coordination role within their States to foster East African Community activities so that we can have smooth flow of information from East African Community to Partner States and vice versa.
- ii. Marketing of East African Community as a single tourist destination should not be done by individual countries, because they are in competition with each other, but by the Community itself to give it independence and neutrality. Such an activity, if you said there is no money, could be funded from the single tourist visa proceeds.
- iii. The entire East African Community should be made one single airspace. We cannot over emphasise this as it is very important.

- iv. Training institutions, especially the centres of excellence should collaborate with similar institutes from across the region so that we can have the same standards. This could be done through clinics, exchange programmes, constituent colleges etc as it may be deemed fit.
- v. Assessment of hotels should be done by a pool of East Africans drawn from all Partner States to give the exercise credibility and neutrality. The training of hotel assessors should be done by the East African Community instead of leaving this to the goodwill of Partner State, which may have different priorities.
- vi. There should be a system of compliance to East African Community directives and reprimand mechanism to check the same.
- vii. Misrepresentations in meetings at the EAC meetings in Arusha by officers from Ministry of EAC or ambassadors sent to represent countries in technical meetings. This locks out the real and relevant ministries hence causing the gap between implementation and domestication of decisions taken. Therefore, we need to ensure that Partner States send relevant representatives to such meetings.
- viii. Industry actors should be organized into regional fora by the Committee to allow exchange of lessons, disperse fears and mistrusts that are prevailing now through formal and informal regional policies relevant to the sectors. This is because the East African Community Business Council is much more inclined to representing the interest of manufacturers and merchandise traders and less of service traders.
- ix. The Partner States should ensure that the relevant stakeholders attend the Sectoral Meetings.
- x. Relevant bodies in the Partner States of EAC should come up with enforcement mechanisms, which ensure that information on the Tourism and Wildlife Industry is provided in order to share these resources by all the people.
- xi. The East African Legislative Assembly should increase interactions with industry actors, both public and private, to ensure that there is coherence and ownership of East African Community policies, directives, laws etc.
- xii. Interaction with media during all East African Legislative Assembly engagements should be encouraged.

In conclusion, Hon. Members and Hon. Speaker, notwithstanding the challenges and shortfalls in implementing regional tourism and wildlife projects and programmes, the Committee noted that all EAC Partner States have the will and desire of marketing East African Community as a single tourist destination. The question is, how?

As a result, the Partner States are doing their best to diversify tourist products to attract more guests. However, only three of the EAC Partner States have already started implementing the East African Community hotel classification project and therefore others should follow suit

without delay. Moreover, much as stakeholders need to adhere to East African Community projects and programs, they are not adequately sensitized on the same by responsible ministries.

The ministries of Tourism and those of East African Community Affairs are not communicating and coordinating adequately with stakeholders and this has to be remedied.

Finally, the Committee concludes that the activity was a success and such Committee activities should be regular as they are very informative not only to Members but also to the people, they represent. The Committee therefore recommends that this House do adopt this report with all its specific and general recommendations and that the Clerk of EALA send copies of the adopted report to Partner States for follow up and action as appropriate.

Mr Speaker, Sir, I beg to move. (*Applause*)

The Speaker: Hon. Members, the proposal on the floor is that the report of the Committee on Agriculture, Tourism and Natural Resources on the on-spot assessment of EAC projects and programs on Tourism and wildlife be adopted. Debate is open.

Mr Dan Kidega (Uganda): Thank you once again, Mr Speaker for giving me chance to contribute to this report. I am a member of this Committee and I seconded the motion. I visited most of these Partner States in this oversight function. I was excited at the same time disappointed. My excitement came from the interest we found in the private sector operators and my disappointment mainly emanated from the public sector; the drivers of this integration process.

Mr Speaker, Sir, the tourism industry is a very important for this Community or the Partner States gave it emphasis and prioritised it, the Community will go a long way to derive a lot of benefits.

Unlike other economic sectors like the extractive industries, the manufacturing sectors which have a lot of challenges, this industry is mainly naturally gifted to this region and the input required for us to benefit maximally from it is not as much as the other sectors.

If you contrast tourism with other industries like the extractive industry, we are proud of having mineral resources, petroleum resources that can be depleted. These extractive resources are depleteable but the tourism industry can only get adulterated to a level that is irreparable and therefore if you put emphasis to it. This region will get a lot of money.

The challenges that other industries face for example if you want to sell your bananas or your vanilla or other packaged goods to the European or American markets, they will subject you to a lot of difficult international conditions like sanitary and phytosanitary conditions, they will tell you your banana is circle shaped and not straight and so it is not good for the consumption of our citizens.

They will tell you that your vanilla has too much sugar content so it is not good for our markets but contrary to the tourism industry, you are not going to tell us that our Kilimanjaro has problems because we have it and you have to come and see it and climb it and there is no option. You are not going to tell us to dress up the gorillas in panties before we see them. It is with us so

there are fewer conditions that are difficult to adhere to in terms of marketing the tourism industry compared to other industries.

It will go a long way to provide jobs for our citizens. One of the biggest challenges we have in this region is provision of jobs to our young population and it is a time bomb. In the value chain of the tourist industry, there is opportunity to create jobs from unskilled to skilful citizens. It is a matter of investment in this and we will find many benefits.

Tourism industry will go a long way to improve the image of our countries. Most times when we travel out of this region, the countries of East Africa are remembered for negative reasons. Uganda they say, Amin, Rwanda they say, that is the place where people killed each other but tourism will re-brand this region and give it a positive outlook.

Therefore, it is my prayer to the Council of Ministers and to Partner States and even to this Assembly that marketing tourism is a joint venture and not something, that will be done by one organ or Partner State.

Mr Speaker, Sir, for us to realise much from this industry, there is need for preferential treatment to East African citizens in this industry. There are certain practices, which are already ongoing. For us who are privileged to be called senior citizens of this region, when we go to all the Partner States capitals, we are accorded preferential rates in where we stay in hotels but how about other citizens of East Africa? Why don't we urge the hotel owners specifically services provided by the public sector to provide preferential treatment to East Africans for them to realise that they are East Africans?

Let us look at the education sector, not necessarily in the tourist or wildlife training institutes only. Let East Africans enjoy preferential treatments.

When we were at Utalii College, we were excited when the management told us that effective this academic year, they are going to have a preferential quota for admission of East African students. They told us they are going to have preferential fees structures for East African students. I think this kind of thing should be replicated in other centres of excellence in Soroti such that East Africans can access training and enrich this area.

One disappointment that I saw was the quality of services in this industry. It is pathetic. Mainly in most of the hotels where the operators of workers are just picked from the streets, the President of the Uganda Hotels Association told us that they pick their staff from the streets, they look for good-looking young people and they employ them. They are also fired at will.

Mr Speaker, Sir, this area needs regulation and investments must be made to make sure these young people are trained and the kind of working conditions they operate in must be regulated. They need protection. Looks and bodily appearance is not permanent but a subject of time.
(Laughter)

It is also in the eyes of the beholder so if you are picking young people from the street and recruiting them in the hotel industry because they look good, how about when they get involved in accidents? They operate in a hazardous environment. How about when they grow old and look frail? What protection do they have? These areas need regulation.

The other area, which I am sure all of us experience, is at the point of entry to the various Partner States. You go to the airport and find East African citizens marked at a counter, COMESA citizens marked at the counter and non East Africans marked at another counter. I am bothered to find out how much time is invested in checking me compared to the white man who goes to the non East African stall. They take more time to scrutinise me and my passport than they do the other man or woman.

What is this we are doing? Why don't we remove all those counters? Let there be East African counters at the airport and at the point of entry and people are allowed to move freely to promote freedom of movement.

On the issue of marketing EAC as a single tourist destination, we were heavily impressed Ministry of Trade and Tourism in Uganda who revealed to us from his experience as a former deputy secretary general that it is a wild dream or chasing of a rainbow for us to think that Partner States will market East African Community as a single tourist destination. He told us that the competition that exists among Partner States is so intense that we need to create a strong body at a regional level that will do this work.

Mr Speaker, there is a model which the Committee actually looked at and which we think the Community or the Secretariat can borrow from. In Kenya, the government is not necessarily the one marketing the tourist industry or their foreign missions abroad. They are outsourcing competent organisations to market their tourist industry.

We at a Committee level think that if we can realise a single visa for all tourists coming in the region, the revenue generated from that visa could be used to market East Africa as a single destination for tourism by outsourcing competent bodies. If not, we can even develop our own body at a Secretariat level; to do this for us. If we did that, it would go a long way to promote tourism.

Finally is the diversification of the industry- *(Interruption)* -

Ms Margaret Zziwa (Uganda): Mr Speaker sir, I am seeking clarification from hon. Kidega. He is a member of this Committee and moving very important prepositions, which are not in the report. The clarification I am seeking is, at what point are we going to integrate some of these very important suggestions into the report? Thank you.

Mr Kidega: Thank you, Madam Chair. I share – *(Laughter)*-

The Speaker: Honourable Member, I know you are looking at the young ones at the hotels - *(Laughter)* –

Mr Kidega: Most obliged, Mr Speaker. Thank you so much, hon. Zziwa. It is true that in the process of Committee work, many issues are generated and some of them are not captured. It is a challenge to all of us to find a way of incorporating all issues that come up during debate.

If it necessitates moving an amendment at the point of adoption, we will do that to make sure that all of these views are incorporated but these issues emerged during the Committee debate.

I was on the last point of diversification of the sector. Most of our activities in the tourist industry in this region are nature-based tourism. We sell Mt Kilimanjaro, gorillas; we sell fruit, cultures- Nature given activities only. To me it is not a good way to move. We can do better by involving or bringing on board more man made activities that are sellable as items in the tourist industry.

For example, 15 Percent of Uganda is fresh water. If we introduce water spots, that will be a great tourist attraction. Other aquatic animals would be managed and they would become tourist attractions within the spots.

If you look at sports generally, if we hosted one marathon, the best runners in the world come from Kenya and part of Eastern Uganda. We have all the capacity to arrange and organise the biggest world sport, the whole world would converge here, and we sell a lot of our goods and property.

Mr Speaker, Sir, it is my humble prayer that this sector needs to be diversified, the Partner States need to invest heavily in the sector and the sector needs to be prioritised.

I thank you and support the report.

Ms Catherine Kimura (Kenya): Thank you, hon. Speaker for giving me this chance to contribute to this very important report. May I begin by thanking the government of Rwanda for giving us this wonderful chamber where we are privileged to sit and of course the Senate and the National Parliament for this facility?

Hon. Speaker, I want to congratulate the Committee for this very good report covering our Partner States and bring out very critical issues on a very critical industry. I want to associate myself with the comments that hon. Kidega started with that indeed tourism is one of those economic activities that require relatively modest investments as compared to other industries.

It is an industry that impacts on a very large percentage of our population whether they be farmers, hawkers, those people who are in SMEs and indeed whenever there is a slump in our tourism numbers, our poultry farmers will suffer, those who produce vegetables for the hotels will suffer, our curio industry will suffer. Therefore, we cannot under estimate the trickle effect that this particular industry has particularly in terms of employment creation.

It is therefore important that as EAC, we do not pay lip service to this industry.

I am concerned that we talk about a single tourist visa, we talk about single tourism destination, marketing this region as EAC and yet the things that this report has brought out do not seem to bear that out.

If I look at the Treaty, Article 115 talks about a regional strategy for tourism promotion. Article 104 talks about free movement of persons, labour and services and indeed the Protocol has been concluded to that effect.

Article 89 talks about common transport and communication policies and the development of harmonised laws, standards and regulation laws and rules, procedures and practices.

Mr Speaker, Sir, I have a question. The fact that vehicles are not allowed to cross between Kenya and Tanzania, the fact that vehicles cannot cross between Uganda and Kenya or Tanzania, where do those fall in relation to these articles? If vehicles carrying goods are allowed to cross back and forth within the Partner States, how is it that tourist vehicle cannot be allowed to cross?

I am looking at the report - *(Interruption)*-

Ms Janet Mmari (Tanzania): Thank you, hon. Catherine for giving way. I wanted to answer that very question when you ask about vehicles carrying goods being allowed to cross borders when vehicles carrying tourists are not allowed. I think there is an understanding between Partner States that was entered into in 1983. It has not been revoked. It is a bilateral agreement and is still in force.

I believe if Members wanted this changed because it is a meeting that was agreed upon in Nairobi and I think Member States are supposed to be meeting almost yearly to agree on these things.

Unfortunately, this has been forgotten and has not been revisited. I think this could be a place where we can call the Partner States to revisit some of these bilateral arrangements so that some of these things can be sorted out. Thank you, Mr Speaker.

Ms Kimura: Thank you for that information, but I thought that the Treaty and the Common Market Protocol probably supersede some of these agreements. This is because if we continue to have these bilateral agreements on such a major issue that you are talking about a single visa and then you get to the border and the person coming from Europe has come with one visa then he gets to the border and he has to change vehicles from a Tanzanian vehicle to a Kenyan one or from a Rwandan vehicle to a Kenyan one- That is why I am saying we are paying lip service to these issues.

I think it is very important that we address this issue even as we market the country as a single destination because if those kinds of bilateral agreements remain in force then we shall look ridiculous to the very people we are promoting this particular aspect of single destination to - *(Interruption)*.

Mr Kidega: Thank you, hon. Kimura for giving way. When we were in Kenya meeting with the officials from the ministry and the operators, we came across a very interesting scenario. In 2003, the Kenyan Parliament and government had passed a law that also prohibits the operations of tour operators from Tanzania in Kenya but because of the opportunity that was arising out of the Common Market Protocol, that law was shelved and was not being implemented waiting for a regional framework to cure this mischief but last year, when the operators and the sector in Kenya realised that this mischief is not being cured, they pulled the law out of the shelf and swung it to reciprocate because of the behaviour that was obtaining in Tanzania.

This kind of behaviour is not acceptable in the integration process.

Ms Kimura: Thank you, hon. Kidega for that clarification. Yes it is in your report that there was this reciprocity in what I would call mischief. This is because are we operationalising the Common Market Protocol or not? We have got to be very clear where we are. I would urge the Council of Ministers to really tackle this issue very urgently even before we start going out there

and telling possible tourists that now they can come at will and move from one country to the other using one single visa.

Before this is cured, that single visa does not make very much sense. So I would urge the Council to take on board a recommendation from this House that the issue of crossing the border by tourists coming from our various destinations be addressed. I hope that they will take this on board because for me it reminds me of 1977 when the former Community broke up and tourists were stranded on the Kenyan side and others on the Tanzanian side because the vehicles could not cross.

We do not want that kind of situation. I do hope that this is a matter that can be addressed very urgently so that those bilateral agreements can be shelved and we fully embrace what is contained in the Common Market Protocol.

Having said that, I want to touch on the issue of training and I want to commend a particular university here in Rwanda, which seems to have taken on board the issue of training for the hotel industry. I understand it is a private sector institution, the Tourism University of Rwanda. It has stepped in to address the gaps that are there in terms of our skills in the industry.

Hotel industry survives on service. Unless we shape our service delivery in our hotels, we will not get returned customers, we don't get the commendation that I stayed in such and such a hotel and you want to go there and experience first class service.

What you may hear is they have beautiful resorts, beautiful areas to visit but the service is very poor. We have to wipe this out as far as our hotels are concerned. Let us appreciate that the region is endowed with natural resources, which do not need any donor facilities to support.

It requires investments not donor funding, it requires to be appreciated, there is nowhere else you will go in the region, see your gorillas and at the same time have beautiful beaches, see the famous Kilimanjaro, see the famous Serengeti and Masai Mara. We are endowed and therefore let us take full advantage of these natural resources that are God given.

Therefore training is important and I do hope that our region will become- Not only Utalii College but very many other centres within the region will become centres of excellence as far as training in the hotel industry and the entire service industry is concerned.

Hon. Speaker, with those very few remarks, I again want to commend the Committee for this very good report and support that we adopt this report of course with the specific recommendation I have given that the Council of Ministers take up the issue of crossing the border with tourism vehicles. Thank you, hon. Speaker.

Ms Janet Mmari (Tanzania): Thank you, hon. Speaker for allowing me to add my voice to this very important report. However before I contribute, allow me to congratulate the President of Rwanda and the people for the very visible development that we are seeing and more specifically the cleanliness that we see in the city.

Hon. Speaker and the people of Rwanda, if they only knew the cleanliness and ambience that we see in Rwanda in itself could be cultural tourism and they can export it to as many countries as

they wish because I believe if I lived in Rwanda, I probably would not have to visit a doctor. *(Laughter)*

I am a member of this Committee and certainly, I support all the recommendations that have been put forth. I also agree with a number of things that have come on the floor.

I am however rising to underscore a few issues that I believe require to be underscored and probably elaborate more on some of the issues that have come on the floor.

Hon. Speaker, I will begin with the last speaker, hon. Kimura on the issue of lip service. I could not support the lip service more because I believe that most Partner States are paying lip service to whatever is being said in the East African Community. It could be any organ and we can start from the top to the bottom. Otherwise, if it was not the case, we would not be sitting here, lamenting, talking of Protocols that have not been signed for five years and then we have to add other Protocols on top of those ones.

We would not be here lamenting of people not being able to cross because when you look at the thematic issue that is in East Africa, we are talking of one people, one destiny and indeed, it could not be anything else. If it is one people one destiny then what does that mean?

It means I can cross; I can stay anywhere I want. Kenya's dream is Tanzania's dream. Tanzania's dream is Burundi's dream but unfortunately, that is not what is happening. Having said that, hon. Speaker, allow me to get your Members to look at one of the general observations on page 24. It says, whereas Partner States try to forge common positions at international fora, there have been incidences where Partner States have differed and campaigned against each other thus flaming mistrust and resentment".

Hon. Speaker, when we were going through the Partner States, because it is something that had a bearing on this same Committee, the people we met brought up the issue of Doha where one Partner State and in fact there is a Swahili adage that says, "*mficha uchi hazai*."

So please hon. Speaker, allow me to mention the Partner States. Tanzania wanted to sell some of the tusks that they had and unfortunately, one of the EAC Partner States was the one, which de-campaigned Tanzania in Doha.

It is not a secret but an open secret because they were in t-shirts. Because of that particular incident, many people when we talk of Common destiny, they fail to understand whether we are living among the people or we are living in our own heaven.

For example, they believe that people who work for East African Community just live in the EAC and probably we are not meeting with the people so we do not understand what people are feeling in their Partner States. If we ensured that everything that is agreed upon trickles down to the people then some of these things should not be happening.

This was a serious mishap hon. Speaker and I believe that before we finish today, we will make a statement with regard to that particular incident - *(Interruption)*.

Dr. George Nangale: Hon. Speaker, the member on the floor has not mentioned the name of the Partner State. Can she mention it please?

Ms Mmari: There is no secret, hon. Speaker, it is Kenya. We talked about Migingo, so it is okay to talk about Tanzania and Kenya. There were t-shirts printed, there were placards in Doha and everybody was surprised that it was a sister Partner State that de-campaigns another Partner State- (*Interruption*)

Mr Augustine Lotodo: Mr Speaker, Sir, I have just risen on a point of order because there is no evidence to the effect that the hon. Member is referring that actually Kenya was de-campaigning Tanzania. I want the Speaker to give evidence to that effect. Thank you.

The Speaker: Hon. Lotodo, why do you want me to give evidence for something I did not say?

Mr Lotodo: I am sorry, Mr Speaker it is not you, it is Hon Mmari. (*Laughter*)

The Speaker: Hon. Members, I think that was general knowledge and not something that we should say evidence, or what have you. There was one Partner State that wanted this and another that wanted the other. I don't know whether we are talking about de-campaigning each other. It was more that one had one view and the other had another. I think here we are trying to say let us have a common view so it is not about a Partner State saying this or that. Ours is to look at the common view of East Africans that is what we are saying. It is not about a particular Partner State.

Ms Mmari: Having said that, hon. Speaker, I will skip the issue of lip service because there are just too many examples that I could give. The second item – (*Interruption*) -

The Speaker: Honourable Mmari, you also have to clarify one thing. You started by saying you support lip service. Do you support this lip service or not? That is what you started with.

Ms Mmari: Hon. Speaker, I supported what hon. Kimura said about Partner States paying lip service to pronouncements made in East African Community.

Hon Speaker, the second item that I wanted to underscore was competition among Partner States. As we were going through, it also transpired that we were talking about and I want to link this with one of the general recommendations on page 25, item number three where we are saying the entire East African Community should be made one single air space. This will significantly bring down the cost of air transport and promote both domestic and international tourism.

Hon. Speaker, when we were going through the Partner States, one issue that came up was the question from participants who wanted to find out if we are really talking of single destination, why is another Partner State building an airport very close to Kilimanjaro when we have an airport that can be used.

Again, this is Kenya apparently constructing an airport or Tavetta. These members were wondering why some of these resources or infrastructural support activities cannot be planned together. If this is indeed the case, how can be talking of one people, one destiny?

Finally, hon. Speaker this is a very important sector. Having said what I have and I have looked at some of the observations that are coming across, I was wondering if I could add the following:

The East African Secretariat should initiate a comprehensive study targeting three main objectives. First, to update the inventory of all tourist products both current and potential in all the Partner States within the Community.

Two, to identify the products for which each Partner State has a comparative advantage.

Three, design the EAC tourist package to most invest and to be marketed by East Africa if we are really talking of marketing East Africa as one single destination. It should not exactly what happens now where people go to these fairs and you find Tanzania with one banner, Kenya another, Rwanda another. That cannot be denied because that is what we were told. Rwanda has been emerging as number one. If they were both, then we would have been talking of East Africa and not Rwanda, Tanzania, Kenya or Uganda.

Hon. Speaker, with those few words, I just wanted to underscore a few things. Thank you, hon. Speaker.

The First Deputy Prime Minister and Minister for EAC Affairs, Uganda (Mr Eriya Kategaya)(Ex-Officio): Thank you, Mr Speaker, Sir. I have a short contribution. First, I would like to thank the Committee itself for this detailed report. My concern is that if these reports were given in advance, our contribution would be more informed and we would study them and also see how we can implement them.

But I have just had the report when we were sitting here and more or less speaking off cuff and reactionary but I would ask the hon. Speaker that these reports could be given some days in advance so that we could ready, study and internalise them. This would be useful.

Secondly, I know when we talk of tourism we talk of attracting people from outside the region; this is the *bazungu* but I want us to emphasise internal tourism. Our people in the region are very important. I have met some people who don't have the picture of East Africa in their brain because they have never ever visited any other country other than their own and we are a Partner State.

I think now we have a class of people who have money and want to visit or want to go on holiday. I think we should encourage this group to be able to visit the region as a whole so that they know the countries or the Partner States we are talking about.

It is helpful when we meet some people like in Europe and they say, you know I was in Serengeti and you find you are blank. You have never been in Serengeti, you don't know what to talk about and this *mzungu* knows the region more than yourself. Or for these mountain gorillas, one *mzungu* asked me, have you seen the gorillas and I answered, no I haven't because they look like myself so I don't have to go and see them and pay for that.

But I think internal tourism will be good as part of integration that people know this region very well.

Secondly, tourism is good but also fickle as an industry. Any small incident these fellows from abroad just don't turn up. In fact sometimes they don't know whether the problem in Rwanda affects the Kenyan situation or the problem in Uganda affects the gorillas in Rwanda. I was talking to some of the tour operators in Kenya.

They told me when they had these problems, which problems after the elections in 2007; they said they were sustained by internal tourism. Hotels were not closed completely and they did some business because they have generated somehow internal tourism by giving them preferential rates and looking after them in such a way that they come repeatedly.

In the report, if you could implement this idea of classifying hotels and therefore also having uniform hotel rates and giving preferential rates as far as I am concerned. I have been working with the tourism industry in Uganda and I have told them, why don't you have rates for East Africans so that they can know that if they go there, they don't have to pay the same rates as foreign tourists.

Lastly, when people are complaining about irrationality in the industry, one regime in Kenya and another in Tanzania and another in Uganda, Burundi and Rwanda, definitely my friend Catherine we don't have one visa for the region. That is why the tourists from Kenya when they come to Malaba, Uganda wants to get its own visa from the tourist. For me integration is to partly to rationalise all these irrationalities so economies move. This is the whole point of integration because the economies are so irrational in the region which makes sense to many people and that is why there is what we call smuggling. The *wanainchi* have become more rational and economic than the governments so I think part of integration is to have rational economic regimes, which encourage development in the region.

For instance, take the airspace. Look at the airfares in this region, chaotic. From Entebbe to Nairobi, one hour if you are in business class you pay \$700. If you fly from Nairobi to Mombasa one hour, the same distance you pay almost a tenth of the fare. A ticket from Entebbe to Nairobi almost takes you on an Emirates flight to Europe. But now, you can imagine if a fare from Entebbe to Nairobi- \$700 business class.

So, I think there is a need, now that we have CASSOA, they should look into this and rationalise the air fare in the region. Where we go, connectivity, fare paid- I think that is the integration that we should be talking about. Then we can talk about this one destination, one visa area so that the tourists are not bothered also.

You see if a tourist is coming to Kenya and wants to go to Tanzania and Uganda, he will be told you have to go to the Embassy of Tanzania to get a visa, to the Embassy of Kenya to get a visa and to the Embassy of Uganda to get a visa. Three visas! You can imagine if somebody is seriously going to visit. That irrationality must be removed if we are talking about having vibrant economies.

Mr Speaker, Sir, lastly there has been this Protocol on Tourism which has been around for years. If this protocol was signed and ratified by all of us, I am sure it would solve some of these problems we are talking about and the irrationality in the industry.

With these few remarks, Mr Speaker, thank you for giving me the opportunity to contribute.

The Assistant Minister for EAC Affairs, Kenya (Mr Peter Munya)(Ex-Officio): Thank you, Mr Speaker. I also want to thank the Committee for very good work done and support the recommendations that are proposed in the report especially the issue of a single airspace for East Africa. That would be one way of cutting costs in the air transport industry. You know the main

concern that many people raised over the issue of a single air space is loss of revenue to the member states.

I think it is possible to create a single airspace and still guarantee revenue because you can still pay the taxes. You can put provisions and legislation to provide for the airlines to pay the taxes like when travelling to a foreign destination, to provide for a single airspace because this will actually generate even more money when we are able to travel in more destinations than we are able to travel now because of domestic restrictions. You will be able to generate more revenues than strictly travel and making air transport too expensive and restricting it only to the elite who can afford the cost.

So, a single air space for East Africa is a big priority that we need to support as a Community. Obviously a single visa also will really encourages more tourists to come and again generate more revenue than what is generated by the visa because the visa fee is very little if you were to say you want to keep different visas for the money. That money is very little. What the tourism industry generates internally is more important and more than the little money fed through visas.

Mr Speaker, Sir, I also wanted to make a little clarification on some of the issues raised by my gracious sister Mmari. The Kenyan government has now a policy of building an airstrip in every county. Our law constitution created 47 counties and the government policy is now for every county to have an airstrip. Taita Tavetta is a county that is why an airstrip is being built there. It is not an airport, but an airstrip. Therefore, it is not being built to compete with any particular airstrip in East Africa. I thought that was important to clarify.

The other issue of ivory, Mr Speaker has always been a Kenyan policy to oppose sale of ivory so it was not particularly directed at a friendly sister country. Kenya has opposed even when other countries wanted to sell.

I remember South Africa wanted to sell and Kenya opposed because we have a big problem in Kenya of poaching; elephants being killed for ivory even when the ivory ban is still there. Even recently, if you were following news, you will see that there were some Chinese nationals who were arrested with ivory at our airport. It turned out that some of the ivory was not even Kenyan ivory but from the Congo.

So if you allow the selling of ivory, you encourage poaching of elephants and when you are selling them, the ivory does not indicate where it comes from. If you looked at the ivory, you would not know whether this one was from Kenya, or elsewhere.

So, really, it was not the position to make our friendly country lose revenue but it is a policy that we have been doing because we have had a big problem in Kenya on poaching of elephants. Our herds have been declining for many years and it was only when it was banned that we stabilised the population. Thank you, Mr Speaker.

The Speaker: I now call upon the honourable chairperson to reply.

Ms Kwekwe: Hon. Speaker, Sir, I thank you once again for this second opportunity. I want to thank all the members who contributed to the motion. Hon. Speaker, let me start by saying that tourism is a service and services by nature are built upon mainly inter-personal relationships.

Therefore, the concerns that Members are raising for example like when you disengage a tourist from a tour guide who they have been with for say five days and then changing them to a new tour guide with whom they have to build rapport again for the next probably three days, that is in itself a disincentive to tourism and therefore I definitely rhyme with the sentiments that were raised by the hon. Members who stressed with dealing with the current impediments that are hampering the growth of this sector.

Mr Speaker, there have been contributions on laws that are contravening or contradicting each other and are against each other. I wanted to say that because we have been told in this House that the Partner States are in the process of identifying the legislations, that should be harmonised so that the Common Market can be operationalised.

I know for a fact that Kenya had identified 27 of them. I pray that these legislations should include those that are relevant to this sector for example the laws that ban movement or entry of tour operators across borders. That should be one of those laws that should be dealt with because indeed their existence will hinder the operationalisation of the Common Market.

I want to thank hon. Kidega for his contributions and his passion for diversification of tourist attractions, hon. Kimura, hon. Janet Mmari, hon. Kategaya, and hon. Munya for all those useful contributions.

To conclude, hon. Speaker, I would like to make a plea that these reports that we adopt should be published into something that is attractive to the eye because they not only give information but they could even be used as a reference for further work be it academics or public policy or whatever it is. We need to publish reports into attractive publications that we can be able to disseminate to our Partner States and even we could use them to shape public policy.

Hon. Speaker, once again I thank you and all the Members and pray that this Committee report be adopted.

(Question proposed and agreed to.)

Resolution adopted.

ADJOURNMENT

The Speaker: Honourable Members, we have come to the end of business today. I now adjourn the House until tomorrow at 9.30 a.m.

(The House rose at 12.45 and adjourned until Thursday, 31 March 2011 at 9.30 a.m.)