



## EAST AFRICAN COMMUNITY

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### EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

#### Official Report of the Proceedings of the East African Legislative Assembly

#### 63<sup>RD</sup> SITTING - SECOND ASSEMBLY: FIRST MEETING – THIRD SESSION

**Tuesday, 4 August 2009**

*(The East African Legislative Assembly met at 2.30 p.m. in the Karimjee Hall, in Dar-es-Salaam.)*

#### PRAYER

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

*The Assembly was called to order.*

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#### COMMUNICATION FROM THE CHAIR

**The Speaker:** Honourable Members, I rise to make the following communication: First and foremost, on behalf of the East African Legislative Assembly, I take this opportunity to thank the Mayor of Dar-es-Salaam, the Speaker of the Tanzania National Assembly, and the Government of the United Republic of Tanzania, for having accepted to host us here in Dar-es-Salaam for the next two weeks! *(Applause)* May I, on your behalf, record our appreciation for the warm reception we have received since our arrival in Dar-es-Salaam? I also thank them for all the excellent facilities that

have been extended to us so far, which have given us an environment conducive to work in. *(Applause)*

Secondly, I am happy to inform you that the recruitment exercise for the vacant positions of Clerk, Deputy Clerk and Network Administrator has been finalised. The House Business Committee received and considered the report of the interviewing panel, and I am happy to inform you that we have recommended to Council the following successful candidates for appointment:

- (i) Clerk -  
Mr Kenneth Namboga Madete
- (ii) Deputy Clerk -  
Mr Alex Obatre Lumumba

(iii) Network Administrator -  
Mr Christophe Mpozayo.

- (Applause) -

Thirdly, I am glad to inform you that the office has been able to procure for each one of you a laptop computer. (Applause) Those who have not yet received theirs are requested to see the Sergeant-at-Arms immediately after plenary. (Interjection) I would like to tell the Council that they will be considered in the next financial year. (Laughter)

### PROCEDURAL MOTION

**The Chairperson, Committee on Legal, Rules and Privileges (Mr Abdullah Mwinyi):** Mr Speaker, I beg to move\_

THAT this House, pursuant to the provisions of Article 55(1) of the Treaty and Rule 11 of the Rules of Procedure, do resolve to hold sittings in Dar-es-salaam, in the United Republic of Tanzania.

I beg to move.

**A Hon. Member:** Seconded.

**Mr Mwinyi:** Mr Speaker:

*“WHEREAS Clause (1) of Article 55 of the Treaty provides that the Assembly shall be held at such times and places as the Assembly may appoint;*

*AND WHEREAS Rule 2 of the Rules of Procedure provides that the seat of the Assembly shall be at Arusha in the United Republic of Tanzania;*

*AND WHEREAS sub-rule (7) of Rule 11 provides that the Assembly may, on a resolution adopted by a majority of*

*its members, decide to hold one or more sittings elsewhere within the Partner States other than at its seat;*

*NOW, THEREFORE, this Assembly do resolve as follows:*

*That pursuant to the provisions of Sub Rule (7) of Rule 11 cited above, the Assembly shall hold sittings in Karimjee Hall, the Old Chamber of the Tanzania National Assembly, from Tuesday, 4 August 2009 up to Thursday, 13 August 2009.”*

Mr Speaker, I beg to move.

(Question put and agreed to.)

### BILL Second Reading

The East Africa Civil Aviation Safety and Security Oversight Agency Bill, 2008

**The Minister for East African Co-operation, Tanzania (Dr Diodorus Kamala):** Mr Speaker, I beg to move that the *East Africa Civil Aviation Safety and Security Oversight Agency Bill, 2008* be read for the Second Time.

**The Counsel to the Community (Mr. W.T. Kaahwa):** Seconded

**Dr Kamala:** Mr Speaker, the Council of Ministers sincerely regrets its belated motion for the Second Reading of this Bill. As I have stated before in this august House, this unintended delay was caused by the delayed ratification of the Protocol for the Establishment of the East Africa Safety and Security Oversight Agency.

The Protocol that establishes the agency, from a policy point of view, is one of the regional initiatives stated in

the current development strategy for creating an environment for the region to implement, in a sustainable way, the safety and security standards developed by the International Civil Aviation Organisation (ICAO). The establishment of a regional safety and security oversight agency also ensures that safety and security regulations and standards are handled at a regional level as we move towards establishing other regional milestones, such as a unified Upper Flight Information Region (UFIR), as provided for under Article 92 of the Treaty for the Establishment of the East African Community.

It was important that this wide-ranging protocol be brought into force through ratification by the three Partner States that are signatory to it, i.e. the Republic of Kenya, the Republic of Uganda and the United Republic of Tanzania. By the time this protocol was concluded and signed, the Republic of Burundi and the Republic of Rwanda had not yet joined the East African Community. However, upon joining the Community, these two states acceded to the whole Treaty, of which the protocol is an integral part. I am glad to report that all the Partner States concerned have since ratified the protocol, which has therefore entered into force.

Mr Speaker, the object of the Bill for an Act entitled "*The East Africa Civil Aviation Safety and Security Oversight Agency, 2008*", is to establish the East Africa Civil Aviation Safety and Security Oversight Agency as an institution of the East African Community on a firm statutory footing. The Partner States recognise the importance of adequate and ideal infrastructure and services to support the programmes aimed at strengthening regional integration.

Given the poor regional infrastructure, most of our regional efforts for the enhancement of the free movement of persons, goods and services are bound to remain pipe dreams unless measures are taken towards improvement. It is in this connection that the Partner States have, pursuant to Chapter 15 of the Treaty, undertaken to harmonise and rationalise their respective policies pertaining to civil aviation and civil transport.

Article 92 of the Treaty for the Establishment of the East African Community requires the Partner States to harmonize their policies on civil aviation in order to promote the development of safe, reliable, efficient and economically viable civil aviation with a view to developing appropriate infrastructure, aeronautical skills and technology. Such harmonisation would be in tune with the rest of the integration agenda for purposes of supporting other regional efforts at integration. It is on this basis that the East African Community Development Strategy 2006-2010 stipulates the establishment of this agency as a strategic intervention in the area of civil aviation.

Furthermore, as we develop our programmes, we should note the impact and relevance of international requirements and developments. In this area of civil aviation, the Partner States subscribe to the Chicago Convention on International Civil Aviation. This convention requires the Partner States to establish and maintain such safety and security standards as can best be handled through a specialised agency. Such an agency must be founded upon a succinct legal regime by way of legislation.

Mr Speaker, civil aviation and air transport is part of the infrastructure

and services in the region. This sector plays a very important role in the economies of our states, as well as in integrating the region. It is a vital component in the development of the regional tourism industries; it is a support service to the exportation and importation of goods, as well as the movement of peoples within and outside the region in an efficient and speedy manner. However, civil aviation can only play this role effectively if it is safe and secure and meets international standards.

The Community and its Partner States are committed towards creating the necessary aviation infrastructure and an environment that is conducive for air operators in our airspace to be safe. In the current era of globalisation, states and airlines not only require to be safe but must be seen demonstrating positive actions towards maintenance of safety standards in order to be competitive and to be able to attract investments and access markets around the globe.

Further, justification for legislation for the proper founding of the East Africa Civil Aviation Safety and Security Oversight Agency is the recognition of the fast growth of our integration process. The East African Community is growing fast, both as a regional organisation in the world's political configuration, and as a legal entity in terms of public international law. It is therefore pertinent for the Council of Ministers to work in concert with other organs and institutions of the Community to ensure that the Community's institutional framework is developed and maintained on a firm legal basis. The need for such a firm basis becomes more unassailable as the Community's programmes and activities grow in both size and impact

on the Partner States and other stakeholders.

Accordingly, the Council of Ministers has long decided that the establishment of all institutions of the Community be based on legislation. I may point out that indeed it is such a basis that served to legally and financially sustain the defunct Community's service corporations such as the East African Airways, the East African Harbours Corporation, the East African Posts and Telecommunications, the Soroti Flying School, the East African Directorate of Civil Aviation and others.

Mr Speaker, in the first instance, the Bill in its Clause 3 establishes the East African Community Civil Aviation Safety and Security Oversight Agency as a self accounting body corporate. This strengthens the status of the agency outside the mainstream institutional framework of the Community where the agency cannot ideally fit.

In its Clause 4, the Bill stipulates the objectives of the agency as a body corporate. The objectives reflect the Council's desire to effectively implement the relevant provisions of the Treaty and the Development Strategy.

Upon a reflection of the need for accountability and effective discharge of the functions of the agency, the Bill in its clauses 6 and 10 establishes a board as a governing authority, a secretariat charged with implementation of programmes, and such offices as shall be responsible for the day-to-day administrative and other work respectively.

Under Clause 12, the board may appoint such other officers and staff as

it deems necessary. In its clauses 13 and 14, the Bill establishes such necessary linkages with the Council of Ministers - the Community's policy organ - as are necessary.

The Bill, in its clauses 16, 17 and 18 lays a legal basis for both the financial support to the agency and accountability in the management of the funds. It is with a feeling of satisfaction that I note that the Bill, by requiring that annual financial reports be laid before this august House for consideration, underlines the important oversight and supervisory roles played by the East African Legislative Assembly.

Mr Speaker, I am confident that this Bill supports the development of the Community's legal framework, establishes an agency that will smoothly discharge its obligations in accordance with the ideals provided under the Treaty and the Development Strategy, and will serve towards securing the use of our region's airspace and enhancing the safe air operations in our region. These developments should in turn encourage the expansion of the air transport business in East Africa and make our air operators globally competitive.

I beg to move that the Bill for an Act entitled, "*The East African Community Civil Aviation Safety and Oversight Security Agency Bill, 2008*" be read a Second Time. (*Applause*)

(*Question proposed.*)

**The Speaker:** Debate is open. I would like to call on the Chairperson of the Committee on Communication, Trade and Investment to present her report.

**The Chairperson, Committee On Communication, Trade And Investment (Ms Catherine Kimura):**

Mr Speaker, before I present the report of the Committee on Communication, Trade and Investment, may I take this opportunity to thank the Speaker of the Assembly of the Republic of Tanzania, the Mayor of the city of Dar-es-Salaam, the leaders and the people of Tanzania for the hospitality that we have received so far, and for allowing this Assembly to use this hall for its business. We wish to record that indeed we are gratified by the gesture. (*Applause*)

I have the honour to present the Report of the Committee of Communication, Trade and Investment on the *East African Civil Aviation Safety and Security Oversight Agency Bill, 2008*.

Pursuant to provisions of Articles 49, 59 and 62 of the Treaty for the Establishment of the East African Community, and in accordance with Rules 62 and 65 of the Rules of Procedure of the Assembly, the Civil Aviation Safety and Security Oversight Agency (CASSOA) Bill, 2008 was introduced for First Reading in the House on May 23 2008. The Bill was then referred to the Committee on Communications, Trade and Investments for consideration.

The Committee met and considered the Bill in Nairobi, Kenya, from 10<sup>th</sup> to 14<sup>th</sup> August 2008, and prepared the Report under the following sections: Introduction, background and rationale of the Bill, methodology, consideration of the Bill and recommendations.

**Background and Rationale of the Bill**

Mr Speaker, Article 92 of the Treaty for the Establishment of the East

African Community requires the EAC Partner States to harmonise their policies on civil aviation in order to promote the development of safe, reliable, efficient and economically viable civil aviation. This is with a view to developing appropriate infrastructure, aeronautical skills and technology, as well as the role of civil aviation in support of other economic activities.

The Protocol on the Establishment of the East African Community Civil Aviation Safety and Security Oversight Agency was signed by the three founding member states, Uganda, Kenya and Tanzania, on 18 April 2007. The same has never been acceded to by Rwanda and Burundi. The CASSOA Bill, therefore, aims at consolidating the provisions of the Protocol to establish and empower a regional body to streamline the aviation industry to deliver the highest international standards.

### **Methodology**

The Committee adopted the following methodology: Engaging with the Council of Ministers in the consultative process on the Bill; considering the Bill clause by clause; reviewing the CASSOA Protocol; proposing amendments to the Bill and making recommendations.

### **Consideration of the Bill**

The Committee had a brief by the Council of Ministers. The view of the Council was that the Bill is of paramount importance since it is a legal instrument which can serve to show that EAC is serious on matters of safety and security in civil aviation. The Council of Ministers agreed with the Committee's request to urge the Partner States that have not yet ratified

the Protocol to do so in order to pave way for the Presidential assent of this Bill when it is passed.

Hon. Members, it is gratifying to note - as we present this report- that the same has now been ratified. (*Applause*)

The Bill does not include all the provisions in the Protocol as members of the Committee would have liked. It was, however, explained that the proposed Bill is specific and limited to the oversight role. According to the Council of Ministers, the Treaty is in harmony with the Protocol and there is need to harmonize all the civil aviation rules of member states. In their view, there was need to fasttrack the process and pass the Bill in preparation for the aviation audit that was carried out at the end of last year.

### **General Observations**

The objective of the Bill is to establish the EAC Civil Aviation Safety and Security Oversight Agency (CASSOA), and to streamline developments in civil aviation matters within the EAC region to comply with international safety and security oversight of the civil aviation industry. The Protocol for the establishment of CASSOA binds all Partner States on equal status. Therefore, the three founding Partner States of Uganda, Kenya and Tanzania have ratified the Protocol. The republics of Rwanda and Burundi have also acceded to the same.

The Committee noted that the Bill is silent on most of the issues in Article 92 of the Treaty. It would therefore be necessary to have a legislation that goes beyond the establishment of the agency, which would address the entire aviation industry. The Committee noted that the establishment of the proposed agency fails to indicate a clear mechanism between it and the

Partner States' civil aviation authorities in regard to:

- (a) Regulatory powers
- (b) Compliance
- (c) Sanctions in the aviation sector.

Members of the Committee noted that the Bill as presented aims to create an agency before a legal framework on which it should be anchored is put in place.

### **Specific Observations on the Bill**

Under Clause 6(1), the Committee was of the view that there was need to introduce private sector representation on the board. It was therefore proposed that an amendment be introduced to include a nominee of the East African Business Council. The Committee noted that the Bill was silent on gender balance and therefore proposed to introduce this aspect as an amendment. *(Applause)*

Under Clause 16(1)(a), it was proposed that funding will come from contributions by member states' civil aviation authorities. However, this limits sources of funding of the agency to civil aviation agencies only rather than Partner States. Members of the Committee were of the view that this is an additional financial burden as most of the civil aviation authorities are funded by the respective national treasuries. It was therefore necessary for the Council to review this mode of funding to the agency so that the agency benefits from other funds mobilized centrally by the Secretariat.

The Committee noted that the Bill is silent on most of the issues in Article 92 of the Treaty. It will therefore be necessary to have another legislation that goes further than just setting up the agency as soon as possible.

The Committee further observed that clauses should be added in the Bill to stipulate that in the establishment and appointment of the board members, the following should be considered:

- 1) Power should be given to the Council of Ministers for policy guidance.
- 2) Gender balance should be taken into consideration.

### **Amendments to the Bill**

The Committee proposed several amendments to the Bill, which is attached to this report as *Annex II*.

### **Recommendations**

Mr Speaker, the members of the Communications, Trade and Investment Committee agreed with the Council of Ministers on the need for a legal instrument to regulate the civil aviation industry within the Community. The Committee made the following recommendations:

- i. Since the Bill does not offer any regulatory framework for the aviation industry as envisaged in Article 92 of the Treaty, the Committee recommends that the Council of Ministers should initiate a broad and comprehensive Bill for the regulation of the aviation industry as envisaged in Article 92 of the Treaty. This is in addition to consumer protection, penalties, sanctions and settlement of disputes.
- ii. The Committee urges the Council of Ministers to accelerate the ratification of the Protocol...this has already been done, Mr Speaker. Bear with us because some of these were omitted when we were

reviewing it and this was done before the Protocol was signed.

- iii. Finally, the Committee requests this Assembly to adopt the amendments and pass the Bill for the purposes of establishing the agency, subject to the observations and specific amendments attached to this report.

Mr Speaker, I would like to take this opportunity to thank the members of the EAC Council of Ministers, the Secretary General, CASSOA staff and the technical staff from Partner States, as well as members of the Committee, for their input into the discussion on the Bill. *(Applause)*

In conclusion, once enacted, the CASSOA Bill will give legal effect to a super-national body to regulate, among others, the relationships and activities between civil aviation authorities in Partner States.

Mr Speaker, subject to the proposed amendments, the Committee on Communication, Trade and Investments urges the Assembly to pass the Bill into law. I beg to move. *(Applause)*

**The Speaker:** Honourable Members, the debate is now open, but before I call members to debate, I would like to recognise hon. Arcado Ntagazwa, the former minister of several ministries in the United Republic of Tanzania, former MP of Muhambwe Constituency in Kigoma. *(Applause)*

**Dr Lwanyantika F. Masha (Tanzania):** Mr Speaker, before I say a few things about the Motion, may I, with nostalgia, say that 44 years ago, I entered this chamber as a young man, an elected Member of Parliament?

*(Laughter)* So, it is a kind of homecoming for me, and I must say it is very pleasurable. The hall has not changed, the decorum has not changed, and I only find microphones missing in the hall. Nonetheless, it is a real pleasure for me to be here today.

Mr Speaker, I am not a member of the committee which reviewed this Bill. I will therefore take a few moments to comment on some of the paragraphs, particularly, those which have not been referred to in the report of the committee. We seek agencies which have been indicated in the Bill, and as the integration process continues, we will need more agencies. This Civil Aviation Safety and Security Oversight Agency is being requested to oversee security and safety in the air of East Africa.

Mr Speaker, about the same time or just before I entered Parliament 44 years ago, I was a staff member of the East African Airways in Nairobi. Once again, it is nice to remember that we are looking at possibilities, hopefully, of a very safe air space in East Africa. And even though it is not provided for in this Bill, this is the intention of it. I also look to the possibility of us reviving an airline as a carrier for East Africa. *(Applause)* I know that some of our colleagues in Nairobi, Kenya, have already started an airline which they call the East African Airline, and I hope that at some point in future we will have an East African Airways.

I have a few comments on the actual Bill, Mr Speaker. Let me start with the research on the only reference to the East African Legislative Assembly in this Bill; there is only one reference, which is on page 15, in paragraph 18(ii). It is as if the role of the East African Legislative Assembly was included by accident!



I note that all the Bills that we have passed have stated: “*enacted by the East African Community and assented to by the Heads of State.*” Mr Speaker, it is the East African Legislative Assembly which enacts these Bills and not the East African Community in its totality. Perhaps we need to review this aspect of our reference. These Bills are enacted by the East African Legislative Assembly and assented to by the Heads of State. Again, I realise that this has been the practice in the past. Perhaps it is by an oversight that we have maintained this phraseology.

On page 6, paragraph 5(d), we make reference to the International Civil Aviation Organisation (ICAO). We say that this agency will liaise with ICAO to ensure that the Partner States’ aviation safety and security oversight activities are in line with ICAO objectives and plans, but we are not specific. The Bill is not specific as to whether the national aviation agencies will continue separate memberships to ICAO. It does not quite state that this East Africa agency will be a member of ICAO. We may be setting up confusion if we do not clarify the role of this agency with national authorities with respect to their participation in ICAO. I think this aspect needs to be clarified. In my view, with the establishment of this agency there should be no need for national authorities to retain separate memberships to ICAO.

On page 8, in paragraph 6(v), we say that the chairperson of the board shall be one of the heads of the national civil aviation authorities, and the position of chairperson shall be held in rotation. I have no problem with holding it in rotation, but it says that the chairperson of the board shall be one of the heads of the national civil aviations authorities in the Partner States. In the definitions, the head of the Partner

States’ civil aviation authority is not defined. Who is this person? Is it the Minister responsible for civil aviation, the Permanent Secretary responsible for civil aviation, the Executive Director of the civil aviation authority, or the chairman of the national board on civil aviation? We need to clarify this.

On page 9, Clause 7(2)(g), there is reference in connection with the functions of the board. We say that the board shall approve the annual programme of activities and the budget estimates of income and expenditure for the agency for submission to the Council for consideration. Now, who is doing the approving? The board is approving and then it is going to the Council for consideration; what is that? The Council of Ministers is not given authority to approve; it is only given authority to consider something which has been approved by the board? I think there is something wrong in here, and I wish somebody would clarify that one for me.

I think the same thing appears in matters to do with reports and the budgets of this organisation. It says the board shall approve the annual accounts of the agency for submission to the Council for consideration. It is the same problem: the board approves, the Council considers! Who has the final authority? What is consideration? On page 10, it comes back again. Here we see that the board will approve the annual report of activities of the agency for submission to the Council for consideration. I do not know what is going on, but something is wrong.

Mr Speaker, there is also a reference in Clause 8(4) that the decisions of the board shall be by consensus. I like consensus, especially when it is on political matters, but for a technical

body -such as this agency that we are setting up- to work on the basis of consensus, I think is a way to hamstring its operations. I would prefer we find another way by which the board can operate. The members of this board will be technical people; experts. I do not think we should subject them to the consensus rule in their decision making.

On page 13 it is proposed that the Executive Director shall serve for a period of five years and shall not be eligible for reappointment. Now, I do not know if this is possible. Unless you are looking for people of my age so that after the five years, they really should not be looking for another job. If we really want people who can gain experience to further the interests of the agency, we should not limit them to five years. Otherwise, persons in their 30s or 40s who are serious will not take up a job which after five years disappears. So, I would suggest that we revise this to allow at least two terms. Make it enewable without insisting on five years, non-renewable. We need people with experience to help the Agency to operate – *(Interruption)* -

**The Speaker:** Hon. Masha is that for all people, including the Speaker and the Secretary-General, or it is just for this gentleman only? *(Laughter)*

**Dr Masha:** I am tempted to respond to that one, but it might annoy too many people *(Laughter)*.

Mr Speaker, the only mention of EALA is in Clause 18(2), where it says that the annual report shall be presented to the Council, which shall cause it to be laid before the East African Legislative Assembly within six months after receiving the report. The East African Legislative Assembly should have more roles on this one, especially with the recommendation by

the Committee that the finances of this agency should also include some funds from the East African Community. If funds are being sought from the Community to this agency, then the Legislative Assembly should approve the funding of this agency! I believe we know that there is also an oversight role of the Assembly in activities of the Community. It should have been clearly spelt out in the report of the Committee and in the Bill itself!

Finally, in Clause 19 it says that no civil action shall lie against any officer of the agency or any other person authorised to perform any function under this Act in respect of anything done or imputed to be done by that officer or person in good faith. I know this language has been repeated in several other legislations that I have seen, but I think it is extremely dangerous, if an officer of the agency causes harm. God forbid, but supposing an officer is running to do some work or to a meeting in an official car and runs over somebody, would I be correct to say that because it was probably in good faith, so they cannot be liable? I think this is dangerous. I think we should just leave the privileges to the proper and normal immunities and privileges contained in another paragraph but not in this one. Otherwise, officers of this agency, as indeed any officer of the Community, should be liable for actions which they do that are punishable according to the laws of the Partner States where they operate.

With these comments, Mr Speaker, I reserve my indication as to whether I will vote for the Bill or not. I thank you. *(Applause)*

**Mr Augustine Lotodo (Kenya):** Mr Speaker, I just want to make a few things. We are passing this Bill on the

background of several incidences of planes disappearing, either in the ocean or in accidents. As we put this agency into place, I think it is important for the agency to be aware that it is going to make East Africans safer, though we have not yet noted any serious incidence within our region.

Mr Speaker, you will recall that when the Assembly visited the Soroti Flying School and interacted with the administration of the school, very many issues were brought up, like the need to harmonise school fees for all the students, regardless of where they came from in East Africa. Also, they felt that the airline companies that were flying in East Africa did not give preference to East Africans. Now, as I look at this Bill, I really do not see anything related to regulation in that area. So, I would like clarification whether that element was left to the Partner States, or it will still be handled by this agency.

**Ms Nusura Tiperu (Uganda):** Thank you very much, Mr Speaker, for giving me this opportunity. I would like to join my colleagues in supporting the enactment of the Bill and to thank the Council of Ministers for a good job done. I also want to take this opportunity to thank the Parliamentary staff, the CASSOA staff, members of the committee and even the civil aviation staff from all the Partner States. Based on the manner in which the consultations were done, I want to say that at this level I think the Bill is what most of the Partner States expect.

Mr Speaker, I am supporting the motion because this Bill touches on crucial issues. When we talk about issues of safety, security, compliance with international standards, those are very serious issues that anybody would really support. The Bill is a very good

one because it will create harmony; it will bring coordination in the sector of aviation from the different Partner States; and it will also bring in a mechanism through which flights within the region can be monitored. This will go a long way in reducing the accidents. I also see a boost in the sector of investment in the region because we will have better transportation, bureaucracies being reduced, and more jobs created. All in all, movement will become easier because of this Bill.

Mr Speaker, I also support the motion because this Bill is in line with the aspirations of our heads of state. In particular, I want to speak about this because during the last Tripartite Summit, the Presidents, while in Kampala, urged the secretariats of SADC, COMESA and EAC to ensure that they come up with a body that can look into areas of co-operation in the sectors of trade and others. After the enactment of this Bill, the agency will be able to look at how to co-operate in the sector of aviation with COMESA and SADC. To me, that will be very good because the agency will be able to monitor flights that are entering into the territory of East Africa.

Today if the House passes this Bill, East Africa as a region will be taking a bold step. Based on the comments that have been raised by the Chairperson of the Communications, Trade and Investment Committee, hon. Catherine Kimura, you can see the desire for this region to have a bigger body. The cry for the former East African Civil Aviation Authority being revamped is loud and clear.

The Chairperson of the Committee did mention that the Bill is silent on many issues that are raised in Article 92. I have looked at this Article and it is true

that this Article talks about many issues. However, it is also clear when it talks about the Partner States still having a lot of sovereignty. This calls for a need for an amendment of Article 92 so that issues of countries ceding sovereignty from the member states to the regional body could be seriously talked about. *(Applause)*

Mr Speaker, to me this is a very clear Bill; it is clear even when we look at the way it has been called - "The East African Civil Aviation Safety and Security Oversight Agency Bill" - that its function has been limited to the area of oversight. However, whereas it is limited to the area of oversight, to me it is a beginning. As an East African from Uganda, I look at it like a marriage in our tradition, especially from western Uganda. First there is what we call "visitation", after which there is what we call *the Kuhingira*, where the parents come together and the girl is introduced to the man's people and the boy to the girl's people, and some bride price is given. The real wedding ceremony is after the *Kuhingira*. So, to me, in passing this Bill we are doing the *Kuhingira*, but then even after the *Kuhingira*, even if the man would have wanted the girl to go to his home and then start cooking and being his wife, the father would still want to retain the girl at his home. So, that makes the marriage a little bit complicated.

So, I support the motion. It is an indication that we are going to start from here, but the East Africans are looking for a bigger body that will make this bloc what the Presidents want it to be. *Asanteni Sana!* *(Applause)*

**Dr Aman Kabourou (Tanzania):** Thank you, Mr Speaker. Let me just say from the very beginning that I am also very grateful to have this opportunity to meet in Dar-es-salaam. Hopefully, we will continue doing this over time. However, I am not very happy with what is happening to us at this particular moment whereby we have to use only one microphone. This is unparliamentary. *(Laughter)*

**The Speaker:** Hon. Kabourou, it is not for you to decide what is parliamentary or unparliamentary and - *(laughter)* - moreover, you have a microphone to use!

**Dr Kabourou:** Mr Speaker, I just thought that I sounded a little awkward - *(Laughter)* - and I wanted to express my feelings. I think it should be better next time. *(Laughter)*

I do not really have much to say about this Bill. If it were in my power, I would say that perhaps we should not pass it because of what hon. Masha has just said - "enacted by the East African Community and assented to by the Heads of State". On the other hand, I am quite sure that if this Bill was intended to be enacted by the East African Legislative Assembly, the East African legislative Assembly would be very keen on most of the areas that we have seen here.

Another thing that I have seen here is that we are faced with 21 amendments, and that excludes hon. Masha's and another eight or ten. I am not sure how we shall do this. I am not competent enough to say what will happen if this Bill is passed - *(Interruption)* -

**The Speaker:** Hon. Kabourou, I would like to help you out, since the Counsel to the Community has not said anything. If you read Article 62(3) of the Treaty, it says that *“Every Bill that is submitted to the Heads of State under paragraph (2) of this Article shall contain the following words of enactment: “Enacted by the East African Community and assented to by the President of the Republic of Tanzania, the President of the Republic of Kenya, and the President of the Republic of Uganda.”*

**Dr Kabourou:** Mr Speaker, even that, I still believe, has to be amended, because the Bill will have to be enacted by the legislature and not the Secretariat. If they enact that Bill according to what is stated in the Treaty...I am sorry to note that there are those interested in it in that way, so I am going back to my statement that if this Bill had gone through the East African Legislative Assembly the way it should have, we would have been more keen. Honestly, we wouldn't want to bring a Bill to Parliament and then ask for an immediate amendment of it on the same day that we want to pass it! You see, it is almost like a circus.

We cannot come here and knowingly pass something that is not correct and just say, “two months”! Who is going to pay for this? Is it not the East Africans? I do not think this is the best way to go. I think that perhaps because we know East Africa needs this agency, it is a kind of an emergency. So yes, it is true that we need to pass this Bill today because something has to be there, however, we are talking about an East Africa that is supposed to be much more enlarged, with a lot more people to be taken care of. This will mean that we will have a lot of visitors to East Africa. Maybe as East

Africans we are not so concerned about our rights, and we might want to know what will happen after the incident. I do not know about safety and security for governance funding; what will the people get?

Sometimes, Mr Speaker, we have been in planes while travelling to the Partner States, and we have been very concerned even about the quality of the aircrafts. We have sometimes been very terribly scared by some of the turbulence, and looking at the aircraft we begin to wonder whether one should be in it. I remember one of the members saying “Oh yeah, we are warming up to buy for our East Africa.” *(Laughter)* We do not need security; for whom? Is it for us? There is no turbulence.

Mr Speaker, to me, if anything terrible were to occur, I do not know if this Bill would cater for that. I do not think so. To me, this Bill is just about administration and bureaucracy...who will be the chairperson, who will give them money, who will consider the budgets? It has nothing about the people. For that reason, I am very concerned that enacting this Bill may not be doing justice to East Africans. Perhaps we might need a lot more time to look into this and recycle the Bill.

What is it that we are trying to accomplish by passing the CASSOA Bill? Is it just to have another bureaucratic agency or is it really aimed at helping the East Africans? I should say I reserve my support, and I hope that we will find a way to take it back, and hopefully then we will have something that will be for everybody and not just governance. Thank you, hon. Speaker. *(Applause)*

**Mr Bernard Mulengani (Uganda):**

Thank you very much, Mr Speaker. As the House may wish to know, hon. Masha has seen this Community for the last 44 years since he has been in these chambers for that long. So, I am privileged that at my age, which is slightly below those years, I am able to interact with hon. Masha and have a direct linkage so that we learn from him the experiences of the Community then, 1967 to 1977. Just like the former Minister for East African Cooperation from Tanzania, hon. Msabaha -  
*(Interruption due to power failure)*

**The Speaker:** Hon. Members, due to power failure I now adjourn the House until tomorrow at 2.30p.m.

*(The Assembly rose at 4.13 p.m. and adjourned until Wednesday, 5 August 2009 at 2.30 p.m.)*