



EAST AFRICAN COMMUNITY

**Official Report of the Proceedings of the East African Legislative Assembly
59TH SITTING - FIRST ASSEMBLY: SECOND MEETING – FIFTH SESSION**

Tuesday, 7 March 2006

*The East African Legislative Assembly met at 2.30 p.m. in the Chamber of the Assembly,
Ngorongoro Wing, Sixth Floor, AICC Building, Arusha*

PRAYER

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

The Assembly was called to Order

**COMMUNICATION FROM THE
CHAIR**

The Speaker: Honourable Members, following the elections of the hon. Beatrice Shellukindo and the hon. Dr. Harrison Mwakyembe as Members of the National Assembly of Tanzania in the last general elections held in December 2005, the two honourable Members ceased to be Members of this Assembly pursuant to the provisions of Article 51 (3) (c) of the Treaty for the Establishment of the East African Community. I have been notified by the National Assembly of the United Republic of Tanzania in the by-elections that were held, two Members were elected and they are hon. Hulda Stanley Kibacha and hon. Dr. Norman Sigalla. However, in accordance with the provisions of Rule 6 of the Rules of Procedure of this House, no Member may sit or vote in the Assembly before taking oath or affirmation of allegiance

to the Treaty. I now call upon the two Members to take their oath.

ADMINISTRATION OF OATH

The oath was administered to:

Mrs Hulda Stanley Kibacha
Dr. Norman Adamson Sigalla

MOTION

For the approval of the Report of the General purpose Committee on the Functional Relations between the East African Legislative Assembly and the National Assemblies

The Speaker: Honourable Members, you will all recall that the chairperson of the General Purpose Committee tabled the relevant motion, which was also seconded. I now call upon the Chairperson to substantiate and

deliberate before I allow the members to debate.

Chairperson General Purpose Committee (Mrs. Rose Waruhiu (Kenya)): Thank you Mr. Speaker, the motion before the House is that this Assembly, pursuant to the provisions of Article 49(2) and (3) of the Treaty and Rule 79(1) of the Rules of this House do consider and adopt the report on the Functional Relations between the East African Legislative Assembly and the national assemblies, which was tabled in this House on 27 September 2005.

Mr. Speaker, Members will recall that we have been on this path for quite a while. It is almost 20 months since the first meeting was held in Nanyuki in Kenya in July, 2004. Subsequently, the second meeting was held in Entebbe in January 2005. Following these two meetings, a decision was made that the areas covered during these two meetings and the recommendations that had emerged were overlapping and also repetitive in some cases. It was found necessary, therefore, to combine them and to put together the recommendations that came out of those two meetings.

So, looking at this report, it is assumed that you are familiar with the background report that covers the proceedings and discussions that arose from those two meetings.

The only other item which is extra, besides merging the discussions and recommendations, you will find under a heading of what is called the “rapid assessment” in chapter two of the report you have with you. So this report contains what came out of the first meeting called “Nanyuki One” and the

second meeting, also popularly referred to as “Nanyuki Two” and the rapid assessment. The rapid assessment was carried out to ensure that the recommendations contained in these documents were practical, and taking into consideration what kind of reception they were likely to get in the two houses. I would really commend Members to familiarise themselves with that assessment, and time allowing, I shall go into more details on that particular issue.

Before I do that, Mr Speaker, I want to first all take this opportunity to record our thanks to the Members of this Assembly. Looking back now at the kind of work that has been done, I think the Assembly should be proud of itself for taking this initiative, and at the same time gear itself up to follow up the recommendations that the Assembly is able to follow up within the remaining months of the life of this Assembly.

In the same way, I want to also ask the House to record the thanks of the Members of the various committees from the National Assemblies who attended these meetings. The first meeting had committees from the three National Parliaments of Kenya, Uganda and Tanzania. The second meeting had even a bigger attendance from the same committees and a wider representation. So those were two occasions when this Assembly was able to interact and to meet and deliberate with committees from the national assemblies, which is really the theme of this whole report. So, the experience we had in those two meetings enabled us also to come out with recommendations that are acceptable and workable since the Members of the national parliaments were active participants in the working

groups that produced the action plans and the recommendations that appear at the beginning of this report.

I also want to remind Members, Mr Speaker, that during the tour of Kenya in July 2005, the Assembly was able to share this document with the National Assembly of Kenya at a meeting organised in Mombasa to coincide with the tour of the Assembly in Kenya.

Just to show how this work has impacted on other areas, I also want to mention that this document formed the basis of the memorandum that this Assembly was able to prepare when we had the privilege of having a session and a meeting with His Excellency President Benjamin Mkapa as the Chairperson of the Summit during our visit to State House in Dar es Salaam. Following on that, we have also, during the year, used this document in preparation of the meeting that this Assembly was able to have with the Council of Ministers, a meeting that was organised for the first time also during the year 2005.

Since the production of this report, I also want to mention that the Customs Union of course has since been signed and it has come into force. Secondly, we had a very important decision which was made by the Summit to appoint a working team on fast-tracking the federation. And as Members will recall, this was one of the major discussions. The issue of federation took a great deal of time during our first meeting in Nanyuki. I am mentioning this because, as you look at the recommendations, they now have to be read bearing in mind what has changed since then.

Lastly, Mr Speaker, I want also to mention that since this report was produced, there has been agreement by the Summit to appoint ministers responsible for East African Community affairs. This has also taken place since our first meeting in July 2004, and we note that two countries have already taken a decision to appoint ministers responsible for that function. Again, if you look at the report, you will notice that the first meeting also expended a lot of time on the issue of Ministers responsible for East African Community affairs. So, as I speak, Mr Speaker, it looks like a lot has been done or has happened since we started deliberating on these issues.

Mr. Speaker, I would however like to say that I wanted to start on the good note so that I can get to the issue of what this whole report is all about. Referring to the title of this report, which is the "Functional Relationships between the East African Legislative Assembly and the National Assemblies of the Partner States", Members will note, on reading the report, that there has been very little change in the area of communication between the East African Legislative Assembly and the national assemblies of Partner States.

I therefore implore Members that if this in fact was a priority for this Assembly during its life, that in debating this report and in thinking ahead on what other action the House would like to take, we can focus a great deal on this area. I say so, Mr Speaker, because I will have occasion to refer to the actual paragraphs in the Treaty for the Establishment of the East African Community, if necessary, during my presentation.

So, the first thing, Mr. Speaker, is that as we left Entebbe where we had attendance of Members from the national parliaments, we went away with a very good feeling that we had reached a level of understanding, and that we had put across to a wider group of Members from the national parliaments the concerns about integration, the plans that would benefit the people of East Africa with deepened integration and the role that the Assembly and the national parliaments as political leaders in the region, would play. So, looking back at the contents of the recommendations that came from Nanyuki Two, one will notice where this sense of optimism came from.

Mr Speaker, the decision was that we would deepen our channels of communication, and that we would provide copies of this report to the three National Assemblies. And as I speak today, I am not yet aware that any of our national assemblies have debated or tabled this report in their national parliaments. I would suggest that this should be one of the issues that we should concern ourselves with as we come to our final recommendation.

Mr Speaker, it is obvious that we made no provision on how we are going to monitor what the national assemblies are doing, because we assumed that the recommendations on interaction, regular meetings, and the inclusion of Members of the Assembly in committees of the national parliaments would go on. But we made a very specific recommendation, which was to suggest to the national parliaments that among the parliamentary committees in the national parliaments would be a committee concerned with matters of the

East African Community. I humbly want to suggest that because we took the initiative, it behoves us, therefore, to keep working towards establishing these relationships.

Now if I turn to the report itself, Mr. Speaker, this report was tabled here, and tabling it means that the House adopts it, so it becomes an official document of this House. As I turn to it and look at the various headings, I am sure Members can concentrate on those areas that fall within their mandate of interest, or those areas that they may have been able, within their committees, to update themselves on, and we therefore can look forward to a very fruitful debate.

Mr Speaker, I intend not to go on for very long, but I want to say that there is an executive summary, and it would have been easier to stick to the executive summary, which turns out as a foreword to the report before the body of the main report. But before I go to the main report, let me say again that the main headings remain the concerns.

Firstly, therefore, the first topic should be the relationship between the East African Legislative Assembly and the national parliaments, and under that heading there is reference to what the Treaty provides, which is contained in the report. There is a great deal of time spent also on how to improve this relationship.

Thirdly, there is the role of the East African Legislative Assembly itself. Firstly, within the Assembly, what is the role of the East African Legislative Assembly? A great deal of time was spent on this, and secondly, what is the role of the East African Legislative

Assembly in the Partner States in the areas of outreach, in the areas of reaching out to the public by making sure that the public is informed about the East African Community? The third area is the role of the Assembly in pushing the East African agenda in economic integration, in the area of development and in the area of political federation.

The report also highlights areas of concern in how the Assembly and the political leadership within the region will provide leadership at the level of the Summit, the Council and the Assembly, including the reference, of course, to an Assembly which should be popularly elected by the people directly if it is to enjoy even stronger mandate.

Now, to understand the report, I want to refer you to page five, because that gives you an assessment of our recommendations vis-à-vis the community or the public that we are trying to influence. I am also referring to this first because it is the one area which has not been discussed at this level, whereas the other parts of the report are based on the meetings where all Members were present.

So, the assessment was created to establish the status of a number of issues related to the two parliamentary seminars on strengthening East African integration generally. At that time, it was a year since Nanyuki One and close to six months after Nanyuki Two. And although, as I have already acknowledged, there had been some implementation of Nanyukis One and Two resolutions by the national assemblies and other organs of the Community, our findings through the rapid assessment should be of interest to

Members, and they are contained under headings.

The first one refers to the knowledge of Community matters, and the finding is that there is lack of adequate knowledge of both Community issues and affairs of the Assembly, by both Members of Parliament and senior members of staff within the national assemblies. Further down, it says the business community was said to be more knowledgeable about the Community than any other group of citizens in East Africa, maybe largely due to their desire to realise the benefits of an expanded market with a common external tariff. There is mention of lack of knowledge, and even scepticism, which was expressed with regard to the East African federation, especially the decision by the Summit to fast track it, following the report of the Committee on Fast-Tracking the Federation.

Item number two is on the benefits of the East African integration, and the finding was that there is no shared perception of the benefits of the Community integration. A number of the people interviewed were actually sceptical of the real benefits of the Community integration.

Under item number three, "Reporting and Communication", it is reported that the flow of information from the Assembly to the national assemblies and vice versa had notable breakdowns. Some respondents, for example – these are Members of Parliament in the national assemblies – had not received copies of these reports, and all the respondents said that the mode of reporting needed to be re-examined if national assemblies were to take the

Community and the Assembly matters more seriously.

Number four is on the issue of the East Africa Ministers. As I speak now, this has been overtaken by events, and we are looking forward to the appointment of a third minister. When this report was made, we were still waiting for the governments of the three Partner States to create ministries specifically for East African affairs, and we hoped that those ministers would be resident in Arusha, and we also hoped that the appointment of these ministers would mean that they would attend the Assembly sessions meaningfully and more regularly.

On item number five, which is on “the challenges to federation”, I will quote from the report: *“The issue of Tanzania belonging to a different, stronger order and trading bloc was raised by some of the respondents. One respondent said that while it was clear that Tanzania’s continued membership of SADC (the Southern African Development Cooperation) was hurting the Community, the country seemed more interested in strengthening SADC institutions even further at the expense of the Community institutions. Similar sentiments were expressed with Kenya’s continued membership of COMESA (the Common Market for East and Southern Africa).”*

Other issues were raised, particularly the issue of the process of democratisation and the way politics was organised in Kenya, Tanzania and Uganda. There was also said to be some contradiction in terms of fast-tracking, and the timetable for the admission of Rwanda and Burundi, and the implication this would have on membership of the Community

to other bodies, particularly within the Commonwealth.

There were even comments that the issue of federation was being rushed. At about the same time, it is instructive to note that Members of the Parliament of Tanzania, at a seminar in Dodoma in April 2005, were highly sceptical of the Wako report. The Ugandan National Assembly was yet to discuss that report, while the Kenyan National Assembly was the only one reported to have adopted it. Overall, there were deep doubts about the current institutional framework.

Mr. Speaker, I referred Members to item two because this is new information, and it is not necessarily my own words. I do not want to be accused of misquoting researchers, so you will bear with me. What I am saying is not what I think; I am saying what researchers found from the respondents they talked to, and I have only got two more points to deal with.

Item six has to do with the issue of resources. Those who were interviewed said the Community institutions, including the Assembly, were limited in their achievements by resources, and a number of respondents expressed the need for the respective governments of the Partner States to put more resources in the Community institutions if they expect to transform it into a federation by 2010.

On the last item, which I have said is closest to the concerns of the House, the relationship with the national assemblies, despite what is slightly apparent - including one respondent’s description of the relationship with the

Assembly as cordial - one respondent said that members from the national assemblies are apparently uneasy with the Assembly Members. Apparently some national assembly Members of Parliament suspected some EALA Members of being potential political rivals at the national level - (*Laughter*). As I said, with the wisdom of hindsight - you will forgive me for reading but I am reading what was written - maybe some of these respondents had foresight, and would want to know who is next. I agree.

The harmonisation of laws and policies is proceeding too slowly in the opinion of one respondent. So, I did appeal to members of the House to be patient and to look at the issues between pages 5 and 7, because these are views from other people who have been approached to give their views.

If I take you back to the contents page, therefore, I would commend to you that you familiarise yourselves with the executive summary. The headings under this are again important for our records in the *Hansard*, and the first one is that there are ten recommendations that make reference on how to improve the relationship between the Assembly and the national parliaments.

Members who wish to contribute to this debate have enough material as you can see. The initiative and work done by Members in these seminars is very commendable.

The second set of recommendations refers to the relationship with other organs of the Community, which is on (ii), and there are 13 recommendations in that area. The last group of

recommendations - again there are twelve of them - refer to the issues regarding the Customs Union. I will make brief comments just to highlight them and I will start with the Customs Union.

The Customs Union, we have all been told, is the entry point or trade itself is the entry point to the integration, and as we debate this report, we will have had the experience of a functioning Customs Union. But Members should note that the views of this House have been and remain that the collection of Customs revenue and its accounting should be a Community rather than a Partner States affair. The collection should be organised and accounted for at the Community level. Members will recall that this came up a great deal, especially in the trying moments that we have had in regard to alternative sources of money for the Community.

On the issues that were raised on the enactment of laws to enable the Community Partner States to negotiate as a bloc in the spirit of the directive of the Summit in April 2002, again we have moved fast as an Assembly in this area. As you know, this is now a matter for a court case initiated by members of this House, to counter or to address the matters of delays or the failure of the Council to move in tandem with the Assembly. So, if a matter is before the court, I am advised that the less said about it, the better.

On issues of immigration, I think in various other forums we have put across the concern that as far as East Africans are concerned, there is no difference that they have noted. There is no meaning for them so long as they do not enjoy the

privilege of being able to move freely between our Partner States. So, again, this is an area of priority, and that is why I am suggesting humbly, Mr Speaker, to Members that we cannot get tired of picking these areas up because little has changed despite the debates on the floor of this House in the last four years. So, I will ask that Members to go through these recommendations and bring them up for debate.

On issues of the relationship with other organs of the Community, some of the positions we have taken here, again, as I have said, very little has changed. There was discussion about the ability of the Assembly to work together with other organs to support the Community, to publicise the Community and to work much more closely, particularly with the Secretariat.

On the issue of protocols, the Assembly has also taken a position many times to say that on the position of protocols vis-à-vis legislation, the House favours the use of legislation as opposed to protocols.

One major issue which, as politicians we need to follow up, is the issue I raised earlier. How do we monitor what it is that we say? It is alright to take the floor of the House like this afternoon, these matters and our views appear in the *Hansard* but we have not actually set the method together of helping us to follow what we are doing.

Finally, the issue of the relationship with the national assemblies: I think all Members have addressed themselves on this issue regularly throughout the last four years. I want to refer you, therefore, now to page 14, which gives you the

details. The summary gives you the recommendations, so if you read the recommendations, or even if I was to tabulate the recommendations, it would not be of much help if I am not able to give you the background, and the background is provided for the three main headings I have referred to on page 14.

So, on the relationship with national assemblies, I mentioned earlier that it is important that we refer to the Treaty. Besides Article 9 which establishes the Assembly, Articles 48 to 65 provide for other matters relating to the Assembly, Article 48 provides for the Membership of the Assembly, while Article 49 provides for its functions. It says, among other things, in Article 49, that the Assembly shall liaise with the national assemblies of the Partner States on matters relating to the Community.

Article 50 provides that the national assemblies of the respective Partner States shall elect nine Members of the Assembly. I think we know that that one went on and we have also noted that when necessary the national assemblies can move fast. Article 51 provides for how Members vacate their seats and Article 52 obligates the national assembly of each Partner State to notify the Speaker of every decision made regarding the validity of elections and so on. And there is great detail of how all these shall be done.

So, at the Nanyuki One and Two seminars, it was very clear that all these issues that are provided for and this framework were not being utilised. In the national assemblies it was very clear that Community matters, leave alone the Assembly matters, were getting very

little attention. This was despite the fact that the Clerk of the Assembly sent these reports to the national assemblies, including this particular report which we are discussing, which we had worked on together.

So, there are a number of weaknesses which we are familiar with, but they mostly relate to inadequate communication between the assemblies, and we do not want to go into the details of saying “oh no, the document was put in the pigeonhole!” I do not think that is what was expected to be provided. But I was suggesting, Mr Speaker, very humbly, that we also have a duty, because if we have discussed this matter and nothing is moving, then we need to rethink.

Sensitization of national assemblies and local populations has also not been effectively done. The East African Legislative Assembly itself has done its best, but this aspect of popularising the Community through the national parliaments and through the population has not been effectively done, and this is despite the production of the fast-tracking report, which also noted the same concerns. But what was very shocking was to find out that Members of Parliament in the national assemblies are not sufficiently engaged and made aware of the Community integration process and its potential benefits to the people of East Africa.

So, if the integration is to be people centred as the Treaty suggests, then this issue requires to be given more attention than it is apparent at the moment, and that is the background to all the recommendations we have made. And if we were working today, I think

Members would also ask themselves how they are going to be re-elected by national assemblies which do not know what we do in Arusha or what the benefits of this Community are, and why the Partner States should spend money sending you to Arusha. So, maybe you will take this issue now as a priority to enable Members to go back to the national assemblies. You are going to the national assemblies to ask them to take action on an organ whose work they have very little understanding of, and have received very little information about in the last four years. So, there are, as I said before, ten recommendations on how to improve this.

The second main concern, besides the lack of communication, was that structural linkages do not exist. I think those who wrote the Treaty contemplated that the relationship between the East African Legislative Assembly and the national assemblies would translate into effective linkages. During our seminars we have discussed how committees that have similar responsibilities or similar sectoral responsibilities can work together, and how this can be operationalised. And as you have seen in the action plan, there is a very detailed suggestion of how this could be done.

The findings, both from the seminars and from the rapid assessment report, are that these systems are not effective, but the most important concern is that all the three national parliaments seem to show reluctance. I do not know what else you can call it, but we have suggested that the national assemblies establish watchdog committees to deal with the East African Community affairs, or the issues affecting the development of

deeper integration. And so far we have no information that any of the three Parliaments have agreed to set up these committees.

There is a very good comment on top of page 18. You know, if you do not see something then it does not exist. So what it means is that as far as the national assemblies do not discuss any matter to do with the East African Legislative Assembly, then in the eyes of the national assemblies what they do not see does not exist. I do not think it could have been put more bluntly than that.

There is one issue on which we are all very uncomfortable when we discuss it, and it is dealt with in the middle of page 18. That is the issue of nationalistic tendencies, which were also cited in the fast-tracking report as some of the factors slowing down implementation of the vision for East Africa. It is also evident in the manner in which ministers approach their work in Arusha.

Different ministers come to Arusha for different sectoral matters falling within their respective ministries but the natural expectation is that the Ministers responsible for East African Affairs in the Partner States would co-ordinate this interaction and improve on co-ordination. And Members will know from the very practical experience at the moment that the Bills that the Members of this Assembly discussed with the Council of Ministers during the retreat in Ngurdoto have all been referred back to different ministries. So if you had a Bill on trade, it has gone to the Ministry of Trade; if you had a Bill on education, it has gone to the Ministry of Education; if you had a Bill on Competition it has gone back to the Ministry of Trade.

So, if in fact we are going to benefit at all from the creation of these new ministries, then it means there should be better co-ordination so that the Ministers responsible for the East African Community Affairs arrive here with expert or inside information, and cannot keep referring you back or telling you we are waiting for this and that Ministry to happen. So structurally, things need to change.

Under paragraph 4, this is an issue which Members are very familiar with, and I do not have to go back into it, and that refers to the relationship with other organs of the Community. We have expressed ourselves on these issues very often, and some time last year it looked like these relationships with other organs, particularly those in Arusha, was thawing to become friendlier. But recently, things seem to have gone back – I do not want to call them thorny – (*interjection*) – but I like the word “thorny” because you know I bear the name “Rose” and roses are thorny, so that is why. But on a more serious note, we can talk about our relationships with each one.

If we look at the Summit, we did mention, and Members will recollect our very successful interaction and visit to the State House in Dar es Salaam where we met President Mkapa and presented a memorandum. Subsequently, we understand there is more willingness for greater interaction between the Summit, the Council and the Assembly, so that the Assembly can get a clearer mandate and direction from the political leadership. This remains our position, and it is really up to us to keep advancing it.

On the Co-ordination Committee and the sectoral committees, Members made very specific recommendations at every function possible, both in our memorandum to the Summit, in our meeting with the Council of Ministers and more recently at the retreat which was held to chart the way forward for better relationships. But the participants from the seminar concluded at that time that the Council of Ministers does not act on the resolutions of the Assembly. At that time the reasons were given that those ministers were very busy and therefore they did not have the time to give proper attention to Community matters. But since this has changed, and with the backdrop now of the fast track report, we are hoping that this relationship will be more strategic to enable more efficient and effective management of the affairs of the Community. Now with that background, as I said before, there are recommendations which follow, which Members will have in front of them.

Mr. Speaker, this work is not necessarily finished by the production of the report. What the report does is to document, in a very useful way, the experience and the suggestions that this Assembly would like to make on the furthering of integration within the Community. And whether by coincidence or what we call timeliness, Members are aware that we have before us now the draft report on the Strategic Plan for the EAC for the period 2006-2010. So there are two levels at which we can work.

Mr Speaker, I want to suggest that this document be adopted and remain a working document for this Assembly and for subsequent Assemblies. I also

want to suggest that we use this document in preparation of our own plan as an Assembly, of how we see the Assembly developing. You will recall, from this report and other records, that the decision to set up an East African Legislative Assembly was made late after the decision had been made to set up these other organs.

You will note, therefore, that the first Strategic Plan mentions the East African Legislative Assembly in one sentence. I think one of my colleagues always carries the strategic plan; he can refer to the specific page. It says “within the period 2001-2005, there shall be established an East African Legislative Assembly”, and this Assembly was inaugurated in November 2001, so it has had a life of four and half years almost. And as I have said, by coincidence or by timeliness, this Assembly has the opportunity, as the pioneer Assembly, to now harness, from experience and from information documented, from what we have learnt from our tours and from our own ideas, because we established one day that all of us came here of our own free will.

So, you have a duty to this Community to help define what a Parliament or an Assembly within this framework should do, not just to deal with the relationships with the national assemblies, but as I said at the beginning of my presentation, to provide leadership at the political level to advance our Partner States to a federation, or to endorse efforts towards working for common goals.

There is inside this report a very detailed action plan on page 8, which continues to page 14. This action plan is the result of the work of the Members of this

Assembly. Since the merging of this report, you will note at the end column that there is a reporting section, which gives you the update on each of the recommendations that we made when we did the action plan. So, I would invite Members to address themselves on how we can continue to monitor the action plan at this level, how we can continue to monitor the priority areas that Members see emerging.

I have addressed myself to quite a few of them, but I am also suggesting that the Assembly has had the unique opportunity of having been the pioneer Assembly in what I call...I cannot call them untested waters; there was an Assembly before and it had its own history. This Assembly must also leave its own history and its own experience ready for use, because as we work towards a political federation, it is very clear, of course, that an Assembly of whatever form will be a main pillar in the development of our political federation.

I want to commend this report to Members and, Mr Speaker sir, I beg to move – (*Applause*).

Mr. Mabere Marando (Tanzania): *Mheshimiwa Spika*, may I start first by congratulating our former colleagues, hon. Beatrice Shellukindo and hon. Dr. Harrison Mwakyembe – (*Applause*) - for having been elected to the National Assembly at Dodoma, and I have been made to understand that hon. Mwakyembe has also been elected as the Deputy Chairman of the Trade Committee. From the way I knew both of them, and the way they participated effectively in this House, we are sure that they will be our ambassadors in the

National Assembly at Dodoma – (*Applause*).

Mr. Speaker may I also congratulate our good friends who have just been elected to join us in this House? I have known hon. Kibacha for a long time. We shared the Floor of the National Assembly at Dodoma – (*interjections*) - the Floor of the National Assembly in Dodoma – (*Laughter*) - not the dance floor! I know her eloquence, I know her energy and I know her resourcefulness. So I know that and she will contribute a lot towards the strengthening of this House - (*Applause*).

Mr Speaker, sir, may I also congratulate Dr. Sigalla? Dr. Sigalla is bringing into this House youth and academic excellence – (*Applause*). On the part of youth, I think Tanzania may now start rivalling Uganda for bringing youth into this Assembly – (*Laughter*). We are sure that sitting at the exact place where Dr. Mwakyembe used to make very important contributions to this House, he will also very much strengthen the House.

Mr. Speaker, sir, the efforts towards Nanyuki One and Two and the forthcoming Nanyuki Three were as a result of the initiative of this House. It is this House which decided deliberately to forge closer co-operation, in terms of the Treaty, with our national assemblies. Article 65 of the Treaty has been fully reproduced in the report, and we are sure that history will bear us out as not only being pioneers in the particular work of this Assembly, but also being pioneers in recreating closer relationships in East Africa.

Mr Speaker, sir, these meetings, the Nanyuki One and Two, were used to bring to the attention of the Members of our national assemblies matters which were sometimes deemed not to be going well in this House. One of them was the necessity of the appointment of ministers particularly concerned with the affairs of the Community. As a result of that, and I am sure that as a result of the intervention of the Members of our national assemblies with whom we interacted in these meetings, Kenya responded very early in appointing a Minister for Regional Co-operation with particular emphasis on East African Community – (*Applause*). We did congratulate His Excellency President Kibaki for taking up the mantle.

Mr. Speaker, sir, the former Chairperson of the Council of Ministers, who is now His Excellency the President of the United Republic of Tanzania, who I also take this opportunity to congratulate for having been elected in a fierce multi-party competition in Tanzania – (*Laughter*) - to the high office of the President of our country, having been here with us, he did hear the concerns of this Assembly, having participated with us in one of the consultations at Ngurdoto, he has now appointed, not one but two ministers - a minister and his deputy - particularly for East African affairs – (*Applause*).

The last time we paid a courtesy call on our new Minister, hon. Senior Counsel Andrew Chenge, he expressed doubt as to whether being not a Minister for regional co-operation he would be sworn in as a Member of this House. We have revisited the Treaty; I have looked anew at Article 13 of the Treaty which says:

“The Council shall consist of the Ministers responsible for regional co-operation of each Partner State, and such other Ministers of the Partner States as each Partner State may determine.” (*Applause*)

So, I wish to assure hon. Chenge, Mr Speaker, that considering this provision here, and taking into account two other provisions, we look at the preamble at page 3, which reads:

“Convinced that co-operation at the sub-regional and regional levels...”

Now ‘sub-regional’ Mr Speaker, sir, means East Africa; regional means East Africa including Djibouti, Seychelles, Ethiopia and Somalia. But when you are talking about ‘sub-regional’ here, you mean East Africa.

Article 1 of the Treaty defines ‘co-operation’ to read:

“Co-operation includes the undertaking by the Partner States in common, jointly or in concert of activities undertaken in furtherance of the objectives of the Community.”

So, it is my position, and the minister should rest assured that being a minister concerned with the affairs of East Africa he is also a Minister for regional co-operation in the context of East Africa – (*Applause*). So, he can very well be sworn in as a Member of this House – (*Interjection*) - to participate fully and be with us continuously as shall be demanded by the work of the Assembly.

There are no fees for such consultation -
(*Laughter*).

Mr. Speaker may I also take this opportunity to take cognisance and recognition of the democratisation process that has just taken place in the Republic of Uganda? (*Applause*) I know that I have my dear friends here who may not be satisfied with what has happened, I may also not be fully satisfied with what has happened, but what we are saying...Mr Speaker, I remember the time I was in Uganda in the year 2002 and I gave an interview on Radio One.

In that interview I emphasized that a Movement Political System is a single party system whatever you call it. Of course there were some people, who differed with us, but history has taught us, and has taught Uganda and the leadership there, and they have now opened up; we now have a multi-party system in Uganda.

The stakeholders have got to work harder in different directions and in different capacities to gain strength and make others lose strength, but, Mr Speaker I take very special cognisance of what has happened in Uganda. At least we can now say that the whole of East Africa is now a multiparty system – (*Applause*). This is a step forward, despite the shortcomings that may have arisen during the electoral process – (*Interjection*).

Mr Speaker, sir, I do not take kindly to people making comments from the floor and advising me on what to do, but I will congratulate others as and when I feel like doing so.

With those remarks, I support the Motion tabled by my very eminent colleague, Mama Rose Waruhiu as Chairperson of our Committee, and we commend that the report be adopted.
Asante sana.

Ms. Sheila Kawamara-Mishambi (Uganda): Thank you very much Mr. Speaker, sir. I would like also to add my voice to congratulate our three former colleagues in this House: hon. Jakaya Kikwete - His Excellency now. I think as a House we had already congratulated him in person, but I think he deserves a big congratulation because his achievement is the achievement of this House as well and actually it shows that State House actually within close reach to many Members of this House – (*Laughter*). I would like to also congratulate hon. Dr. Harrison George Mwakyembe and hon. Beatrice Shellukindo who are now our very good allies and ambassadors in the Tanzanian Parliament, and we welcome hon. Kibacha and hon. Dr. Norman Sigalla into the Assembly. We believe that the Tanzanian Parliament has made the right choice and we believe that together we can fight for the interests of the people of East Africa.

Mr. Speaker, sir, I think we should also congratulate all East Africans, and particularly the Tanzanians and Ugandans who have gone through the recent elections, because most people were watching East Africa and how we were going to perform in the elections. I think we exhibited a lot of maturity. The Tanzanians chose wisely, and we believe the Ugandans also made a wise choice. So we congratulate the two Excellencies, Jakaya Kikwete and Yoweri Kaguta Museveni, who are now going to be part

of the Summit. We are proud to also observe that we are now in true democracy, and Uganda will not be singled out as being a one-party state. So I believe that that is the way to go, and we are in the right direction as East Africans. So, we should continue supporting those initiatives.

We also congratulate all the Members who monitored both the Tanzanian and Ugandan Elections, and we hope that this Assembly can receive the reports of the two observer missions that were sent to Tanzania and Uganda, so that we know how to advise our constituents in the right direction so that we can build a true democracy.

Mr. Speaker, to add to my support for the Motion on the floor presented by hon. Rose Waruhiu on the functional relationships between the East African Legislative Assembly and the national assemblies, it is quite unfortunate that almost two years down the road, as an Assembly, I do not think we have been able to achieve much. Our expectations have remained rather in the balance, and I feel more de-linked from our national assemblies.

When we were sworn-in, in November 2001, there were a lot of expectations from the national assemblies, but my experience over the years shows that we are getting more and more de-linked.

The Members of the national parliaments do not even seem to know or understand what we do in Arusha. They seem not to even have the interest in what is going on in the East African Community. We have seen that in the past two or so years our national governments have been more concerned

with what is happening internally than with what is happening at the East African Community level. And I think it is the responsibility of this august House to clearly come out to ensure that what we discussed in both Nanyuki One and Nanyuki Two are made a reality, because otherwise they will simply remain as good wishes on paper without any action from our national assemblies.

We would say that the Assembly...for example, on our relationship with the Secretariat, I do not know whether it has improved or it is becoming worse. This Assembly has continued to be sidelined, and as a Member of the Assembly, when I am asked to come to Arusha, I keep on asking myself, what are we going to discuss this time?

The three seats of the ministers remain glaringly empty. I was anxious to see the Tanzanian Minister who was highly publicised when appointed. So I thought that this afternoon we would have the Tanzanian Minister in charge of East African Community being sworn in. It is about a year since the Ugandan Minister was appointed but his seat has remained vacant. We had hon. Koech who was very active; he is now missing in action. So, Mr Speaker, I get a bit demoralised and wonder what our purpose is. Where are we heading to?

Towards the end of this year there are going to be elections for new Members of the Assembly, and I am wondering where we are heading as an Assembly; as a major organ of the East African Community!

The issues that were raised in both Nanyuki One and Nanyuki Two were very pertinent issues, and we were very

serious when discussing those issues, but at present I think three-quarters of the former Members of Parliament in Uganda are no longer Members of Parliament. So, we are going to start afresh to politicise the new Members of Parliament. The same applies to Tanzania.

We have lost a number of Members who were present in Nanyuki One and Nanyuki Two, and who had become solid allies to this Assembly. So, we are losing out on Members. I am sure when it comes to Kenya next year we shall lose maybe three-quarters of those we had – (*Interjection*). So, really, I think we need to devise a strategy on how we can reach out to the national assemblies, for example, the new national Parliament of Uganda and the parliamentarians elected in the National Assembly of Tanzania, so that we educate them on what we discussed and the modalities they should put in place. Otherwise, they will continue unknowingly or ignorantly undermining the work of this Assembly.

Mr. Speaker, sir, I would also like to commend efforts that have been taken by the three Partner States on the issue of joint negotiations, but we still remain in a bit of...we are not so sure whether we can really come out with a law on joint negotiations. I think this is a process that was hijacked. As Members of the East African Legislative Assembly, I think we should still push for joint negotiations and the ability to stand out as comrades in arms rather than just for friendly purposes. Right now I still look at the East African Community just like a merry go round. We are happy together but then I do not know whether concretely we want to be together.

There is also, still, the question of Rwanda coming on board. I remember some time last year we were told that by November 2005, Rwanda would be part of the East African Community. We have not got any report on how far the negotiations have gone, and whether we still expect Rwanda or Rwanda is out of the way, and Burundi's coming into the Community is also still in question.

So, Mr. Speaker, I would like to support the adoption of this report, but on the condition that it is further taken to our national assemblies rather than being adopted in this Assembly and left here.

With that I support the Motion – (*Applause*).

Mr. Ochieng-Mbeo (Kenya): Thank you Mr. Speaker. I would also like to join our colleagues here who have welcomed hon. Dr. Sigalla and hon. Kibacha to the Assembly. I would only like to quickly refer them to Article 51(1), which gives them...I would like to read aloud:

“Subject to this Article, an elected Member of the Assembly shall hold office for five years and be eligible for re-election for a further term of five years” - (*Applause*).

I would like to welcome you on board for your next five-year tenure of office - (*Laughter and interruption*).

Mr. Med Kaggwa (Uganda): Mr Speaker on a point of order, is it in order for the hon. Member holding the Floor to mislead this House by making an interpretation of this important document in the way he feels?

The Speaker: He is not in order, and I request him to continue with the Motion on the Floor of the House.

Mr. Ochieng-Mbeo: Mr. Speaker, I was referring to an Article in the Treaty, and if I am misleading this House, then I am soon bringing a Motion to interpret, or rather take it to court myself for proper interpretation, because I believe our colleagues are here for the next five years - (*Laughter*).

Mr. Speaker, I also would like to congratulate the two presidents who are now on board, joining the third one who has been around, and also join my colleagues in saying that there was a semblance of a democratic process in Tanzania and in Uganda. In the same vein, I would like it to be known that Kenya has also gone through a process where we separated “bananas” from the “oranges” democratically. Unfortunately it has brought in snakes in the mix – (*Laughter*).

Mr. Speaker, a lot of work has been done and was done by our Members, and more so by the Committee on General Purpose, whose chairperson has presented this document which is very well done. Unfortunately, you can see that every time we try to make a move, we are left behind by time. In as much as there are good works and good intentions with the document, it would appear that a lot will have to be re-done to get to where we had reached earlier. I say this with due respect because I believe that relationships should start from home.

Mr Speaker, I am referring to the relationship between the Secretariat and the Assembly. Unfortunately they have

again disappeared from the radar. I do not know why, but every time I get up to speak, somehow they disappear! (*Laughter*) I am trying to bring us home to yesterday.

Mr Speaker, I was rather shocked when I went to one of the officers of the Secretariat to try and inquire about the committee work which was supposed to be done today. To my amazement, this particular officer did not have any clue that they were required to report to any committee of the House today. I happen to have seen a letter from the Assembly to the Secretary General, as he always wants us to treat the affairs between us and them, and somehow, up to yesterday, no information had been relayed to any officers to sit in the various committees with the Members. It was rather shocking.

Now it was fortunate, Mr Speaker, that one of the Deputy Secretaries General happened...and this is what Members do not know, that something happened yesterday to try and save this embarrassing situation. That it took the intervention of a Deputy Secretary General to overrule his boss! (*Interjections*) Mr Speaker this is the truth! A Deputy Secretary General yesterday had to overrule his boss to allow officials of the Secretariat to come and brief the Members in the various Committees – (*Shame, shame!*). Up to yesterday, there was no hope that we were going to have them. So I am very grateful to the Deputy Secretary General who intervened.

Now I am bringing this particular issue to indicate the fact that if we cannot, up to this time, jell locally, you do not expect us to jell with the national

parliaments if we also have some other factors affecting this kind of relationship.

I do not want to say that I am glad that we are going into a new phase with a new Secretary General – (*Interjections*) - which might help better the situation that has been, but it has not been good, Mr Speaker, and there is nothing to hide that the relationship between this Assembly and the Secretariat through the outgoing Secretary General – (*Laughter*) - has not been cordial, and it has affected some of these decisions that would have been made.

Mr. Speaker, I am now going to page 8 of the report. I believe that hon. Waruhiu has given us a complete synopsis of what took place and what needs to take place in the executive summary and background. There is a chart here with a column which reads “*Progress as at June 2005*”, if you start from the first to...the struggle goes on to page 14, it reads like nothing is happening in this place, Mr Speaker. Recommendations are there, but progress reads “none”, “none”, “none”, and it continuous to be “none” even in places that needed to have some action.

Page 2, Mr Speaker, takes us back to what the Assembly has done, but whereas we are patting our backs for passing seven Bills, there are four that are still pending up to now.

On the *Inter-University Council of East Africa Bill*, the story is sad. In as much as we have tried many times to bring the Bill as a Private Members’ Bill before this House, there has been deliberate attempt to stop this Assembly from

debating it, even as a Private Members’ Bill.

The most important Bill - as far as we are concerned - which concerns the Members of this Assembly, *the East African Community Immunities and Privileges Bill*, we are told is still lying somewhere waiting for the Council of Ministers. It is no longer a Bill, it was turned back into a protocol; a protocol which was drafted in the year 2002. No change had been made on this protocol; it had never been signed, and that is why we were trying to turn it into a Bill. Now it is going back into a protocol, and we are told that it is not...I have been following this, Mr Speaker. I have been told that this Bill is not even going to be presented before the Council meeting which will be held in early April, which means that we are not likely to see it in the life of this Parliament! It is a sad situation, Mr Speaker.

I am trying to show you that if we are not linked together and if we are not operating from our units, then we do not expect to even operate in our Partner State parliaments. Why am I saying this, Mr Speaker?

When we were in Kampala during Nanyuki Two, I was shocked that the Secretariat, with their Secretary General, was headed to address Members of the national Parliament of Uganda, to brief them on the activities of the Community. I was told they had done the same in Tanzania ...briefing members of the national Parliament and they actually did. I do not know how many Members they addressed, but it was shocking that they left us in Entebbe at a meeting and sneaked out to go and address our constituents! Mr Speaker, that is

insubordination and it is happening right here! Mbeo never asks things like these because if he does, he is an enemy to many. But Mr Speaker, the time is now, because I believe that if we do not straighten this, the next regime might just follow the *Nyayo* of the outgoing Secretary General!

Hon. Members: What is *Nyayo*?

The Speaker: Order, honourable Members, it a common word.

Mr. Ochieng-Mbeo: Mr. Speaker, the *East African Community Joint Trade Negotiations Bill*: this was not just an idea that came to this Assembly; this was a ruling by the Summit! It was a directive and a ruling, which meant that when it finally got drafted, we thought it was just going to sail through with very little hindrance. But what happened?

If you look at the current Strategic Plan of 2006 to 2010, they begin talking as if they are just going to start the process of negotiating as a bloc! Would you believe that it is going to begin from 2006, in the next Strategic Plan?

In other words, what you have done, nobody recognises, and that is the main reason why you are seeing there is resistance to bring this on board. People are creating work; they are creating time for per diems at the East African Community in Arusha. This is what is happening, Mr Speaker! Something that is already on the cards, presented and ready to move, what happens? It is on a Strategic Plan. I do not know what we are planning!

To add insult to injury, Mr Speaker, there is this East Africa as a single tourist destination programme that has

been going on for the last five years. What happens? This week I am told they are somewhere in Berlin...the top leadership of the tourism industry. What are they doing there? They have hired a kiosk – (*Interjections*). Mr Speaker, they have hired a kiosk! And do you know what they are doing in this kiosk? The kiosk, Mr Speaker, is where Kenya, Uganda and Tanzania's senior members of the tourism industry are sitting to sell...each country is selling its destination, after having spent US\$20,000 two and half weeks ago here in trying to bring a working paper, now is when they are trying to bring a working paper, and you know where they are trying it? In Berlin! Mr. Speaker, look at all this. In Berlin; that is where they are right now, discussing East Africa as a single tourist destination – (*Interjection*). But they are, and it is a scramble!

Now I am looking at all these things and saying look, if we are so disorganised in our Community, how do you expect us, even if you break through, to talk to our national assemblies when the signals they are reading elsewhere are different from what we are trying to put on the table?

The *East African Community Budget Bill*, Mr Speaker, a very important document, already even drafted by this Assembly, what happened? It is back to the Council to be mutilated, which means nothing is ever going to happen in terms of growth in this Community! What we are looking for at the end of the day is to have some control and some systems of financing and having knowledge that the money that is brought into the Community is not

wasted the way it is now, where they spend all the money on travel.

Mr Speaker, some of these things affect us because we are watchdogs, but how are we going to handle situations that end up being...If you were in Kenya I would have taken you to the Kenya Anti-Corruption Commission. You know we have Mr. Ringera there. Mr. Ringera is the person who is now controlling and fighting corruption in Kenya. We could bring one here in the East African Community because it is beginning to show that the reason you find frustrated looks through the Members of this Assembly when you look left, right and centre is because there is graft! (*Toboa*)

I might be using very harsh words, Mr Speaker, but I think if I do not say this here, I might have nowhere else to say them, because maybe we only meet once in a year. This might be the only time we will ever meet to discuss this before we go through the Budget. But we must say some of these things. They affect the relationships between us and our national assemblies!

Mr. Speaker, right now we have a problem in Lake Victoria; there is a problem in Lake Victoria, Mr Speaker. We are being told that water is receding, and it is now about 2.5 to 3 metres that we have lost. We are very concerned as an Assembly, and these are some of the things that if you do not talk about, when we are in our Partner States, everybody is looking around and asking you, what have you done in Arusha about this water that is receding? We have no words; we have no answers, because nobody gives us answers. I have nobody to ask!

Mr Speaker, when I tried through Kenya...we wrote here trying to find out what had happened, and I think I gave you, Mr Speaker, a copy of that letter. But what it did do? It opened a can of worms; all the members of the Secretariat went on a tour for ten days! (*Interjections and Laughter*) Mr Speaker, they went out, and you know what they went to do? To enquire why the lake is receding! (*Laughter*) From the Secretary General, all the way down, they toured East Africa! (*Interjections*)

Mr Speaker, up to now that letter has not been answered. I went for an answer yesterday and I was told that they are organising a seminar – (*Interjection*) – listen to this: they are organising a seminar to answer this! (*Interjections*)

Now, I have asked an honest question so that when I speak, I speak with authority. I have not got that answer up to now. I am a leader in my own right, busy handling matters for East Africans, and Lake Victoria is one of them. It will always be, Mr Speaker; there is fish in it. But what happens? They are organising a seminar somewhere in Kenya, and they will ask the National Assembly of Kenya, through the Speaker to pay allowances to the Members of Parliament to go to their workshop and there seminar. Members of this Assembly would like to be told what is going on! Do you know we will not hear it anywhere else unless we go to that seminar? So, we need to prepare ourselves with some funds, because we must know exactly what is going on about Lake Victoria. And when this seminar is being held, we should be near our counterparts in the Kenya National Assembly to be told why the water is receding from Lake Victoria.

Mr. Speaker, when you talk about these things, they sound like maybe somebody is witch-hunting. I have learnt never to witch-hunt. I have learnt over the years that as a politician, always have no permanent friends but have friends, do not have permanent enemies but have enemies. So, in this instance, I will have enemies and my enemies, though not permanent, will be in the Secretariat.

If we do not jell here, Mr Speaker, we cannot jell with our counter parts, and I am beginning to wonder what happens behind our backs when they are talking to the Members of our national parliaments when we are not there! No wonder our constituents now look back and think we...Mr Speaker, these are the main reasons. This is why if we do not speak with one tongue, and if we do not do things together and support each other like I have seen this Assembly supporting the Secretariat on the Budget...the Assembly has stood very firmly to support the Secretariat in terms of hiring staff, getting the right staff - and they have quite a few - but when it comes to the Assembly, they say we have got what we want so why should we worry about the others! This is what we get from the grapevines.

Just the other day...there is something that is happening, and because we are part and parcel of the Community, sometimes our constituents, the Members of our national parliaments, come to us with their problems. So a constituent come to me, Mr Speaker, about something that happened here at the Secretariat, which maybe slipped my mind.

An advertisement was put for one of the positions for a job which had apparently not been sanctioned by the Council of Ministers. But there was a recruitment exercise which had gone on: there was a short-listing and people had been called in for interviews, but all of a sudden the interviews were cancelled.

One of my constituents came to me because one of his constituents had been short-listed for the job, but the job interview had now been cancelled and he only received a little e-mail from a junior clerk from the Secretariat telling him that this thing was cancelled until further notice. By the way, this was again a subject of a letter to the Editor in the *East African Standard* in Kenya!

I could not help my constituent; I could not answer why a job that had been duly advertised and people short-listed and called to come for interviews was all of a sudden cancelled! Now, after digging a little bit further, as I normally do, Mr Speaker, is when I discovered that this job vacancy advertisement was not even sanctioned! Somebody here went ahead and started the recruitment process without authority from the Council of Ministers!

As a Member, I would like to support and protect my Secretariat, but you see, if you do not know, you do not support. You see somebody burning but then you do not know how to handle it. All I am saying, Mr Speaker, is that there has got to be cordial relationships between the few Members here and the few members there. That where we have come from and where we are going now is going to be more tedious than where we have come from. At least we were only having teething problems, now the game

is changing. The game is changing because some of us might never see inside this House again, because I have nothing to show my constituents! *(Interjection and Laughter)*

Mr. Speaker, as much we have tried so desperately to produce work, so that I can at least improve my curriculum vitae to be able to come back to this House, it is gone to naught! And that makes me become like hon. Michuki in Kenya; to become like a snake because I know that is my life at stake! *(Laughter)* If my life is at stake, and I find somebody rattling, I bite.

So, I am saying that we need to work together from within to be able to go without. If we are going to be dealing with the last blank column, “progress as at 2005”, these things here, somebody is directly responsible for getting us these answers to make sure that they do not come “none”. I do not expect that to come from the Clerk alone; I expect some team work.

Mr. Speaker, the documents that our parliaments claim that they have not received, as much as we can confirm that some are received, I have yet to see reciprocal activity going on, on our side. I have yet to read anything from the Tanzanian Parliament; I have yet to read something from the Ugandan Parliament. Maybe they are in our “library”, Mr Speaker. Maybe when the “library” is opened, we will be able to read activities of the other Parliaments.

Mr. Speaker, with these very, very few words, I would like to say that I support this document, and I would like the Members of our national assemblies to be able to have it tabled within their

national parliaments, debate it and their resolutions together with ours brought in for further consideration in Nanyuki Three in Zanzibar – *(Interjection)*.

Well I do not have to be in the House Business Committee to know this, but I think it is a known fact that we had agreed that we are going to Zanzibar. Whatever the date, that is not my business. My business is to note that we agreed that we are going to Zanzibar, and I am only giving recommendations that when we do go to Zanzibar in a not-too-far future, because we do not have long to be here, Mr Speaker – *(Laughter)* - and so that when we leave our two colleagues to continue – *(Laughter)* - the war we started with the new ones that are coming in and some of us who might be able to come back, that we will find a softer landing ground, and that there will be good working relationship from within, and better interpretation of the Treaty so that we also include the fact that we now have ministers and assistant ministers, and that even though they are assistant ministers, they should be allowed to sit in this Assembly as soon as possible. Otherwise there is no point in bringing them in.

With those few remarks, I support the Motion – *(Applause)*.

Mrs. Sarah Bagalaaliwo (Uganda):

Thank you, Mr. Speaker, sir. Allow me to add my voice to those of my colleagues in congratulating His Excellency Jakaya Kikwete on having been elected as the President of the Republic of Tanzania, and His Excellency Yoweri Kaguta Museveni on his re-election as the President of the Republic of Uganda. I wish also in the same vein to offer my congratulations to

our colleagues, hon. Beatrice Shellukindo and hon. Dr. Mwakyembe, hon. Kibacha and Sigalla on their respective elections – (*Applause*).

Mr. Speaker, sir, I wish to request that this House applauds and extends our gratitude to His Excellency Jakaya Kikwete on the appointment of a full Minister for the East African Community – (*Applause*). As will you recall, it has been one of the outcries of this Assembly for the past four years that we lack policy direction in this House and also at the Secretariat. I think His Excellency Kikwete should be congratulated on having heard the House.

On the issue of the debate as to whether the Minister, if he is not in charge of regional affairs should be a Member of this House, I wish to remind the House to read Article 8(1) (c) of the general undertaking as to the implementation of the Treaty. It reads that:

“The Partner States shall abstain from any measures likely to jeopardise the achievement of those objectives for the implementation of the provisions of this Treaty.”

I think this provision in itself absolves whoever is appointed as a full Minister of the East African Community to be sitting here with us. We hope that this will be followed by the appointment of resident Ministers in charge of the East African Community.

Mr. Speaker, sir, I wish also to commend our colleague, hon. Waruhiu, on her articulate consolidation and analysis of the two Nanyuki reports. These reports

in themselves have been a continuous public evaluation of what we have so far been able to achieve, what have been our impediments and the way forward that we have continued to make out to whoever is concerned as to how best the organs and institutions of the East African Community should operate.

Mr. Speaker, sir, I think that it is the duty of this House to continue with the initiative it has set before the whole constituent of the East African Community in showing responsibility as to what we mean by regional integration. And I would request my colleagues that in Nanyuki Three we should also set an initiative in prioritising the agenda for the integration of the East African Community. By this I mean that we need to set as a priority the economic issue for the whole of East Africa to realise what the benefits for the ordinary East African in this regional integration are.

We need also to use this opportunity to set an agenda for a mechanism to strengthen our negotiation capacity and influence. All those who are saying that we should continue to deliberate singly should realise that we stand to fall into the problem of weakening ourselves. Also, I would like this House to consider Nanyuki Three as a priority for a mechanism of survival in the global village.

Mr. Speaker, sir, I just want to end my few remarks by cautioning the Members that in setting out our agenda, in prioritising the issues, we should be mindful of what will be achievable in the time ahead of us before this House closes its tenure. I thank you, Mr Speaker - (*Applause*).

Mr. Maxwell Shamala (Kenya): Thank you, Mr. Speaker. I would like to add my voice to that of my colleagues who have congratulated hon. Beatrice Shellukindo and hon. Dr. Mwakyembe for winning seats in their National Assembly, and for Dr. Sigalla and hon. Kibacha for contesting successfully to join the Assembly of the East African Community.

Tanzania has achieved two things at one go. We have created ambassadors for the East African Legislative Assembly in the National Assembly of Tanzania, and they have brought in two people here who will carry on the institutional memory that is required of this House.

I wish also to congratulate His Excellency Kikwete for winning elections in Tanzania, and His Excellency Yoweri Kaguta Museveni for winning elections in Uganda. I am an East African, and I would like to see democracy prosper in our region. The elections may not have been perfect, but never the less I think we are on the right track to perfect them in the near future.

We are here discussing a document that I think is very important to East Africa. It is important in the sense that at least the Assembly is saying this is what we have done, this is what we are recommending for the future and if these matters are taken into consideration by our national assemblies, the Secretariat or the organs of the Community, I think it is for the good of us all. I would like to say that all is not lost.

When you look at the three Partner States of East Africa, and you look at them at the time of divorce in 1977 when we were calling each other names, and

where we have reached, I think we have done very well in a short spell of time. I say so because in 1984, when the mediation agreement was being signed to divide the assets and liabilities of the then Community, there was only one line left there that maybe there should be future co-operation, and that line was exploited in 1991 in Harare when the three presidents met there and started discussions about co-operation of the three Partner States.

Starting in 1991 to the year 2006, I find that we have done very well: We have a Customs Union that is working...it may not be working very well; it has teething problems, but I think as an entry point that we set ourselves to begin with, we are doing reasonably well.

Now one would like to ask a question: the Customs Union is in place, why is the Community not visible? I think the answer lies in a number of things, including publicity. We have never budgeted for publicity of the Community. Unless you market your product, it will always remain on your shelf. If you do not market this Kilimanjaro water – (*referring to a bottle of mineral water*) - day in day out, someone else will sell their product of the same quality. Because you are not talking about your product, your product will remain on the shelf. I think something ought to be done in our respective countries to market the Community.

There are certain things that are being done but the people cannot see them. There is nothing tangible being seen in the road networks; there is nothing being seen practically in the railway systems; there is nothing being seen in the

airways and there is nothing being seen in the water ways. Now if we implemented the road networks, something to be seen by the people of East Africa, the Community would be visible. But these things are left with the bureaucrats. They are talking about them in offices and in meetings; you see an article on an item once in a long while; the Community will not be visible.

We shall still find it very difficult to talk about the Community while the road networks are not working, while the railway systems that used to function are not functioning, while in the waterways you cannot get a reliable boat to move you from one point in the Lake to the other, yet we hear that the French have given some money for safety arrangements in the Lake. We read them in the papers but nothing tangible as far as I am concerned is in place.

We have talked at length about free movement of people, and these things are in the document here. If the people of East Africa were free to move, you would not need to have to talk about the Community because they themselves would tell you this is what is happening in Nairobi, this is what is happening in Mwanza, this is the business you can do in Gulu, Mtwara and so on. But we are still restricting people and yet we want them to do trade.

The question is; where does the back stop? Does it stop with the Assembly, does it stop with the Summit, and does it stop with the Secretariat? Where does it stop? I think we have to answer that question. There is an organ that is probably not functioning well.

The role of the Summit: Has the Summit performed to its expectations? I am suspicious that not all is well with the Summit. They do not meet as regularly as they ought to for a young Community like ours. It does not have to take days; it should be a matter of hours.

The Council of Ministers: Has the Council of Ministers worked? The answer is no! If the Council of Ministers is not working at its best, and the Summit is not working at its best, you do not expect the Community to be visible, because then there is suspicion in peoples minds. These are the most important organs of this Community, but are they committed? In public utterances, yes, they are very committed, but in practice, are they?

In our first year here, we noticed quickly that we needed to have the Council of Ministers meeting here regularly or to have resident ministers here, but did it have to take two years or three years for someone to appoint a minister to this place? That is why I question the honesty of the Summit. The Summit must be listening to someone, maybe, who is telling it that you do not need a Council of Ministers resident in Arusha because there is no work! Why has the Assembly not made the East African Community visible?

There is a notion, a perception which continues in our capitals that the Assembly has no job, yet we have generated here Bills from this House for debate; that is work! The Executive has come and taken those Bills away from us and they say you have no work! It does not add up.

In my opinion the Assembly would have done a lot better than what we have done if we had the support of the Council of Ministers. We talked about remuneration and someone said “all that those people talk about is nothing but salaries!” We abandoned the exercise a century ago - (*Laughter*) – still no work has been brought!

There are pending decisions in the Secretariat here because the Council has not met for a long time. Even when they meet and make decisions, there is no follow up to find out whether Nairobi has implemented those decisions or not. There is no follow up in Dar-es-Salaam or in Kampala. All this is left to the goodwill of the Co-ordination Committee or the other sectoral committees that work under the Co-ordination Committee. This is exactly not how to run a Community. Decisions must be taken on a timely basis, and those decisions must be implemented when they are due. And if they are not implemented, someone must be reprimanded for it, or an explanation must be given as to why a certain decision has not been taken. This is exactly what is not happening. So, for me, the Community will remain invisible, and in the political world - because the Community is political - unless you are visible, you are not there.

If the Council of Ministers, for example, met in Nairobi and said this is where the Community is in terms of economic indicators and so on, and we are aiming to be somewhere else with the strategic plan, and we intend to be at this point come the year 2010, or if they came and pronounced themselves on the Customs Union, that the Customs Union was started, though not exactly in the

best way but in an haphazard manner because of one or two things, it took too long to negotiate and then the passing of the Bill and so on, we did not inform people but never the less, the Customs Union is working; that there are these problems here, the schedules are going to come out next month and Uganda has agreed on this, Kenya has agreed on this and Tanzania has agreed on this, and, therefore, in February next year, we intend to be here; or that on the Common Market aspect of the integration process, we have started on this and we intend to be here at this time and so on, these things would be carried by the media! There would be stories about the Community, and we would be forging ahead, and then we from here could now say...of course they would have informed us in advance and we would then tell the people yes, this is what we are doing and we would carry on with radio talk shows or television shows or whatever!

We can only do that after the Executive has led the way. The Assembly is not an implementing organ; it only passes legislation. So we cannot go out and tell people this is what we are going to do in terms of execution of projects. It behoves the Council of Ministers to really do these things.

These suggestions have been made in this document, and I think if the document is implemented, the Community will blossom. The roses will be there when the time comes.

With this, I wish to support the Motion.

Mr. Yonasani Kanyomozi (Uganda): Mr. Speaker, sir, let me also take this opportunity first to congratulate His

Excellency Jakaya Kikwete on being elected as the President of the Republic of Tanzania, and also take this opportunity to congratulate our colleagues, Dr. Mwakyembe and Madam Beatrice for being elected to the Parliament of Tanzania, and also take the opportunity to welcome our two colleagues, Madam Kibacha and Dr. Sigalla for joining us in this august House. Similarly, let me take the opportunity to thank you all for your prayers and participation – especially your prayers - in ensuring that at least Uganda is on the path to having a multi-party system – (*Applause*).

Mr. Speaker, I am saying this because I have been on this battle for the last 20 years, and I had always been telling people that Uganda was a single party state but they did not believe it until God - I hear - enlightened those in responsible positions and they also realised it and allowed us to have multi-party elections. Flawed as it may have been, but we have had it and the opposition as a whole actually constitutes more than 40 per cent of the electorate in that country, and it is growing.

Mr. Speaker, sir, I am standing here to support the Motion, having been part of the Committee that this House chose to compile this report. I am looking at this report with mixed feelings; one is one of lamentation, especially when you look at the matrix from page 8 to page 14. Issues which are raised there have a timeframe and they have a section on resources.

If you look at the timeframe, most of these things may not be implemented in the time that we set ourselves to do

them. Equally, on the section on resources, they have virtually none, and this is an area of concern to all of us in this region. It is an area of concern especially given that this Assembly, in forwarding this programme and in bringing up Members of our National Assemblies to participate, we were looking at East Africa as a region, as an entity which has common problems. And, Mr Speaker, you do not need to go very far.

If you look at the structure of our economies and at the interaction in trade, you will realise that we need each other, and we must, in the global village, try to survive in this competitive world.

I have been looking at the figures, and to my surprise, even those economies which are better placed, like the Kenyan economy, are completely dependent on the existence of Uganda and Tanzania. Without those two being there, the Kenyan economy would have a lot of problems because, as you know, more than 25 per cent of the Kenyan trade is dependent on one single country called Uganda.

If you look at the structure of the poor and the rich and the income distribution in this region, we are nearly at the same level. You will find that in all the three countries, about 10 per cent of our poorest poor only consume less than 3 per cent of our GDP and it is completely the same everywhere. Therefore, we really need to work towards unity; towards being one and towards looking at the world as a single unit instead of being divided.

Further more, I am concerned about the nationalistic feelings which are coming in now instead of developing regional

ones. I am looking at issues of, for example, employment and employment opportunities. You know very well that - and we have already said it before - the Ugandan pilots cannot work in Kenya Airways despite the fact that Kenya Airways is the only airline that we have in the region more or less. Equally, for people in the hospitality sector, that is hotels and tourism sectors, Kenyans may not be allowed to easily access Tanzanian and Ugandan markets, and these are problems that we need to address, and they are all areas of concern which we need to tackle very quickly.

Mr. Speaker, let me look at our relationships with the national parliaments. The national parliaments, in most cases, much as they voted for us, do not seem to have internalised the Treaty. Even when we send information, they do not seem to look at the information we send.

In Uganda we produce reports to the national assembly through our Committee. They have never been debated. I do not know whether my colleagues from Tanzania and Kenya have had opportunity to get the reports they send to the parliamentary committees responsible for us debated. They table them and forget them. In some cases they do not even table them. I do not know what we need to do to bring these people to realise that we need to work together on these matters.

Mr. Speaker, sir, there is this feeling that even after electing...we are grateful that the presidents of our Partner States are taking steps to nominate or appoint ministers responsible for the Community. Others are saying "oh look, even if they are appointed they can not

be Members of this Assembly!" I have been looking at the Treaty...I am not a lawyer, Mr Speaker, as you know, but I have been looking at the Treaty. The designation of a minister for regional co-operation, which is in Article 13, is: "the minister responsible for regional co-operation" - that title can change, and it can be anybody. It need not...for example, I hear that in Tanzania now the Minister responsible for Communications and other things is called "the Minister for Infrastructure" is that not so? (*Interjection*) Yes, it can change; there are no hard rules! The President has the ability to say this Minister who is responsible for this is the one going to be responsible for the Community, and it is finished! Article 8(3) (a) of the Treaty provides that:

"Each Partner State shall designate a ministry with which the Secretary General may communicate in connection with matters arising out of the implementation and application of the Treaty, and shall notify the Secretary General of that designation"

Even that is an escape clause, which can enable us to have these ministers who have been appointed to come and become Members of this House with ease. I am saying this because there is this area of concern that we have got to wait for a Minister responsible for Regional Co-operation to be a Member of the Council. To me, in my layman's understanding, that is not the issue; the issue is to have a minister who is designated by the President to be responsible for the Community, and so it will be. Whether he is called Regional Co-operation or Foreign Affairs or any

other name that the presidents so wish, it will be done. And I think we should encourage, Mr Speaker, the presidents to look at this part of the Treaty and enable us to have ministers who have been appointed to be Members of this House.

Mr. Speaker, I would like to touch on a simple matter, which is an area of concern in this report; and that is the time left. To me, when we come back we will be coming for the Budget, maybe. After the Budget, maybe we will come once. I expect that by October, elections will be held to choose new Members to come and replace, or some of us will be re-elected, and I hope some of us will be re-elected to come back. The timing is very crucial. I do not know what we should do to make part of these recommendations implementable.

I would like us now to sit back, reflect on the contents of this report, select those which we can achieve, and make sure they are achieved before October.

Why am I saying that, Mr Speaker? I am saying that because the perception is very crucial. We should be seen to have achieved something out of this report before this House closes. I am appealing to my colleagues to identify those areas which we can implement and really work towards implementing those. If we do so, we will have helped ourselves in sending the right message to the electorate. We will also have helped the House and the Community to have a record which will say when they were there, this and that were done. I am sure it can be done. I hear that the Secretary General's term is ending, the new Secretary General who is going to come, I do not know who it will be, and there were speculations in the papers and I

saw them – (*Interjections*) - we hope whoever comes will help us to push this programme forward, and that the relationship between the Assembly and the Secretary General will improve so that we start on a better foundation.

Mr. Speaker, with those few words, I commend the report to the House and hope it will be approved, and that the suggestions I have made will be implemented.

ADJOURNMENT

The Speaker: Honourable Members, I intend to adjourn the House, and I will ask hon. Med Kaggwa that he will be the first one to speak on Thursday afternoon. I wish to also announce that we will meet tomorrow as the whole House at 10.00 O'clock.

I now, adjourn the House until Thursday at 2.30.p.m.

(The House rose at 5.00 p.m. and adjourned until Thursday, 9 March 2006 at 2.30 p.m.)