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

The Assembly was called to Order.

COMMUNICATION FROM THE CHAIR

The Speaker: Hon. Members, hon. Andrew Chenge is the new Minister for East African Co-operation from the United Republic of Tanzania, and he will certainly become the Chairman of the Council of Ministers. By virtue of that appointment, he is an ex-officio Member of this Assembly. Hon. Sam Kutesa is the Minister in charge of Foreign Affairs and Regional Co-operation from the Republic of Uganda. By virtue of that appointment, he is also an ex-officio Member of this Assembly. Hon. John Koech is the Minister for East Africa and Regional Co-operation from the Republic of Kenya. He was recently re-appointed and, therefore, by virtue of that appointment, he is an ex-officio Member of this Assembly.

However, in accordance with the provisions of Rule 6 of the Rules of Procedure of this House, no Member may sit or vote in the Assembly before taking oath of affirmation and of allegiance to the Treaty. I now call upon the three ex-officio Members to take their oaths.

ADMINISTRATION OF OATH

The Oath was administered to:
- Mr. Andrew John Chenge
- Mr. Sam Kahamba Kutesa
- Mr. John Kipsang arap Koech
MOTION

“THAT, this Assembly, pursuant to the provisions of Article 49 (2) and (3) of the Treaty, and Rule 79 (1) of the Rules of this House do consider and adopt the report on the Functional Relationships between EALA and the National Assemblies”

(Moved on 7 March 2006 by the Chairperson, General Purpose Committee, Ms Rose Waruhiu)

(Resumption of debate interrupted on Tuesday, 7 March 2006)

Mr. Med Kaggwa (Uganda): Thank you, Mr. Speaker, sir. Let me begin by joining my colleagues who spoke the other day, in congratulating His Excellency President Jakaya Mrisho Kikwete on attaining the highest office of this land, and in the same vein, His Excellency President Yoweri Kaguta Museveni of Uganda for assuming the highest office in that land.

In the same breath I would also want to congratulate our colleagues, Dr. Sigalla and Mama Kibacha, who have joined us. Let me also use this opportunity to congratulate our new ministers on joining this august House – (Applause). I think this is the first time in many, many months that we have the three of them here. It is my humble prayer that it will not stop at swearing in, but that they will continue to be with us in the several remaining months before the end of our term.

Mr. Speaker, sir, I also want to congratulate our colleagues who went to Dodoma, to wish them well and also to request them of their assignment of being our ambassadors, to sensitize our colleagues in Dodoma about the importance of the East African Community. Some time last year, there were voices - though they may have been lone voices - from Dodoma that were starting to doubt the viability of the East African Community, especially in view of what was taking place in Uganda. And it is my humble request that our colleagues, since they were part of us here, do sensitize those people and inform them that Uganda and its peoples are greater than the individuals in Uganda – (Applause). This Community is here to stay, and we want to make it stay. We all know that it is the order of the day that states do unite to have a common cause and to have a common voice. The East African region cannot be an exception. So, it is important that our colleagues really take on this job because they will be talking from an informed position, having been part of us.

Turning to the Motion on the Floor of the House, I started asking myself whether all was not lost, and I answered myself that not all of it was lost because, if you do an evaluation of our struggles and shouting and lamentations, I think we have been able to achieve something.

The outreach we have done has really helped to not only enhance the existence of the Community but to enlighten the peoples of East Africa of what is going on in Arusha. I am near certain that even the issues of fast-tracking the East African federation first originated from the Assembly and the wise leaders of this region saw it proper and fit to form a committee to enhance that cause.
I am also happy to note that we have done something, albeit it is not fully recognised by the Secretariat. And on this note, I cannot hide my disappointment at seeing a single line in the proposed Strategic Plan mentioning only the Customs Union Act as if it was the only Act that this House has passed. At least they would have had the courtesy to acknowledge the enactment of the Emblems Act because I know that they have used it very effectively. But they would never have used it legally if we had not passed the law here. At least they should have acknowledged that. The Community Laws (Interpretation) Act – we would not be running this House without that law, and indeed many others. But the point is that credit should be given where it is due, albeit you may not like it.

Mr. Speaker, I am happy that the Council of Ministers is here. I feel that they should take time off to revisit the Treaty. Some of my colleagues have said persistently and consistently here that the Treaty has problems, and indeed it has problems. Some of the roles that were envisaged to be done by the Secretariat, I think it is high time they were shifted elsewhere. I have in mind here the outreach programmes. I think the population would pay more attention to the politicians rather than the technical people. But if the technical people are to go to the population, they should be led by the politicians because the ordinary folk know that it is the politicians who can cause change.

Mr. Speaker, turning to the relationship between the national parliaments and our Assembly, I think it is not enough merely to send records of what we have deliberated on. Many times we have talked about the different methods of reporting to our respective national assemblies, but I think it is high time the national assemblies were made to at least debate our reports or even look at what we send there, because if something is for information, not everybody may want that information or go out to use that information. And I imagine that the records that do come from here are important if we are to enhance the Community.

Mr. Speaker, when I look at the Treaty, Articles 13, 14 and 16 put a lot of burden on the Council of Ministers, and it is my humble request that the Council of Ministers - and now that they are going to be solely responsible for the East African Community - do live to what is expected of them: initiating Bills, bringing the Bills and we shall do our part to debate them.

Mr. Speaker, I think a lot has been said, and it may not serve a useful purpose to keep repeating what others have said, but it is important, and experience has taught us, that when we keep lamenting, eventually, there is a listening ear and eventually some action is taken. One of our colleagues here told us that there is a rock which they told something and said “you may not answer but you have heard” – (Laughter) - and we shall continue on that. I thank you sir.

Mr. George Nangale (Tanzania): Thank you, hon. Speaker. Let me first join my colleagues to congratulate His Excellency Jakaya Mrisho Kikwete, a former Member of this Assembly, for being elected into the highest office in Tanzania. I am sure his political catch phrase, “Ari Mpya, Kasi Mpya, Nguvu Mpya”, which means “new vigour, new
pace and new zeal” will not only sweep Tanzania but the entire East Africa – (Applause). I also want to congratulate His Excellency Yoweri Museveni for being re-elected under the first multiparty democracy in Uganda for many years, and particularly for putting the East African agenda at the heart of the NRM (the National Resistance Movement) campaign. I want to congratulate my friends, the FDC (the Federation for Democratic Change) for emerging as a formidable opposition party in Uganda – (Applause).

I also want to congratulate our former two colleagues, Dr. Mwakyembe and hon. Beatrice Shellukindo, for being elected into the Tanzania National Assembly. I am sure we will continue to interact with them because hon. Dr. Mwakyembe is the Vice-Chairman of the Trade Committee while hon. Shellukindo is a Member of the Foreign Affairs Committee. These two Committees interact with the East African Legislative Assembly Standing Committees very frequently.

I also want to congratulate our two new Members, Mama Kibacha and Dr. Sigalla. I am sure their contribution to this august House will add value to the integration process of East Africa.

I want to congratulate the three ministers, Mr. Koech, Mr. Kutesa and Mr. Chenge for joining us today, and indeed every other day to come. Karibuni sana.

Mr. Speaker, reading through the recommendations of Nanyuki One and Two, I have a feeling that over the past few years since this initiative, the relationships between the East Africa Legislative Assembly and the national assemblies in general has been strengthened. I agree that there is need to enhance information flow in respect to the activities of the East African Legislative Assembly, but the line Committee interactions and the country tours we did indeed informed us that the East African people are ahead of us.

Mr. Speaker, we have the East African Parliamentary Liaison Committee on Trade under the chairmanship of hon. Yonasani Kanyomozi and we have the East African Public Accounts Committee Association under the chairmanship of hon. Uhuru Kenyatta, and they are all doing very well – (Applause).

Mr. Speaker, during the last WTO (World Trade Organisation) Ministerial Conference in Hong Kong, which ten Members of this august House, including myself attended, East Africans adhered to the directive of the Summit by negotiating all issues as a bloc – (Applause). The technical officers from the three countries worked together as a unit, and indeed collaborated in many resolutions. We had daily afternoon meetings and the Ministers responsible for Trade, who were the leaders of the delegations, reported on daily progress. While there, I did not see the question of a country being involved in two different blocs, like SADC (the Southern African Development Co-operation) or COMESA (the Common Market for East and Southern Africa). All I saw was East Africa as a team – (Applause).

Mr. Speaker, we need to formalise this arrangement by bringing back and passing the original Bill sponsored by hon. Ogalo and hon. Mwatela and
Mr. Speaker, I want to commend the Committee on General Purpose for preparing this informative Nanyuki One and Two recommendations, and I am looking forward to Nanyuki Three later this year.

Mr Speaker I support the Motion. Thank you.

Prof. Margaret Kamar (Kenya): Thank you very much, Mr. Speaker, for giving me this opportunity to contribute to the debate. Hon. Speaker, I would like to join my colleagues to congratulate His Excellency President Jakaya Mrisho Kikwete for winning the elections in Tanzania and thereby becoming our current President in this country. I would also like to congratulate His Excellency Yoweri Museveni for winning the elections in Uganda – (Applause).

In the same breath, I would like to congratulate our two former colleagues, hon. Beatrice Shellukindo and hon. Dr. Harrison Mwakyembe for, not only winning the seats that they won in their constituencies but also on their subsequent appointments to the two very strong committees in the National Assembly of the Republic of Tanzania. I would also like to congratulate our new colleagues, hon. Kibacha and hon. Dr. Sigalla for their election to this Assembly.

I would also like to congratulate the three Ministers who have been sworn in today, for having been appointed to this very challenging task of being in this House.

Mr. Speaker, on the debate that is going on, on the Nanyuki One and Two recommendations, I would like to congratulate the Committee on General Purpose for the way in which they have concretised the ideas, however diverse they were at the beginning of Nanyuki One, and for coming up with a document that can be handed over from generation to generation. Mr. Speaker, many a time we finish task forces and we leave nothing for anybody to go by, but I think this Committee has really done a commendable job by leaving a document that can be looked at.

Mr. Speaker, I would like to commend the two documents to the new Council of Ministers. We are fortunate that we have the three Members of the Council of Ministers with us today while we are debating this very important document.

When we went to Nanyuki One, we had identified, as an Assembly, that there is no clear relationship between the East African Legislative Assembly and the national assemblies. Although the national assemblies are our stakeholders, or they are the ones who sent us to this Assembly, one thing that was glaring and extremely disturbing during Nanyuki One was that even as we reported to the committees that had joined us, they were extremely ignorant of what was going on in Arusha. I would like to emphasize this for the sake of the Council of Ministers, because that left a gap that was extremely glaring, and the gap still exists.

We have discussed various things in this House; we have raised issues that should be looked at by the national assemblies, and we know that the laws that are passed here are ratified by the national
assemblies, but if there is a gap in the reporting system, that leaves a lot to be desired.

Mr. Speaker, something that came out very clearly, and is in the report that has been articulated by the Committee, is the fact that even the reporting system by the country teams at the national assembly is completely diverse. In fact, it does not exist in Kenya. Uganda and Tanzania have a system; they report to two committees that are completely different, but reporting merely for noting, not necessarily for action. So, it is not encouraging at all that a committee comes up with solutions that have taken place over the year, they report, it is noted and nothing goes on!

Mr Speaker, we do not want the national assemblies to read our Hansard in and out; we think there should be a system in which whatever we think should be addressed by the national assemblies is digested by the specific committees in the national assemblies. This was raised, it was glaring even in Nanyuki Two, and I would like to really recommend that as we finalise this report and hand it over to the Council of Ministers, let them discuss it and look at the issues and have a way forward.

As some Members mentioned during the debate recently, this may not be the composition of the Members of this House after November, but what we are saying is that since the document is there, our recommendations are there, Mr Speaker sir, it is very important that this Council of Ministers carries it on beyond this current Assembly.

The East African Legislative Assembly and the national assemblies, according to the Treaty, are supposed to be working very closely. Unfortunately our four years have not witnessed that very close relationship, and we are saying this frankly to the Council of Ministers so that they take it up and look at the way in which they can be operationalized, because without this functional relationship between the East African Legislative Assembly and the national assemblies, there is a lot that is going to be left in our documents while the national assemblies are not only ignorant but they are not able to implement even what they are required to.

One such example, Mr Speaker, is the issue of accelerating the integration. When it was touched slightly in Nanyuki Two, we were a bit surprised that our national assemblies had not been briefed, and they were wondering what the whole idea of accelerating the integration was about. So, my hope is that whatever we decide, there has to be a receiving committee at the national assembly. We recommended it and I am still strongly recommending it that our Council of Ministers should discuss and pick some of the ideas that we have raised here. If there is need, one of the ways forward should be to sit, even if it means a sitting between our Committee on General Purpose and the Council of Ministers, so that they look at some of the areas that need to be looked at.

With those few remarks, I beg to support.

The Speaker: Mr. Hon. Members, I have two more speakers, but before I call upon them, let me recognise the presence of hon. Dr. Bonny Khalwale, the Assistant Minister in the Ministry for
East Africa and Regional Affairs of the Republic of Kenya – (Applause).

Ms. Irene Ovonji-Odida (Uganda): Thank you very much hon. Speaker. I would like to join with my colleagues who have spoken before me in passing on congratulations to the two Partner States which have successfully gone through elections in the recent past, the United Republic of Tanzania and the Republic of Uganda – (Applause).

Indeed, as a Member of the Election Observer group within Uganda, and also from the reports that we received from those who observed the elections in Tanzania, the elections were, for the most part, held in a manner that met the aspirations of the people. And, not only that, in both cases we were happy that there was no significant violence in the process, and that in both of the countries people have been able to continue with their normal activities and the governments have proceeded to carry out the governance as necessary in our countries.

So, we are happy, as East Africans, that this has been the case, and we hope that in the elections upcoming next in Kenya, we will also see a peaceful atmosphere – (Applause).

In the same way, I would also like to join in with my colleagues in congratulating our three ministers for their entry into this august House. At least we now feel that this Assembly is complete. Likewise, I join with them in hoping that they will participate fully in our deliberations, not only by their presence here, but also by introduction of legislation, and by response to questions that may be put to them by various Members.

I would also like to congratulate our two new colleagues who have joined us from Tanzania and have replaced two other colleagues who have gone into the national assembly.

Hon. Speaker, turning to the subject of debate today, I would just like to recall that this report by the four assemblies of East Africa illustrates, once again, the critical role that parliaments play in the development of a region, and more particularly, in the integration process. I would like to take advantage of the presence of our ministers here to draw this to their attention that through them, this may also be underlined before the Summit on the occasions when they are able to meet the Members of the Summit.

Hon. Speaker, as an Assembly, and as an individual Member of the Assembly, I think we have understood quite clearly the importance of these functional relationships between the national assemblies in promoting the aspirations of the East Africans, and in promoting integration in particular. I would like to stress one of the recommendations in this report, which relates to enhancing understanding on the meaning and benefits of East African integration.

We all know that this is not the first attempt at co-operation, or at integration, in our region, and I would like to believe that there have been lessons learnt from the past experience when the first Community collapsed. One of the key challenges that still continues from that first Community is about equitable distribution of benefits, and hence the
importance of this particular recommendation.

Hon. Speaker, we know that whenever we have gone out on the various tours in the region, we have found overwhelming support among ordinary East Africans for East African integration, but we also know, and I believe that some of the hiccups experienced when the Customs Union Protocol was signed indicates that there are still a lot of fears among the various people within East Africa. Unless those fears are actually recognised, isolated and addressed, they will continue to be a drawback in achieving integration.

In that regard, it is important that we, as Members of the Assembly, play a meaningful role to go out and mobilise popular support for the East African Community. Therefore, I would like to make a request to both the Secretariat, in their planning, and to the Council of Ministers which oversees the Secretariat directly, that in planning the financing for the Community, the critical role of the Assembly in outreach should be adequately catered for.

I think we do not need to be reminded of what is at stake if this second endeavour does not succeed. There are benefits, but those benefits will not be achieved without significant investment. So, it is important for us as Partner States and as the governments of the Partner States, to put our money where our mouth is. If we believe that we want the East African Community then we must be ready to sacrifice as member states and put money into this endeavour. It will not happen on its own.

I also believe that we do not need to remind ourselves - especially as policy makers who are exposed to what happens out there in the international community - that this kind of process is not only happening in our region; it is happening everywhere, including in groupings which are much more competitive than we are internationally, including bringing together countries whose economies are significantly larger than any of our member states. So, if this is being done, we need to prepare ourselves for this competition, and we have already said, as a region, that one of the ways we are going to do that is through integration. So, let us move on with this process and invest in it because the longer we take the faster we will have to move to catch up with those other parts of the world that are already moving along.

At this point I would also like us to think about who is the Community? Hon. Speaker, sometimes I feel - as we meet here, as we look at our Budget and even as we look at the documents that are prepared, for example the Draft Development Strategy - that we tend to think of the Community in terms of the governance organs of the EAC. As I was looking at the Development Strategy, and we all know that yesterday we spent a lot of time here trying to discuss and debate whether to debate it all, but as I was reviewing that document the day before, an overwhelming thing that came through was that it does not read as if significant attention has been paid to those stakeholders who, in my view, are the Community. The document reads as if it is the governance organs that constitute the Community.
This is why we do not see so much the issues relating to those stakeholders, the citizens of East Africa, coming through. It is almost like something that is being done to them. So where do they come through? What about the linkages with those stakeholders within the Community? These are some of the things that need to be taken into account if this East African Community is to take life.

So, once again we see that there is an important role for the East African Legislative Assembly to meet this gap and to be a strong link between the citizens who are the Community and the governance bodies of the Community as set out in the Treaty.

Hon. Speaker, we cannot pretend that when this Community is actualised, everybody will be a winner. That is not the case, and indeed we would be lying if we were to go out and tell the communities that all the different stakeholders would benefit. Certainly there will be winners and there will be losers, but what we need to think about is how to cater for those different groups within the region who stand to lose from an integrated East Africa. And so, we do need to think seriously about those benefits again.

I would like, therefore, to urge the Council of Ministers in their planning and in their policy making to pay attention to the issue of the domestic private sector. We do not want to see a situation in East Africa where, by creating a single economic zone we simply create a larger playing field for largely foreign actors to come in and be the major players and major beneficiaries of this process.

We need, therefore, at the regional level and at the national level, to develop policies, laws and also incentives that would stimulate and strengthen our domestic players in the private sector so that they can also be key actors within the Community and within the economic activities of the Community.

One example that I would like to draw the attention of the House to is within the Communications sector, or what I am being told is now referred to as the ICT sector by the East African Community technical people.

It is true this is one of the areas that is critical to development but we need to ensure that as it is being integrated within the region, domestic private actors from East Africa are facilitated to participate as players in that process. I will not want to see a situation where East Africans will only participate within that sector as consumers. Let them also be facilitated so that they can participate as actual players among the private sector organizations that will be playing a role in delivery of services and developments within the ICT sector. That is just one example. There are many other sectors, and in all of these, we need to see the strategic direction that the East African Community is looking at.

I put this question to one of the officials who came and met with the Trade Committee earlier on this week, that if we compare Rwanda with the rest of East Africa, we can say that Rwanda seems to have some clear ideas about where it is going with its ICT policies.

If you look at a country like India, it has been referred to as the call centre of the
world, and that seems to be the vision of the policy makers in that country. In the case of China, they have developed themselves, and are rapidly becoming the factory of the world. If we talk about East Africa, what is our vision? In concrete terms, what do we want East Africa to be, whether it is in the ICT sector or the energy sector or in any other sector? What concrete vision do we have, and therefore a strategic plan that moves in that direction?

So, this role of providing strategic direction is something we would like to see more, both from the Council of Ministers and from this Assembly as the political organ of the East African Community.

Hon. Speaker, I would like to thank the Committee and the individuals who have contributed to this report, and beg to support the Motion.

The Counsel to the Community (Mr. Wilbert Kaahwa) (Ex-Officio): Mr. Speaker, sir, I begin by congratulating our former Chairman of the Council of Ministers and Member of this august House, His Excellency Jakaya Kikwete, upon eloquently emerging out of the presidential election process in Tanzania successfully. I also congratulate President Yoweri Kaguta Museveni upon his having been elected Member of Parliament for Kilindi, and I must say I will miss her personal touch a lot – (Laughter) – in as far as handling issues of integration are concerned – (Prolonged Laughter and shouts of “Toboa!”).

Mr Speaker I also take this opportunity to congratulate my former colleague, hon. Beatrice Shellukindo, for having successfully emerged Member of Parliament for Kilindi, and I must say I will miss her personal touch a lot – (Laughter) – in as far as handling issues of integration are concerned – (Prolonged Laughter and shouts of “Toboa!”).

Mr. Speaker, sir, I congratulate my learned brother, hon. Dr. Mwakyembe, upon his having been elected Member of Parliament for Kyela Constituency, and as much, I will miss his eloquent and professional exchange of views, especially with those Members of the legal fraternity who happen to sit in this House. I welcome hon. Kibacha and hon. Sigalla upon their having being elected Members of this House. We stand to benefit from their freshness as far as contribution is concerned.

Mr. Speaker, sir, coming now to the Motion before the House, let me begin by thanking the Chairperson of the General Purposes Committee, hon. Mama Rose Waruhiu, and Members of the General Purposes Committee, for having undertaken an in-depth analysis of what we addressed, first of all at Sopa One – (Interjections) - and subsequently at Nanyuki One and Nanyuki Two. Let me also congratulate them and thank them for having come up with far-reaching recommendations as far as the interrelationships between the Assembly and the national assemblies are concerned, and also in a wider aspect, as
far as the functioning of the Community is concerned.

Mr. Speaker, sir, with your permission, I refer you to the recommendations. When I look at the recommendations, the first set of recommendations with regard to the relationships between this House and the national assemblies points to us the very important processes and need to enhance information flow, to create functional linkages, to involve the national assemblies in elections of the Members of this House and also in national elections as far as possible, to involve the Assembly in sensitization of and also in enhancing peoples understanding in the meaning and benefits of the East African integration process. Those recommendations go very far as far as satisfying the objectives of the Community as spelt out in Article 5 of the Treaty are concerned.

Mr Speaker, the recommendations with regard to the East African Community Customs Union will go a great extend in realising the intention of the contracting parties in trade liberalisation and development. In this regard, I would like to refer you to the specific recommendations on the need for legislation, and on the need to forge an East African presence in international fora as far as trade and other matters are concerned.

The last set of recommendations, Mr. Speaker, with regard to relationships with other functions and organs, is one important matter which goes back to what we have been saying. I personally am on record as having stated in this House and having written that... and allow me to quote from my book:

“Although the Treaty spells out the different functions of the organs with particular reference to the establishment and roles of those organs, a primary or literal interpretation of the Treaty would indicate that the intention of the contracting parties, who are the Partner States, is that these organs and institutions should play their roles with one ultimate objective – the development of the Community for the benefit of the East African peoples. Therefore, the introduction and sustenance of a mechanism for cordial and collaborative interfacing and interrelationships between the organs and institutions will always be unassailable.”

This is the reason why I am underlining the recommendations of the General Purposes Committee on the relationships between this House and the other organs of the Community.

Mr. Speaker, sir, in a wider context, and for purposes of the way forward, I would like to appeal to the organs and institutions of the Community, starting with this House, to look at this report and its aftermath from a fourfold point of view. First of all, it goes to the context of the parliamentary role this House is supposed to play in the integration process. This House, though in a regional context, is the mouthpiece of the peoples of East Africa as far as programmes and projects of the Community are concerned.

Secondly, this report assists the organs and institutions of the Community and my office in realising and appreciating
the shortcomings of the Treaty, and particularly, Article 65 of the Treaty, which provides for relations between this Assembly and the national assemblies of the Partner States. The provisions are very eloquent and well intentioned. The problem comes when it comes to actualising them, because you will find that the processes provided for passing and transmission of information may not be adequate as far as creating a purposeful interrelationship is concerned.

In the wider context, of course this report and so many others, both from the Council and the Assembly, point out the need at this point in time, after the Treaty has been implemented for five years, to examine and see whether need does not arise to review it with a view to amending some of the provisions for the purpose of improving on the functioning of the Community and the achievement of the objectives of the Community.

Fourthly, Mr Speaker, I think the report goes quite a distance in strengthening the role of one of the sectoral committees, the Inter-Parliamentary Committee for East Africa. What is contained in the recommendations here are some of the many areas and targets the Inter-parliamentary Committee for East Africa should promote with regard to implementing the provisions of Articles 123 to 126 of the Treaty on Political Affairs and related aspects.

Mr. Speaker, sir, let me assure you that as far as the Community’s executing organ is concerned – the Secretariat - these recommendations will be taken seriously, notwithstanding the leanness of the staffing of the Community, but with the guidance of the executive staff and the untiring efforts of the professional staff, these recommendations will be taken logically to improve the functioning between the Assembly and the national assemblies, and between the organs and institutions – (Applause).

Mr. Speaker, sir, I will feel aggrieved and dissatisfied if I do not say one more thing. I would like to applaud the spirit of Sopa One – (Interjections) - the spirit of Nanyuki One, the spirit of Nanyuki Two, and even the spirit of Ngurdoto One – (Interjections). It is my sincere hope that very soon we will have a Nanyuki Three – (Interjections) – which could conveniently be held in Fort Portal or in Mandera – (Applause).

Mr. Speaker, sir, I support the Motion

Minister for East Africa and Regional Co-operation, Kenya (Mr John Koech) (Ex-Officio): Mr. Speaker, first I want to join the hon. Members in congratulating our former Chairman of the Council of Ministers, whom although we miss in this Council, we are very happy that he got a bigger seat to enhance the programmes of the Community, His Excellency Jakaya Kikwete, the President of the United Republic of Tanzania.

I would also like to congratulate His Excellency President Yoweri Museveni for a very successful re-election. I also want to congratulate the Members of Parliament who have joined us, whom I think I will have time to meet today, and also those former Members of the East African Legislative Assembly who succeeded as Members of their national assemblies.
I also want to congratulate my colleague here, hon. Chenge, who has been with us all this time in the Community and he has played a very crucial role in all the steps we have taken for the current success of the Community, for being elected and being made the Minister for the East African Community so that I do not become lonely in this House as a minister – (Laughter). I would like to congratulate also, my colleague here, hon. Kutesa, for being re-elected, and I hope he will join us as the Minister for the Community.

Hon. Members, you all know very well that you have played a very crucial role in ensuring that Members of the Council go to represent the Council and not other portfolios in their national governments. Mr Speaker, when I came here the other time, the honourable Members felt that they had been left like orphans, but they are orphans no more – (Applause). I believe we shall have more time to ensure that we are able to work together for the success of the East African Legislative Assembly and the Community.

The little time I have had here has made me understand more what is going on here and what the people of East Africa need. So, I do hope that this time...in fact it has been started today, because I do not think we have had time to sit together like the way we are sitting as three brothers from the East African Community – (Applause). So, I believe this is going to continue, so that we make sure that we serve the people of the region and also work together with the honourable Members in bringing about quite a good number of ideas to make the process of integration become quite successful.

Now, coming to the report, I want to congratulate the honourable Members of this august House for the role they have played in ensuring that they come with such a nice document. I have not had sufficient time to go through the document, but by going through some of the pages, I find that the document is good, what they are recommending is wonderful and it is going to enhance the integration process in the Community.

Now when I look at the question of the linkages with our national parliaments, I think this is something which has been missing. The other day I had a meeting in my office on the Inter-Ministerial Committee meeting. We also want to ensure that we as a country understand the process of the East African Community so that when we come here we come well focused to ensure that we move in a way that will make the Community successful. I think some of the issues you have raised, especially the interrelationships and co-ordination, which I have seen very slightly in this report are very important because we should not be acting in an uncoordinated manner.

Mr Speaker, I know that we have Sectoral Councils that have been meeting here, and we have had quite a good number of ministers who have been coming here and they have discussed quite a good number of issues. They have come up with wonderful papers and wonderful ideas, but these ideas have not been co-ordinated into one. But with us ministers staying here, I think the Council of Ministers will be able to do a lot of coordination and ensure that there is an efficient way of moving with those nice processes which have been begun – (Applause). This idea
of course came from you, hon. Members. I do remember that it was you who came up with those ideas.

When it comes to our own parliament, I find that our Members of Parliament are not aware of all that is going on. I do remember that when I took the report of the Committee on Fast-Tracking the East African Federation to the Cabinet in Nairobi, people were not aware of what all these were, but I found out that with a little bit of discussion the reaction was positive. Also, when I met the Members of Parliament on the Committee on Defence and Foreign Relations in Nairobi, we discussed these issues about integration, and they showed a lot of enthusiasm. So, some of the fears which we have can be allayed through such open discussions, and the Members of the national assemblies can also get sufficient information as to what is going on here through such discussions.

I do agree with the report that many Members are not aware of what is going on, and without knowledge, how are we going to make these people support economic integration, and finally political federation? I think giving knowledge to people is going to make it easier for the processes to continue smoothly.

So, when I look at this report, which you have come up with, I think it is good that we look at it and we find ways and means of passing all this information to our national assemblies and the committees in the national assemblies, and even to the parliaments themselves because when you have laid a paper on the Table in Parliament, I think it can be subjected to deliberations in the House.

I think the moment we have these reports deliberated on in the House, it is going to give very valuable information to Members of Parliament, and in the process, as the Members of Parliament get the information, and since they represent various constituencies, the information will also be able to reach the constituencies. In that way, even some of the fears we have could be reduced.

Mr. Speaker, since I was not intending to speak today, except to say a few things, I want to end by saying...I think this report also talked about civil society and other organisations. It is very difficult for us to succeed with the integration if we do not involve other organisations. I think we need to bring together the business community, the manufacturing community, the civil society and all other organisations so that when we discuss these issues together, we shall be able to find the way forward on how we are going to have economic integration and then finally political federation.

When I look back to our meeting at Ngurdoto, I think quite a good number of issues were discussed, and quite a good number of our business community came up with wonderful ideas about integration. So I think having Ngurdoto Two would be a wise step.

Of course this time I think we will need to have a little more time. The last time when we were in Ngurdoto, quite a good number of ideas were coming up, but because we were hurrying and we wanted to go home - we had problems in our government and our own Parliaments and so forth, we did not have enough time to go into depth on quite a good number of issues.
We talked about the Customs Union, how successful it had become. Of course we have got some implementation problems, but I think in a meeting where we involve everybody, we shall be able to reduce the fears which our people have. I do remember some speakers at Ngurdoto who really went into depth on the question of the fears and what we are going to do to the fears in this region.

So, I do hope that we can be able to organise another seminar that will involve Members of the East African Legislative Assembly, maybe the committee members of our national assemblies, the civil society organisations, the business community, manufacturers and other organisations even women organisations and youth organisations, to come together as a large group. I believe after such a forum, they will be able to spread the good word to all the corners of this region. In that way, we do hope we shall be able to succeed, because when people are informed, I think the question of fear is going to be reduced.

With these few remarks, I support the Motion, and I believe it is going to give us a point of reference in the integration process for the success of the East African Community. Mr Speaker, I thank you very much, and I thank the honourable members for listening – (Applause).

Let me also, selfishly, congratulate President Museveni, because I think he deserves congratulations for having convincingly and ably – (Laughter) - won the elections in Uganda. I congratulate him even more because I am confident that his desire and faith in an East African federation is quite strong and I think in him also, we shall find a great comrade of President Kikwete in enhancing integration in East Africa – (Applause).

I would like to take this opportunity also to congratulate the new Members of this Assembly who have joined it. I congratulate my dear friend Andrew here for winning in his constituency and also for being appointed the Minister in charge of the Community affairs – (Applause). He too has been intimately involved in the drafting of this Treaty, in the matters of the Community, and in him we could not have found a better person to steer the affairs of the Community, given his experience and intimate knowledge.

Mr. Speaker, this is my first time here, and I would like to take this opportunity...
to thank you and the distinguished Members of this House for the wonderful work you have been doing over the last four years as an Assembly – (Applause).

I came here yesterday in an informal capacity because, as you said before when you were addressing the House, none of us could come in here in any formal way until we took the Oath. Fortunately for me yesterday there was an informal forum, which I was allowed to attend as an observer, and I even attended the committee meetings. I want to say that since yesterday, and even today, it has been really heart warming and extremely refreshing to hear people who speak and think as East Africans – (Applause).

It is not in very many fora in our region that you have a group of people, irrespective of backgrounds, irrespective of political persuasions that when they are in a group, in a session like here, whether formal or informal, their minds are about integration and about making the Community work and making East Africa succeed. As I said, it is extremely refreshing and heart warming, and, Mr Speaker, I want to congratulate you and the honourable Members here – (Applause).

I would also like to apologise that I should have come here earlier and taken my seat, because for more than a year I have been in charge of these affairs, but, Mr Speaker, this was for reasons beyond my control, and largely because of the legislative agenda that we had in Uganda that required the presence of almost all Members of Parliament, on top of my other duties. But now that we have that behind us, if I continue where I am – (Laughter) - I pledge to continue to attend this Assembly as many times as possible – (Applause).

Mr. Speaker, we have a historical opportunity in our generation now to transform this region and make it greater economically, politically and socially, and it is not often that a people are given too many chances to get things right. We have missed it before and we cannot afford to miss it again.

The integration of East Africa is not just a benefit for individuals or countries; it is for the survival of all of us, because if it does not happen, we are doomed as a people – (Applause). Therefore, I was pleased...I remember attending a meeting in Nairobi of the Third Summit which decided on fast-tracking the East African Community federation. It is also very encouraging to know that while the Summit discussed it in 2005, this very subject of fast-tracking federation had its roots in this very Assembly – (Applause) - and I would like to commend the Assembly for this.

It is very clear that we must now get away from talking to acting. I think talking has been going on for quite some time; all our intentions seem to be clear. What we need now are actions to support our intentions. I mentioned this to the group of people I met yesterday, that in his farewell words to the Parliament of Uganda, President Mkapa did make a number of recommendations with regard to integration and how the process should be made to move quickly.

He proposed that since we were all going through elections in the region, the issue of federation and integration and
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fast-tracking it should be made a campaign issue, and that, that was one fast way of making sure that the population is aware of what is going on because during these campaigns, as we all know, it is one of the ways we spread major messages, and I thought it was a good recommendation.

He also recommended that every month there should be a report to the cabinets in our Partner States about the progress of integration, and that that way this matter would be kept alive on the agenda of national cabinets.

I am glad to report that in Uganda fast-tracking the integration of East Africa was a key plank in President Yoweri Museveni’s Manifesto – (Applause) - and, to the credit of all other opposition leaders and parties, nobody opposed it. So I assume that it enjoys common support in the whole of Uganda. We now need to move to the next stage. I assume that where there is silence, that is consent and since it was a topical issue and many issues were debated, others not agreed upon, this particular issue was never a subject of disagreement at all. I am sure I speak for my colleagues who belong to the other political forces in Uganda that they all support integration because it is for all of us and for our benefit.

Yesterday, also as part of my informal consultations, I sneaked into what was a formal meeting - but I was allowed in as an observer - in the Regional Affairs Committee of this Assembly. It was receiving a briefing by the Secretariat on fast-tracking the East African federation, and I thought that there were some very important observations and recommendations that were made, that could make people feel more East African immediately. Things like getting national identity cards...of course we are all in the process of making identity cards in our respective countries, particularly in Uganda and in Tanzania. If these identity cards could share the same features, if the process of holding these identity cards to cross borders...even if you remain Ugandan, you do not want to settle in Tanzania or you are a Tanzanian and you do not want to settle in Kenya, but at least you are able to move as an East African, these features are the most visible outward signs of a process that is oncoming, and I think that those issues, with my colleagues here, we should be able to take them into account and take them to Council so that certain things are done and demonstrably done, and people begin to feel that there is something in it for them for being East African, or for holding Ugandan-East African identity card. Small things like those, I think, should be taken on board. And I was fully gratified to see it in this Assembly – (Applause).

Mr. Speaker, this Assembly has been at the helm of this Community probably more than any other organ – (Applause). You are in a position to identify gaps in our Treaty. I would urge that this Assembly, even if its term is coming to an end, should not fear to come out boldly to point out these gaps and make recommendations where there is need – (Applause) – to fill these gaps. I look at this report that is supporting this motion in that light. I think it is talking mainly about relationships between institutions of the Community. Substantially it talks about the Assembly but actually it addresses the issue of other institutions and how they relate.
If you look at this paper that was given out yesterday on the Development Strategy 2006-2010 - I had an opportunity to read it last night - a lot of it, like my good friend, hon. Kaggwa said, is lamentations about failure to implement – (Interjection) – and, like hon. Kaggwa says, it is good sometimes to lament because you may be heard, and some of the lamentations from him and other colleagues have reached some ears, but I think the need now...there is a section in the paper where they talk about the way forward, and that way forward also relates to the institutional functioning of the organs and how they relate to each and how best they can be improved. I see some of these recommendations also contained in that one, although this one is a bit of an abridged version and the report here makes more detailed recommendations.

So, I think there should be no fear on the part of the Assembly in making these recommendations that do amend this Treaty. There is no harm in amending a Treaty for the purposes of making it functional and for the purposes of strengthening the Community – (Applause). We have had an opportunity to look at it, we have had an opportunity to study and implement it therefore we know the loopholes, the gaps and the difficulties. And I think it is better to fill these gaps and solve the difficulties at an early stage to make it more implementable and, therefore, have the Community moving on.

Mr. Speaker, I think I have already spoken too much as it is my first day, but I want to however say – and I think I will be speaking for my colleagues in Council - that we totally appreciate the work that you have done as the Assembly, and we appreciate the relationship that you have had with Council. We also understand the difficulties that you have had with certain other institutions of the Community – (Applause). Some of them may be of a structural nature and therefore they will be dealt with by amending the Treaty to streamline the structure – (Interruptions). Others may have been inter-personal, and those ones surely can be sorted out; those do not have long lasting effects – (Laughter). But I would like to commend you once again for the work you have done as an Assembly, and to reiterate our commitment to working closely with you harmoniously.

I beg to support the Motion and I thank you – (Applause).

The Minister for East African Co-operation, Tanzania (Mr Andrew Chenge) (Ex-Officio): Thank you, hon. Speaker, for giving me the floor. I would like to begin, just like my colleagues here, the Ministers, by thanking you most heartily, firstly for administering the Oath with brutal efficiency – (Laughter) - and secondly for the warm reception that the Members of this House have accorded us. We thank you very much – (Applause).

I would also like to join the previous speakers who have spoken before me, to recognise the obvious; to thank the people of the Republic of Uganda for the emphatic decision they have taken in re-electing President Yoweri Kaguta Museveni as the President of the Republic of Uganda – (Applause). We wish him and the people of Uganda well. In President Museveni, we know we have an ardent supporter of East African
integration and the ultimate political federation of our region.

As a Tanzanian, and an East African for that matter, I would like also to thank the people of Tanzania for electing President Jakaya Mrisho Kikwete as President of the United Republic of Tanzania – (Applause). His score sheet, as we all know, is a clear mandate by the people of Tanzania for the good policies that his party stands for, the aspirations of the region as a person who has worked tirelessly for the integration of East Africa as Minister for Regional Co-operation of Tanzania. I wish him good health, and from me, loyal commitment – (Applause and Laughter).

Let me also congratulate hon. Sam Kutesa. I know what he has gone through, because I have gone through it myself. So, I congratulate you very heartily for being elected by the people of your constituency, and I also congratulate hon. John Koech for being re-appointed to this important Ministry – (Applause). With the three of us at the helm of this portfolio, I am sure we shall be able to advance the process of East African integration at a faster pace than we have done in the past – (Applause).

Hon. Speaker, 12 years ago, way back in 1993 when the three governments of East Africa decided to revive cooperation in the region, I had just been appointed the Attorney-General of the United Republic of Tanzania. I have taken part in this process, but little did I know that ultimately this portfolio would be thrust upon me. I think it is Shakespeare who did say “some are born great, some achieve greatness and others have greatness thrust upon them” – (Laughter). I leave it to you, Mr Speaker, to say where I stand. But without much ado, I would like to say that, having been Attorney-General for the last 12 years, I have been following with keen interest the activities of this Assembly.

I would like to commend the good work that you have been doing for the last four years. At times I have heard of some of the problems that we are all facing, but as my colleagues have just said, the structural problems are within our mandate; the Treaty is not cast in iron – (Applause). Where there is a good case for amending the Treaty, the people of East Africa should not be held captive by this document – (Applause). The Treaty has to continue being a leading document for the aspirations of the peoples of East Africa. If there are any bottlenecks, we should de-bottleneck them.

I would like to assure this august Assembly that as Minister responsible for East African Co-operation from Tanzania, I will work very closely with you and other institutions and organs of the Community so as to ensure that the aspirations of the people of East Africa are realised soonest.

With regard to the Motion on the Floor and the supporting documents, I must admit that I have not had sufficient time to internalise its contents and recommendations, but from the good contributions that have been made from the Floor, and the little that I have been able to peruse, I want to assure you that my ministry and my government will do everything possible, and I will ensure that I will leave no stone unturned to ensure that we all understand the recommendations that are in this report –
(Applause) - and also to be able to support these recommendations at the level of the Council of Ministers.

Finally, let me end by congratulating my Tanzanian colleagues who have joined this Assembly, namely, hon. Hulda Kibacha and Dr. Norman Sigalla – (Applause). I was in Dodoma when they were seeking entry into this august House, we did what we thought was sensible, and I know that their presence in this House is going to add value.

Hon. Speaker, sir, I beg to support the Motion. I thank you – (Applause).

The Chairperson, General Purpose Committee (Mrs Rose Waruhiu): Mr. Speaker, sir, I want to take the Floor to respond to the very eloquent and useful contributions made to this House by 15 contributors. It is customary in this House to read the names, which I may have to do away with; it is a long list, but secondly also, because it is really not within me to be able to respond, but it is my responsibility to say that the work that is before the House today was actually the initiative of this House as a whole, and it took the form of a seminar which...when I moved the Motion I gave the history of that event, and I said it has been 20 months since we started on this path.

What I would like to say is that at the first meeting we were able to meet between 20 and 30 members from each of the national parliaments from the Committees on Trade and Foreign Affairs from the Parliaments of Uganda, Kenya and Tanzania. At the second meeting in January 2005, we were able to meet a bigger group of at least 30 Members from each country, and also to interact at very senior level. We had the meeting opened at Nanyuki and in Entebbe at the level of the vice-presidency, with the presence of high ranking government officials.

On the third occasion, this Assembly was able to sit with 150 Members of the Kenya Parliament, and we are hoping to continue that interaction with the other parliaments. We feel, therefore, that the presence today of a full House with a full compliment of ministers makes the Assembly, and redeems me of the kind of approach I took when I moved this Motion two days ago, which was a feeling of...not hopelessness but the kind of we have in this House when we feel that we talk to ourselves, we answer ourselves, we make recommendations to ourselves!

I talked about timeliness on that day, and little did I know that the gods had been kind to us, and I do not know whether we have had such a wonderful day in the history of this Assembly as we are having today, of watching all three of you. It is also no mean coincidence that you all took your oath again, for different reasons – (Applause).

So, may I first take the opportunity to record my own congratulations to hon. Andrew Chenge and to hon. Sam Kutesa who have been in the field to contest their elections? We congratulate you on your elections, but we also note that one of the first duties you have attended to is to be present in this House. I want to welcome hon. John Koech. We might have had to start with a new minister, but in this House we are very happy to have you back as the Minister for East African Affairs.
So let me recollect that the first meeting we had in Nanyuki, as you will see from our action plan, one of the recommendations that comes out under every heading was the issue of the appointment of Ministers to this Assembly, and within that month, in July/August 2004, Kenya responded by appointing hon. John Koech, and sometime last year, the Summit took the decision that we would have Ministers responsible for East African Community Affairs.

Now listening to your comments today, we feel that matters are going to move at a very good pace at the level of cabinet and at the level of government. We are also aware that of course as members of the government, you work closely with your parliaments, and we look forward to you taking up those issues that the parliaments need to deal with.

We have made two suggestions in this report: One is the possibility of national assemblies setting up special committees - like they have on other sectors like Health or Trade. They should have committees dealing with matters of the East African Community. That would ensure that those issues that need to be co-ordinated at the national level are receiving attention at parliamentary level.

The other suggestion we have made is that in the regular working of the other committees in the other sectors, they could involve Members of this Assembly so that there is interaction in understanding the policy issues at the national level. So far in our interactions, we have seen some reluctance, or we have not seen the willingness to move very fast at the level of Parliament, and yet when we have sat with Members of Parliament...the ideas that are in this report came from working groups where these Members participated, so what happens is what we are hoping will not happen to this report, that the report is commended as very good and we all go home and put it away. We are hoping that this report becomes a working document because this is a pioneer Assembly and the structures that we need to put together do not necessarily even have to be provided for in the Treaty; they can come from experience as you begin to work together.

So, on the issue of relationships with our national parliaments, I wanted to say we were very encouraged by the interactions. We may also note that since then of course the composition of these parliaments have changed so that although we may have sensitised quite a substantial number of Members of Parliament in Uganda and Tanzania, we are yet to find out whether they are the same Members in the parliaments.

But for this House, we want to note that we have dispatched two very capable ambassadors. We are hoping that our colleagues, hon. Beatrice Shellukindo and Dr. Harrison Mwakyembe, who have sat with us in this House, will carry with them to the National Assembly of Tanzania the message of East African integration.

I want to use this moment also to congratulate hon. Norman Sigalla and hon. Hulda Kibacha as the new Members of the Assembly from the Republic of Tanzania, and also to congratulate the National Assembly of Tanzania for moving first in electing these replacements so that we have felt
no gap, and we are very sure they will move with us as ably and as cordially as the others had done.

Mr. Speaker, when I moved the Motion I gave the history of why this report is important, and I spoke at great length. The only other issue I would like to say, maybe for the benefit of the ministers who are here today, is that we have used that report as a working document in our memorandum to President Benjamin Mkapa when he gave us audience last year; in other words, in matters that we thought should be dealt with at the Summit level, and we had a wonderful afternoon, including discussing some of the issues referred to by the ministers today, which is how to move forward in the federation, which includes even setting up a constituent assembly to start working on a constitution. So, Members of this Assembly discussed at great length how we can kick-start work on the kind of federation we want.

I want to respond to two other things: One is to say that the report contains an action plan which needs updating from time to time, but as we have said, we felt very encouraged that the first or one of the most important recommendations coming out of Nanyuki has resulted in the acceptance by our governments and our presidents in the three Partner States to appoint Ministers in charge of East African Affairs. And we are hoping, as I have said, that the national assemblies will debate this report. They undertook to do so when the reports are availed to them, a commitment which was actually undertaken last year. So we are looking forward to feedback from the national parliaments.

Mr. Speaker, I do not want to sweep under the carpet the difficulties or other matters which come up in this report, but I also do not want to pour water on what is appearing to be a new chapter and a new beginning.

Mr Speaker, my English interpretation of H.E. President Kikwete’s slogan is that we should have a new beginning in the region: “Ari Mpya, Kasi Mpya, Nguvu Mpya” – (Applause). We should borrow from the best, so if it is Chama Cha Mapinduzi today, it could be someone else tomorrow. But on a serious note, let me say that I feel we have a new beginning.

We want to congratulate hon. Jakaya Kikwete. He has been with us in intricate working committees and we noted his patience and his willingness to let us have our say and to try and put across to us the challenges, as he used to call them... when we called them problems to him they were challenges, and we are really going to miss that opportunity now to interact with him at that level. But we want to say that that spirit will permeate, I am sure, in the handling of the East African Community affairs within the Cabinet in Tanzania.

I also want to take the opportunity to congratulate His Excellency Yoweri Museveni. I understand from his campaign manifesto that East Africa was at the centre of his message, and we look forward to receiving what vision he has and the promises he made.

We know how difficult it is for politicians to keep promises - maybe I am speaking from experience in another country, but we would like very much to receive these promises so that we can
also assist him in working to achieve them. So all together we have coincidences and happenings which we do not want to just dismiss. There must be a reason, and that reason to me must be a good one that we are all here together to have a new beginning and to move forward and consult more and dialogue more.

With those few words, I beg to move – (Applause).

(Question on the Motion put and agreed to)

The Speaker: Let me remind the honourable Members that we have a brief by scientists on the status of the development of HIV Vaccines at 5.00 O’clock. You are aware that the briefing will take place at Twiga Hall, which is on the Seventh Floor - we are on the Fifth Floor - of Ngorongoro Wing. I request you to be seated by 16.55 hrs so that at 17.00 hrs, the briefing begins. The briefing will be followed by a dinner hosted by the same scientists, courtesy of hon. Rose Waruhiu – (Applause).

ADJOURNMENT

The Speaker: I will now adjourn this House, sine die

(The Assembly rose at 4.30. and adjourned sine die)