



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

The Official Report of the Proceedings of the East African Legislative Assembly 96TH SITTING – SECOND ASSEMBLY: SECOND MEETING – FOURTH SESSION

Wednesday, 8 December 2010

The East African Legislative Assembly met at 2.30 p.m. in the Chamber of the Parliament of Uganda, in Kampala.

PRAYER

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

The Assembly was called to order.

PROCLAMATION

The Speaker: Hon. Members, I would like to make the following proclamation to welcome in the Assembly the presence of the Rt. hon. Edward Ssekandi, Speaker of the Parliament of Uganda. *(Applause)*

*“WHEREAS Clause 1 of Article 54 of the Treaty provides that the Speaker of the Assembly can **provide for** any person to attend the Assembly;*

NOTWITHSTANDING that he or she is not a Member of the Assembly if in his or her opinion the business before the Assembly renders his or her presence desirable;

AND WHEREAS in the opinion of the Speaker, the attendance and presence in the Assembly of the Rt hon Speaker of the Parliament of Uganda is desirable in accordance with the business now before the Assembly;

NOW THEREFORE it is with great pleasure and honour on your behalf, hon. Members to welcome the presence of the Rt hon. Speaker of the Parliament of Uganda in this Assembly.”

ADDRESS BY THE SPEAKER OF THE PARLIAMENT OF UGANDA**WELCOMING REMARKS BY THE SPEAKER OF EALA**

The Speaker: Rt hon. Edward Ssekandi, Speaker of the Parliament of Uganda, the Chairperson EAC Council of Ministers, hon. Ministers, hon. Members of EALA, Distinguished Guests, Ladies and Gentlemen, I wish to first of all thank the Rt hon. Edward Ssekandi, Speaker of the Parliament of Uganda and indeed the entire Government of the Republic of Uganda for accepting to host us here in Kampala once again.

EALA enjoys a very cordial relation with all the National Assemblies of all the Partner States and we always feel at home and a sense of belonging everywhere we go. However, Kampala will always remain special in the history of EALA. It is in Kampala that the first assembly held its first meeting outside Arusha as early as February 2002, just two months after it had been sworn in. Interestingly and worthy noting, is that the Second Assembly also held its first ever meeting outside Arusha, here in Kampala.

The reception and warm hospitality accorded to EALA then and to all subsequent meetings we have held here has endeared EALA to Kampala and at such; the decision to hold meetings in Kampala is always unanimously taken.

The Parliament of Uganda is also on record as so far the only Parliament in the region that extends extra facilitation to Members of EALA. I just say that the entire EALA is proud of you and would be happy if this is emulated by other National Assemblies.

Therefore, in welcoming hon. Ssekandi to give his word of welcome, EALA would like to very warmly extend our appreciation to the Parliament and Government of Uganda for the recognition you attach to EALA.

Hon. Members, the hon. Ssekandi is currently the Chairperson of the Bureau of EAC Speakers and is in the forefront of spearheading a number of institutional arrangements that the National Assemblies would like to see made in the East African Community. These suggestions are with the Council of Ministers and we hope that they will be out on the agenda of the Summit for consideration.

At a personal level, this Assembly would like to congratulate the Rt hon. Ssekandi for once again having been able to steer the Eighth Parliament of Uganda successfully. (*Applause*) We wish the Rt hon. Ssekandi in the next elections and hope the parliament of Uganda will continue to have the confidence in him in the future. May I, now take this opportunity to invite the Rt hon. Ssekandi, Speaker of the Parliament of Uganda to make his remarks.

The Speaker of the Parliament of Uganda (Mr Edward K. Ssekandi): The Rt. Hon. Abidrahim Abdi, Speaker of the East African Legislative Assembly, the Chairperson of the Council of Ministers and hon. Ministers, the hon. Members of the East African Legislative Assembly, the Secretary-General of the East African Community, the staff of the East African Legislative Assembly, here present, Distinguished Guests, Ladies and Gentlemen, it gives me immense pleasure to welcome you to the Chamber of Parliament of Uganda in particular and the Republic of Uganda in general.

Indeed it is a great honour for the Parliament of Uganda to host from 5th to 17th of December 2010 the Second Meeting of the Fourth Session of the East African Legislative Assembly here in Kampala. *(Applause)*

Allow me, Mr Speaker, Sir to commend the decision of the East African Legislative Assembly to rotate its plenary sittings among the capital cities of the Member States of the East African Community. *(Applause)* This practice has taken the Assembly to the people of East Africa, thereby enabling them to know and appreciate the role and the work of the East African Legislative Assembly and indeed the East African Community. It has also enabled the Members of this august House to understand and appreciate the contemporary political, economic, social and other issues which are high in the minds of the people of East Africa.

Over the recent years, the people of East Africa have witnessed an unprecedented move towards democracy in every Member State of the East African Community. I can, with confidence, state that all the countries in the East African Community have embarked on an irreversible journey towards multi-party democracy with elected parliaments at the centre.

Right now, it is the turn of Uganda and as you are aware, we are in the midst of political campaigns. We promise the region and indeed the entire world that Uganda will organise peaceful, free and fair elections. *(Applause)*

Permit me to state Mr Speaker, Sir that the House you preside over is the collection of the voices of people of East Africa as they strive for peace, democracy and development. It is, therefore, my humble appeal that the Assembly should work tirelessly to ensure that the people of the Community soon or later attain their dream.

Therefore, it is my hope and that of the people of East Africa that the East African Legislative Assembly will now and in future continue to play its important role of promoting democratic governance in the region. To do this effectively, it must be effectively representative of the people's social and political diversity. It must also encourage full participation of all the sections of the people of the region. It must ensure equal rights among them and must work in a way which the people of East Africa can see and understand. It must also be accountable to them and last but not least, it must be seen to be effective.

Mr Speaker, Sir and hon. Members, I would not wish to abuse the opportunity you have given me to deliver a welcome message to your Assembly by giving a long summon. Allow me to stop here by assuring you that the Parliament of Uganda is committed to extending to the East African Legislative Assembly its full cooperation and support not only on this occasion when it is sitting here but always. *(Applause)* I wish you a successful session and encourage you, Mr Speaker and honourable members, to feel free and take full advantage of the traditional hospitality of the People of Uganda. *(Applause)* Thank you very much for your kind attention and may God bless your proceedings. *(Applause)*

The Speaker: Thank you, hon. Speaker. I now call upon hon. Aman Kabourou to move a vote of thanks.

Dr. Aman Kabourou (Tanzania): Hon. Speaker of the East African Legislative Assembly, hon. Edward Ssekandi, Speaker of the Parliament of Uganda, the Chairperson of the Council of the East African Community ministers, all protocol observed. Mr Speaker –

The Speaker: Maybe if you could just move closer to the microphone.

Dr. Kabourou: Mr Speaker, I would like to say that I feel truly honoured to move this vote of thanks following the address by hon. Edward Ssekandi. I actually do not have much to say only that - I remember that the hon. Speaker of the Parliament of Uganda is a staunch Member of the Inter-Parliamentary Committee for East Africa, which worked tirelessly to ensure the East African Legislative Assembly got into being. And surely as you said, Mr Speaker, the Parliament of Uganda was EALA's first stop from Arusha. That really shows that Uganda is committed to the Community of course that is not forgetting the legendary hospitality we have enjoyed ever since we began the rotation of plenary sessions within the Capitals of East Africa.

Mr Speaker, it is important to note that the hon. Edward Ssekandi has emphasized the role of democracy in the region and that EALA is seen as a special agent for cultivating a democratic culture in the East African Community Region. I know that this year alone, we had four elections in the region and surely they have all been peaceful with democratic governments coming into place within the region, which surely is an achievement. We know that in other regions, for example, in the Ivory Coast and elsewhere, elections are never settled peacefully. We have countries with two presidents now, two prime ministers, two parliaments and so on. And for that reason, let us hope that, as the Speaker promised, Uganda will help us consolidate this legacy in the African democratic culture.

So, basically, all I can say is that we are very happy, Mr Speaker of the Parliament of Uganda, to be in Uganda once again, but also to say that we are anxiously waiting to seeing Uganda prove, once again that the East African Region is really a home for democratic governance. I hope that Uganda will help us achieve that. We also hope that when we come back next year, hon. Ssekandi, you will still be the Speaker of the Parliament of Uganda and be able to extend all these hospitalities as you have done so far. Mr Speaker, I thank you for giving me this opportunity. Thank you very much. (*Applause*)

The Speaker: Thank you very much, hon. Kabourou. *Mheshimiwa* Speaker, I don't think I have anything to add to that – I only want to thank you and invite you to listen to our deliberations and leave at your pleasure. Thank you.

MOTION

FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON ACCOUNTS TO THE ON-SITE VISIT TO THE RV JUMUIYA AND THE MERECP PROJECTS IN KENYA

(Resumption of Debate Interrupted on 7.12.2010)

Mr. Mulengani on 7.12.2010

The Speaker: Hon. Members, as you aware yesterday the debate on this report was cut short because the Chairperson of the Council of Ministers and the Secretary General or anybody from the Lake Victoria Basin Commission were not here to listen to what we were going to say. However, I am glad to inform you that they are here today and so, let us continue with the debate on the report before we hear from the Chairperson of the Council of Ministers later on. The debate is open. Yes, hon. Zziwa.

Ms. Margaret Zziwa (Uganda): Thank you very much, Mr Speaker. Allow me, before I add my voice to the other voices on the debate on the Report of the Committee of Accounts, to appreciate and thank the Speaker of the Parliament of Uganda for receiving us to the P parliamentary Chamber and also for according us the facilities of the Parliament of Uganda. In the same breath, allow me to also welcome our colleagues to Uganda and to Kampala specifically; I say, *karibu sana tena*.

Mr Speaker, allow me to thank the Committee on Accounts and hon. Bernard Mulengani, for producing this good report. I served on the Committee of Accounts for the last two and half years and I would like to say that the decision by the committee to go and visit the RV Jumuiya was very pertinent because we had received that very important equipment due to the need that had been assessed on Lake Victoria. So, it was imperative that that resource, which is used by all the people of East Africa, is made accessible, motorable and is put in order for the users to be assisted.

It was also noted that there are many resources on that lake, but that little had been known and documented over the years. So, the ship was a very important piece of equipment to help the navigation aspect within Lake Victoria.

As you note for over one and a half years, the ship has been on a dry dock mainly because it has no insurance and because it has no certain specific equipment. At one time, it was also mentioned that the persons or engineers who were responsible for its management were not properly remunerated.

Allow me to thank the efforts so far made because from the report yesterday, I was able to appreciate that the RV Jumuiya is going to start its operations.

My request, in addition to that of the committee, would be to ask for proper funds to help in the equipping and running of the RV Jumuiya immediately. We know very well that the Lake Victoria Basin Commission has a lot of research requirements and I think over the last one year, from the information from the Inter University Council, we know that over 32 researches are

waiting to be conducted and we think that RV Jumuiya will be a very important equipment in that area.

Secondly, the project of MERECP is one of the projects, which were conceived to preserve the Lake Victoria cleanliness and water table but over time, because the catchment area has not been protected properly, almost all the areas in the Mount Elgon area have been badly encroached upon and de-forested. I am happy to note that in the report, the team went to see where the trees had been planted and specifically to see what efforts are being done and also the management of the funds.

I hope that the commitment, which had been assured to the committee, can be implemented immediately so that the MERECP project gets back on course.

I also add that where the Lake Victoria Management Team is not able to reach, we should try to work it out with the local authorities within the neighbourhood so that they are properly integrated within the projects like this project of MERECP.

I want to conclude by thanking the committee for expeditiously bringing the report on board and I hope that the respective implementing committees like the Committee on Agriculture will be able to pick the recommendations and follow them through in this session. I thank you, Mr Speaker, sir.

Dr. Said Bilal (Tanzania): Thank you, Mr Speaker. I begin by congratulating the new Members who have joined this House and I also extend my appreciation to hon. Ssekandi for inviting us to Kampala.

I want to congratulate the Chairperson of the Committee on Accounts for the report that we had an opportunity to read yesterday. I think they did a pretty good job for the on-site inspection, which was necessitated by MERECP and RV Jumuiya.

I just want to comment on page eight of the report on the recommendation for the policy on regulations of the vessel and its usage.

I would have liked them to go further and suggest that there should be a policy or putting down an arrangement on the maintenance of the vessel. I am saying that because we had the opportunity earlier on to visit RV Jumuiya in Mwanza when we were on the Committee on CTI and we were not oblivious of the fact that at that time, RV Jumuiya was in good condition.

I think because of the problem of not having an arrangement of regular maintenance of the vessel, that is why we have all this trouble that we are witnessing that necessitated the on-spot inspection. Therefore, I am suggesting that we should have gone further and suggested that we should have an arrangement in place.

The other one is on page ten. It is again on recommendations about what should be instituted in terms of institutional frameworks and local leadership to participate. What I am not seeing

clearly coming out is the need for sustainability. In the first place, we witnessed the outsourcing of IUCN to provide advice in program management of the whole thing. There was no arrangement to ensure that the local people were given the capacity to participate.

The whole reason why we have MERECP is to enable the local people who are part of the eco system to meaningfully and efficiently participate in the maintenance of the environment. Now how can you achieve that if you do not have any mechanism at the very outset so that these people are part and parcel of the proper maintenance of the environment?

You can only have this if you have capacity building with the population so I am suggesting that we should have this also instituted. Thank you, Mr Speaker.

Ms. Lydia Wanyoto (Uganda): Thank you, Mr Speaker, Sir. I would also like to join my colleagues from Uganda in welcoming all of you to Uganda for this session. To the Committee of Accounts, I would like to thank you for your report.

I have two issues on the recommendations on page 10. One of the issues that I would like to contribute on is the recommendation that talks about a legal framework at a regional level that champions all trans boundary ecosystem concerns in and out of the region.

I would like to propose that it is very important for us, as an Assembly, to initiate or even advocate for detailed research on the population growth trends in such areas. The growth of population in terms of numbers affect the activities of the population in communities and settlements in these areas like what we are talking about so I think it is very important that we champion the cause of expanding the stakeholders of such work in terms of planning institutions; the academia and universities, research institutions and government departments that do the planning in such work so that we get to know what will happen to this Elgon region or any other areas that are being affected in terms of the ecosystem ten or twenty years from now. This is because our populations keep growing and it is part of the reason why there is deforestation or why there is a direct impact of degradation of our environment in such areas.

So I would like to recommend that one of the issues that this Assembly should move to push for is detailed research in terms of population growth and trends as well as increasing the number of stakeholders that should be participating in such work.

I have seen an example of the project and some of my colleagues have talked about involving the communities. That is my second point. It should be the other way round. The communities should own this. There should be an ownership of the projects and programs so that they see the reason as to why there is leadership concern about depletion of the environment. They should also own the programs and actually there should be a call from their side to ensure that everything we are doing in terms of preserving the environment is in the interest of those communities. If we do that then we will be able to gauge what it will look like twenty or thirty years from now. That is, what the ecosystem will be like and we get away from the project.

When I read this report, it looks like we are following a project supported by a government or by the EAC but I would like to propose that we have an initiative, as a Community, to ensure that some of these trends are planned and we have the academia coming in to do research and giving clear projections as the Community grows. I thank you, Mr Speaker.

Mrs. Catherine Kimura (Kenya): Mr. Speaker, Sir, Let me start by thanking the Government of Uganda for the warm welcome we have received since we came and specifically of course the National Parliament of Uganda.

Mr. Speaker, the issue of RV Jumuiya and the MERECP project has been a matter of discussion on this floor for the last almost two years. I want to appreciate this Assembly for giving ten Committee on Accounts ten opportunity to put this matter to rest because I do believe that we can put this matter to rest having gone on site and seen what has been happening out there both on the side of Uganda and on the side of Kenya as far as the MERECP project is concerned.

Mr. Speaker, until you get to the ground, you don't appreciate some of the benefits that some of these projects bring. You will recall that it is this House that recommended that the MERECP project be re-designed. It was being implemented by IUCN and we do know the very many problems that the project was encountering. Once this House recommended that the project be redesigned, IUCN was no longer in the picture but the Lake Victoria Basin itself took charge together with the focal persons in the relevant ministry to implement the project. As a result, we can see what it has done on the ground.

One of the innovative things that the project came with is this issue of revolving fund for the Community Based Organisations. We appreciated what the project has done in terms of bringing people who would not have been bankable in the banking stream. In this revolving fund, every CBO gets about an equivalent of \$ 10,000. This is then distributed to the various members of the groups. Some groups are as large as 40, others as low as 15 or ten. If you take an average of 20 people in the group, we are talking about some of these people being able to borrow about KShs 35,000 which is about \$ 450. It may appear small but when you see the community that are borrowing this money to improve their livelihoods then you begin to appreciate the impact the project can have on the ground.

When it was designed, it was decided that this revolving fund would be for what they called livelihood improvement. In other words, it was not just limited to you planting the trees or going for capacity building, which we are very fond of with some of these projects; capacity building in terms of seminars and workshops but nothing on the ground.

This was a practical project and it has become a practical project through the efforts of this House by asking for a review of the project and a redesigning of the project so that it can benefit people individually and that is what the project has done.

As I said, it has brought people to be bankable. Most of these people don't have the necessary collateral to go and borrow. They can't even borrow KShs 10,000 let alone the KShs 35,000 that they can get or even more depending on the size of the group and of course depending on the number of people who are borrowing.

So we want to appreciate what this project has done and as we are told, the project comes to an end at the end of the year, I believe. My plea would be that the Lake Victoria Basin Commission would hope to extend and solicit further funds to continue with the project. In our meetings with the district commissioners of the areas involved, the Kenya Forest Service and the Ministry of Environment and Natural Resources, we did emphasise that they also need to come in and train some of these people in various technical areas.

Of course the other thing that it has created, particularly in the Mount Elgon ecosystem, is collaboration as far as eco tourism is concerned with people from the Kenyan side and the Ugandan side as they share the guiding services for any tourist or any researchers that come into this area.

Mine is really to appreciate and commend this House that they took a stand, a stand that has had a positive impact on this project.

Mr Speaker, in the course of our visiting RV Jumuiya, we came across a very important gadget- I don't know what to call it. It is called a hydrographic survey benchmark. This is a piece of equipment that was buried in the bush near the railway station as you approach where the RV Jumuiya was docked. We are told it was discovered some time early this year because when they went to London to look at the archives, they were told that there is a gadget that measures the levels of the Lake Victoria and it is somewhere there.

So they did the research and their search and they found, after combing bushes around, a very important gadget lost and it was used in this region in the last I don't know how many years since the British left. This would have solved our problems even when we were talking about Migingo.

The other issue I want to bring to the attention of this House is the issue of our colonial archives. They are still lying in Britain. We were shown maps that were retrieved from the archives in London in the course of this year. How many others lie there and yet we commission new consultants to go and mark the boundaries on our lake when the maps exist and are there in London archives?

I want to appeal that the East African Community and the Secretary-General takes charge and tries to retrieve most of those archives that are related to Lake Victoria or to the common services of East Africa that may still be in London. We shall be doing this region and this Community a favour by doing that so that we do not spend any more money doing things that already exist and drawing maps that already exist.

Mr Speaker, I want to thank my committee members for the report that they have and the energy with which they undertook this onsite visit to both RV Jumuiya and the MERECP project. We know that, that vessel has been out of use for a number of years but now it is operational. Let the people who are concerned use it to the maximum in terms of research and particularly in terms of rescue services on Lake Victoria so that we can all benefit. Thank you, Mr Speaker.

Mr. Gervase Akhaabi (Kenya): Thank you, Mr Speaker. I have read this report and it gives me the confidence to say that we, as an Assembly, are playing a very responsible role in East Africa.

You do recall, as has been pointed out, that one of our first tasks as the Second Assembly was to review this issue of the safety of transport on Lake Victoria. As a result of that concern by the Assembly, a law was passed namely the Lake Victoria Transport Act and one of the equipment important and necessary for the proper implementation of this Act was this equipment the RV Jumuiya.

Probably without the insistence by this Assembly that this vessel be made operational, this vessel would have gone to the dogs. It would probably have been dismantled and used as scrap metal somewhere. We ought to congratulate ourselves and urge the Lake Victoria Development Commission to ensure that this vessel is continuously in operational and serviceable condition so that it can serve the purpose for which it was donated to the Community.

I also wish to urge ourselves that we should not sit on our laurels and think that everything is going to be okay. We must ensure that we keep our eyes open and ensure that this vessel is used for the purpose for which it was intended that is ensuring safety on Lake Victoria.

There is, in the observations by the committee, reference to the vessel being hired out at \$ 150 per hour. I want to relate that to the issue of the absence of CCTV cameras and binoculars. When you hire out a vessel like this and in times like the ones in which we are living, we are hiring out this vessel to people who may use this equipment to move to other places transporting illicit goods. We need therefore to have these CCTV cameras operational and we need the binoculars. The statement by the Lake Victoria Basin Commission that these CCTV cameras and binoculars may not be important is, I think, a statement that we should reject and insist that this equipment be equipped with these instruments.

With regard to Mt Elgon, this is a very special and important one for me and of course hon. Wanyoto and my brother there hon. Ogalo Wandera. This is important for us.

One of the 48 laws of power requires that you act in self interest. Never first of all act in the interest of another person. It has to be self interest and it is in my self interest. Mr Speaker, sir, you do recall-

The Speaker: Hon. Akhaabi, can you declare your self interest first before you continue?

Mr. Akhaabi: Mr Speaker, my interest is that I come from that area and I was elected to represent people from that area generally and East Africa as a whole and therefore, it is of real concern to the people of this area but also to East Africa as a whole.

Mr Speaker, you do recall that sometime back we moved a motion on the question of the environment and the preservation of the environment in East Africa. At that time we were concerned with environmental degradation in the region. Until this project started, the rivers rising from Mount Elgon had begun drying up. In fact rivers that existed as big rivers when I was

growing up, like Malakhisi, Lwakhakha, had become very small streams. This had a direct impact on the inflow of water into Lake Victoria; it had a direct impact on the inflow of water into Lake Kyoga; and it had a direct impact on the inflow of water into Lake Turkana. Therefore, the issue of preservation of the environment, the question of preservation or restoration of the forest covers on Mount Elgon is very important, Mr Speaker, Sir.

What has happened on Mount Elgon as a result of this project should be a learning lesson for other water catchment areas like the Mau and even the Rwenzori. And it is, therefore, important for the people of East Africa to be educated while citing the example of Mount Elgon and this particular project as a helpful tool in their conservation efforts.

Mr Speaker, Sir as I speak now, the rivers rising from Mount Elgon are now having life in them. River Sio is beginning to become a river again; Lwakhakha, Malakisi and the others - even Malaba River –they are beginning to show life again. This is important.

Mr Speaker, together with the preservation of the environment, this is one of the first cross-boundary projects for the East African Community. And if this one succeeds, it can be replicated in other areas including the area between Kigoma and Manyovu in Burundi for the benefit of my brothers and sisters from that area. So, they could be replicated so that as prototype projects for the East African Community, they will be showcased as to what the people of East Africa may benefit from collaboration. With those few remarks, I wish to support the motion. Thank you.

Mr. Dan Ogalo (Uganda): Thank you, Mr Speaker, Sir for giving me the opportunity to contribute to the motion on the floor of the House. Mr Speaker, Sir I would like to begin by thanking the Parliament of Uganda and the Speaker of the Parliament of Uganda for the provision which has been made to us to be able to hold our session in the House. Indeed the Speaker of the Parliament of Uganda has been very cooperative in as far as assisting us with our work while in Uganda.

May I also take the opportunity, Mr Speaker, Sir since this is the first time I am speaking, to congratulate and welcome Minister **Sitta** to our Assembly. You are very welcome, Sir. *(Applause)* We have followed your career as a Speaker and we believe that you will extend that commitment to strengthening of Parliament to this Assembly also. *(Applause)*

Mr Speaker, Sir turning to the report, I would like to thank the taxpayers of Norway, Sweden and Britain who have enabled us to be here this afternoon to debate this motion. This report is about - *(Interruption)* -

Mr. Mike Sebalu (Uganda): Thank you very much, Rt hon. Speaker. I am perturbed by the statement of my very good friend, hon. Ogalo when he says that the taxpayers of Sweden and Britain have facilitated us this afternoon to debate. I am wondering whether they are the ones picking the bills for this session or maybe they facilitated him and he is generalising it. *(Laughter)* So, can you clarify when you say, “Enabled us to be here to discuss this motion?”

Mr Ogalo: Yes, Mr Speaker, Sir thank you. And I will make my clarification; my clarification is to be found on page 3 of the report where it says, and I will quote: “*On the 3rd of February 2004, the East African Community entered into a financing agreement with the Norwegian*

Government for a grant of \$ 4 million to be extended to by the governments of Norway, and Sweden to the support and inception of MERECEP. “

And then Sir, at page 1 where it says, *“In 2004, the Department of International Development (DFID),” which I believe is British. “Offered a vehicle to the East African Community for the use in the Lake Victoria Basin to improve safety on navigation, research and education related activities. “*

Mr Speaker, the report of the Accounts Committee is in respect of only two projects, that is MERECP and this vessel. So, I was only appreciating that these three countries have helped the East African Community with the provision of the monies and the vessel. I did not mean, Sir by way of clarification, that they are facilitating our sitting. *(Laughter)*

The Speaker: Hon. Ogalo, I also would like to inform you that we should also inform the Members that the money they used to go around was provided by the donors from the partnership fund and that if it were not for the donors to come in, this report would not be in place.

Mr Ogalo: Thank you very much, Mr Speaker for fortifying my argument that even when the accounts committee was going around, these countries were facilitating. But I raise this as a serious point because one, the theft against the people of East Africa on Lake Victoria – about 30 million live within the basin of Lake Victoria and many of them go to the lake to find something upon which to earn a living. They go there to fish, but many of them perish from there because of the poor qualities of the boats that they use. Every now and then there are stories in the newspapers about boats capsizing with people losing their lives because of the lack of safety on the Lake Victoria Basin.

The Ecosystem of MERECP is 180,000 hectares – it is supporting very many East Africans. And we, the five countries say this \$ 4million will go to Norway or Sweden to support such a big population of people. It is critical, Mr Speaker that the Council of Ministers looks at the budgeting process of the East African Community with a view of taking on this serious project from which the people of East Africa expect help.

To tell the fishermen of Sigulu Island or Dolwe or Hama or Mikingo Islands that safety has now been left top themselves and their boats and that we, the five countries do not find it seriously enough to put in some something of our own, is really to show extreme lack of care for the people we say, we lead.

For us to wait for DFID to give us a vessel in order for us to help on the safety of the people on the lakes of East Africa, says a lot about our leadership. So, Mr Speaker, I would like to plead with the Council of Ministers to pay attention to certain areas that are common to all of us for example the area of the ecosystem. These areas require to be taken over by the Community and funding by that very Community; to look at ways of ensuring that partner states put money in these areas through the Community because really if you divide \$ 4million by five countries gives us just \$800,000 per country. We can afford, but what is happening – that project is coming to an end and if Norway and Sweden decide not to give us more money, we will fold back and say that is it, shall we go looking at other countries like France and Spain for more help or shall

we say, as a Community, we budget for it and take over the project. I am sure it is possible for the five countries to raise \$4million to continue with this important project.

So, like the committee says in its report, the question of sustainability, Mr Speaker, is important and I hope that the Council of Ministers will take up this matter seriously when MERECOP comes to its end and not to just let it die out without any follow up. I think what those countries did was to help us with some assistance to enable us carry on from there. I hope that in next year's budget, there will be provisions for MERECOP. I also hope that in next year's budget there will be some provision for safety on Lake Victoria.

Mr Speaker, Sir, there is a matter that hon. Gervase Akhaabi hinted on – there was an audit query in respect of binoculars and some other equipment. It stated that these things were required but we are informed by the report that officers say, they are not necessary. I believe that if we let that lie to spread that will be the end of that. We might have to continue with this vessel without these important components. I believe that when the auditors raise a query, surely an officer should not be stand and say those things are not necessary. If they were not, why were they provided for in the first place?

Mr Speaker, Sir, on this issue, I wish to submit that whenever an audit query is raised, the process should be for the officers to explain it and not to rubbish it by saying it is not necessary. Again, I hope that the Council of Ministers will take this up and that provision will be made for these so that navigation, research and educational-related activities on Lake Victoria are carried out. There is a reason why those things were required to be there. It will not be a complete thing without those components.

Mr Speaker, Sir, on page 8 of the report there is the issue of LVPC Management ensuring that the vessel is insured by March 2011, meaning that it is not insured. I just want to plead with the Council of Ministers that this is a dangerous- It is not even the Lake Victoria Basin Commission, which should be doing this. The provision and budget- All these things fall under the Council of Ministers so I want to plead with the Council of Ministers again to really look at these matters and take the responsibility to ensure that things, which are supposed to be done are done.

If the vessel is not insured and God forbid something wrong happens to it, we all lose out and even the people who gave it to us for free will say to us, we gave these guys for free and they cannot even insure. Really how are we looking out there? What kind of picture do we portray to people who want to help us? I would plead with the Council of Ministers to take the matters of East African Community seriously.

Mr Speaker sir, the last point I wish to comment on is on page ten where it is observed that there is no harmonised policy and legal framework on trans-boundary eco systems between Uganda and Kenya and for East African Community Partner States as a whole. In the recommendations, there is a need for a legal framework at a regional level that champions all trans-boundary ecosystems concerns in and outside the region.

Mr Speaker sir, these trans-boundary ecosystems can cover two, three or even four of our Partner States. At least in this case here, the committee is telling us that there is no harmonised policy for the Mt Elgon region where there is an ecosystem of 180,000 hectares.

The purpose we are here, as the five countries together, is to make provision for a legal framework, which can be able to provide for the activities of these ecosystems, which go across the borders. Because even if Kenya had a policy and a system, which is not consistent with that of Uganda, it means that whatever Kenya may do may come to nothing because the Ugandan policy is not preserving the ecosystem.

Unfortunately, there has been a tendency for us in the Community to resist regional legal frameworks. This begun long ago when this House passed the East African Customs Management Act, when there were a lot of pleas by the House for us to create a regional legal framework. The Council of Ministers didn't like it and they said let us go our separate ways, each one will handle in his own country. When we came to pass the Competition Act, despite the fact that the experts recommended a regional institutional framework, again the Council of Ministers said no and there have been very many other laws where we have had that problem.

I know that hon. Nangale is coming up with a Private Members' Bill to make provision for a regional legal framework for our ecosystems. He is seeking to answer this problem, which is being discussed here. I am hoping that this time the Council of Minister will not resist a regional legal framework. I thank you, Mr Speaker, sir.

Mr. Clarkson Otieno Karan (Kenya): Thank you, Mr. Speaker for giving me this opportunity to also make my comments on this report of the Committee on Accounts. I want to declare that I am a member of this committee and was part and parcel of this team that made the on spot visit.

Before I talk on the report, let me also take this opportunity to thank the government of Uganda and the Parliament for according us this opportunity to sit in their Chamber. Mr Speaker, if you are used to using somebody's house, you may at one time think that it is your House and keep on using it without thanking the owner. I don't want to go that direction, we must thank them for giving us this opportunity.

Let me also thank the new Members of Parliament who were sworn in yesterday. I want to assure them that they are among friendly Member colleagues and they will get the support they so desire.

Mr Speaker, I would also want to thank the new Ministers of the East African Community particularly Minister Sita for joining the Community with a wealth of experience, which will make us push ahead.

Mr Speaker, if you remember the history of RV Jumuiya in this Assembly, it has been a tussle and I want to support the Members who have contributed and said that had it not been through the persistent call of the Assembly to ensure that this RV Jumuiya works, it would not have been a reality today though when the Members were speaking, I could see the Secretary-General

refusing to accept that it is this House that has persistently put their feet down to ensure that RV Jumuiya works and that is the reality.

The Speaker: Hon. Karan, how can you see? Can you see inside him? How can you see that he is refusing to accept?

Mr Karan: Mr Speaker, I could see what he was doing like this when the Members were speaking and he is not refusing, Mr Speaker.

Mr Speaker, one week before we made this visit, there was a death of about 27 people on Lake Victoria. The boat in which they were travelling from Mufangano to another island capsized and we lost 27 people in Lake Victoria.

It looks sad because one of the first bills that we passed in the Second Assembly was this Transport Bill on Lake Victoria and the implementation is left to the Partner States. When we tried to gather information not as a committee but as personal information, we were made aware that those people who were in that boat did not even have life jackets. In this era, people can go to Lake Victoria without life jackets. What are we doing as East Africans? What are we thinking regarding the implementation of laws that have been passed?

I want to comment briefly on RV Jumuiya because when we visited it, there was a lot of improvement apart from those few issues, which the officers were saying are not required but since there were audit queries, they are issues, which have to be fitted otherwise it is in good shape and can still do a lot of work for another 70 years. I would urge the Secretariat to ensure that this important vessel is put to use and every requirement in that vessel is put.

Mr Speaker, I also want to say that the redesign of MERECP is quite effective because for the short time that it has been in practice, what we could see on the ground as MERECP was as a result of its redesign. So it is a project that should be supported and I would want to support hon. Ogalo for suggesting that it looks ridiculous for us to say that after Norway and other donors pull out, there will be no MERECP project. We must ensure, as a Community, that funds are made available to ensure that MERECP project continues.

Mr Speaker, for a long time we have been haggling over issues of funds for the Assembly to do some work and it has been viewed as if it is not in the interest of the Community. If we had made this visit a long time back, I think the officers would have made sure that the vessel was operational a long time back but we kept on talking in the board room like we keep on talking in the board room about Common Markets now without involving the legislatures to go and speak to the people. It may be in the board room for a long time.

So this is how RV Jumuiya has been in the board room, we have been discussing it in the House, in committee rooms but nothing was happening but when this Assembly recommended that the Committee on Accounts should go out and be able to see what this important vessel looks like, then you could see that they rushed and fitted all the requirements except those that were mentioned.

When we tried to ride in this vessel, you could hardly hear the sound of the engine. That proves how the vessel is sound and can be used for a long period. So I want to urge the Secretariat that they should be supportive of all the roles that should be played by the Assembly.

Mr Speaker, let me say that I had the opportunity to take your seat in the last Summit and I got to know that in the report, which was made by the Council of Ministers, they were acknowledging that the Assembly does not have funds to do their oversight role. This means that they acknowledge that it is a very important function of this Assembly and that to be able to function, they must do their oversight role.

If they are honest about those reports, I think it is incumbent upon them to ensure that the forthcoming budget has a component of oversight funds for the Assembly to be able to operate. Otherwise it would look ridiculous to have that report acknowledge that it is important, funds are also available but allocating it to the Assembly to be able to undertake that function is a nightmare.

Finally, I want to also comment that we looked a bit strange when we were being shown this hydrographic benchmark, which was hidden in the bush near the railway line in Kisumu. Such an important thing that made the work of survey of Lake Victoria so important- My concern is that now that it has been located, we must ensure that that area is protected, is fenced and secured so it is something whose location we know. Even if our Secretary-General may not be there, the people who are there will be able to know that, that benchmark is there and it is for the use of the people of East Africa. It is so important.

I also support the statement expressed by one honourable Member that those archives kept far away in London- We must be able to do something to bring them back and have them stored within East Africa because that is our property that we can rightly claim.

Finally, I want to say that I was impressed by the Kenyan side of Mt Elgon ecosystem. I think it is partly because it is where the redesign of MERECP had started operation. When we went to Uganda, I think they were still talking of redesigning so the effect was not seen then. I want to emphasise that if we are concerned about our ecosystem then the suggestion given to this House by hon. Ogalo must be an issue that is taken in the next budgeting cycle so that we have funds for this project to continue.

Otherwise Mr Speaker, I support the report and all the recommendations and I submit.

Mr. Mike Sebalu (Uganda): Thank you very much, Mr Speaker for giving me an opportunity to contribute to the debate on the floor. Allow me also, at this point in time, to welcome you to Kampala in particular and Uganda in general and to assure you of a comfortable stay and all that is humanly possible to make your stay comfortable will be undertaken. Where you find us wanting in some areas, bear with us, we are East Africans.

Allow me to thank the Speaker for all the facilities that they have made available for our disposal as a Parliament.

Mr Speaker, allow me to also congratulate and welcome an eminent citizen of the East African region in the names of hon. Sita who is joining the Council of Ministers. His record is well known in matters of supporting a parliamentary democracy. He has done it at the national level, he is going to upscale it to a regional level and definitely I am assured that he is not going to be found wanting in that respect.

So in him we have got a strategic partner in the Council of Ministers and Chairman Kamara could not have been replaced by a better person than hon. Sita. Those of you that were in Dar es Salaam one time would remember the kind of hospitality and courtesies that he extended to us with a very sumptuous dinner in one of those posh and top restaurants in Dar. So with that- Actually it was home- yes, that very lovely home. So with that courtesy and hospitality, we are definitely going to reciprocate that in EALA and you will be home.

Mr Speaker, allow me also to congratulate and appreciate the hon. Hafsa Mossi for assuming the chair and taking it from hon. Kamala. We know she is going to take it to another level. The Chairman Kamala did make some serious impact in that office and future occupants are going to be judged by those standards. So hon. Hafsa, the bar has been raised but I know you will not be found wanting in that respect, you will be able to fit in Chairman Kamala's shoes.

Mr Speaker sir, we are discussing a very important subject and I would like to thank the committee and the chairperson for the good work they did in fulfilling the oversight role of Parliament. That is a very important aspect of our work and it is through that kind of intervention that the ordinary East Africans are able to appreciate let alone know that there is an institution called the East African Legislative Assembly, which is representative, legislative and which is also mandated to do oversight to ensure that the programs and projects that are identified to be implemented deliver value for money.

Having come after audit queries, definitely that was very timely and I would like to thank the committee. They have raised quite a number of cross cutting issues that are very important for us to follow as a Parliament, making our work relevant to the East African people.

Mr Speaker, my interventions are going to be concentrated on MERECP and more especially the aspect of the CBOs and the revolving fund that is given out for life improvement activities.

Mr Speaker, you will appreciate that for the people of East Africa to appreciate the Community and the integration, we should come up with interventions that give them benefits of integration. I would consider the revolving fund and the support to the CBOs as part of that aspect of integration where people get to benefit from the integration process. If you went and had an interaction with those people, their appreciation of the communities and the level of awareness and cautiousness regarding the integration will definitely be much higher than in areas where they don't have anything to relate to regarding the integration process. So it is important that when we have those activities identified, their implementation is done in such a way that it raises the highest levels of efficiency so that the people appreciate the interventions.

But when you look at page nine, you find that the committee has raised some very interesting issues that we need to follow. When they met the CBO, they were informed that the project started in 2006 and the community membership at that time was 40 members but it has since reduced to 20. We need to ask questions why it is reducing. Has it ceased to be of importance to the Community? Are the benefits not accruing to the Community? I would want to benefit from the committee whether they interested themselves to find out why that number is falling. It should be increasing if the activities and the project is beneficial to the people. If anything, there should be a problem of over subscription where the benefits are creating more interest in the community and therefore more people are joining the project.

So I would want to be clarified why that number is declining because then we would be able to treat the problems in terms of managing, designing and supporting these projects on a sustainable basis.

It was also indicated that there are only eight women. Statistically, you will find that most activities that are found within our communities are more supported by the female gender. Participation in community activities is more on the female gender side but I am surprised that in this case, they are only eight. I think we also need to ask why too few - *(Interruption)*-

Ms. Dora Byamukama (Uganda): Thank you, hon. Sebalu for giving way and hon. Speaker. Hon. Members, we were informed and it was very clear that when the issue of money came in especially the revolving fund of \$ 10,000, women were no longer considered very relevant. It is a very important point that has been raised in view of the fact that when you talk about the ecosystem, the people who collect wood, cultivate and the people who are actually concerned about h livelihood of the communities are our women.

The Speaker: Hon. Byamukama, I think you were in that committee, you should have included that in the report instead of giving the information now.

Ms Byamukama: Mr Speaker, it is in the report on page nine.

The Speaker: In terms of money?

Ms Byamukama: Yes. When you look at page nine-

The Speaker: Then I think you can debate it later on. I think you have given him enough information then.

Mr Sebalu: I am interested. If we are to make these programs and projects sustainable, we need to ensure that we get the relevant sections of society being seriously involved in the participation. That would guarantee sustainability and even the benefits would definitely accrue and be shared equitably. That is something we need to look at from the viewpoint of the Community to ensure that sensitisation is done sufficiently and to ensure that all stakeholders are adequately involved.

It is disturbing to note that where money is involved, one gender is considered irrelevant. I don't think that view is in the best interest of creating good sustainability for a very important project like that one.

Mr Speaker, we also need to get the Secretariat or the implementers engaged with these processes early especially at the design stage to ensure that the needs assessment is done and it is involving the beneficiaries. You know some of these projects, which come and get super imposed become very difficult to sustain because there is no ownership, there is no sustainability and it is assumed that the people who have engineered the project to come to a particular area will keep it moving. So sustainability is very important and it is assumed that the people who have engineered the project to come to a particular will keep it moving. So, sustainability is very important and it is crucial that a needs assessment is done. That assessment should involve the beneficiaries at inception. Therefore, you are able to guarantee sustainability of the project.

Having said that, I would like to appreciate that intervention, but I also would like to see more of those scattered around the region because this is going to about people-centeredness. There is no way we are going to get the people on board if we do not involve them in a number of projects like that one. That could have been a pilot one, but we could ensure that even using our own resources as EAC, ensure we get many of those spread across the region to fit into the character of the integration that we are talking about, which is people-centred. And the Secretary General should be interested in that.

I have always heard secretariat officials emphasizing the people-centeredness. We should translate it into the activities and programmes so that the benefits of the integration can give us a trickle-down effect to the population. And with those kinds of interventions, the people are empowered; we can also use those interventions for purposes of advocacy. I guess that the committee visits to those areas must have created a higher level of awareness about the East African Community and the consciousness of the people because of the interaction they had with the committee members.

Mr Speaker, once again, I want to thank you for the opportunity and to thank the chairperson and his committee for presenting a good report. I further thank them for having fulfilled one of our responsibilities of oversight. I guess that the recommendation in this report, if implemented, will take the integration process to another level in terms of the benefits and to the ordinary people in the concerned areas. I thank you, Mr Speaker.

Dr. James Ndahiro (Rwanda): Mr Speaker, I also would like to take this opportunity to thank the Government and the people of Uganda for availing to us these wonderful facilities. *Mwebale nnyo. (Laughter)*

Mr Speaker, I would like to support the report as presented by the accounts committee. However, I would like to say that this report has forced me to think about a few issues that I would like to share with Members of this House.

One, I note that it was pre-empted by an audit query, but I think there are several of those queries and I thank the committee for being proactive. However, I would like to ask the Council of

Ministers to actually officially respond to those audit queries because they were directed to them. Before we get into another budget cycle, I would like to hear a response from the Council of Ministers about these queries. We have heard from the Accounts Committee and we appreciate, but we are not sure whether they will be an official response from those to whom the queries were directed.

Two, Mr Speaker, through you, I would like to ask all members to join me for first time, to thank the Secretary- General. Why? I remember, we had a debate in one of our sittings on RV Jumuiya and most people were of the view that that vessel would only be good for the yard, but he stood up and promised to fix it and it is now there running. Thank you very much, Secretary General. *(Applause)*

Mr Speaker, the report also indicates that there is an asset on the lake. You will agree with me that our governments are very poor at doing business. I am not sure whether the Community is any better. So, I am wondering whether the Secretariat together with the Council of Ministers has ways to incorporate the private sector and the civil society in the management of that vessel or in the management of the economic affairs on Lake Victoria.

Mr Speaker, there are also issues of funding. My colleagues said that we should ensure that in the next budget, these projects are funded, but as you know, there are challenges with our budgets. We have a lot of priorities and so we cannot fund each and every priority as it comes. We have a financial constraint at the Community level and I remember that the Council and the Secretariat once were asked to look for alternative sources of funding so that we can be able to run our projects as they appear. I am wondering, Mr Speaker, how far they have gone with that recommendation.

We know that the community has agreed to annually increase our budget by 10 percent. But does it mean that all priorities that arise annually will fit into such a 10 percent increase? The Council of Ministers and the Secretary-General should actually tell the House – because we are still waiting for the outcome of the recommendation because it was agreed upon; there is no single report in that regard. Mr Speaker, I also would like to say that I fully support the Accounts Committee Report. Thank you.

Ms. Dora Byamukama (Uganda): Mr Speaker, thank you very for giving me the opportunity to highlight a few issues, which appear in the report. Permit me, Sir, before I do so, to also add my voice to the voices of all those who have welcomed each one of you to the Pearl of Africa, which is currently known to be gifted by nature. This is indeed part of the East African Region. Please feel at home because you are entitled to sharing these facilities because we are one and have one destiny.

I also would like to take a moment to welcome the new members who have joined us. I would like to start with hon. Yivu Nsabimana of Burundi, hon. Emarus Buchumi of Burundi and to add, if you may permit me, that we are delighted that Burundi has been able to send us a lady and a gentleman. *(Applause)*

I also would like to say that I have been delighted and this Parliament is honoured to have hon. Sitta as the Minister and we would like to convey our heart appreciation to the United Republic

of Tanzania, for elevating this Assembly to the level of sending to it a person of his calibre. (*Applause*) As a person who prays and believes that I will be able to see the political federation of East Africa, I believe that the current Council of Ministers will indeed be able to carry on and in the next five years or even less will be able to form the first Council of Ministers of the East African Federation. (*Applause*)

Having said that, I would like to congratulate the Republic of Burundi for taking on the Leadership of the East African Community. I would like to convey my great thanks to the President of Burundi, Mr Pierre Nkurunziza and we are delighted to have one of us, hon. Hafsa Mossi as the Chairperson of the Council of Ministers. (*Applause*)

Mr Speaker, allow me to humbly note that when the Council of Ministers took over, the first chairperson was, I think, hon. Kategaya who maintained the status quo before we had hon. Monique Mukaruliza took over. She initiated some changes, before hon. Diodorus Kamala came in TO actualize some of these initiations and now we just hope that hon. Mossi will accelerate what has been started. I thank you.

Mr Speaker, Sir, I had already made my point on page 9 on the issue of inclusion of women. So, I won't go into that, but to thank hon. Sebalu for highlighting it. I would like to move on to page 10 to quickly highlight what may have been missed, but also to drive some of these points home in addition to what my colleague has said. On the issue of what was said especially in light of the fact that on page 10, we are talking about the need for a legal framework at the regional level that champions trans-border ecosystem concerns in and out of the region.

This is very important because when you talk about working on a legal policy in the region, it is feasible. But we also need to look further at the field and the concerns especially as regards our neighbours. I am saying this because even if the East African Region is able to have a very policy and legal framework, we will not be able to achieve much if we do not go out of our way to link up with our neighbours in order to conserve and preserve the ecosystem. I thought I should make that point.

Having said that, Mr Speaker, Sir, I am reminded of other trans-border ecosystems – my brother, hon. Akhaabi mentioned a few and I would like to add that we also have the Muhabura range that cuts across to the Republic of Rwanda and the Republic of Uganda. We have the Maasai Mara and the Serengeti National parks that neighbour each other, where we usually have annual migration of the wild beast, which is really celebrated and revered in all parts of the world. We must take all this into account, conserve and preserve what we have in order to also promote tourism and to ensure that we benefit mutually as the treaty says in its Article 5.

Mr Speaker, my last point is on something at page 11. 5.8, where the report says that we discovered that when deforestation was going on, it took a very interesting turn. Part of the reforestation was being done by planting medicinal trees and in particular we were intrigued by a certain tree called *Prunus Africanum*. This is a medicinal tree that cures prostate cancer with a survival count of 75 percent, which is considered a success.

I would like to make some few comments on this. Mr Speaker and honourable members, this is a noble venture and we should promote reforestation especially by using medicinal trees. I would

like to urge the East African Community to go further and invest in research as well as manufacturing of this medicine for the use of all the East Africans. We would like to see our men live longer and therefore this is very important. I also would like to encourage the planting of more species, for example, the ones that can treat cervical and breast cancer.

Mr Speaker, I would like to stop here be re-echoing what has been said by colleagues, but also to highlight that as we travelled on the Kenyan side of the border, I as an East African felt very proud to meet some people who were in charge of districts that were very serious with their work and especially the work on the ecosystem. I would like to highlight and note the District Commissioner of Mwanza, who had a very clear report and was very ready to support us. This was very encouraging. I hope that there will be some kind cooperation that will be cross-border like so that local leaders on both sides of the border are able learn from each other and to work more profitably for the mutual benefit of all the East Africans. I thank you and I beg support the report.

The Chairperson, Council of Ministers Ms. Hafsa Mossi (Burundi): Mr Speaker, Sir, allow me to begin by apologizing for my absence during yesterday's plenary session. My absence was occasioned by other official commitments in Bujumbura and Mwanza and I am deeply sorry for the inconvenience it caused.

Mr Speaker, as it is my first contribution in a Plenary Session during this Second Meeting of the Fourth Session, allow me to begin by thanking you and EALA House Business Committee for enabling the august House to once again meet in this beautiful City of the Pear of Africa. I also would like to express my appreciation to Rt. Hon. Speaker of the parliament of Uganda, the Government and the people of Uganda for the traditional warm welcome extended to us since we arrived in Uganda. (*Applause*)

The Council of Ministers appreciates the manner in which the East African Legislative Assembly rotates its meetings throughout the East African Region. This rotation, which a feature of the Treaty for the establishment of the East African Community serves to enhance the awareness of the people of East Africa on the integration process in which their destiny lies.

Mr Speaker, Sir let me also take this opportunity to warmly welcome into our honourable fold the newly sworn in Members, Hon. Samuel Sitta, Minister for East African Cooperation, Tanzania (*Applause*) whose membership and long illustrious experience in Parliamentary affairs should be an asset to this august House. Hon. Emerence Buchumi (*Applause*) hon. Eve Nsabimana (*Applause*) whose joining makes the Burundi representation in this august House complete.

On a sad note, I extend my deepest sad felt condolences to our dear colleague, hon. Augustine Lotodo who lost his younger brother a few weeks ago.

Since this happens to be my first contribution as Chairperson of the Council, let me assure this august House that during my chairmanship, the forging of strong collaborative efforts between the Council and the Assembly will continue. (*Applause*) I express my gratitude to the Committee on Accounts for the thorough and far reaching report on the site visit to RV Jumuiya and MERECF Projects in Kenya.

Hon. Speaker, the Council will follow up on the installation of the CCTV camera system and other surveillance equipment as it has been asked by one of the hon. Members of this august House to ensure that the RV Jumuiya is safe and is not abused in its operations.

The Council will also follow up the current insurance on RV Jumuiya and ensure that the insurance policy is procured.

The Council is also agreeable to the importance of drawing up a policy of regular maintenance of RV Jumuiya

The question of population growth and its impact on the Mount Elgon eco-system is a matter that needs to be looked into within a policy framework. In this context, the broader participation of the population in the ownership and management of the Mount Elgon eco-system is pertinent. Such involvement exists but needs to be reinforced.

The safety of fishermen on the Lake Victoria is being seriously addressed by the EAC. The RV Jumuiya has a broader role in undertaking navigation and the Lake Victoria safety of ships. As for the safety of fishermen, the National Marine Safety **Broader** like **Sumatra in** Tanzania have direct responsibility in ensuring the safety of fishermen through licensing of smaller vessels. At EAC level, this issue of safety is being addressed through the establishment of a Safety and Rescue Communication Centre in Mwanza.

Hon. Speaker, the Council has taken note of the discovery of the hydrographic benchmark site in Kisumu. The Kisumu City Council will be contacted with a view to ensuring the preservation of the history site.

While appreciating the committee's findings that the observations earlier made by this august House are being followed, let me assure you that the Council will follow up on the findings, observations and recommendations contained in this report.

I would also like to thank the contributions of different Members of this august House, hon. Karani, hon. Kimura, hon. Ogalo, hon. Ziwa, hon. Ohabi, hon. Dr Bilal, hon. Ssebalu, hon. Ndahiro, hon. Byamukama and hon. Wanyoto.

I wish to support this report, hon. Speaker. *(Applause)*

Mr. Bernard Mulengani (Uganda): Thank you very much, Mr Speaker. I just want to thank colleagues for contributing to this report. As you may realise, Mr Speaker and colleagues, this is an accounts report. Issues that have risen beyond audit queries are issues that possibly we, as a committee, would urge our colleagues in the line committees to take up seriously and address them.

As a Committee on Accounts, Mr Speaker, our report doesn't mention in details the results of the forensic audit which is the recommendation of this House. The committee is very clear; up to now it is waiting for the progress report on the forensic audit and the final forensic report itself before we can be able to pronounce ourselves. To that extent, I would like to thank my colleagues for supporting the report. I would also like to thank my colleagues, members of the committee for the report. Thank you very much, Mr Speaker. *(Applause)*

(Question put and agreed to.)

The Speaker: Hon. Members, I think before we get to the next Order, first, I take the apology from the Minister in terms of what happened yesterday. But I also like to say that as EALA, I think after we passed our budget, we sat down as House Business Committee, the Chairpersons of Committee with the Secretariat to draw up a plan for the whole year. And I think our plan was distributed to all organs and institutions of the Community so that people know when our committees are sitting. And EALA sits five times in a year and only for two weeks. When we have a situation whereby other important activities, I am not saying that any other activity is lesser than EALA sitting, but when other activities are programmed during the EALA session, which include the Council of Ministers, it now becomes a problem. It is as though some people are trying to sabotage sittings of EALA. And I don't think it is very fair on us as EALA and also to the Council of Ministers because the Council of Ministers don't sit down to draw what the programmes for the committee.

I think it is only fair that when the Secretariat decides to draw up programmes, they are also informed that the Council of Ministers' other commitments that have been put in place. And I think when we sat down to plan, we didn't plan alone, we planned with everybody. And our programme was circulated to everybody. So, I think it is only fair for us that when we have our sittings, they are respected like any other meeting is respected and we try to have attendance of all Members here because we only sit five times a year and for only two weeks. So, hon. Ministers, I hope you understand what I am trying to say and I hope the Secretariat also understands what we are trying to say.

QUESTIONS FOR ORAL ANSWERS

QUESTION REF: EALA/PQ/OA/028/2010

Mr Augustine Lotodo (Kenya): Mr. Speaker, Sir, I beg to ask the Chairperson Council of Ministers the following Question:

“The East African Integration process is a building block to the bigger vision of a United Africa. Could the Chairperson of the Council of Ministers inform this House:-

- a) What linkages have been developed between EAC and the African Union(AU);*
- b) Other than Defence Liaison Officers, do we have a dedicated desk officer at AU Headquarters in Addis Ababa?*
- c) Can we get a brief on the projects and programmes so far undertaken in collaboration with the AU? “*

The Chairperson Council of Ministers, Ms. Hafsa Mossi (Burundi): Mr Speaker Sir, the East African Community, like all other Regional Economic Communities has a symbiotic relationship with the Africa Union. A Protocol on Relations between the AU and the RECs was signed in January 2008. It provides a framework for cooperation that would lead to the realization of an African Economic Community as envisaged in the Abuja Treaty (1991). As part of the implementation of this protocol, and following a decision of the AU Assembly to that effect, a comprehensive Minimum Integration Program (MIP) is being developed. The AU Commission

has convened sectoral meetings to identify areas for which programs and projects are to be undertaken and benchmarked across the RECs.

Hon. Speaker, Sir even before the Minimum Integration Program is adopted, the EAC-COMESA-SADC are engaged in a tripartite initiative, which is a milestone towards realizing the bigger vision of a united Africa Economic Community. Indeed, the AU Commission is closely following up on the steps the EAC, COMESA and SADC are taking with a view to encourage other RECs to emulate the tripartite initiative.

Other operational linkages are under the Peace and Security sector which already has ongoing programs, guided by the Protocol relating to the establishment of the Peace and Security Council of the Africa Union. On the basis of this Protocol, a Memorandum of Understanding was signed, which elaborates how and in what areas the RECs and the AU Commission will cooperate in facilitating the full implementation of the Africa Peace and Security Architecture (APSA).

The program currently being undertaken in partnership with the AU and the EU is the AU Capacity Building for RECS in the Area of Peace and Security. The Project has:

- a) facilitated the establishment of the Peace and Security Liaison office to AU;
- b) supported the development of the EAC Early Warning Mechanism;
- c) supported the administration and financial management;
- d) supported the strengthening of Peace and Security Unit at the EAC through four professional staff positions;
- e) supported the development of the EAC Conflict Prevention, Management and Resolution Framework; and
- f) supported the establishment of linkage with AU and other RECs through installation of videoconferencing facility.

The first phase of the project (2007-2010) ended on June 30th 2010. A second phase has been approved to run through December 31st 2013.

Mr Speaker, Sir, the EAC does not have a Defense Liaison Officer at the AU Commission. This is because the EAC does not host a component of the Africa Standby Force. The Partner States are contributors to the SADC Brigade and to the East African Stand-By Brigade which covers Eastern Africa beyond the EAC.

However, within the framework of the Protocol on Peace and Security, the East African Community has, since May 1st 2008 stationed a senior officer, at P5 level, at the AU to enhance cooperation in the peace and security areas. The AU is equally exploring prospects of assigning an AU liaison officer to every REC.

At their meeting held in January 2010, the Chief Executive Officers of the Regional Economic Communities reviewed the progress on the Abuja Treaty and the related contemporary challenges. They have recommended that the Protocol on Relations between the AU and the RECs be revised to align it to the challenges ahead and propel the integration. This will inform the decision on modalities for deployment of RECs' dedicated officers at the AU Commission.

Mr. Lotodo: Thank you, hon. Speaker. I would just want to thank the Chair of the Council of Ministers for answering the question in detail. One supplementary issue which I would, however, want to raise hon. Speaker is to do with the issues that are being discussed at the AU and how they are being domesticated within the East African Community because we have realized that in this era, global issues are being addressed in unanimity. That means that we have issues like climate change; we have issues of economic crisis; and we have trade issues. So, it is that linkage that is important and how we domesticate them in order for us to have them clear. Thank you.

Ms. Mossi: Hon. Speaker, I think that the observations made by hon. Lotodo are very pertinent and as a Council of Ministers, we are going to look into all those details and we will provide the answers in the next sitting. I beg to submit.

QUESTION REF: EALA /PQ/OA/029/2010

Mr. Augustine Lotodo (Kenya): Mr. Speaker, Sir, I beg to ask Chairperson Council of Ministers the following Question:

“EAC is an Inter-Governmental organization with specific Organs and Institutions using its logo and seal. Could the Chairperson of the Council tell this August House why the EAC vehicles are not inscribed with the Community logo?”

The Chairperson Council of Ministers (Ms. Hafsa Mossi) (Burundi): Mr Speaker Sir, all EAC vehicles bear diplomatic number plates which make them easily identified. Since the diplomatic number plates cover both official and private vehicles, only official vehicles need to be inscribed with the EAC logo. Out of the total 26 vehicles owned by the Secretariat, EALA, EACJ and those procured for the projects, 10 vehicles have been inscribed and 15 have not. The list of un-inscribed vehicles includes eight vehicles which are allocated to EAC Executives.

The Secretariat is undertaking to inscribe all the remaining vehicles by the end of this calendar year. It should be noted, however that some of the official vehicles which have been allocated to EAC Executive staff are mostly ceremonial and as such inscribing them with the EAC logo would not be appropriate. It is an accepted international standard that vehicles used by Executives and which carry organizations' flags are not inscribed with the organization's logo.

Mr Lotodo: Thank you, hon. Speaker. I would like to thank the Minister for a good answer. This situation arose, hon. Speaker especially when we go out on committee work to observe elections. You find that when you go out, there are representatives from EU, AU and other regional blocks. Normally from our Secretariat, we have vehicles that are not visible – we cannot even know that they belong to a regional body like the East African Community.

But I would also admit that during the last observations when we went to Burundi, during the May-August elections, they had big - I don't know how to describe them, but at least they had an inscription to show that they belonged to the EAC. So, I would like to thank you for the answer; thank you.

QUESTION REF : EALA/PQ/OA/030/2010

Ms. Jacqueline Muhongayire (Rwanda): Mr. Speaker, Sir, I beg to ask the Chairperson Council of Ministers the following Question:

“Recalling the answer of the Chairperson of the Council of Ministers to EALA Priority Question No. EALA/PQ/OA/009 of 2010 on the proposed EAC policy on road transport and appreciating the provisions of Article 38 of the EAC Common Market Protocol on the need for coordination of transport policies; cognizant of the fact that the EAC will commence a study in May 2010 on the development of an EAC Transport facilitation policy and strategy for boosting intra-regional trade and exports, Can the Chairperson of the Council of Ministers inform this august House on the following:-

- (i) Whether the US \$ 1,000,000 provided by the African Development Bank will exclusively be used for the study on road transportation or will also extend to all other modes of transport stated in Article 38(4) of the Protocol;*
- (ii) If not, what assurances can the Council give us that the implementation of the Common Market Protocol will not be slowed by not addressing the other modes;*
- (iii) Could the Council give us guidance and the way forward on the other modes of transport as well?”*

The Chairperson Council of Ministers, (Ms. Hafsa Mossi) (Burundi): Mr Speaker, Sir, the US \$ 1 million earmarked for the Transport Facilitation Policy and Strategy study will largely be used for the roads transportation issues. The study has already commenced and the consultants are currently visiting Partner States. The Study is aimed at harmonizing the national roads design standards and specifications, road safety codes, overload control regulations and environmental mitigation standards.

This will result in the EAC road infrastructure attaining international standards and ensure similarity of operational outputs, which would make them user friendly to stakeholders. The resources will therefore not be extended to other modes of transport.

Mr Speaker sir, when the East African Community signed a Grant Agreement with the African Development Bank in February 2007, the bank agreed to fund among others, studies on the preparation of an EAC Transport Strategy and a Regional Road Sector Development Program worth \$ 2.2 million and a Transport Facilitation Strategy worth \$ 1 million.

The studies form part of the preparatory activities towards the implementation of the East African Trade and Transport Facilitation Project whose main objective is to reduce the cost of doing business in the region and thereby contributing to the economic development and competitiveness of the Community.

The \$ 2.2 million assigned to the execution of the EAC Transport Strategy covers all the modes of transport including roads, railways, aviation, maritime, inland waterways and oil pipelines. In addition, it will contain recommendations on the institutional and regulatory reforms needed for its implementation.

The objective of the EAC Transport Strategy is to identify regional strategic priorities, interventions and resources for transport sector development and operational needs for the medium term in line with EAC development goals. The development of the Transport Sector Strategy involves consulting services, experts meetings and stakeholder consultations or workshops to assess in detail all modes of transport in their regional dimension. The strategy will be the EAC key planning document guiding the regional policies and investments in the transport sector up to 2018.

The strategy however, contains also a sub-component that will develop a prioritised road sector investment program covering the major transit corridors of the EAC. This was approved by the Partner States on the basis of the ongoing EAC Road Network Project and the need to improve the road transport network, given its relative accessibility and importance in driving intra regional trade.

The EAC Transport Strategy therefore has taken on board the provisions of the Common Market Protocol and as such, the implementation of the Protocol will not be impaired or slowed down by lack of consideration for other modes of transport.

The Community, in addition, is on the verge of legislating on the operations of one stop border posts in the region. The transformation of the region's two stop border posts currently in operation at most of the border crossings into one stop border posts is a move that will drastically reduce on the time and costs incurred at the border transit facilities in EAC.

Mr Speaker, sir, it is therefore evident that the Partner States and the Council are committed to deliver the necessary infrastructure and logistics facilitation in EAC to underpin the smooth implementation of the Common Market Protocol.

I beg to submit, Mr Speaker, sir.

Ms. Muhongayire: Thank you, Mr Speaker. I wish to thank the Chairperson of the Council for the detailed response to my question. However as a supplementary question, I wish to ask if the Council will regularly inform this House on the progress of the study results. Thank you, Mr Speaker.

Ms. Mossi: Mr Speaker, I wish to assure this august House that I will table the report on the progress about the Common market implementation. I beg to submit.

The Speaker: Hon. Oyondi, you are still not a minister in the Council of Ministers. *(Laughter)*

QUESTION REF: EALA/PQ/OA/031/2010

Ms. Jacqueline Muhongayire (Rwanda): Mr. Speaker, Sir, I beg to ask the Chairperson Council of Ministers the following Question:

Thank you, Mr Speaker. *“Considering that the Common Market for EAC will thrive in a regime of approximated and harmonized policies, laws and systems and aware that is opportunity is provided under Article 47 of the Common Market Protocol; concerned that there is a slow*

process of approximating and harmonizing laws policies and systems in areas such as education, internal taxes, cross border systems etc

Could the Chairperson inform the House:

- 1. Whether we shall be in time to effect the operationalisation of the Protocol come 1st July 2010?*
- 2. What the current status of the approximation and harmonization is?"*

The Chairperson Council of Ministers, Ms. Hafsa Mossi (Burundi): Mr Speaker Sir, it is true that Article 47 of the Common Market Protocol obliges Partner States to approximate their national laws and to harmonise their policies and systems for the purposes of implementing this Protocol.

In this regard, the Partner States are guided by a Post-Negotiation of the Protocol Program. This program required the Partner States to, among other activities:

- a) Enact the relevant enabling legislation to bring the provisions of the Protocol into domestic law by 21st august 2010;
- b) Undertake a review of their domestic laws with a view to causing necessary amendments, to ensure that the same are consistent with the Treaty obligations arising from the Common Market Protocol by 31st December 2010 and
- c) Commence the implementation of the Protocol by discharging the obligations arising there from inter alia, removing any existing restrictions on the freedoms and rights enshrined in the Protocol.

I wish to report that Partner States review of domestic laws is progressing. On account of unforeseen logistical problems, progress in all the Partner States has not been as fast as anticipated except in Kenya where the report of the Task Force on Review of Domestic Laws has been submitted to the Attorney General for further action and in Tanzania and Uganda where similar task forces are at advanced stages of review and consultations.

Mr Speaker Sir, regarding the second part of the question, I wish to inform this august House that the current status in the approximation and harmonisation of national laws is that priority has been put on harmonisation of laws that have a bearing on the implementation of the East African Community Common Market. In this regard, the Partner States' commercial laws that relate to the projections under the Protocol for the Establishment of the Common Market have been prioritised.

The Secretariat commissioned a study aimed at identifying and reviewing the commercial laws in the Partner States that have a direct bearing and impact on the EAC Common Market and drafting of necessary EAC legislation in the identified priority areas to be enacted by East African Legislative Assembly.

The phase for identification and reviewing the commercial laws was finalised in July this year and moving towards the first stage of drafting necessary bills.

Furthermore, a study on the harmonisation of laws governing excise, VAT and income taxes in the region is ongoing with financial assistance from German Technical Cooperation (GTZ). I beg to submit.

The Speaker: Hon. Muhongayire? She is giving way. Hon. Byamukama?

Ms. Dora Byamukama (Uganda): Mr Speaker, I am concerned. Whereas there is effort and maybe a requirement to approximate and harmonise laws and policies and systems, I think this should be linked to our earlier question whereby this august House asked the Council of Ministers to bring a list of all the laws that we must enact as an Assembly to operationalise the Common Market Protocol. So we cannot run away from the fact that we are the legislative organ of the Community and therefore approximation and harmonisation of laws and policies does not take away this particular function.

I would like to hear from the hon. Minister when this list of laws, which is supposed to help us operationalise the Common Market Protocol, will be tabled before this august House.

The Speaker: To add, I think July 1st already passed when the Common Market Protocol should be operationalised. Is it operational or is it on the good will of some person at the borders? Is it really operational?

The Chairperson Council of Ministers, Ms. Hafsa Mossi (Burundi): Mr Speaker, as I have just been reporting, the operationalisation of the Common Market is progressing but not at the same level amongst Partner States. It is the duty of the Council of Minister to urge the Partner States to fast track the implementation of the Common Market Protocol but we still have a breathing space to harmonise our laws in order for the Protocol on the Common Market to be operationalised. I beg to submit.

The Speaker: You can also inform the House how long the breathing space is because those are some of the questions we got recently when we arrived here.

Ms. Safina Kwekwe (Kenya): Thank you, Mr Speaker. My supplementary question is based on the last sentence of the response by the minister.

Mr Speaker, the laws that are supposed to be harmonised governing excise, VAT and income both for corporate and individuals- This study is being funded by the GTZ and we know that today's revenue streams for the EAC Partner States are no longer the tariffs because we have considerably cut down on our tariffs through the CET and therefore it means the alternative funding streams are actually based on these three categories of taxes; the excise, VAT and income tax.

But I am perturbed because if this is the mainstream of our revenues for each Partner State, how come the EAC and the Partner States by extension, do not see it important enough to put money in harmonising these laws that are actually our financial life lines and instead leave it to the magnanimity of donors? Is it important enough for EAC and its Partner States to have a viable financial stream or is it not? Thank you.

Ms Mossi: Mr Speaker sir, I wish to thank hon. Safina for her supplementary question. It is the view of the Council of Ministers that ideally it is worth having a viable financial stream of our own to support our activities but up to now, all of our five Partner States rely on aid assistance. Until we have a mechanism, which would help all the Partner States not to rely on financial aid, then we will be able to say that we can have enough financial means to support our activities. I beg to submit.

Dr. Aman Kabourou (Tanzania): Thank you, Mr Speaker. I just want to ask if the Council of Ministers feels comfortable not adhering to time frames and instead coming to talk about code words like advanced stage, prioritised etc. Do we need definitions? The time frames are here and all we are being told is advanced stage, it has been prioritised, progress- Maybe the Chairperson of the Council of Ministers would want to tell us that it is time now to admit that words are not enough.

Ms Mossi: Mr Speaker, the provisions of the Common Market Protocol provides that we have from 2010-2015 as the time frame of implementing the Common Market Protocol and as I was saying earlier, the Common Market Protocol is going to be implemented progressively and it is not that the Council of Ministers is not aware of that or is not sensitised about the importance of having a time frame. It is just that we have to implement the protocol progressively and as I was stating before, we have just stated implementing the Common Market Protocol, it is just one year and as Partner States, we need to fast track that operationalisation. It is in my view that where there is a will there is a way. I beg to submit.

The Speaker: Before I call honourable, I would like to say one thing. Even though you use this word progressive hon. Minister, the word progressive up to 2015, East Africans have been given rights from the 1st July so are those rights there? While you say progressive, it is over one year. We did it in the Customs Union, which was progressive over five years but you enjoyed certain rights from the beginning. What the Members are asking here is whether those rights are or not. And this is because there a legislative problem in the Community where people feel that is the work of the East African Legislative Assembly and so they think we are not doing our job when, in essence, it is the partner states that are not doing their part because they have to follow the treaty and the protocols where it is indicated that these laws will be harmonized by the partner states.

So, when a person has a problem using the words of the Common Market Protocol, he sends the blame to the East African Legislative Assembly for not doing its work in terms legislation. So, while we appreciate that it is progressive, we have certain rights from the 1 of July 2010. And I see that you are also talking – (*Interjections*) – I am not supposed to debate; I am just giving guidance. (*Laughter*) So, while you say that you have until 31 December 2010, are we going to meet that deadline because there are only three weeks left to that date? But while you think about that, let us ask *Mweshimewa Mashsa* to ask his supplementary question.

Dr. Lwanyantika Masha (Tanzania): Mr Speaker, I have a couple of supplementary questions.

Mr Speaker: Just ask one – the most important one.

Dr Masha: If the implementation of the Common Market Protocol is done at national level and all they do is to report to you what they have done or did not do, what happens if the interpretation by the partner states differs in the implantation of the protocol? Do we have a mechanism which can ensure that the implementation at the national levels being done including the harmonization of laws is indeed consistent from one state to another? Do we have a mechanism for that or do we need a law from the Community, which will do both the process of implantation and set up the mechanism to do it as well as have a laws with harmonised differences among the interpretation from each member state?

Ms. Mossi: Mr Speaker, protocol is part of the treaty and it is in my view that where there is a conflict, the East African Court of Justice can intervene. I beg to submit.

The Speaker: Yes, Hon. Mwinyi - but I think the treaty also says that it is partner states laws that do that. So, I do not know which one to use. Is it the protocol or the treaty? So, is the protocol amending the treaty? What happens – I think we had these arguments in Bujumbura though the Secretary-General wasn't there. Otherwise, this thing came up on whether the protocol can amend the treaty or not. I think Hon. Mwinyi also has something on that.

Mr. Abdullah Mwinyi (Tanzania): Thank you, Mr Speaker. I have been listening to the contributions and responses to the supplementary questions perhaps I can offer a solution in form of a supplementary question. Article 8 (4) of the Treaty stipulates that Community organs, institutions and laws shall take precedence over similar national ones on matters pertaining to the implementation of this treaty.

Mr Speaker, you informed us that the work of harmonizing laws is taking a long time. Wouldn't the minister consider bringing the list of laws that need to be harmonized to this House so that all common laws can pass through the East African Legislative Assembly and so, they would have supra-national effects from day one? I thank you, Sir.

The Speaker: Yes, hon. Minister, if you are ready.

Ms. Mossi: Mr Speaker, I was still consulting – I was also thinking this is a matter that needs guidance from CTC, if you may allow. I beg to submit.

The Speaker: The rules do not allow, but being new and it is your first time to respond to questions, maybe we can allow the CTC to say something – he can inform the House and from that the minister can say – well he is not the Attorney-General; he is an x-official member.

The Counsel to the Community, Mr. Wilbert Kaahwa: Mr Speaker, thank you for the clarification. My participation in this House is not that of the Attorney-General of the Community because the Community does not provide for the Office of the Attorney-General.

Otherwise, it is true that Article 8 (4) of the Treaty accords precedence to the Community Laws – I mean the laws enacted by this august House and that Article accord such laws precedence over similar national laws in matters pertaining to the Community and the integration process, and the programmes and projects of the Community.

The whole process of approximation and harmonization of laws, which had admittedly been delayed and not accomplished within the agreed time lines, is all, aimed at enacting a common legislation for the Community on the implementation of the common market, which law will take precedence over similar national laws in those matters. The ultimate aim is to have a regional law like we have the Customs Management Act on matters relating to the implementation of freedoms and rights created by the Common Market Protocol.

Mr Speaker, the question is: why is it that the Common Market Protocol acknowledges the relevance of national laws in the realisation of their rights and freedoms created by the Common Market Protocol. The related question is whether the protocol can supersede the treaty. No, the protocol cannot supersede the treaty; it is subordinate to the treaty because it is an integral part of the treaty, but the provision that gives force to the partner states' national laws is supposed to serve a transitional period before they harmonize their laws and give a basis for a common regional law on the implementation of the common market.

The features that appear in the common market protocol on the rights and freedoms are far reaching than those, which for example appeared in the Customs Union Protocol and the enactment of the subsequent law in respect of which did not have to await approximation and harmonization of laws. As the honourable chairperson has undertaken, once this process has been accomplished, there will be Bills relating to all those laws based on the harmonization outcome, which should be before this House for the enactment of legislation.

Mr Speaker, allow me to also point out that one of those are that have so far been identified is with regard to the portability of workers benefits across region. That is one area where a clear Bill will be presented even before the question of approximation and harmonization is addressed. I thank you, Mr Speaker, for enabling me to offer this explanation.

The Speaker: On this issue or a different issue? Hon. Ahabi, then hon. Dora and then hon. Mwinyi but I think hon. Kaburu's timelines – because you were also talking about approximation and when it will come. I think you also asked about timelines- so maybe that question will also be answered later on.

Mr. Gervase Akhaabi: (Kenya): Thank you, Mr Speaker, Sir. The attempted clarification by the CTC brings even more confusion in my mind. Mr Speaker, Sir the CTC is saying that national laws will be harmonised and approximated before a regional law to cover those areas is brought. That makes me wonder because in my view, I would have thought that if we had a legal framework first; a regional legal framework that would then require the national laws to be approximated and harmonised with it. That would be the order.

But, Mr Speaker, Sir may I know from the Council of Ministers whether there is any set of laws, and I think that is the point hon. Dora Byamukama was referring to, in the specific areas intended to implement the Common Market that the Council of Ministers has given direction or guidance to be harmonised? Or is each Partner State going to choose and pick what laws to be harmonised? Is there any guidance by the Council of Ministers that has been given? Because if it has not been given, surely, how are nationals going to do it? Thank you, Mr Speaker.

The Speaker: Let the man answer; you are already answering for him.

Ms. Dora Byamukama (Uganda): Mr Speaker, Sir in addition to what has been said, when you look at Article 76 (3), it says that: *“For purposes of this Article, the Council may establish and confer powers and authority upon such institutions as it may deem necessary to administer the Common Market.”* Can we be informed in addition to what has been said, what institutions have been given authority to administer the Common Market? Because as it has been said, a year has passed and we are looking like fraudsters! Thank you.

Mr. Abdullah Mwinyi: (Tanzania): Thank you, hon. Speaker. I don't think the clarification that I sought was clearly understood or the Council to the Community did not respond in a manner that I expected. What I was referring to was that as the harmonisation and approximation is the critical factor and since this august House has the powers to pass legislation which is so far national and applies to all the Partner States, wouldn't it be easier for these laws that needed approximation and harmonisation to be brought to this august House for it to deliberate and pass them so that they can apply equally throughout the Partner States so as to avoid what my friend **Masha** said, “Differences in interpretation.” I thank you, Sir.

Ms. Mossi: I understand the concerns about Members of this august House and as a Council of Ministers we undertake to bring and table the lists of these laws, which need to be harmonized. We also undertake to get a mechanism which can actually help us to deliberate on those laws to be approximated or harmonized. I beg to submit. *(Applause)*

The Speaker: I think hon. Members the Minister said that she would bring a list and hopefully by the next sitting we shall have some form of list and then we can see how best we can handle the issue then. You must also understand that the Minister is a new chairperson; it is her first session. So, I don't think that we should really pressurise her so much on this and that. And now that she says she is not ready, we can wait until the next session so that she can prepare.

QUESTION REF: EALA/PQ/OA/032/2010

Ms. Jacqueline Muhongayire (Rwanda): Mr. Speaker, Sir, I beg to ask the Chairperson Council of Ministers the following Question:

*“Aware of the provisions of Article 78 of the Treaty on the measures to address imbalances arising from the application of the provisions of the Establishment of the Customs Union and the common market protocol; further aware of the provisions of Article 49 of the Treaty and Article 48 of the Common Market Protocol on the safeguard clause in respect of serious injury occurring to the economy of a Partner State; and also aware that competing interests will undoubtedly mark the advent of the Common Market;
Can the Council of Ministers tell this House what mechanism it is considering to address any imbalances that may arise from the operationalisation of the Common Market Protocol?”*

The Chairperson Council of Ministers, Ms. Hafsa Mossi (Burundi): Mr. Speaker Sir, following its conclusion and signature by the EAC Heads of State on 20th November 2009, the EAC Common Market Protocol underwent the necessary ratification processes in the Partner States and entered into force on 20th May 2010 when all the Partner States deposited their respective Instruments of Ratification with the Secretary-General.

Aware that the implementation of the Common Market Protocol may impact Partner States differently, Article 49 of the Protocol empowers the Council to approve measures to address any resultant imbalances. One such measure that the Council is considering is the establishment of an EAC Development Fund. At its 21st Meeting, which was held on 30th November 2010, the Council of Ministers directed the Secretariat to constitute a Task Force of legal and finance experts to propose institutional arrangement between the East African Community and work out modalities under which the EACDF will be managed and report to the Council not later than April 2011.

Mr Speaker Sir, it is envisaged that the Fund will:

- (a) establish a legal and institutional framework for mainstreaming development support to the EAC;
- (b) support development projects with a regional outlook;
- (c) create a structural adjustment support for Partner States;
- (d) enhance involvement of the private sector in development initiatives in the region;
- (e) build and strengthen human and institutional capacity;
- (f) establish an EAC specific and sustainable funding mechanism;
- (g) attract support from Development Partners;
- (h) host trade and investment support;
- (i) complement existing development funding mechanisms; and
- (j) promote regional co-operation on cross-cutting themes.

I beg to submit.

Ms Muhongayire: Thank you, Mr Speaker. I thank the Chairperson of the Council for the response and I take this opportunity to congratulate her for new responsibility, which is a noble mission.

I also take this opportunity to thank the new members of the Council; Hon. Sitta and hon. Sambili for the new responsibilities and the noble mission and I wish them all the best for the benefit of the people of East Africa. Thank you.

The Speaker: I think you answered so well, she decided to thank you at the end of the session.

Do you have a supplementary question? But the hon. Member said it was done very well, I don't know what you want to ask, hon. Mwinyi.

ADJOURNMENT

The Speaker: Hon. Members, I think we have come to the end of business today. I now adjourn the House until tomorrow 2.30 p.m.

(The House rose at 6.30 p.m.)