



EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

**The Official Report of the Proceedings of the East African
Legislative Assembly**

**132ND SITTING - SECOND ASSEMBLY: THIRD MEETING - FIFTH
SESSION**

Thursday, 2 February 2012

*The East African Legislative Assembly met at 9.30 a.m. in
the Chamber of the Parliament of Uganda, Kampala.*

PRAYER

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

The Assembly was called to order

LAYING OF PAPERS

The following papers were laid on the Table:

By the Chairman, Council of Ministers, Mr Peter Munya:

- i) The annual report on the activities of the East African Community for the period 2007/08.

ii) The annual report on the activities of the East African Community for the period 2008/09.

iii) The present report on the development of the East African Community Foreign and Security Policy.

iv) The EAC Supplementary Budget for the Financial Year 2011/12.

(By Mr Abdul Karim (Tanzania) :

The report of the Committee on Regional Affairs and Conflict Resolution on the on-spot assessment of the status of implementation of the EAC Common Market Protocol Projects in Lusumu (Ngara), Rwanda, Tanzania and Sirare-Isebania Tanzania-Kenya border post;

ii) A report on the 6th Inter Parliamentary Relations Seminar - Nanyuki 6 under the theme: "The Role of Legislature in Achieving a Political Federation."

Mr Speaker, I beg to lay.

THE SPEAKER: Honourable Members, the papers laid from (i) to (iii), I refer to the relevant committees.

MOTION

SEEKING LEAVE TO INTRODUCE A PRIVATE MEMBER'S BILL

MS LYDIA WANYOTO (Uganda): Thank you, Mr Speaker. Hon. Members, I beg to move that this Assembly, pursuant to the provisions of Article 59 of the Treaty and Rule 64 of the Rules of Procedure, do grant me leave to introduce a Private Member's Bill entitled, "The East African Community HIV/AIDS Prevention Management Bill, 2012." Mr Speaker, I beg to move.

THE SPEAKER: It is seconded

MS WANYOTO: Mr Speaker, I beg to move that this Assembly, again pursuant to provisions of Article 59 of the Treaty and Rule 62 of the Rules of Procedure, do determine that the East African Community HIV/AIDS Prevention Management Bill is of urgent nature and be introduced without publication.

THE SPEAKER: Hon. Wanyoto, we are still on the first one.

MS WANYOTO: I thought I had come to give justification.

THE SPEAKER: Give justification on the first motion and not the second one.

MS WANYOTO: Honourable Members, this Bill is very important and it is within the context of the Common Market Protocol. We have been following the details and information on this Bill. It works in line with free movement of people to be able to access treatment, and prevention on HIV/AIDS, which is a very important issue in the health sector and also to the lives and social sector of our people. I hope that honourable colleagues will support me because it is of an urgent nature; we have been consulting over this matter for almost three years now.

Mr Speaker, I beg to move.

THE SPEAKER: Honourable Members, the proposal on the Floor is that the Assembly, pursuant to provisions of Article 69 of the Treaty and Rule 64 of the Rules of Procedure, do grant leave to hon. Lydia Wanyoto Mutende to introduce a Private Member's Bill entitled: "The East African Community

HIV/AIDS Prevention Management Bill, 2012.” The debate is open.

DR ODETTE NYIRAMIRIMO (Rwanda): Thank you, Mr Speaker. I think it is important that we support the motion that was moved by hon. Lydia Wanyoto because HIV/AIDS is still an epidemic in our region. It is one of the most rampant killer diseases. A Bill as this one will give enactments to assure prevention by the people of East Africa from this killer disease. This Bill is very timely. I support the motion.

MR MIKE SEBALU (Uganda): Thank you very much, Mr Speaker. I want to thank hon. Lydia Wanyoto for introducing this very important Bill. Indeed, it is very timely. You will all appreciate that the HIV/AIDS scourge is a menace in all our Partner States and at various levels, national initiatives, arrangements and programmes have been put in place to deal with this big problem.

We want to preside over a healthy population within the East African region. As you will appreciate, our Treaty puts it correctly that our integration arrangement this time round is people-centred. So, we are under an

obligation as an Assembly to come up with pro-people laws, those that enhance the welfare of our people. This Bill is one such initiative, so that we get a regional mechanism of dealing with this scourge in a coordinated manner to supplement our national initiatives.

All our Partner States do have commissions that are dealing with the scourge of AIDS and they are doing a good job, which must be appreciated. However, what this Bill will offer, the value addition it will bring, will be to elevate this to a regional level so that coordination at regional level is more enhanced. So, the Bill is timely, it is relevant and it is good for our people because we must have a healthy population. Thank you, Mr Speaker.

THE SPEAKER: Hon. Members, I now put the question that this Assembly, pursuant to the provisions of Article 59 of the Treaty and Rule 64 of the Rules of Procedure, do grant leave to hon. Lydia Wanyoto Mutende to introduce a Private Member's Bill entitled: "The East African Community HIV/AIDS Prevention Management Bill 2012."

(Question put and agreed to.)

Motion Carried.

MOTION

TO SEEK LEAVE TO INTRODUCE A BILL WITHOUT PUBLICATION

PURSUANT TO RULE 62

MS LYDIA WANYOTO (Uganda): Thank you, Mr Speaker. I move a motion that this Assembly, pursuant to Rule 62, do determine that the East African Community HIV/AIDS Prevention Management Bill is of urgent nature and be introduced without publication. I beg to move.

THE SPEKAER: It is seconded.

MS WANYOTO: Thank you, Mr Speaker. Honourable Members, like hon. Sebalu and hon. Odette Nyiramilimo did say when they were seconding the motion, this Bill is very important for East Africans and it also falls in line with what we have been going through in the second phase of the integration process, the Common Market. One of the most important pillars of the Common Market is free movement of people. As we plan for the free movement of our people, we should be cognisant of the fact that we must also provide for their health and social settings as they move across the borders to do their business, to travel and work within the

environment that we are providing for them in the EAC Common Market agenda.

It was incumbent among us, Members, to think through this and we realized that it was very important. One major issue that we should prepare our people for is the issue of HIV/AIDS. This scourge, HIV/AIDS, may be perceived as a health issue but it has huge implications in terms of the economic community of our people. It has a multi-sectoral manifestation - social, cultural and economic settings of our people. So, it is very important that we, as an Assembly, together with the other stakeholders like the Council of Ministers, put in place a mechanism that our people can be able to access, prevent but also move on with their lives supported with programmes on HIV/AIDS. It is in this spirit that I stand to move a Private Member's Bill.

We have met people from the civil society, people from the relevant ministries in our countries and it has also gone through the Sectoral Council. At this point in time, why we are moving that it goes without publication is because we have even received a circular to say that all pending Bills should be handled before April, before the Nairobi session.

I, therefore, think that because it is very urgent, we cannot wait.

I would like to urge all of you to support the motion that this Bill be debated without publication, so that we can move and provide a mechanism for our people within the framework of the Common Market under HIV/AIDS. It is a very important issue to save the lives of our people and to keep them healthy and happy. I thank you, honourable colleagues, and I request that we all move in that direction. Mr Speaker, I beg to move.

THE SPEAKER: Honourable Members, the proposal on the Floor is that this Assembly, pursuant to Rule 64, determines that the East African Community HIV/AIDS Prevention Management Bill is of urgent nature and be introduced without publication. Debate is open.

MS SAFINA TSUNGU (Kenya): I thank you, Mr Speaker, and I thank hon. Mutende for moving this motion. I support the motion as moved for the mere fact that HIV/AIDS is a scourge that has been with us for almost two decades now. Although there are measures and frameworks in Partner States on dealing with this, what the Bill seeks to do is

to ensure that the framework, the practices, the measures and the initiatives as undertaken in the entire region are harmonized. So, as an East African, either as a patient or a health provider, the rights and obligations that are concerned can then be uniform in nature.

Since this is a scourge that has been with us for a long time and since the national governments have had their own frameworks, it is high time now, and urgently so, that we had a uniform way of dealing with this scourge. The efforts that are invested in fighting HIV/AIDS can then be uniform and can be replicated everywhere in the region without any contradiction. I thank you, Sir.

MS KATE KAMBA (Tanzania): Mr Speaker, thank you very much for allowing me also to add my voice in support of this motion. Indeed, this is very timely. It could have come earlier than today bearing in mind the problems we are encountering with this pandemic of HIV/AIDS in the region.

This disease has no borders, and the spread also does not know borders. As people move from one area to another, the disease also moves on. We need to work collectively in combating this disease and educating our people on the need

to prevent this disease from taking our active population. The lives of our people in the region are threatened. You have a baby today, you want it to grow to the level where you have grown - 70 to 80 years - but the disease has actually found its place in a place where you cannot avoid it.

It is very natural that people have to relate without looking at the colour, age or anything and in the process this disease attacks those few individuals. So we thank hon. Mutende for bringing this Bill so that we also participate in one way or another as a regional parliament in fighting and making sure that our societies enjoy the privileges of a common market without borders, without disease. I, therefore, support the mover that this should be moved as an urgent Bill because of the time limits of this Parliament, which is soon ending. Thank you, Mr Speaker.

THE SPEAKER: Honourable Members, I now put the question that this Assembly, pursuant to Rule 62, do determine that the East African Community HIV/AIDS Prevention Management Bill is of an urgent nature and be introduced without publication.

(Question put and agreed to.)

Motion carried.

MOTION

**TO SEEK LEAVE OF THE HOUSE TO INTRODUCE A PRIVATE MEMBER'S
BILL PURSUANT TO RULE 59**

MR DAN OGALO (Uganda): Thank you, Mr Speaker. I beg to move that pursuant to the provisions of Article 59 of the Treaty and Rule 64 of our Rules of Procedure, this august House be pleased to grant me leave to introduce a Private Member's Bill entitled, "The East African Community Elections Bill, 2012."

THE SPEAKER: It is seconded.

MR OGALO: Mr Speaker, I am seeking your indulgence for leave to introduce this Bill. I wish to draw to your attention only two justifications why this august House should be pleased to grant me leave.

As we are aware, under Article 11 of the Treaty for the Establishment of the East African Community, the very first function of the Summit, and I will read it, is, "*The Summit*

shall give general directions and impetus as to the development and achievement of the objectives of the Community." The Summit gives us directions and impetus and we fall in line and try to implement what we have been asked by the Summit to do.

Mr Speaker, I want to refer to the speech by His Excellency Jakaya Mrisho Kikwete, President of the United Republic of Tanzania, to the Fifth Meeting of the Third Session of the East African Legislative Assembly, which was at Parliament Building, Nairobi, Kenya on the 25 May 2010. President Jakaya Kikwete was addressing honourable members as Chairman of the Summit; his speech therefore contained direction and impetus on how this House should move. I want to quote what he said, on page 13, of his speech:

"Honourable Speaker, entrenching democracy, democratic values and culture in our region are critical for ensuring smooth integration as well as peace and prosperity. I congratulate this House for its strong advocacy for democracy in our region. We have to make all efforts to build the administrative capacity and master political will to conduct free, fair and peaceful elections.

I understand that over the years, EALA has participated in election observation in Partner States and contributed to the quest for strengthening democracy in our region. I also understand that the East African Community Council of Ministers will examine an electoral observation manual for the East African Community. This is a good development, which I fully support.

I am of the view, however, that the time has come for the East African Community to consider developing common principles and guidelines governing democratic elections in our region and to ensure their observance."

That is a directive by the Chairman of the Summit. That time has come for us to develop common principles and guidelines to govern our elections in this region. Now, how do we develop common guidelines and principles for a region? You can only develop them when you have got a document, which is common to all of us. He is specific in saying that those common guidelines and principles, we should ensure their observance. Honourable Members, that is the first reason on which I am seeking leave that this House be pleased to look at the Bill, since it is in line with the directive given by the Summit.

The second reason; members will recall that this House has had occasion to debate this issue before in Arusha. There was my Bill and the report of the committee of this House. This House adopted the report of the committee as against my Bill; it agreed with the report of the committee.

In the committee's report, the committee made suggestions on what it wanted to be done. So what have I simply done? I have gone to the committee's report, which this House adopted, and copied word for word what your committee said and put it here. So, I am only seeking leave to bring what you yourselves have already adopted.

Mr Speaker, it is on those two grounds that I pray that this honourable House be pleased to grant leave for this Bill. I thank you.

THE SPEAKER: Honourable Members, the proposal on the Floor is that this Assembly, pursuant to the provisions of Article 59 of the Treaty and the Rules of Procedure, do grant leave to hon. Dan Ogalo to introduce a Private Member's Bill entitled, "The East African Community Elections Bill, 2012." Debate is open.

MR GERVASE AKHAABI (Kenya): Thank you, Mr Speaker. I rise to support the motion by my friend, hon. Ogalo. Hon. Ogalo has given succinct reasons why we should support this motion.

In addition to what hon. Ogalo has said, I wish to say that under the Treaty for the Establishment of the East African Community, adherence to the principles of democracy, among others, is a fundamental principle governing this Community.

Mr Speaker, with your permission, I wish to refer to the relevant provisions of Article 6 on the fundamental principles of the Community. The fundamental principles that shall govern the achievement of the objectives of the Community by the Partner States shall include, among others, good governance, including adherence to the principles of democracy.

The Community has objectives but to achieve those objectives, we are guided by certain fundamental principles, among them the principles of democracy. Where are these principles of democracy? They are everywhere. What this Bill seeks to do is to consolidate these

principles of democracy in some common form. This form is the mechanism for consolidation of these principles, which is what is being proposed in this Bill.

As a Community, we have an objective of achieving a political federation ultimately. In an effort or in the process of moving towards the attainment of this particular objective, we have to adhere to certain common standards. It is these standards that this Bill seeks to establish.

Mr Speaker, we have also realised that in this region, and indeed in many other parts of the world, non adherence to the principles of democracy, free and fair elections, constitutes probably one of the most consistent reasons for conflict and instability. We see this everyday. Even today we are seeing it in West Africa, Senegal. So, as a Community, let us try and have these common principles. This Bill gives us an opportunity to work towards a common destiny that we say we believe in, the destiny of creating a united East Africa that has the same values and standards to which we should all adhere.

Mr Speaker, with these few remarks, I beg to support. Thank you.

THE SPEAKER: Hon. Members, I now put the question that this Assembly, pursuant to provisions of Article 69 of the Treaty and 64 of the Rules of Procedure, do grant leave to hon. Dan Ogalo to introduce a Private Member's Bill entitled, "The East African Community Elections Bill, 2012."

(Question put and agreed to.)

Motion carried

BILLS

FIRST READING

THE EAST AFRICAN COMMUNITY HIV/AIDS PREVENTION MANAGEMENT

BILL, 2012

MS LYDIA WANYOTO (Uganda): Thank you, Mr Speaker. I beg to move that the East African Community HIV/AIDS Prevention Management Bill, 2012 be read the first time. I beg to move.

THE SPEAKER: It is seconded. The Bill is referred to the relevant committee.

BILLS

SECOND READING

The Inter-University Council for East Africa (Amendment)

Bill, 2010

(Resumption of Debate)

THE SPEAKER: Honourable Members, as you are aware, we adjourned debate on this Bill yesterday. I think the hon. Minister met with the committee and the mover of the Bill. So, debate is open on this Bill.

I would also like to say that the following Members have already debated, so they will not get an opportunity: Hon. Janet Mmari, I can see you wanted to stand but you already debated on this Bill; hon. Masha, hon. Sebalu, hon. Dora Byamukama, hon. Leonce, hon. Kidega, hon. Kimura, hon. Akhaabi have all debated. So under the rules, you do not have an opportunity to debate again.

MR AMAN WALID KABOUROU (Tanzania): Thank you, Mr Speaker, for giving me the opportunity to debate on this motion.

First and foremost, I should say that I do not support the amendment primarily because, as has been suggested, this

will create a parallel system of accreditation in the region. I know, and I beg your permission to quote from relevant sources, what is meant by accreditation. According to the definition from the *Wikipedia* website, educational accreditation is *"A type of quality assurance process under which services and operations of educational institutions or programmes are evaluated by an external agency to determine if applicable standards are met. If standards are met, accreditation status is granted by the agency."*

It is observed, in the *Wikipedia* website, that in most countries worldwide, the function of educational accreditation is conducted by a government organisation such as a ministry of education or a designated competent authority. I wish to further quote another authority, the World Bank. The World Bank defines accreditation as, *"A process of self-study and external quality review that is used in higher education to scrutinise an institution and/or its programmes for quality standards and need for quality improvement."*

Having quoted that, Mr Speaker, and seeing what the amendment is trying to suggest, I can see that basically

here we are creating two parallel institutions for accreditation in the East African region.

Accreditation is important because you cannot really have a university or even a programme that is not acceptable to employers and even to the consumers themselves. However, under the amendment that has been brought to Parliament, we are told that the IUCEA will have the powers to accredit foreign institutions. It even says that if it wants, the IUCEA could also accredit local institutions, but we know that our governments already have agencies that do that. So, there is probably no need to seek for accreditation from the IUCEA.

How do you accredit foreign institutions? According to the definition, you have to have some criteria. It cannot be possible for just anybody to come here and hand you their registration processes from a different country and you go ahead and accredit them. You have to have the physical structures to go look at.

When you accredit an institution, what do you look for? You look for the physical structures - do they even have the necessary structures that can be used to carry out an

education function? What about the faculties? Would 50 people, let us say 20 with a master's degree and another 30 with a bachelor's degree, be the necessary staff for accreditation of a university? What about their library; do they even have it?

Now, in the case of the foreign universities that want to come in, what we are being told is that all they have to come with is their registration material and we should accept that. I think that is a terrible precedent because if you look around, and according to the definition of accreditation that I have heard, nowhere in the world is that possible.

A few days ago, when the Minister was talking here about accreditation, he seemed to have a lot of fear that some schools, and especially the community colleges from the United States, might come here and try to get accredited. I do not think they even need to do that. They are already accredited in the United States, the only country in the world which has for longer than any other region had an accreditation system. Now, if you want to listen to the Europeans who want to follow the Bologna Process, which only started in 1999, and compare it to the United States,

it is practically a joke. I cannot see any of the United States universities or colleges coming to seek for accreditation here in the East African region because they already have.

As we know, right now we have a lot of schools and foreign universities from outside, - from Europe, Asia, United States - which are functioning well in the region. They did not have to go through the regional accreditation because already they have been recognised by the nation states and they can operate in any region. Even in our own region, we allow for this just like they do everywhere else.

In Latin America they do not even have that, but we know that here we have Carnegie Mellon University, Harvard, the State University of New York and they all work within our region. We even have schools from Tanzania - the Open University of Tanzania works in Kenya. Kampala International University has a branch in Tanzania and so does Kenyatta University.

In that case, really, I do not see who else we are attempting to cater for. If you already have a system working and nobody is complaining, I wonder now who is this

person coming in to tell us to do something. Even if we had to do it, if it is necessary like you said because some programmes, perhaps engineering or even legal departments, might want to have competence that they can acknowledge wherever they want to acknowledge, for that they have their own associations that can go directly to that particular institution and evaluate it in order for them to give assent. So, I do not see why we should rush into this.

I am saying if we have to do it, that is fine; we do have the Inter-University Council of East Africa. Those are our professionals. They can look into this matter and come and tell us, "There is a need that we have perceived here and the best way to go about this should be this way and not this other way." Otherwise, we will be creating a parallel institution in the region, which will also not look very good to those foreigners that we seek to impress. Now they will come in here and they will find that there are two systems working side by side, which one should they trust?

For that reason, Mr Speaker, I have decided to stand up here and say that I do not support this. I have no quarrel with the Inter-University Council of East Africa. I think it should continue. If there are any changes to be made,

and to avoid sovereignty issues - because the chartering and registration of universities is a matter of national governments and nobody else. Thank you, Mr Speaker.

MR AUGSTINE LOTODO (Kenya): Thank you, Mr Speaker, for giving me this opportunity to debate on this amendment Bill. From the onset, I want to say that I am also hesitant to support the amendment. I think as African countries and East Africa in particular, we are trying to develop our economies and by developing our economies we are trying to tap into the potentials that we have within the region and among ourselves. History has shown that the foreigners are not better than Africans. I just want to say that trying to give accreditation to foreigners at the expense of Africans is overtaken by events.

I want to say that since African countries got independence, we have got excellent universities within Africa. I want to quote Makerere, Dar es Salaam and Nairobi. I am wondering if we have accreditation agreements with these other countries whereby they can also accredit Makerere or Nairobi or Dar-es-Salaam in their countries. So, if we do not have a policy of reciprocation, why is it

that we are allowing them and they are not willing to allow us?

I want to believe that great sons and daughters of Africa have gone out to these foreign universities, they have excelled in all their talents and professions and they have come back to our countries and are developing our countries and our Partner States. So, let us not surrender our ability to these foreign countries again to prove that we are better than them in certain respects.

I also want to say that as we integrate further and deepen our co-operation, it does not mean that we are co-operating in each and every thing; for example, we have local taxes within our Partner States. There are issues which are being held by local authorities that are not being done as central government. So, I believe the issue of education should be left to the Partner States to deal with.

I also want to say that if you give power to accredit, it means that you also give power to discredit those institutions. What mechanisms have been put in place for

you to discredit those foreign institutions? We also need clear guidelines on the same.

In this age of internet and information, we can get all this information through the internet and through all these websites. So, I do not think we really need to ensure that we have University of New York here and all those universities in Europe here. So, I beg that we do not support the Bill. Thank you.

DR ODETTE NYIRAMIRIMO (Rwanda): Thank you, Mr Speaker. I am a member of the General Purpose Committee which had an opportunity to have many meetings with stakeholders and the Council of Ministers on this Amendment Bill. I beg the indulgence of my colleagues from the committee because after having heard much information on the structure of IUCEA, I think this Bill is not appropriate for the time being. *(Applause)*

Today the Council is composed of, "universities, university colleges and other degree-awarding institutions as may from time to time be established in the Community and admitted to membership by the executive committee"; that is article 5 of the Inter-University Council Act, which was published

in 2008. This Council, by its own composition, cannot therefore accredit other similar institutions.

We have been told, as explained by the Council of Ministers, that the Inter-University Council was under restructuring. I think we better wait for the restructuring and then decide on what kind of Bill we should bring to this august House on this accreditation body.

For the time being, the Partner States have national regulatory bodies, which are performing well so far. They are accrediting local universities and even foreign universities when they want to establish in the country. We should wait until the restructuring of the Inter-University Council is finalised and then think of any other way of regulating the higher education systems in our countries.

Mr Speaker, I would wish that the mover withdraws this amendment Bill. Thank you.

MR FREDERIC NGENZEBUHORO (Burundi): Thank you, Mr Speaker, for giving me the opportunity to contribute to this debate, especially to express an opinion which is different from hon. Odette's. To me, the purpose of this Bill is to allow

the IUCEA to become a regional accreditation body, and we need such a body especially at this stage of integration. That is why I consider it as timely, important and relevant.

Passing this Bill is the best way of implementing one of the pillars of the Common Market Protocol. I do think this Bill will facilitate the free movement of persons, free movement of labour and other freedoms and rights to which the people of the East African Community are entitled to according to the Common Market Protocol. So to me, we must go ahead.

This Bill will make more credible the system of education that we have in the region. This Bill, contrary to what has been said, will contribute to further widening and deepening of our integration.

I know that there is a comprehensive review. I have seen that through a message I got and I had the opportunity to go through it. It is a big review, about 27 pages. What I saw is that this review has a different vision. It probably would be possible to come back to it, but later. Today, I think that it would be better to adopt this Bill so that we

can allow the IUCEA to become a real regional accreditation body. For that reason, I support the amendments of this Bill. Thank you.

MS LYDIA WANYOTO MUTENDE (Uganda): Thank you, Mr Speaker. I want to state from the onset that I support the motion but I just want to reflect on two or three issues on the history of how this Assembly has been working.

Every time that this Assembly brings issues, it is like we are committing treason, it cannot work, we are undermining our sovereign rights; it is like we do not come from countries ourselves. I want to draw your attention to some of the issues we have addressed, that have turned out to be very good for East African integration.

The first issue that we really debated was the creation of ministries of the East African Community. This was a tough thing. They were saying we were undermining governments, that we were creating new ministries. The ministries of foreign affairs even said that we were being treasonous, that we were advancing treason - how can we go and begin debating how governments are formed back at home?

But we pushed, and pushed and pushed. I remember I was even accused that I wanted to be a minister. I am not. Those who are ministers today have made us realise how important it is that we were able to get ministers for the East African Community to advance the issues of EAC integration.

The work is so much for them, but at that time they were saying there was not enough work to have a full minister responsible for EAC affairs. They were saying a directorate in the ministries of foreign affairs was enough to handle matters of EAC. But we had lived that experience, and we were not creating any parallel ministries. We said we needed ministries of EAC affairs and today, amidst us, we have ministers for EAC affairs. The ministries of foreign affairs have not collapsed, our governments have not collapsed.

So, honourable members, I just want to draw your attention to this mindset that Parliament has to change. It is EALA that changes its mindset of EAC integration, nobody else does that.

Secondly, when we were passing the East African Customs Union Management Act, it was done in one day. We debated up

to almost 11.00 p.m. in the night. People were bringing sovereignty issues as if some of us in the Assembly do not come from countries.

I am a Ugandan and Uganda has universities and we have our sovereign concerns, but we are advancing EAC issues. The issues in the Amendment Bill that we are talking about today are about making it easy for higher institutions to operate in our countries. These laws are not written in stone. As we are speaking today, there is even a motion before us by ministers to amend, I think for the fourth time, the Customs Management Act. We keep amending these laws, so I do not see where the problem is.

There is another issue that has been with us for about three years. Remember when they began the story about institutional reforms; they froze employment of staff for the Secretariat because they were doing institutional reforms until the Secretariat went to a halt. They came back to us this season to say, "Oh you know now, the Council has accepted that we can actually have institutional reforms going on and employ staff."

There is no contradiction in what we are doing, honourable members. We have agreed as members of the committee, but also as some of us, that let a comprehensive process of institutional reform take place at the Inter-University Council for Education. It can take three or four years or all the time for as long East Africans live. Let us take our time on that. But for now, let us have mechanisms in place that cut bureaucracy, that allow those that want to invest in education in East Africa to start yesterday. If need be, they can come back to the House and we repeal or amend the law.

So, Mr Speaker, I stand here to say that even as committee members, we need to support our report. We have even provided for those fears, that some of these institutions will be members of the board. So, we are not talking about strangers. We are talking about deepening, hastening and widening the Community, and education is a matter of urgency under the Common Market. It is about enhancing our people's education.

Colleagues, we cannot wait on this one. I would like to beg everybody to support this amendment. When the right time

comes, we can amend or repeal but for now, the East Africans need it. I thank you.

THE ASSITANT MINISTER FOR EAC AFFAIRS, KENYA AND ACTING CHAIRPERSON OF THE EAC COUNCIL OF MINISTERS (Mr Peter Munya) : Mr Speaker, I already made some contribution on the Bill at the beginning yesterday and I will avoid repeating what I said.

This Bill has taken a long time to reach the stage it is at today because consultations have taken a long time. Indeed, it is the Council of Ministers that asked for an adjournment to consult over this matter and to be able to respond. The problem has been the fact that in the EAC processes, there are so many institutions that are involved in the consultative process so that sometimes we take a long time. We never intend to take a long time, but we are forced to do that because of the nature of the decision-making process in the EAC.

Matters of education have to go through the Sectoral Council of Education. Partner States have to be consulted to provide their views on matters that are pending before decisions are made. Sometimes the Council of Ministers is

not entirely in control in terms of when those Sectoral Councils meet and when those decisions are processed. So, we are asking the House to bear with us for the long time we have taken in making responses. It is because East Africa, being a people-driven process of integration, we have to always consult and let policy matters be informed by the views of the people.

Mr Speaker, we consulted the Inter-University Council of East Africa itself and the Sectoral Council, which I even sat with and even tried my best to convince that these amendments were good for the Inter-University Council. Through our consultations, it was very clear that the Sectoral Council was not in a position to support the amendments. Also, the technical advice that the Inter-University Council provided us was that it would be better if we had to wait for the comprehensive review of the Act.

Also, the Inter-University Council is an association of universities. The main representation in the Inter-University Council is the universities; they are the majority, they are the decision-makers. It is a body where you apply and become a member if you are a university. The responsibility we want to give this Council, through this

amendment, is a mandate to accredit universities, to give universities charters to operate as universities in East Africa, across the borders.

This Council is ill-equipped to be able to carry that responsibility because that is a responsibility of quality assurance. It requires technical people to go out there and look at the facilities that a university has, the personnel it has, the experts it has, the quality of education that it is ready to provide to be able to give the accreditation. The Inter-University Council being a membership of universities does not have that technical capacity to carry out that responsibility.

Secondly, the Inter-University Council, being a body of universities, will also have a problem of conflict of interest when it is given a responsibility to carry out accreditation. This is because the same members who sit there are the same members who will be asking for accreditation to operate in other member states. They will be the ones who will be looking at themselves, awarding themselves charters to operate. So, conflict of interest is actually one of the major issues that are making us very reluctant to support the amendment.

I intend, when we come to the committee stage, to withdraw the amendment that the Council had intended to push forward because how do you ask somebody to sit in the judgement of his own case? You cannot be a judge in your own case in your court. Obviously, you will give yourself marks and pass yourself.

These are the contradictions we are saying the comprehensive review will provide for. The comprehensive review will transform this body from an Inter-University Council to a council that incorporates representation from the Partner State bodies that are involved in accreditation. These higher education commissions and the higher education councils at the national partner state level have the technical knowhow and the capacity to provide accreditation so that they are properly represented and actually drive a body.

The comprehensive review will also address another major shortcoming in the Inter-University Council Act. The Council of Ministers, the decision-making bodies of the East African Community, are not properly streamlined or represented in the Inter-University Council structure of

decision-making. This is because the main bodies that are involved in running the affairs of the council are the ministries of higher education and the ministries of East African Community Affairs. We intend to streamline the body so that all the decisions that are made as a council enter at the Council of Ministers' level and then go to the Summit. The Act, the way it is now, does not provide for that.

Finally, Mr Speaker, regional accreditation is on the way; it will come. However, you do not start by providing power for regional accreditation before you do harmonisation of standards and the curriculums, and that work is already going on. Decisions have already been made by the Sectoral Council on Education to harmonise all our curriculums from the primary school level all the way to university. Once that work is finalised, then now you can talk of regional accreditation.

What we are trying to do is to put the cart before the wheel. Start with harmonisation and then you have similar standards, and then you can have an apex body that can be able to do accreditation. But how can you have an apex body

doing accreditation when standards and different parts of the state are not harmonised?

You go even further and you want to accredit universities from outside whose standards you do not know. You say this council takes over responsibility of accrediting foreign universities that come here. You do not know the standards of those foreign universities. You have no benchmarks against which you weigh those foreign universities that are coming in. So, we are again jumping the gun.

We appreciate the good intentions of the Bill, Mr Speaker. In fact, we are happy that the Bill was brought in the first place because it is the one that has triggered the reforms that are coming. However, let us not defeat the purpose of these reforms by hurriedly passing this Bill that will not do the job that it is intended to do.

In fact, if we look at the programme, the comprehensive review report is ready and it is with the Secretary-General. It is intended to be tabled before the Sectoral Council on Education the soonest it meets. The Sectoral Council will approve it and then the Bill will go to the Sectoral Council, Legal and Judicial before it is brought

to the Council. After, it is brought to the full Council, it will be brought to this House for enactment.

Mr Speaker, I do not think we will wait for a very long time before we have that law that is properly done, that is properly structured, to be able to take over these responsibilities that we want to provide to this sectoral council.

Mr Speaker, with those very few or many remarks, I beg to oppose. (*Laughter*)

MR DAN OGALO (Uganda): Thank you, Mr Speaker. Several Members have contributed to this Bill. I will just mention those who have supported it and then try to answer those who are opposed to it.

Hon. Akhaabi, hon. Kidega, hon. Ndarubagiye, hon. Dora Byamukama, - (*Interjections*) - hon. Sebalu supported it-

THE SPEAKER: Hon. Ogalo, she is already on record. It does not matter. Continue.

MR OGALO: Hon. Frederic supported it and hon. Wanyoto also supported it.

Now I will turn to the arguments against this Bill. Honourable Members, there is something at stake here; something fundamental on which honourable members must make a decision which will inform future assemblies.

Let me begin with the Minister. The thrust of the Minister's argument is that, "Look here, we are doing a comprehensive review. Put this Bill aside; we are working and we shall come up with something comprehensive." The framers of the Treaty provided, in Article 59, two ways of bringing Bills to this august House. One way is by the Council of Ministers and the other is by a private Member bringing the Bill.

There are two separate ways of enacting a law, and this Bill is a Private Member's Bill. When a private Member brings this Bill, we say, "Let us have input from the Council of Ministers." That does not mean that we are subjecting it to the authority of the ministers. This is very fundamental because, honourable Members, if you allow this to be set as a precedent, it means you are effectively

killing the authority under Article 59 to bring a Private Member's Bill. All the Council will do to any of your Bills, to future Bills in the future assemblies, is to say, "Put your private Bill aside because we are doing a comprehensive review of something." Do you want to leave that as a legacy for future assemblies?

It is important that we all do our part, but a private Member is allowed to do his part and the Council of Ministers is allowed to do its part. Nobody has told the Council of Ministers not to bring an amendment to this Bill. In fact, I remember that in the Committee of General Purpose, the Council of Ministers had been told that when they are ready, the committee will support them. Now they say, "On yours, you cannot proceed but support us on ours."

Honourable Members, I plead with you. Do not set a dangerous precedent, which will stifle the possibility of the East Africans' views being brought to the Assembly. The framers of the Treaty knew that the Council of Ministers was there to bring laws, but they still went ahead and said all you, Members, can bring laws. Why did they say so? Why did they give you power and also give ministers power? It is because there are separate ways of legislating.

So, if the Council of Ministers wants to bring more amendments, so be it; nobody is stopping them. Why should the Council say, "You Assembly, do not proceed on yours until I bring mine?" I plead with you because it is a dangerous precedent; please do not set it!

Mr Speaker, the other thing which has caused me a lot of confusion, and which is unprecedented, is the way we have moved on this Bill. Members, you were here two days ago and you heard the Minister say he supports the Bill. It is in the *Hansard*. Forty eight hours later, he says, "I am even withdrawing my amendments." Do you really want to be taken for that kind of thing - Wherever he goes, then we say we follow? When he says "I support", we say, "We support." When he says "I do not support", we say, "We do not support." Do we want this House to look that way?

It is an East African legislature, it is a regional legislature. Honourable members are elected by national parliaments and honourable members' national parliaments look for the cream and say, "You go to the regional parliament". Do we want to go on record that we changed our

position following the change by the Minister in 48 hours?
Is that the picture we want to leave with this Assembly?

Just yesterday, I was in the Committee of Legal Purpose with the Minister and he brought the amendments to this Bill. I told the Committee and the Minister, "I accept all your amendments." So I came here knowing that we were going to proceed having accepted the Minister's amendments in front of the whole committee. Now -

THE SPEAKER: You are giving information on what now?

HON. MEMBER: I am saying that I agree with being the cream but I am also saying that dynamism is also part of being the cream. Thank you.

THE SPEAKER: I did not understand that information, but it is okay. I can see there is a lot cream here. Sawa Mheshimiwa, continue.

MR OGALO: Thank you, Mr Speaker. I am only saying that I am really perturbed. Yesterday I was with the Minister before the Committee. He said, "These are the amendments I am going to move" and I said, "Mr Minister, I will accept all

the amendments when we are in plenary." Now it is changed.

(Interjection) I will not accept any information.

MR MUNYA: Mr Speaker, the Member is trying to speak on my behalf and to paraphrase what I said in the Committee, and distorting what I said in the Committee. It is not fair. I was very honest in the Committee. I told the Committee that even with the amendments, we are bringing them with a lot of reluctance because we wanted to be very respectful to the House.

I explained to the Committee why those amendments will not make this legislation better in terms of the institutional structure that will emerge. I told the Committee that if we had our way as the Council of Ministers, we would not bring those amendments. The Members who were there can vouch that that is exactly what I said. So, when he says that I just said I will bring them, that is not true. I made it very clear to the committee that if the Council of Ministers had its way, we would wait for the comprehensive amendment.

Mr Speaker, it is always human to change your mind if you find you are wrong or not proceeding in the right

direction. In fact, in English they say that it is only fools who do not change their minds.

THE SPEAKER: I did not see the point of order in all that I have heard. I think the minister was just debating again.

MR OGALO: I will only say one thing; honourable members of the Committee were there, did I make a statement that I accept the minister's amendment? That is all.

Mr Speaker, I am bringing this point of me saying I would accept the Minister's amendments on the Floor of the House just to plead with you that this is now sufficient reason for you not to follow the Minister but stick with the Bill. Tomorrow he will again come - okay I leave that.

The other point the Minister raised is that the council is ill-equipped, that it does not have the technical capacity. If there is nothing and the law creates an office, it is for purposes of providing for that. If there is lack of capacity, that will be realised because there will now be a legal framework for having this accreditation done. You cannot say, "I do not have the technical capacity" and you

do not want a legal framework which will help you to push the process of having - (*Interruption*)

MR SEBALU: Thank you very much, Mr Speaker. The information I want to give is that we do have an East African Community and it is vibrant and doing a good job. However, when it was being established in the Treaty, I do not think the capacity was there, but right now we do have a Community where the Minister is a minister. At that point I do not think they even envisaged that hon. Munya was there to serve in that capacity.

MR OGALO: I thank you for that very good information. The other point raised by the Minister was about foreign universities. In the first place, honourable members, it is not as if when you pass this law, any university will just walk in here and say "I have put a campus here." That is the impression being created. There will be an application to the relevant body. That relevant body will be comprised of very capable East Africans. They are the ones who will look at the application and say, "With this one, we are not accrediting it."

This is very important because it has been used to derail us. We are not saying that when you pass this law, then any university will just walk in here and establish a campus. It will have to go through the same system of application, of being checked, to see whether it is fit or not. That body, which we are creating in law according to the amendment of the Committee, will be able to say, "We reject this one." So, please see this as a process.

When you say on application - I know that hon. Mmari raised this in Bujumbura - it does not mean that it is automatic that when you apply, you get. It is simply a process. (An *Hon. Member rose_*) No, I will not take your information. Honourable members, you are not giving a blank cheque for every university to come here; no, there will be a process. The same process which happens in our Partner States in the five countries will have to be followed.

Mr Speaker, let me move to the next person who opposed it, hon. Kimura. I want to convince hon. Kimura using her own argument. I want to convince her to come to my side. Her argument in Bujumbura was that the current Bill recognises the mandate of IUCEA to look at standards, and that we will be circumventing the mandate of our regional bodies.

Hon. Kimura raised a very important argument the other day during debate on the Bill on transboundary eco-systems, and I fully agreed with her. She supported it basing herself on the Treaty and she even cited for us the Treaty. So, in the same breath, I want to argue using Article 102, clause F of the Treaty, which talks about education and training. It says, *"The Partner States shall, with respect to education and training, revive and enhance the activities of the Inter-University Council for East Africa."* This is what the framers of the Treaty said many years ago. They asked the Partner States to revive and enhance the activities.

That is what this Bill is doing, honourable members. It is trying to enhance the activities of the Inter-University Council. So, I will plead with hon. Kimura to be convinced that since we have got this matter in the Treaty, please abandon the position which you had in Bujumbura.

MS KIMURA: Thank you, hon. Ogalo, for giving way. I just want to correct what I said in Bujumbura; I was quoting from the main Act. The Act provides for partnerships on accreditation. It actually reads, "...to develop in partnership with national higher education bodies." It is

in light of this that I said I have a problem with the issue of bringing in another law which circumvents what is in the main Act.

Secondly, I said clearly, if you will recall, my problem was with amendment of Section 6 to bring in (r) for foreign universities only. Thank you, Mr Speaker.

MR OGALO: I thank hon. Kimura for the information. I was not contesting what you said in Bujumbura; I was only using the argument you used two days ago in the Treaty to try and convince you to come to my side.

Hon. Mmari, I want to try and convince you on your argument. Your first reservation was that the wording "on application", which I have talked about before, appears as though if anybody applied then automatically they would be accredited. I am arguing that that application will go through the same processes like they go through in Partner States and they can even be rejected.

Hon. Mmari also said that Kampala University is in Dar es Salaam, so what is new; why should we do this, after all we are already applying? Mr Speaker, you are aware that

Kampala International University has even been to the committee of this House to say that they cannot operate in Partner States and are having a hard time getting accredited. They have even brought a petition to the House. So, there are problems. They went to the Committee on General Purpose - (*Interruption*)

MS KAMBA: I just want to inform the honourable Member that Kampala International University has already been accredited and it is sitting on my land. Thank you.

THE SPEAKER: Hon. Kamba, you should have said you have an interest in it. I thought you said on your land.

MS KAMBA: I gave the land so that they can be accredited. So, I am just confirming.

THE SPEAKER: Then you do have an interest.

MS KAMBA: No, not at all.

THE SPEAKER: Where is it sitting? I thought you said it is your land?

MS KAMBA: They bought from the company. I am not even a beneficiary.

THE SPEAKER: Thank you for the information.

MR OGALO: Hon. Kamba, thank you for the information. I was not talking specifically about Tanzania; the petition is about a Partner State. In Tanzania, they may be okay but their complaint to the House is about Partner States. So, we should not take things for granted and think that things are okay because it is in Dar es Saalam. They can go to other Partner States and that is what this Bill tries to cure. As hon. Sebalu said the other day, you cannot talk about movement of persons and movement of goods and yet you are closing up at the same time.

Hon. Mmari also raised the need to consult the major stakeholders. The committee has done so. It has made a report and it has - *(Ms Mmari rose_)*

THE SPEAKER: Is it order or information?

MS MMARI: Information, Mr Speaker.

MR OGALO: I have been constrained by Members around. I will accept. (*Laughter*)

MS MMARI: Thank you, hon. Ogalo, for giving way. I will now reduce the point that I want to bring out to consulting major stakeholders. One of the stakeholders is the IUCEA itself. Yesterday, I had the opportunity of doing oversight at IUCEA. I was not alone; I was accompanied by other Members including hon. Mulengani, hon Kabourou -

THE SPEAKER: Hon. Mmari, you are not giving a report of the committee. Give your information so that we can continue.

MS MMARI: Mr Speaker, this major stakeholder said that they are themselves a club because it is a members' voluntary association. They are there not as a regulator. What this amendment Bill is trying to do is to give them the powers of regulating, which capacity they do not have as an institution. So, how can we say that we have consulted major stakeholders?

THE SPEAKER: Thank you, hon. Mmari. I think the IUCEA was given an opportunity to come before the committee and I

hope they expressed that in the committee, because they came before the committee a number of times.

MS MMARI: Yes, Mr Speaker. Their conclusion is that if we pass these amendments the way they are, we will definitely become a laughing stock because in -

THE SPEAKER: Hon. Mmari, you are out of order completely and the person who said that is also out of order. He is very lucky he did not say that to the committee or to this House and I hope he did not say that. You can take your seat if that is the information you are giving.

MR OGALO: Thank you, Mr Speaker. Honourable Members, I have tried to answer the concerns of hon. Mmari, but I do not seem to have gone far. So, I will go to those of hon. Masha and hope that I will answer his queries enough to convince him.

The thrust of hon. Masha's argument was first, that the IUCEA is a voluntary association of universities and we have assumed that it is an integral part of the Community. Nothing could be further from the truth. I will go to the Treaty to show what this body is not a voluntary

organisation or association; it is an institution of the Community. It is actually a surviving institution. It is one of the few which survived from the 60s. Others have collapsed.

The framers of the Treaty in Article 9, clause 3 said that, *"Upon coming into force of this Treaty..."* then they mention others and then say, *"...and surviving institutions of the former East African Community shall be deemed to be institutions of the Community."* So, this is an institution of the Community. That is why we even made a law for it. It is not as if it is in the way. It has been portrayed as a voluntary association and you are trying to give it powers, which it cannot use and so on; No! It is your institution, honourable members, surviving from the 60s and recognised in the 1999 Treaty. So, it cannot be called just a voluntary association as if we are simply assuming that it is part of us. No, it is part of us.

The other reason which was given was that a comprehensive review is necessary. I have covered this - (*Interruption*)

MS BYAMUKAMA: I thank you, hon. Ogalo, for giving way. I would like to say from the onset that I still support the Bill in its totality.

I would like to raise an issue because when you made reference to consultations with the committee, there is some information which you have brought to the House which we are not privy to. I would like to ask kindly whether the Council of Ministers at any one time did present a framework for the institutional review and a timeframe for the proposed institutional review, as well as whether this particular review would address the mischief which has been raised in the Bill? If this is on the Table, I think it might make better sense.

However, considering the adjournments that have been sought over time, I believe that I would not be convinced by the argument which has been raised hitherto. I thank you.

MR OGALO: Thank you. The clarification really is that during those times when I have been in the committee with the Council of Ministers, we have never heard them say, "Here is what we have." It has always been, "We are working on it; give us time." For them to come to the committee

with a document and say, "We have a framework or something", never; so, if we go on waiting, we will really defeat ourselves.

We have got a Bill in the House and it has already taken two years. Really, it is important for us to deliberate on behalf of the East African Community. It is important for us to do people's work. To be seen that we have accommodated the Council of Ministers for two years and they are still not ready is really a bit of a problem.

Turning to hon. Kabourou, he had his argument of sovereignty, which I think hon. Sebalu dealt with very effectively. I will just adopt those arguments. We cannot continue like this. Why are we here then? Why is there an Assembly? If Partner States are sovereign and they must still do their own things, they have their parliaments, their police, and their courts, what are we doing here?

This argument about sovereignty does not make sense anymore. It is difficult to say that I am here to push forward the integration process and at the same time say I cannot because this power belongs to my country. We should disband the Assembly then because the Assembly was put

there to further the integration process. We really must be the last people to talk about sovereignty because even when we were elected and when we were campaigning to come to the Assembly, we campaigned on the basis that we want to go and further the integration process. So, I think we should lay down this issue of sovereignty to rest forever.

The other argument raised by hon. Kabourou was that this would create parallel systems. I think the committee in its wisdom has provided an amendment to take care of that. If you look into the committee's report, you will find that original thinking has been changed by the committee.

I have already covered the issue of foreign universities. It is not that they will just come to Kampala and put up a university; no! They will go through the same process.

I have not been able to understand very well hon. Lotodo's argument that we should not accredit foreign universities at the expense of our own universities. I have not followed the argument that if you accredit foreign universities then it means you are undermining your own universities. So I will leave it at that.

Lastly, was the argument of hon. Nyiramirimo, who is a member of this committee. They have their report, which I think she supported, but now she says she does not support the Bill because we should wait for restructuring. Again, the same argument that you cannot have a Bill before you for consideration and you say - Now what do we do with this Bill if we are to wait for restructuring? Do we tell the Speaker to lock it away or something?

You have a Bill before you, honourable members, and you have to make a decision on it. Awaiting review is not within our rules. You must deal with what is before you. You cannot deal with what you do not even have. I think it is hon. Bonaya who mentioned a Kiswahili saying about waiting. You are waiting for something that you are not even sure is there. How? (*Interruption*)

MR SEBALU: Thank you very much, Mr Speaker. We all appreciate that parliamentary practice developed over time discourages institutions of parliament to engage in speculative legislation or legislating in anticipation. That is the information I wanted to give.

MR OGALO: So, in conclusion, I want to plead with hon. Members, please do not have this *ngoja ngoja*. Support the motion so that we move this Bill and pass it. I thank you, Mr Speaker.

THE SPEAKER: Honourable Members, I now put the question that the Inter-University Council of East Africa (Amendment) Bill, 2010" be read for the second time.

(Question put and agreed to.)

Motion carried.

BILLS

COMMITTEE STAGE

THE INTER-UNIVERSITY COUNCIL OF EAST AFRICA (AMENDMENT)

BILL, 2010

Clause 1, agreed to.

Clause 2

MS WANYOTO: Thank you, Mr Chairman. The committee proposes that Section 2 of the IUCEA Act, 2009, be amended by

inserting another respective alphabetic order, the following new definitions:

- "Foreign university" means a university which is incorporated, registered or established in accordance with the laws of its country of domicile.
- "Regional accreditation" means the status accorded by the council to a fellow university or a member university enabling such a university to carry out its activities in any Partner State in accordance with the provisions of this Act.

I beg to move.

MR KAAHWA: Thank you, Mr Chairman. I have listened to the proposed amendment moved by the committee. I would like to improve on the amendment with regard to the two definitions to read as follows:

"'Foreign university' means a university which is incorporated, registered or established and accredited in its country of origin and is established in accordance with

the laws of the country of origin and those of the hosting partner state.

"Regional accreditation" means a formal recognition by the council, of a university, university college or other degree-granting institution to operate or study programme to be offered in the Community."

I am not diverting from the committee's position on these amendments. I am only improving the text for purposes of enriching the Amendment Bill. Thank you.

MR OGALO: Mr Chairman, maybe if the CTC could just read the first one again because we do not have the written text.

MR KAAHWA: Mr Chairman, with your permission, I believe hon. Ogalo is referring to the definition of foreign university when he talks about the first one.

I will read it: "'Foreign university' means a university which is incorporated, registered or established, and accredited in its country of origin and is established in accordance with the laws of its country of origin and those of the hosting partner state;"

MR OGALO: Mr Chairman, the only problem I have is with the last one, "the laws of the host country." You have already said "established in accordance with the laws of its country of origin"; in other words, it is registered in its country of origin. How can it again be established in accordance with the host country? I have problems with the last one about laws of the host country. I do not have a problem with the others.

THE CHAIRMAN: Hon. Kaahwa, can you please explain.

MR KAAHWA: Mr Chairman, the use of those last words, "the laws of the host country" is meant to address possible mischief. If you do not use those words, you may fall into the peril of creating a parallel system.

THE CHAIRMAN: So, CTC, are you saying the foreign university gets accredited in a partner state and then comes to the regional body to get accredited again?

MR KAAHWA: I am saying that two sets of laws should apply to the foreign university - the laws of the hosting partner

state and the laws where the foreign university is domiciled.

MR OGALO: Mr Chairman, I will accept all the others but propose that we end at "...country of origin" and do not include, "...and those of the host partner state" because it is confusing the whole definition.

When you say "accredited in its country of origin" and then "established in accordance with the laws of its country of origin" and "those of the hosting partner state", then you are saying - The problem is that CTC is not listening, so I do not know how he will answer this.

THE CHAIRMAN: Continue, maybe he has two ears.

MR OGALO: Mr Chairman, I would accept it up to "the point of origin". The rest, "and those of the hosting partner state", I will not agree with.

MR MULENGANI: Thank you, Mr Chairman. I want to request the indulgence of the mover of the Bill to accept the amendment by the CTC. Why am I saying this? Conformity to local laws by foreign investors - let me put it that way - is

something very good. If a foreign university wants to invest within the region, much as it is moving from a foreign country accredited, let it come and conform to the local policies that we are intending to harmonise in the region. Thank you.

MR OGALO: Mr Chairman, if it had been explained that way, I would not have wasted time. I will accept it. Thank you, hon. Mulengani.

THE CHAIRMAN: Hon. Members, I now put the question that Clause 2, as amended, be part of the Bill.

(Question put and agreed to.)

Clause 2, as amended, agreed to.

Clause 3

MR KAAHWA: Mr Chairman, before I proceed, are we referring to clause 3 as amended by the Committee? I am asking because I saw an amendment schedule with an item numbered 3, or is that referring to a different clause?

Mr Chairman, my predicament has been explained by Members, without your permission, but I understand how you are

proceeding. There is no amendment on section 3. Item 3 refers to Section 4. So, for the moment, I will sit down.

THE CHAIRMAN: Honourable chairperson of the Committee, I think you have an amendment. I can see here there is an amendment. If you look at Section 3 it says, "Amendment of Section 4" and you proposed an amendment. We are looking at the Bill and the Bill says clause 3. Move your amendment, honourable chairperson.

MS WANYOTO: The Committee proposes to amend, under Section 4(1)(i), by adding immediately after the words "higher education" the words "and to perform such other executive functions as may be authorized under this Act."

Secondly, amend by adding immediately after subsection (2) the following new subsections: "Notwithstanding subsection (1), the Council shall have the power to grant regional accreditation to a foreign university or a member which applies for that status. An application under subsection (3) shall be made to the Council in accordance with the regulations made under this Act."

Section 6 of the principle Act is amended by adding the following new paragraphs after paragraph 9: "To facilitate the establishment of foreign universities in the Community by granting them an application, a regional accreditation status enabling them to carry out their activities in any other partner state without going through national accreditation processes" and (f) "To facilitate the establishment of any member university - *(Interruption)*

THE CHAIRMAN: I think you are reading all your amendments. Let us finish with Section 4 and then we can continue with the other one.

MR KAAHWA: Thank you, Mr Chairman. The Committee proposes an amendment on Section 4, which in substance is legally agreeable. However, it introduces the words "executive functions." If I refer you, Sir and the Committee, to Section 6 of the Inter-University Council for East Africa Act, you will find that the law provides for functions of the council as such and not necessarily executive functions. So, this amendment, much as it is positive, has a problem in importing the word "executive", which is not in the Act.

I urge the Committee to expunge the word "executive" so that we leave it as "functions", which is in accordance with Section 6 of the Act. It should then read, with my amendment if it is accepted, "...and to perform such other functions as may be authorised under the Act." The Act authorises functions not executive functions. I thank you, Mr Chairman.

THE CHAIRMAN: Hon. Ogalo, you are pointing at something. I do not know what you are pointing at.

MR OGALO: Mr Chairman, I was saying that it was an amendment of the Committee but I have no problem with it.

MS WANYOTO: The Committee welcomes the amendment, Mr Chairman.

THE CHAIRMAN: Hon. Wanyoto, if you could please continue. I think the way the Committee has done the amendments is very confusing because it does not rhyme with the Bill that we have here. I think you can continue. Where you are saying 4 is actually the same section 3, 4 of the Bill. So, you could continue with an application on the section. You can move that amendment, please.

MS WANYOTO: Thank you, Mr Chairman. We apologize for the mix-up. "An application under subsection (3) shall be made to the council in accordance with the regulations made under this Act." Section 6 of the principle Act is amended by - *(Interruption)*.

THE CHAIRMAN: No. I think you should stop there. Let us finish Section 3 and then we can continue.

MR OGALO: I have no objection to the amendment.

THE CHAIRMAN: Hon. Members, I now put the question that clause 3, as amended, be part of the Bill.

(Question put and agreed to.)

Clause 3, as amended, agreed to.

Clause 4

MS WANYOTO: The committee proposes that Section 6 of the principle Act is amended by adding the following new paragraphs after paragraph 9:

"(r) To facilitate the establishment of foreign universities in the Community by granting them an application, a regional accreditation status enabling them to carry out their activities in any Partner State without going through national accreditation processes.

(s) To facilitate the establishment of any member university which may apply to operate in another Partner State by granting it the necessary regional accreditation."

THE CHAIRMAN: Hon. Kimura, move your amendment.

MS KIMURA: Mr Chairman, I want to propose an amendment to clause 4(6), under the proposed (r), that we delete the words, "without going through national accreditation processes" after "any Partner State." This will ensure that whatever university is accredited by the regional body will at least conform to the necessary laws and regulations governing university education in that country.

We can look for a clause to take in this, but I think to say, "without going through national accreditation process", will be undermining the national institutions. Thank you, Mr Chairman.

MR OGALO: Mr Chairman, I think that hon. Kimura's fears are taken care of by the next amendment which is suggested by the committee, that actually those other authorities in the Partner States will be part of the process. So, there will be no undermining. They will have to be in the know.

MR KABOUROU: Thank you, Mr Chairman. I think this addition which says, "without going through national accreditation process" is contradictory after we have accepted the CTC's amendment, which says literally that this accreditation should comply with national provisions. So, this is arrogant.

MR MULENGANI: Mr Chairman, this is in support of hon. Kimura, but I want to bring it from another angle. The regional accreditation that we are yet to confer to IUCEA initially looks at the existing universities in the region that are already accredited and then gives them accreditation to operate in other member states. So, it also makes sense that we delete, "without going through..." so that we continue carrying what we meant, that after local accreditation then the regional body can accredit a university from Uganda to operate say in Tanzania or Kenya.

So, we just need to delete this because it is idle. Thank you.

MS KIMURA: Mr Chairman, I have seen the amendment by the Council but what I am saying be removed just reinforces what has been proposed by the Council, since it is saying "the hosting Partner State".

THE CHAIRMAN: The Council has not proposed anything.

MS KIMURA: Sorry, as proposed by the CTC. It says that the hosting partner state laws have to be adhered to. So, I think then this, "without going through the national accreditation process", does not add anything. As far as I am concerned, we are not contradicting what the CTC had said but just making it stronger. Thank you, Mr Chairman.

MS MMARI: Thank you, Mr Chairman. If that is indeed the case, then what mischief are we addressing? I do not see it, Mr Chairman, because then these same bodies will have to go through the same process, which means we are indeed making a parallel system. So, it means the CTC wants us to remove it so that we pass it but then we know it will not

work because it is exactly like we have not done anything.
Thank you, Mr Chairman.

MR OGALO: Mr Chairman, I think I would rather go with the amendment of the Committee if it is said that it does not do anything. Just for avoidance of doubt, let us leave it there.

THE CHAIRMAN: Hon. Members, I now put the question that clause 4, as amended, be part of the Bill.

(Question put and agreed to.)

THE CHAIRMAN: Honourable Minister, I have not heard you say anything for the last two days but I hear a loud "No." You should remember you are an ex-officio Member of this House and cannot vote. *(Laughter)* So, the ayes have it.

Clause 4, as amended, agreed to.

MS WANYOTO: Mr Chairman, I beg your indulgence to introduce a new clause on behalf of the Committee, clause 5, to amend Section 8(3)(d) and present an amendment that is going to be in cognizance with what hon. Ogalo did present.

Under Section 8(3)(d), we add, "The head of each of the institutions responsible for higher education from each Partner State." I beg to move.

MR OGALO: I have no objection to the amendment.

THE CHAIRMAN: Hon. Members, I now put the question that the new clause 5 be part of the Bill.

(Question put and agreed to.)

MS WANYOTO: Mr Chairman, I stand to request, on behalf of the Committee, to insert a new clause, clause 6, in amendment of Section 9, to read as follows: "For the purpose of regional accreditation, the executive committee will be responsible for granting accreditation to any universities that may apply to operate in the Partner States." I beg to move.

MR OGALO: I have no objection.

THE CHAIRMAN: Hon. Members, I now put the question that the new clause 6 be part of the Bill.

(Question put and agreed to.)

The Title, agreed to.

MOTION FOR THE HOUSE TO RESUME

MR DAN OGALO (Uganda): Mr Chairman, I beg to move that the House do resume and the Committee of the Whole House reports thereto.

THE CHAIRMAN: Hon. Members, I put the question that the House do resume.

(Question put and agreed to.)

(The House resumed, the Speaker presiding_)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

MR DAN OGALO (Uganda): Mr Speaker, I beg to report that the Committee of the whole House has considered the Bill

entitled, "The Inter-University Council of East Africa (Amendment) Bill, 2010" and passed it with some amendments.

MOTION FOR ADOPTION OF THE REPORT FROM THE COMMITTEE OF THE
WHOLE HOUSE

MR DAN OGALO (Uganda): Mr Speaker, I beg to move that the report of the Committee of the Whole House be adopted.

MR SPEAKER: Honourable members, I put the question.

(Question put and agreed to.)

(Report adopted.)

BILLS

THIRD READING

THE INTER-UNIVERSITY COUNCIL FOR EAST AFRICA (AMENDMENT)

BILL, 2010

MR DAN OGALO (Uganda): Mr Speaker, I beg to move that the Inter-University Council for East Africa (Amendment) Bill, 2010, be read for the third time and do pass.

THE SPEAKER: Hon. Members, I put the question that the Inter-University Council for East Africa (Amendment) Bill, 2010, be read the third time and do pass.

(Question put and agreed to.)

A BILL FOR AN ACT ENTITLED "THE INTER-UNIVERSITY COUNCIL
FOR EAST AFRICA (AMENDMENT) ACT, 2010"

MOTION

THAT THE ASSEMBLY DO RESOLVE ITSELF INTO A COMMITTEE OF
SUPPLY TO CONSIDER AND APPROVE SUPPLEMENTARY BUDGET
ESTIMATES FOR THE FINANCIAL YEAR 2011/2012

THE CHAIRMAN, COUNCIL OF MINISTERS (Mr Peter Munya): Mr Speaker, I beg to move that this Assembly do resolve itself into a Committee of Supply to consider and approve supplementary expenditure of US\$ 14,624,493 budget for EAC for the financial year 2010/11.

Mr Speaker, you may recall that the -

THE SPEAKER: Honourable, can you move it first and then someone seconds it. Okay, seconded.

MR MUNYA: Mr Speaker, you may recall that the theme of this year's budget is: "Implementation of the Common Market and laying the Foundation for a Monetary Union". In May 2011, this Assembly approved the budget for the EAC amounting to US\$ 122,124,560, broken down as follows:

- The Secretariat, US\$ 50,220,383
- East African Legislative Assembly, US\$ 11,679,682
- East African Court of Justice, US\$ 3,289,104
- Lake Victoria Basin Commission, US\$ 44,491,149
- The Inter-University Council for East Africa, US\$ 12,444,241

Mr Speaker, the budget was allocated to the following key priority areas:

1. Implementation of the EAC Common Market Protocol.
2. Conclusion of EAC Monetary Union Protocol.

3. Deepening co-operation in defence, security and political matters.

4. Implementation of the EAC institutional review recommendations and capacity building.

5. Promotion of agriculture and food security and implementation of Climate Change Action Plan.

6. Promotion of regional and multi-lateral trade.

7. Expansion of regional infrastructure facilities.

8. Implementation of EAC industrialisation, investment promotion, and private sector development strategies.

9. Promotion of sustainable use of environment and natural resources, tourism and wildlife conservation.

10. Enhancing EAC visibility.

Mr Speaker, during this financial year, the EAC received additional funds from development partners totalling to US\$ 14,524,493 to implement various activities.

The EAC will also resume holding the annual Health and Scientific Conference and funds amounting to US\$ 100,000 from the general reserve will go towards hosting the event.

The supplementary budget being sought is, therefore, for implementing various activities and the following projects:

a) Financial Sector Development and Regionalisation Project, US\$1,280,000. The Financial Sector Development and Regionalisation Project is funded under a three-year World Bank financing agreement. The project activities are part of the implementation of the Common Market Protocol.

The supplementary budget of US\$ 1,280,000 will mainly cover six components of project namely:

- financial inclusion and strengthening market participation;
- harmonisation of financial laws and regulations;
- mutual recognition of supervisory agencies;
- integration of financial market infrastructure;
- development of the regional board market; and
- capacity building.

b) Regional Political Integration and Human Security Support Programme, US\$1,666,122. The Regional Political Integration and Human Security Support Programme, phase 1, is financed under the 10th European Development Fund and implemented by three regional organisations namely: the East African Community, the Intergovernmental Authority for Development (IGAD), and the Common Market for Eastern and Southern Africa (COMESA).

The programme aims to enhance the capacity of national and regional statutory or watchdog organs and institutions such as: the courts of justice; legislative entities and oversight bodies such as the East African Legislative Assembly, the COMESA Inter-parliamentary Forum and the IGAD Inter-parliamentary Union; public sector service providers; taxation agencies; electoral commissions; anti-corruption agencies and supreme audit institutions; immigration institutions as well as civil society, women and youth.

The Council is therefore seeking approval of a supplementary budget of US\$ 1,666,122 to implement various activities aimed at enhancing the capacity of national and

regional statutory watchdog organs and institutions that have been programmed.

c) Regional strategy on scaling-up access to modern energy services, US\$ 83,366. Following the signing of an agreement between the Norwegian Government and the East African Community regarding the support of US\$ 83,366 to the regional strategy on scaling-up access to modern energy services, the project development officer was accordingly recruited and then it turned into a two-year contract starting June 1st 2010 to May 31st 2012.

The strategy has four key targets, which were approved by EAC energy ministers in August 2005, to be fulfilled by 2015 in line with the Millennium Development Goals (MDGs) framework in scaling up access to modern energy services. They include:

1. Providing access to modern cooking practices for 50 percent of the population that currently uses traditional cooking fuel.
2. Providing access to reliable electricity for all urban and peri-urban poor.

3. Providing access to modern energy services for all schools, clinics, hospitals, and community centres.

4. Providing access to mechanical power for heating and productive uses for all communities.

The funds will go to remuneration of the project development officer.

d) Inter-regional Coordinating Committee, US\$ 445,000. Mr Speaker, the Inter-regional Coordinating Committee comprising of COMESA, EAC, IGAD and the Indian Ocean Commission are collectively benefiting from the European Development Fund's regional envelopes for Eastern and Southern Africa and the Indian Ocean regions.

The overall development objectives to which the project and, therefore, this programme estimates are intended to contribute to the integration of the Eastern and Southern Africa and the Indian Ocean Region is consistent with the overall Africa Union vision.

Mr Speaker, the agreement on the support of US\$ 445,000 was signed in July 2011 and will last 18 months. The project

aims at supporting the Secretariat with short-term expertise in development of projects for the 10th EDF support development of regional statistics database, and support EAC institutional capacity strengthening to progress to full contribution agreement compliance.

e) African Peace and Security Architecture Support Programme, US\$ 1,042,047. Mr Speaker, in order to address the peace and security challenges on the continent, the African Peace and Security Architecture Support Programme (APSA) was developed with an aim to prevent, manage and resolve conflict and support peace building.

The programme consists of several components and structures of the African Union, in particular the AU Peace and Security Council; the Continental Early Warning System (CEWS); the Panel of the Wise (PoW) with a mandate in conflict prevention and resolution; and the African Standby Force to be deployed in operations supporting peace.

In addition, the programme aims to harmonize, streamline and implement actions regarding crosscutting and democratic peace and security issues such as Security Council reforms, post conflict reconstruction and development, counter

terrorism, small arms and light weapons, disarmament of demobilization and reintegration, maritime safety and security, climate change and security, women and peace etc.

Mr Speaker, the regional economic communities are the building blocks of the overall security architecture of the African Union. They contribute to the efforts of the AU through appropriate structures and initiatives. Regional components are key elements of the Continental Early Warning System as well as of the African Standby Force, a development which requires a coherent, harmonized approach.

The issue of the AU to pick responsibility for its own peace and security has been financially supported by the European Union from the outset through a financial tool known as the African Peace Facility. The funding agreement of the support of US\$ 1,042,047 was signed in August 2011 covering the period of 2011/14. The supplementary budget is thus intended to cover activities programmed for year one of the project, which runs up to June 2012.

f) Partnership Fund, US\$ 2,154,326. Mr Speaker, the Partnership Fund is a basket fund that was established in September 2006. The fund has grown exponentially from a

modest contribution of US\$ 245,000 in financial year 2006/07 to US\$ 8.0 million in financial year 2010/11.

The membership to the fund has grown to 10 contributing partners including Belgium, Denmark, DFID, France, Finland, Germany, Japan, Norway, Canada and Sweden. The non-contributing members are the World Bank and the European Union.

The budgeting process of EAC commenced and ended before the steering committee of the fund approved the work plan for financial year 2011/12. By the time of budgeting, the only confirmed funds were US\$ 4,020,624 and that was what was budgeted for.

After the EAC budget was approved, the development partners confirmed their disbursements and approved a work plan of US\$ 6,175,000 in June 2011. This meant that there was a total of US\$ 2,154,376 not included in the main budget. This situation will not occur in the future because most of the development partners have now signed multi-year agreements with the EAC Secretariat, making it easier for the Secretariat to project the funds before commencement of the EAC budget process.

The supplementary budget being sought is meant for the following activities:

i) Support to the EAC implementation of the Common Market Protocol and customs and trade;

ii) Monitoring and evaluation of EAC projects and programmes;

iii) Support to social sectors;

iv) Support to productive sectors;

v) Support to infrastructure;

vi) Support to human resource and administration;

vii) Support to finance;

viii) Support in governance; and

ix) Support to EAC institutions.

g) The EAC and HIV/AIDS Programme, US\$ 761,510. The purpose of the EAC HIV/AIDS project is to improve HIV interventions and the workplace environment through strengthening country partnerships as well as harmonizing and consolidating HIV protocols, policies, plans, strategies and legislations so as to mitigate HIV/AIDS vulnerabilities.

The supplementary budget is for implementing the following activities under the project:

- Convening stakeholders' meetings to review and harmonize HIV/AIDS care and treatment protocol.
- Establishing a legal framework and mechanism for pooled bulk procurements of antiretroviral medicines for HIV/AIDS and related supplies.
- Convening meetings of national medicines procurement agencies, national AIDS control commissions and national AIDS control and sexually transmitted infectious control programmes.
- Conducting studies in Rwanda and Burundi; and
- A joint cross border meeting for EAC Partner States' national health experts on disease prevention and control, HIV/AIDS prevention and control and sexual and productive health management.

h) Invest in Adolescents: Building Advocacy Capacity in East Africa, US\$ 1,061,495. The purpose of this project is to improve adolescent and youth sexual reproductive health rights for the attainment of Millennium Development Goals (MDGs) No. 3, 5 and 6 and to strengthen their individual competencies and capabilities.

Mr Speaker, the budget was not presented alongside the health department budget as donor approval had not yet been granted by that time. Since the current operating MTF passed the project, the Council is seeking approval for the supplementary to enable the project operate within the agreed timeline, which ends in June 2012.

The supplementary budget will go towards advocacy module development, regional workshops on advocacy, workshops for youth organizations, human resource and project coordination, project monitoring and evaluation etc.

i) Assistance Agreement for Comprehensive Regional Development of Customs Union Project, US\$ 1,710,391. The project is supporting implementation of the Customs Union and the Common Market by promoting customs reforms; simplifying and harmonizing laws, requirements and administrative practices governing the trading of goods and services for the attainment of improved trade and customs practices compliant to world customs international standards.

The financing agreement on the financial support of the US\$ 1,710,391 by USAID was signed in September 2011 after the financial year had commenced.

j) East African Medicines Regulatory Harmonization Project, US\$ 1,103,959. The supplementary budget of US\$ 1,103,959 being sought is for implementing the East African Medicines Regulatory Harmonization Project. Most of the activities will be carried out through the EAC Partner States' national medicines regulatory authorities. These activities will include, among others:

- strengthening human resource capacity at regional and national level;
- harmonization of medicines regulations including good manufacturing practices;
- establishing common information management systems at regional level to be linked to all partner states' national medicines regulatory authorities and World Health Organization;
- developing a regional regulatory framework for mutual recognition of the regulatory decisions; and
- developing a regional EAC pharmaceutical policy.

k) The EAC/USAID regional project on aflotoxins control and improved nutrition, US\$ 350,000. This project is being supported by USAID and it is geared towards developing a regional standard for aflatoxin levels in food products in the EAC. The project is to support the development of a food safety and quality policy and strengthen regional capacity to coordinate food safety programmes within the EAC.

As part of the strengthening of the human resource capacity component of this project, the EAC Secretariat will recruit a senior health officer, nutritionist and dietetic to coordinate the implementation of the planned project activities.

The project will go a long way to enhance food safety in the region and this is in line with the EAC food and security action plan.

l) Sexual reproductive child and adolescent health programme, US\$ 80,647. As part of the continuing support by the United Nations Population Fund and the International Planned Parenthood Federation, Africa Regional Office to the EAC in the implementation of the EAC Regional Sexual

and Reproductive Health and Rights Strategic Plan 2008-2013, and advocacy with the EAC Regional Inter-Parliamentary Forum on Health, Population and Development that comprises the East African Legislative Assembly and the EAC Partner States' national parliaments, a technical mission from the two organisations visited the EAC headquarters and EALA in Arusha, Tanzania in October 2011.

The overall purpose of the visit was to finalise the work plan and budget for the continued technical and financial support from both the United Nations Population Fund and the International Planned Parenthood Federation, Africa Regional Office in the EAC, to discuss any other areas of mutual priorities between the three collaborating organisations.

In this regard, the United Nations Population Fund and the International Planned Parenthood Federation, Africa Regional Office, have provided new funding to support the implementation of two identified priority activities during the current financial year 2011/12, namely: strengthening of human resource capacity of the EAC health department; and review and implementation of the EAC Sexual and Reproductive Health and Rights Strategic Plan 2008-2013.

m) East Africa and Southern Africa Conflict Prevention, Management and Resolution: small arms and light weapons component, US\$ 794,590. Within the framework of the 2003 to 2007 regional strategy paper and regional indicative programme for Eastern Africa and Southern Africa submitted jointly by IGAD, EAC and COMESA, the EU has provided funding under the ninth EDF to strengthen the institutional capacities of the three regional organisations and support them to effectively reach their conflict prevention management and resolution activities.

The support drew its mandate from Article 11 of the Cotonou Agreement on the partnership between EU and ACP countries. This programme has been running for the last two years and it comes to an end in April 2012. A holding amount was factored into the budget for 2011/12 subject to global figures being agreed upon in terms of projects that involve the other three regional economic communities - COMESA, IGAD and the Indian Ocean Commission under the Eastern and Southern African Indian Ocean Commission configuration within a tripartite implementation arrangement with IGAD.

Against this background, a holding figure of US\$ 85,000 was included in the MTF awaiting conclusion, which took place in May last year when the MTF process was already substantively advanced, hence inability to facilitate update of the figures. Activities under this project are largely Partner State based. The supplementary budget being sought is, therefore, intended to support implementation of the winding-up activities.

n) Rolling out African Ministerial Conference on Environment Communication Strategy on Climate Change, US\$ 179,751. The Secretariat has negotiated with the Canadian International Development Research Centre a one-year project. The overall goal of the project is to increase climate change awareness, knowledge and information and enhance climate change awareness among the various regional stakeholders, and promote the region's effective political and technical engagement in regional and global climate change policy fora. The project is part of efforts towards the implementation of the African Ministerial Conference on Environment Climate Change Communication Strategy within the context of the EAC climate change policy.

The activities to be undertaken include:

- regional sensitisation programmes on climate change;
- developing and publishing climate change information, education and communication materials;
- developing a communication plan to guide EAC's climate change communication functions; and
- supporting EAC's participation in climate change policy advocacy activities at the regional and international levels.

o) Enhancing climate change adaptation policy leadership in East Africa, US\$ 500,000. The United States Agency for International Development is supporting a one-year project. The project is aimed at enhancing climate change adaptive capacity in the region through development and application of integrated tools and decision support systems to key climate change adaptation and development challenges in the region.

Through this project, a climate change coordination unit is to be established at the Secretariat. The project will basically involve:

- institutional enhancement on climate change and adaptation capacity at the EAC Secretariat;

- strengthening regional climate change adaptation policy; and
- the generation and dissemination of quality and reliable integrated climate change adaptation tools to support decision making.

p) The USAID support to EAC agriculture and food security activities, US\$ 353,100. The USAID and the EAC entered into an assistance agreement on 23 September 2009 and US\$ 700,000 was provided to the Lake Victoria Basin Commission. The first amendment of this agreement was done on 21 October 2010 and an additional US\$ 2,620,000 was provided to both the EAC Secretariat and the Lake Victoria Basin Commission.

The second amendment was done to expand activities in the area of trade and investment, and an additional US\$ 1,000,000 was provided.

The third amendment to the Assistance Agreement for Comprehensive Regional Development between the United States of America and East African Community was signed on 29 September 2011 to include support to agriculture and food security activities. In addition, an implementation

letter to the third amendment of the assistance agreement was signed on 4 November 2011.

Implementation of the agriculture and food security activities under the third amendment of the assistance agreement is scheduled to start from January 2012. Therefore there is a need for a supplementary budget as this support was not captured in the current EAC Secretariat budget for the financial year 2011/12.

q) Enhancing the capacity of the East African Community to harmonise migration management, US\$ 45,549. This is a new project, approved after commencement of the financial year and supported by the International Organisation for Migration and DFID.

The project aims at supporting a migration expert at the EAC Secretariat who will be in charge of the migration desk. This desk will serve as a resource centre and liaison point, collecting and making available information and migration trends in the region and beyond, best practices from around the world, international forums and training opportunities. The migration expert will also contribute to enhancing the capacity of the EAC Secretariat to

appropriately address migration issues during the implementation of the Common Market Protocol and its annexes.

r) Support for Payments and Settlement Systems Project, US\$ 500,000. The African Development Bank is to fund activities relating to payment systems infrastructure and microfinance under the financial sector development programme. The purpose of ADB support is to modernise, harmonise and integrate regional financial markets infrastructure in the Community.

The African Development Bank project will address the need to integrate retail oriented payment and settlement systems, which dominate the current payment and settlement arrangements. The support will also include capacity building focusing on payment systems at both national and regional levels.

The project will target the following areas under payment and settlement systems infrastructures:

- Acquisition of payment and settlement systems infrastructure, for example, provision of integrated

card switching systems and more availability of access points in rural areas.

- Harmonisation of financial laws and regulations relating to payment and settlement systems.
- Implementation of real time growth settlement for Burundi.
- Capacity building in the area of payment and settlement systems at both national and regional level.

The supplementary budget of US\$ 500,000 being sought is for:

- carrying out diagnostic studies to identify regional communications infrastructure needs;
- study on harmonisation of laws and regulations of payment systems;
- conducting workshops for policy makers and service regulators on payment systems; and
- short term consortiums to support the project implementation.

s) The Fourth Annual East African Health and Scientific Conference; from the EAC General Reserve Fund, US\$ 100,000. The First Annual East African Health and Scientific Conference was hosted by the Government of the Republic of Uganda in March 2007 in Kampala. The Second Annual East African Health and Scientific Conference was hosted by the Government of the United Republic of Tanzania in March 2008 in Arusha. The Third Annual East African Health and Scientific Conference was hosted by the Government of the Republic of Kenya in March 2009 in Nairobi. The Republic of Rwanda offered to host the Fourth Annual East African Health and Scientific Conference.

However, the fourth and fifth annual East African Health and Scientific Conference could not be held as earlier scheduled in Kigali, Rwanda on March 2010 and Bujumbura, Burundi, in April 2011 respectively. This was because of lack of budgetary allocation and mainstreaming of annual budgetary allocations of US\$100,000 under the EAC Secretariat's current budget as directed by the Council to support the conferences as scheduled.

The convening of the Annual East African Health and Scientific Conference had therefore stopped since the year 2010. Following the decision of the Sixth Ordinary Meeting of the East African Community Sectoral Council on Regional Co-operation on Health and the 22nd Ordinary Meeting of the East African Council of Ministers, the Council is now seeking this supplementary budget in order to support the convening of the Fourth Annual East African Health and Scientific Conference in the Republic of Rwanda.

Mr Speaker, the supplementary budget will cater for:

- mobilising and convening meetings of national and regional steering committees for the EAC Annual Health and Scientific Conference in Kigali, Rwanda;
- convening Rwanda National Planning and Coordination Committee meetings;
- convening a regional logistics meeting in Kigali, Rwanda; and
- convening a regional scientific committee meeting in Kigali, Rwanda.

t) East Africa Community capacity building and sensitisation project by SIDA, US\$ 412,590. The Swedish International Development Agency is funding this project,

which aims at building the capacity of the EAC Partner States and the Secretariat on trade policy formulation, negotiations and implementation.

The capacity building support will be delivered through training of trade negotiators on selected trade policy issues, including on trade data analysis and impact assessment; and conducting studies to assist Partner States formulate and harmonise their negotiating positions. Sensitisation and public awareness on trade negotiations, participation by the EAC officials in various trade policy dialogue as well as engaging short term trade experts will also be undertaken under the project.

Mr Speaker, by considering the additional funds, the overall budget of the East African Community will now move from US\$ 122,124,560 to US\$ 136,749,053 for this financial year.

Before concluding the motion, I would like to take this opportunity to thank our development partners for their continued support and interest in the EAC integration agenda. In particular, I would like to recognise the following:

- The World Bank.
- European Development Fund.
- European Union.
- Members of the Partnership Fund namely: Belgium, Denmark, DFID, France, Finland, Germany, Japan, Norway, Canada and Sweden.
- The United States of America.
- United Nations Population Fund.
- International Planned Parenthood Federation, Africa Regional Office.
- The International Development Research Centre.
- International Organisation for Migration.
- DFID.
- The Swedish International Development Agency.

Mr Speaker, I beg to move.

THE SPEAKER: Honourable Members, the proposal on the Floor is that this Assembly do resolve itself into a Committee of Supply to consider and approve supplementary expenditure of US\$ 14,624,493 in the budget of the EAC for the financial year 2011/12. Debate is open.

THE CHAIRPERSON, COMMITTEE ON GENERAL PURPOSE (Ms Lydia Wanyoto): Thank you, Mr Speaker. I lay on the Table the Committee report on General Purpose on the EAC Secretariat Budget for the financial year 2011/12.

The Committee report has been circulated to you, Members. There is an annexure to this report, which are the responses that the Committee raised yesterday from the Secretariat. They gave us written answers and we have attached their responses for your information.

When you look at our report, from page 1 to 6, it is background information and the preamble. Some of that information has already been given by the Chairperson, Council of Ministers. I beg that I do not repeat what the Council of Ministers has said and I proceed to raise issues that are of concern to us, from Page 7. I will give a summary because the Council of Ministers has been detailed in his submission.

Observations of the Committee

The Committee observed the following, which we want to put on record:

1. We are still concerned as an Assembly that a Partner State should put their money where their hearts are. This supplementary budget reflects 70 percent donor support vis-à-vis what our countries are putting in, 30 percent. We as an Assembly have a history, that it is not very easy to manage our own timing in our regional activities of the calendar if we depend on monies from development partners. We appreciate their support but we should not rely on them to this extent of 70 percent contributions. It undermines our efficiency and management of our own annual calendar activities.

2. We raised an issue of absorption capacity in asking for about US\$ 14 million for five months. However, these activities are already ongoing and the committee appreciates that they will be able to be undertaken and concluded by 30th June.

3. We noted that a very important institution of the Community that needs funding, following the seminar that we had in October, had not been reflected in the support, that is, the East African Court of Justice. However, the reflection is that the institution is under the support of

Partner State funding and that the releases have been made. Therefore, there is work in progress under the institution of the East African Court of Justice.

On page 8, like we have said in the past and this Assembly has passed resolutions to it, we are saying that there must be concerted efforts to reduce on consultancies and consultants so that the staff we employ at the Community do most of the work. This was a reflection in the budget allocations because we realised that a lot of money is going to consultancies. The Council of Ministers took note of this because they were present in the committee meeting, but the role of the Assembly is to keep pushing. We would like to see more work done by our own staff other than the consultancies, which take a lot of money.

I would now like to proceed to point no. 4 under page 8, to the conclusion and recommendations of the committee. The committee was satisfied with the explanations provided by the Secretariat but reiterated that in future, the committee should be given enough time to consider the budget requests because the documents are many and they involve figures.

Secondly, the committee recommends the use of consultants from within the region to be upheld, to build capacity and create a link and sustainable relationship with the universities and research bodies that we are building for the EAC integration. The trend started by the EAC should be sustained.

Page 9 is acknowledgement. The committee would like to express its appreciation to the Council of Ministers who attended the meeting, the Counsel to the Community, the DSG and his team, and the organs and institutions of the Community who facilitated our work when this work was referred to the committee. The committee would also like to extend its gratitude to the Rt Hon. Speaker for agreeing to undertake the consideration of the supplementary budget for the financial year 2011/12, and the Office of the Clerk of EALA for facilitating our work such that we are able to produce the report.

Honourable Members, the figures are clear, the explanations have been done and the documents have been read to you. The committee therefore supports the motion moved by the Council of Ministers for the supplementary budget for the financial year 2011/12, and presents to the House its

report for consideration so that the work of the EAC is facilitated.

Mr Speaker, I beg to move.

THE SPEAKER: Honourable Members, I think we are coming to lunch hour. You can go, take the report and digest it and then you come and debate at 2.30 p.m. I now suspend the House until 2.30 p.m.

(House was suspended until 2.30 p.m.)

(On resumption at 2.35 p.m., the Speaker presiding_)

THE SPEAKER: Honourable Members, we are continuing the debate from where it was interrupted. Debate is opened.

MS NUSURA TIPERU (Uganda): Thank you very much, Mr Speaker. I wish to, on the onset, make it clear that I do support the honourable minister's request for a supplementary budget.

I would also like to use this opportunity to congratulate you, Mr Speaker, and the Bureau of Speakers for the manner

in which you have been working and co-operating with one another. As Members of Parliament, we are the beneficiaries because whenever we sit in any of the Partner States, we receive very good support from the staff of the sitting parliament and also the EALA staff. When you look at the manner in which the EALA staff are interacting with the staff of Uganda, you clearly see that Speaker, Kadaga, has done her best to make us feel at home. So, we really appreciate and I thank you for your co-operation with her and other Speakers.

I also wish to use this opportunity as a woman to congratulate our chairperson of the EALA Women's Parliamentary Forum. Today she is a baby; it is her birthday, and on that note may she live to see many more years. She is just nine years - (*Interjections*) - and hon. Kidega has volunteered to baby sit her. (*Laughter*)

I want to use this opportunity to thank the Chairperson of the Budget Committee, hon. Wanyoto, who sat in for hon. Sebtuu, for a very good job. She took off time with the clerk to even do much of the work after the committee meeting. I want, on behalf of the members of the committee, to say that we were impressed. The DSG's team came well

equipped with all the documents that made our work easier and the committee did not really take time perusing through and looking at how genuine the supplementary budget was. On that note, I give kudos to them.

Mr Speaker, I rise in support because looking at the purpose of the money, as the Chairperson of the Council has read, among other crucial issues to the region like HIV is the improving of the energy systems in the region. Knowing that I am from Uganda where we have always had power shortages, I think if the region is looking at how to enhance lighting in the region, I would be doing injustice to my country and my region by not supporting this supplementary budget.

More so, are issues like reproductive health and adolescent health, which the region had been ignoring but this time the supplementary budget caters for this. I really feel that we should support this supplementary budget.

When we scrutinise the supplementary budget, they already had a work plan addressing how they were going to utilise the money. So on that note, I think our worries were at least covered.

However, as a committee, we had a number of worries and the biggest of all is the fact that following the previous budget that we had passed, this time the donor dependence has increased from the previous 67 percent to 70 percent, reducing the Partner States' funding to the EAC budget to 30 percent. On that note then, I would like to call upon Partner States to do their best and ensure that at least their contribution to the EAC budget is increased; otherwise, we may be working according to the priorities of the donors. If somebody is financing your activities to the tune of 70 percent, then the level of independence definitely will be compromised.

Mr Speaker, we were assured to a large extent by the Council of Ministers and the DSGs that the EAC is doing their best to ensure that mechanisms are put in place to reduce this donor dependence. On that note, I would like to support the supplementary budget.

I would also like to ask the Council not to ignore the issue of visibility in future. When the committee moved in different Partner States, we still got a lot of complaints as far as visibility of the EAC is concerned. So, we hope

the next budget will ensure that the department of corporate communication at the EAC is really looked at, if not revamped, and mechanisms are put in place to ensure that what is happening within the region is known by many of the Partner States.

It is very disappointing to find that in the department of monitoring and evaluation, you only have maybe one staff and yet that is a department that could be feeding into other areas. So, something else must be done there, including involvement of the media and training. This is because many of the issues within the region are a little bit technical and may not be known to many of the actors in the region.

With those few remarks, I wish to conclude and ask my colleagues to support the Council's plea for the supplementary budget. *Asantene*.

MS DORA BYAMUKAMA (Uganda): Thank you, Mr Speaker, for this opportunity. I would like to, from the onset, state that I support the motion and I would like to highlight three points and also thank the committee for the report.

First and foremost, when you look at page 4 of the report, there is a statement which has been noted. It says, at the bottom, that the rationale for the supplementary budget is premised on the fact that there were activities not originally budgeted for where financial agreements had not been concluded. I think it would be neater if in future issues of finalising financial agreements are done in good time so that these are part of the activities which are budgeted for.

I know sometimes when you are expecting money from development partners there are some issues you cannot control. However, I believe that as we interact and as we continue to operate at the East African Community level, we will be able to communicate effectively to our partners to ensure that they know our budgetary calendar so that we do not have many supplementary budgets.

Secondly, the issue of documentation; it would have been good if we had got some of this documentation earlier, so that we are able to internalise and appreciate better the need for a supplementary budget. As you know, Mr Speaker, when you have an ambush, the rate of casualties is usually very high unless you are very lucky. So, we would like to

have ample time so that we do not make mistakes or maybe support information which could have been improved.

Finally, honourable Members, I think we need to, at one time, understudy the trend of the issue of supplementary budgets. It is about 10 years since we have been in existence and I think it would be good for us to understudy how and why these supplementary budgets come up, and most importantly to ensure that they do not exceed a certain percentage of the original budget. If we do not do this, it will reflect that we did not plan properly and that we are not disciplined as an entity, and yet at the regional level, we should be a model entity as concerns the issue of budgeting.

I would like to support my sister, hon. Tiperu, on the issue of donor funding. I think this is very grave. We need to bring it to the attention of the Partner States that we cannot get 70 percent funding from our donors whereas we only get 30 percent from the Partner States, and yet claim that we are very serious about integration.

I thank you.

MR MUNYA: Thank you, Mr Speaker. First of all, I would like to thank the Committee on General Purposes for the thorough work in scrutinising the budget. We appeared before them and we were asked very pertinent questions. We are happy with their work. It helps us in enriching the next budget so that some of the concerns raised can be addressed.

Mr Speaker, I also forgot to thank the African Development Bank, which is one of our development partners, when I was thanking the others. They have always been with the EAC all the way. I would also like to thank all the contributors and the entire House for supporting this supplementary budget.

Most of the issues that were raised by the Committee were already addressed. Issues on absorbability; these are ongoing projects and many of the projects involve Partner State agencies. They are not being done only by the staff of the East African Community. So, the Community has the capacity to spend the money within the set timelines.

The issue of donor dependency is not an issue that concerns only this House. It is an issue that concerns the Council as well. We cannot continue saying we are a self dependent

region when we get more than half of our support from donors. It is true there is that danger of your agenda being influenced by those who fund you.

Mr Speaker, that is why one of the key reforms that must be undertaken in the East African Community is to think of a better mechanism for funding the EAC. These equal contributions from Partner States are not able to generate enough revenue so as to do away with donor dependency. The reforms that are coming are key in addressing this issue in terms of, perhaps, getting a percentage of regional trade or getting a percentage of each Partner State's GDP to fund the Community. These are some of the proposals that have been made, and I am sure they will be incorporated in the institutional review that is envisioned in the very near future.

The issue of enough time is acknowledged. I am sure the Secretariat will take this into account to make sure that the main budget, and even the supplementary budget, is done in good time so that the committee can have ample time to do it and Members have ample time to look at it before it is debated in the House.

With those remarks, Mr Speaker, I also want to thank you for steering the House very well in this very busy week. Thank you. (*Applause*)

THE SPEAKER: Honourable Members, I now put the question that the Assembly do resolve itself into a Committee of Supply to consider and approve supplementary expenditure of US\$ 14,624,493 to the budget of the EAC for the financial year 2011/2012.

(Question put and agreed to.)

(Motion carried)

COMMITTEE OF SUPPLY

CONSIDERATION OF SUPPLEMENTARY EXPENDITURE FOR THE FINANCIAL YEAR 2011/2012

Vote 001: Secretariat

THE CHAIRMAN: Honourable Members, I put the question that a total sum of US\$ 14,624,493 under Vote 001 be provided for the supplementary expenditure for the EAC Secretariat for the financial year 2011/12.

(Question put and agreed to.)

MOTION FOR THE HOUSE TO RESUME

THE CHAIRMAN, COUNCIL OF MINISTERS (Mr Peter Munya): Mr Chairman, I wish to move that the House do resume and the Committee of Supply reports thereto.

THE CHAIRMAN: Honourable members, I now put the question that the House do resume.

(Question put and agreed to.)

(The House resumed, the Speaker presiding_)

REPORT FROM THE COMMITTEE OF SUPPLY

THE CHAIRMAN, COUNCIL OF MINISTERS (Mr Peter Munya): Mr Speaker, I would like to report that the Committee of Supply has approved the amount of US\$ 14,624,493 in the supplementary budget.

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE OF
SUPPLY

THE CHAIRMAN, COUNCIL OF MINISTERS (Mr Peter Munya): Mr Speaker, I beg to move that the House adopts the report of the Committee of Supply.

THE SPEAKER: Honourable Members, I now put the question that the House do adopt the report of the Committee of Supply.

(Question put and agreed to.)

(Report adopted.)

BILLS

SECOND READING

THE EAST AFRICAN COMMUNITY SUPPLEMENTARY APPROPRIATION

BILL, 2012

THE CHAIRMAN, COUNCIL OF MINISTERS (Mr Peter Munya): Mr Speaker, I beg to move that the East African Community

Supplementary Appropriation Bill, 2012 be read for the second time and do pass.

THE SPEAKER: It is seconded.

MR MUNYA: Mr Speaker, the House just approved the supplementary budget and the Appropriation Bill is basically the authority of the House to spend the money on the activities that have already been indicated to the House. So, this is the purpose of the Supplementary Appropriation Bill.

THE SPEAKER: Honourable Members, the proposal on the Floor is that the East African Community Supplementary Appropriation Bill, 2012 be read for the second time. Debate is open.

MR DANIEL KIDEGA (Uganda): Thank you, Mr Speaker. Honourable Members, this is a very good Bill and I support it. I just wanted to make one comment on the aspect of that budget line on visibility. If you look at the organs and institutions of the Community, which of the organs do you think has promoted visibility of the Community? I think it is the Assembly.

There is no organ of the Community which has promoted visibility more than the Assembly through the wise leadership of the Speaker. Through the House business, we have visited all the Partner States and now we are live on TV on the Uganda network. So, I think the Council of Ministers should consider bringing this budget line right to the Assembly to make sure we implement this activity of making the Community more visible to complement what we have so far done. I thank you so much, Mr Speaker.

MS JANET MMARI (Tanzania): Thank you, Mr Speaker. In principle, I support what has been done. I just wanted to get clarification on one minor item. We said, "...expenditure to be incurred" - the amount required in the year end for the expenditure incurred. This means I am not sure whether this expenditure has already been incurred or it is to be incurred. This statement is running all over, so I want that clarification as we go ahead. However, in principle, I support it.

MR FORTUNATUS MASHA (Tanzania): Mr Speaker, let me first admit that I am at a loss that after the committee stage we

are still back to discussions. However, I appreciate your allowing me to say something.

I support the motion except that I had just one general comment to make. It is unfortunate that we just got most of the documentation this morning and it is heavy documentation, so I will rely on the guidance we received from the General Purpose Committee.

Looking at what we are about to pass, I see, for example, one item here on regional political integration and human security support programme. To me, political integration is the big umbrella that should guide us on where we are going; and whatever we pass, where things should be going. But look at the points or details, and I will point out just a few to illustrate my point.

We have something beautiful about the East African Community HIV/AIDS, we have funds for adolescents' project - I wish I could have time to read the document to know what all this is about, but I trust the Budget Committee. There is something about the East African medicines harmonisation project. These little details - adolescents, medicines, HIV/AIDS, aflotoxins control and improved

nutrition, even this wonderful item here on sexual reproductive child and adolescent health programme; it is fantastic that someone is willing to give us money to do these things.

To me, however, and this is a bigger picture, I would like to suggest to the Council of Ministers and maybe the Summit that we do not know which of these projects are really in the ultimate in the political federation. When we come to a political federation, which matters will be federal matters and which ones will be state matters? I would hate to think that at the federal level, we will be talking about sexual reproductive health or something about the little adolescent programmes. So, I think we are being handicapped by the lack of a broad picture of where we are going so that we know what to legislate and what not to legislate. In the absence of that, let us go ahead. I support what we have here.

THE SPEAKER: Hon. Masha, I think nobody wanted to say anything. I even prompted hon. Kidega, but now I can see the whole House - *(Laughter)*

MR MUNYA: Mr Speaker, the clarification from hon. Mmari is very clearly stated. The expenditure is for the year ending 30th June. So, even though it is stated for the expenditure incurred, it means the expenditure that will be incurred between now and 30 June 2012. So, I wanted to make that clear. The expenditure will not go beyond the financial year because the statement starts with the amount required in the year ending 30th June. Even though we are saying "expenditure incurred", it means the expenditure that will be incurred between that period up to the end of that year.

MS MMARI: I am requesting that it be read - (*Interruption*)

THE SPEAKER: Hon. Mmari, your request can come another time. Honourable Members, I want to say one thing. When you look at what we are doing right now, - I think hon. Masha was asking why we are back here again - it is a different motion. That time you were discussing this, now you are discussing this. So, it is two completely different things. Hon. Mmari, the minister has finished and has sat down; what you want to have, you can bring it at committee stage.

Honourable Members, I now put the question that the East African Community Supplementary Appropriation Bill, 2012 be read the second time.

(Question put and agreed to.)

(Motion carried)

BILLS

COMMITTEE STAGE

THE EAST AFRICAN COMMUNITY SUPPLEMENTARY APPROPRIATIONS

BILL, 2012

Clause 1

MS MMARI: Thank you, Mr Chairman. I want to amend where it talks of, "for the expenditure incurred" to read, "for the expenditure to be incurred", so that we know that expenditure has not been incurred.

THE CHAIRMAN: Hon. Member, are you on clause 1?

MS MMARI: No.

THE CHAIRMAN: Hon. Members, I now put the question that clause 1 be part of the Bill.

(Question put and agreed to.)

Clause 1, agreed to.

Clause 2

MS MMARI: Thank you, Mr Chairman. I want to amend where it says in every line, "incurred" to read, "to be incurred", so that at least it moves in sympathy with the explanation that was given saying that they have the capacity to do it, and we know that this expenditure has not been incurred and it will be incurred later.

THE CHAIRMAN: Hon. Mmari, we are on clause 2 and it reads, "Supplementary Appropriation Bill of the sum specified in column 2 of the schedule is hereby allowed..." What do you want to amend in that clause?

MS MMARI: It is in column 1 of the schedules in both sections.

THE CHAIRMAN: Hon. Mmari, that is the schedules. We have not reached there yet.

Hon. Members, I now put the question that clause 2 be part of the Bill.

(Question put and agreed to.)

Clause 2, agreed to.

The Schedule

THE CHAIRMAN: Hon. Members, I put the question that the Schedule be part of the Bill. Hon. Mmari. *(Laughter)*

MS MMARI: Mr Chairman. "Incurred" everywhere in the schedule to read, "to be incurred", so that at least it moves in sympathy with what has been given as an explanation, that they have the capacity to utilize, and we know this expenditure has not been incurred. The way it reads now is as if this expenditure has already been incurred without our permission and they are coming in to ask for permission for having spent this money. It is in every line. Thank you, Mr Chairman.

MR MUNYA: Mr Chairman, if you read clause 1, it says, "*This Act may be cited as the East African Community Supplementary Act, 2012 and shall be deemed to have come*

into force on the first day of July 2011." So, because it is deemed to have already been passed by that time, to operate from that time, that is why we are talking in terms of expenditure already incurred.

THE CHAIRMAN: Honourable Members, if you remember what you did just before we came to this Bill; what did you do? This is just to help the minister. I think we approved the activities that they gave us and we are now giving them authority - we just did it - to now use that money. If you look at all appropriations - I think we went through it the last time - it is deemed to start from the beginning of the year and that is why it says, "The amount required in the year ending 30th June." So it is- I hope you guys understand now.

Hon. Members, I now put the question that the Schedule be part of the Bill.

(Question out and agreed to.)

The Schedule, agreed to.

The Title, agreed to

MOTION FOR THE HOUSE TO RESUME

THE CHAIRMAN, COUNCIL OF MINISTERS (Mr Peter Munya): Mr Chairman, I beg to move that the House do resume and the Committee of the whole House reports thereto.

THE CHAIRMAN: Hon. Members, I put the question that the House do resume.

(Question put and agreed to.)

(The House resumed, the Speaker presiding_)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

THE CHAIRMAN, COUNCIL OF MINISTERS (Mr Peter Munya): Mr Speaker, I beg to report that the Committee of Whole House has considered the East African Supplementary Appropriation Bill, 2012 and passed it with no amendments.

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE OF THE
WHOLE HOUSE

THE CHAIRMAN, COUNCIL OF MINISTERS (Mr Peter Munya): Mr Speaker, I beg to move that the report of the Committee of the Whole House be adopted.

THE SPEAKER: Honourable Members, I put the question that the report of the Committee of the Whole House be adopted.

(Question put and agreed to.)

(Report adopted.)

THE SPEAKER: Honourable Members, when I was hearing the "ayes" I do not know whether I heard Dr Rotich say "aye" or who was it? *(Laughter)*

BILLS

THIRD READING

THE EAST AFRICAN COMMUNITY SUPPLEMENTARY APPROPRIATION

BILL, 2012

THE CHAIRMAN, COUNCIL OF MINISTERS (Mr Peter Munya): Mr Speaker, I beg to move that the East African Community Supplementary Appropriation Bill, 2012 be read for the third time and do pass.

THE SPEAKER: Honourable Members, I put the question.

(Question put and agreed to.)

A BILL FOR AN ACT ENTITLED, THE EAST AFRICAN COMMUNITY
SUPPLEMENTARY APPROPRIATION ACT, 2012

BILLS

SECOND READING

THE EAST AFRICAN COMMUNITY POLYTHENE MATERIALS CONTROL
BILL, 2011

MS PATRICIA HAJABAKIGA (Rwanda): Thank you, Mr Speaker. I beg to move that the East African Community Polythene Material Control Bill, 2011 be read for the second time.

MR KAAHWA: Seconded.

MS HAJABAKIGA: Thank you, Mr Speaker, for giving me this opportunity to give my submission justifying the East African Community Polythene Material Control Bill, 2011.

Before I do that, since it is my first time to take a substantive role in this Assembly during the sitting in Uganda, I wish to join my colleagues to thank the Government of Uganda, the Uganda Parliament and our colleagues, comrades in the Uganda Chapter, for their hospitality and care since our arrival. (Applause)

Mr Speaker, I feel honoured that this Bill can be read for the second time. I sincerely thank all of those who supported me throughout the process of drafting the Bill and encouragement to move it.

The justification for this Bill finds its roots in Article 112 of the Treaty. I would like to thank the architects of this Treaty for having found it fitting to discourage the use of plastics, and called upon Partner States to look for alternatives. Specifically, Article 112(2)(c) calls upon manufacturers to use biodegradable packaging materials.

The dangers of plastic and polythene material cannot be over emphasised. First, they do push soil degradation. One practice that causes soil degradation is the burying of waste by households. While this can temporarily keep the environment clean, it causes soil degradation. In addition

to the loss in organic matter, there is loss of soil permeability, which exposes it to more erosion. Plastics are waterproof and when buried in the ground, they hinder the penetration of water in the soil, thereby contributing to soil erosion and depriving the water table of its source.

Visual Pollution

Plastic products are very resistant to chemical agents and therefore degrade very slowly. That is why they can be seen all over our cities, in the streets, on trees, scattered in all corners of our neighbourhood.

Water Pollution

Added to visual pollution caused by bags flying in all directions, they also float in our rivers and lakes, thus polluting the water and as such degradation of fish biodiversity.

According to one scholar, Alden, who wrote about plastics in 1992, he said, *"One major challenge of waste management is the ever mounting plastic waste scattered everywhere and which ends up in the bottom of the sea thereby becoming a threat to marine life. Plastics are a major water pollutant*

because they scatter easily and can be carried off by water. Over 70 percent of debris examined in the Mediterranean Sea in 1990 showed that 80 percent of the Pacific Ocean is made up of plastic." That is from a UNEP study which was done in 1990.

A two-year study between 1992 and 1994 conducted in France on deep sea and coastal pollution came up with 122 million tons of plastic waste out of 175 million tons of inorganic waste counted, which accounts for 93 percent of the total inorganic waste found in the deep sea. However, scientists are still not very knowledgeable about the impact of plastic waste on aquatic life. But we know that many animals swallow it along with their prey and end up dying of suffocation.

Equally, it has been shown that while the fish breed along the shores of the rivers and lakes, these plastics suffocate the young fish and do not allow them continue to grow. The fish as a result becomes fewer in our rivers and lakes.

Air Pollution

The treatment of waste by incineration and burning, which is the best way of actually getting away with plastics, sometimes contributes to air pollution, which can lead to contamination. Incineration also consumes a lot of oxygen and forms toxins which spread in the air and become carbon dioxide and hydrogen fluoride when PVC is burnt.

It may appear that small doses of gas do not seem to have any major effect, but in the long run such accumulation of gas causes respiratory problems. We have noticed, Mr Speaker, and we were told by stakeholders during a public hearing, that most domestic workers use polythene material to make fire.

Since plastic materials do not biodegrade, they break down into smaller and more toxic petro polymers which eventually contaminate soil, waterways and may enter the food chain.

The impact of polythene material on infrastructure cannot be underestimated. The fact that plastic can easily be blown or carried by water, they end up clogging drainage, sewerage and water pipes which otherwise cost a lot of money to construct.

The challenge is further compounded by the lack of waste collection, treatment, legal and institutional framework on waste management, which has lead to irresponsible disposable of waste in the streets, on pavements, in gutters, at the market place and in public gardens.

The counterargument to control the use of this material, say an alternative, could be recycling. However, research conducted by the US environment agency in 2007 showed that it is more expensive to recycle a bag than to produce one. The results show that it costs US\$ 4,000 to recycle one ton of plastic which can only be sold at US\$ 32 in the long run. It becomes very expensive for the manufacturer and the private sector to move into the sector of recycling but instead continue to produce. Otherwise, it requires government to provide incentives in terms of funding so that people can recycle.

Some Partner States have tried to come up with different solutions. Some have tried to burn. Some have looked at a situation of reuse. However, all these have proved to be impossible since enforcement is quite demanding and requires equipment and personnel who will go around measuring the so called microns. If you talk about 60 or

100 microns, it will require personnel who will be moving around, it will require equipment which people will need to measure whether the polythene someone is carrying is actually that level of microns.

Other counterarguments point out to the loss of income by manufacturers and government. But the production of the alternatives would generate the same without jeopardising the lives of the people and the environment.

The alternatives include cloth bags, baskets, paper bags etc. I will come back to the issue of paper bags. There are some arguments that paper bags will lead to the cutting of more trees. This is true, but it is a lesser evil because we have an alternative to this. You can cut trees and plant a tree but we do not have an alternative as to how we are going to deal with plastics for the time being. However, we also need to balance the amount of revenue the governments receive compared to the cost required to rehabilitate the infrastructure and to manage the waste resulting from the plastic waste.

It has been proved that it is possible to control the use of plastic or polythene materials and to remain with the

ones which are of critical importance. Examples of countries which have tried include Bangladesh, China, Singapore, Taiwan, Rwanda, Botswana, Ireland, Israel and Canada, a number of US states and now France who have enacted a law which will come into force by October 2012.

Mr Speaker, it is also important to point out the hidden costs on our governments. Plastic and related materials such as polythene are produced from crude oil, and this means that our governments part with foreign exchange to actually have this industry run. We need to sow the dangers of plastics before it is too late, like other problems we have today in the name of development such as climate change, ozone depleting substances, etc.

Achievable sustainable development calls for significant changes in current patterns of development production, consumption and behaviour. It advocates inter alia the reduction and control of wasteful consumption of natural resources and prevention of pollution.

Mr Speaker, the Bill also looks at the issues of the free movement of goods and the Customs Management Act and its protocol and the Common Market. Today, we have Rwanda as a

member, who has already decided to control the use and importation of polythene materials. We have Zanzibar in the United Republic of Tanzania where environmental matters are not union matters; they have already moved ahead and banned the use of carrier bags. Recently, I understand they did return a whole ship of plastics which was coming into Zanzibar. What does that mean in terms of the Common Market? It means that goods entering Rwanda, goods going from mainland Tanzania to Zanzibar will not be able to enter because they have already taken action, and so are other countries such as Burundi whose Cabinet have already decided and they are now working on a Bill which will also do the same.

Mr Speaker, with this justification, let me come to the Bill itself. The Bill recognises that plastic is an important material used in our daily lives and cannot be abandoned in totality. It narrows the scope of polyethylene to those that are mostly used to produce, for example, the polythene bags used in shopping.

In addition, even within the polythene material, the Bill provides for exceptions to cater for materials in certain areas, and which cannot be replaced, in a schedule attached

to the Bill. They include those used in health services, the agriculture industry, plumbing material, industrial packaging; the schedule can continue to be improved. For this reason, the schedule could not be exhaustive but the Bill provides powers to the Council to update it when it feels it is necessary.

The Bill itself has got three parts as follows: Part one, which deals with preliminary provisions and includes definitions and objectives of the Bill. Part two deals with the prohibition and exemptions. Part three deals with the enforcement, compliance, sanctions and penalties and some other miscellaneous provisions. Finally, there is a schedule which provides for the exceptions.

Mr Speaker, I would like once again to thank you for your encouragement and support while drafting this Bill. I also thank my colleagues, Members of the Committee of Agriculture, Tourism and Natural Resources, for the wonderful work they have done during and after the public hearing; and all members of the House and all the stakeholders we met during the public hearings. I believe that the data collected will help to enrich the Bill. I am open for amendments that may come from the Committee and

the Members. Lastly, I am looking forward to your support including that from the Council.

Mr Speaker, it will be historic in EAC if we jointly solved one of the environmental catastrophes of our time and it is within our means. Let us do it. With this note, I beg to move.

THE SPEAKER: Honourable Members, the proposal on the Floor is that the East African Community Polythene Materials Control Bill, 2011 be read for the second time. Debate is open.

THE CHAIRPERSON, COMMITTEE ON AGRICULTURE, TOURISM AND NATURAL RESOURCES (Ms Safina Tsungu): Mr Speaker, I thank you and from the onset, I would like to lay on the Table a report of the Committee on Agriculture, Tourism and Natural Resources on the Consideration of the East African Polythene Materials Control Bill, 2011.

Mr Speaker, the report is about 27 pages long but I will read a summary of that report and I have circulated that summary. However, before I read the report of the committee, may I take this opportunity to thank the Members

of the Committee on Agriculture, Tourism and Natural Resources who during the last quarter of 2011, which was a period when the public hearings were being held on this very important Bill, were very supportive to me particularly, their chairperson. They supported me while I was undertaking my academic pursuits. They indeed took up responsibilities that they graciously and very diligently executed.

I would like to thank the team leaders that took the public hearings, specifically hon. Dan Kidega, who led the team in Uganda and Rwanda; hon. Dr George Nangale who led the team in Tanzania mainland and hon. Kate Kamba who led the team in Zanzibar.

Mr Speaker, I would also like to extend the gratitude of the Committee to the individuals and officers that made the public hearings a success, notably the offices of the Speaker and the Clerk of EALA, AWEPA, all the stakeholders both in public and private sectors mobilised by the ministries of the EAC in all Partner States, and I particularly thank the ministers of EAC who were with us throughout the entire process.

Now to the report; we all know that chapter 19 of the Treaty enjoins all the Partner States to co-operate in all issues of environmental and natural resources management particularly Article 112(1) and (2) paragraph (a), (c), and (h). We also know that waste management is a challenge and that plastic waste, primarily from packaging, has been increasing particularly in countries like ours, which are developing countries. The challenge is further aggravated by the inadequate waste collection and treatment, and legal and infrastructural framework on waste management. This has therefore led to the irresponsible disposal of waste in the street and all public areas.

In order, therefore, for us as the EAC to manage such volumes of waste, Partner States of the EAC should reduce the use of plastics and adopt eco-behaviour and eco-consumption practices. These attitudes should be integrated into the very culture of the people through constant and systematic awareness campaigns. However, the object of the Bill that this committee was mandated to consider was not on looking at the waste management but the control of the importation, manufacture, use and sales of polythene materials.

Mr Speaker, in order, therefore, to achieve the objectives of the Bill, which was read for the first time in the House during the session in Kigali in September last year, the Committee undertook a process of public hearings in all Partner States amongst the various stakeholders from both the public and private sector. The Committee further received and considered written submissions from the governments of Kenya, Uganda private sector and the EAC Sectoral Council on Environment and Natural Resources; the latter was submitted to the Committee via the EAC Secretariat.

The objectives of the public hearings, broadly, were to share with the key stakeholders the Bill that seeks to provide a legal framework for the preservation of a clean and healthy environment through the prohibition of the manufacture, sale, importation and the use of polythene materials.

The specific objectives of the public hearings were to:

- interface with the stakeholders in the field of environment and industrial sectors;

- create awareness on the dangers of plastics;
- visit plastic manufacturing plants to enable members appreciate how the plastic industry operates; and
- to suggest recommendations for improvements to the Bill.

Methodology

The Committee formed two sub-committees - one that went to Uganda and Rwanda and the other that went to Tanzania mainland, Zanzibar and Burundi. Both teams met in Nairobi for the climax of the public hearings. While in Nairobi, the Committee also toured three selected industries manufacturing plastics for retail packaging, industrial packaging and recycling.

In all the Partner States, the Committee shared with the stakeholders the objectives of the Bill, objectives of the public hearings, PowerPoint presentations, focus group discussions, presentation of the Bill clause by clause and consideration of the written submissions from stakeholders.

The participation in all these meetings involved the following stakeholders:

- The ministries of industrialisation, commerce and trade;
- The ministries of environment and natural resources;
- The ministries of East African Co-operation;
- The East African Business Council, that is the private sector;
- Chambers of commerce;
- Revenue authority representatives;
- National environmental management authorities or their equivalents;
- Bureaus of standards;
- Local authorities
- Members of Parliament from the national assemblies committees responsible for trade and industry; and
- The media.

There were specific concerns and presentations that were made by the stakeholders in the specific Partner States.

The Republic of Burundi

We were informed that Burundi is in agreement with the Bill and is already in the process of a national initiative to draft a Bill banning the use of plastics. However, their concern was on the appropriate alternative to plastic bags.

Secondly, the stakeholders were concerned that some EAC Partner States may not accept to stop the use of plastics. The media called for political will to realise the end of plastic use. As for the media, they have committed programmes devoted to awareness creation on the dangers of plastics.

The Ministry of Trade and Commerce made a commitment to fully engage in the process of drafting, enactment and enforcement of the Bill. They all, as a whole, welcomed EALA's intervention and pledged their co-operation with it in order to get a regional law that will control the use of plastics.

The Republic of Kenya

Stakeholders were clear on three issues:

a) That there exists an environmental menace from the use of polythene.

b) The Bill can be enriched or significantly improved.

c) A balance needs to be struck between eradicating the polythene menace and promotion and protection of investments.

They observed in Kenya that:

- The environmental menace from the use of polythene needs to be dealt with.
- Kenya should not proceed to ban polythene but rather should adjust the specifications of the polythene. In that way, they enriched the schedule of the Bill.
- They need to ensure international protection.
- Polythene products should be taxed and the revenue collected should be used to establish recycling plants; this is a polluter pays principle.
- There should be a levy for consumers to discourage misuse of polythene.

- The National Environmental Management Authority was in agreement with the Bill but they were, however, of the view that the Bill needs to take care of the economic and social aspects of the environment.

There was no representation in Kenya from the ministries of environment and finance. Yes, there was a concern about the duty raised. Currently, the manufacturers of plastics in Kenya are charged a duty and the concern was that this duty raised should be a levy to allow NEMA to manage the waste. Otherwise, as it is, it cannot be used to target the industry.

The business community is aware that there is a problem which can be solved but only if we work together.

We noted, as a committee, that although Kenya has a very strong civil society network, there was a stark absence of the CSOs at the public hearings. Therefore, the public hearings in Kenya were dominated by the government and association of manufacturers.

The Republic of Rwanda

We were informed that Rwanda has a law in place. They support the Bill and the relevant stakeholders made the following proposals:

a) That we need to include a clause on alternatives to polythene materials and avail incentives to promote the same.

b) That we include a clause on recycling.

c) The EAC Partner States need to expedite the harmonisation process on standards.

d) That students in other EAC Partner States should emulate Rwanda's initiative and create bodies to create awareness on the environment and its protection.

Uganda

In Uganda, the Committee was informed that there is a law that exists for the control of polythene since 2009, but it has not yet been implemented. Political interference in the implementation of the national law was raised as a challenge.

The Minister of Justice said that the initiation of an environmental law to regulate the use of polythene bags was mainly based on financial considerations hence the financial bias exhibited rather than environmental concerns.

The Kampala City Council Authority acknowledged the responsibility to collect polythene waste but also raised a challenge of storage of this polythene waste in the absence of a recycling facility.

The stakeholders recommended that the government needs to invest in recycling and incineration, and inspectors need to have their capacity built for them to be able to implement the law.

The porous nature of the borders of the EAC was raised as a challenge to the Uganda Revenue Authority and customs since polythene and plastic materials could enter through such porous borders.

We also wish to note that the manufacturers were not present at the meeting in Uganda. However, the Uganda Manufacturers Association, Private Sector Alliance and the

Uganda Plastic Manufacturers and Recycling Association on behalf of Uganda's private sector later sent us a written submission, which was considered by the committee.

Tanzania

In Tanzania, there was support for the Bill with the understanding that only plastic bags should be banned and not all polythene material. Secondly, that since polythene materials are used to cover a lot of things, it would be difficult for law enforcers to control all of them. There was a concern that alternative bags, particularly if they were to come from trees, would indeed cause environmental degradation.

Zanzibar

In Zanzibar, there was also support for the Bill but more so on the removal of plastic carrier bags and not all polythene materials. We were informed that Zanzibar already has a law in place since 2008, which had a three year transition period which expired last year.

So, generally, Mr Speaker, the rationale of and the need for the Bill were appreciated by all the Partner States given the submissions that were made.

Tour of manufacturing plants in Nairobi, Kenya,

The Committee was privileged to tour three plants specializing in retail packaging, industrial packaging and recycling. From this tour, the Committee made the following observations:

- Plastic industries are very high intensive investments both in capital, machinery and equipment, and to collect waste one has to get a special permit from the city council of Nairobi.
- Recycling of plastics is undermined by the poor disposal of waste at source, hence sorting and cleaning of plastic waste is needed, which lowers the value of the waste brought into the recycling plant.
- The machinery that is used particularly by the recycling plants is very old.

Recommendation and way forward:

There was enthusiasm, and the committee appreciates the enthusiasm with which the stakeholders interacted with

Committee members during the public hearings. It was a very taxing exercise but also enriching as it exposed the Members to the problems, challenges and benefits that are attributable to the plastic industry, particularly the challenge of balancing between business, development and the safeguarding of a clean and healthy environment.

The Committee made the following recommendations from the concerns that were raised by stakeholders and our own observations:

1. The East African Community Partner States should urge all investors in plastic industries to specify their scope of management of waste to safeguard a healthy environment by indentifying, predicting, evaluating and mitigating the environmental social and economic aspects prior to any decision to engage in the plastic industry.

2. The East African Community Partner States should ensure mainstreaming, raising awareness of the citizens on the dangers of plastics use and the need for appropriate management of the waste arising from their use.

3. Partner States should activate enforcement mechanisms where they are provided for, and where they are lacking establish elaborate functions against business interest that violate sound environmental requirements.

4. The Committee calls upon this House to urgently consider enacting legislation to address responsible management of industrial and household waste by the relevant institutions, so as to keep the EAC region a clean and safe area to live in and attractive to tourists, both domestic and foreign.

In the meantime, the East African Community Partner States' ministries responsible for environment should come up with a clear programme of management of waste so as to protect their citizens from hazardous diseases resulting from the scattered waste.

The East African Legislative Assembly ought to take cognizance of the need to balance between economic and social activities for holistic development of the region.

Lastly, the Assembly needs to appreciate that much of the polythene waste which litters land and water masses, clogs

infrastructure and destroys life and biodiversity is mostly as a result of poor household waste disposal behaviours and mechanisms, poor collection of waste by the concerned authorities, and limited recycling options by industries. The Committee, therefore, recommends to the Assembly to urge the Council to develop a legal framework addressing the disposal of all waste in the region, including polythene, for submission to this Assembly.

The Committee has proposed amendments to the Bill and these are attached as Annex 1. It begs that the House debates this committee report and acts on those proposals.

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

DR GEORGE NANGALE (Tanzania): Thank you, Mr Speaker. I am a member of the Committee. I want to support the Bill, and I want to thank hon. Hajabakiga for moving this very important motion. I am sure there are a lot of people in East Africa who are very much interested and are looking forward to seeing what will be the outcome of this particular Bill.

Mr Speaker, plastic is a scientific invention as a result of an effort by organic scientists, right after the Second World War, to replace alternative packaging materials. You recall during the 1950s and 1960s sisal, which is a natural biodegradable material, was one of the products that was used worldwide. In East Africa, Tanzania and Mozambique in particular were the world leaders in exporting this product. This product was used in shipping, aircrafts and motor vehicles packaging. In fact, one of the early Mercedes Benzes which were produced after the Second World War in Germany used sisal as a product in most of its cushioning materials. Most of the ships in the world used sisal.

However, the emergence of plastic killed this product. In East Africa, sisal is no longer a major product of export though recently things have been improving after people realised that we need biodegradable materials. Plastics, mainly polythene material, are a menace to our environment. However, until another invention, we cannot wish away completely the use of plastic. Given the extent at which plastics and polythene materials are being used in the world today, it is very difficult to do away with plastics.

When I was a kid, my mother used to send me to a nearby shop to buy things like sugar, salt, and these products were packed in brown paper bags. These brown paper bags were easily disposed. You could burn them or just leave them to degrade. Our environment was very clean by then. I think everybody knows that our cities, and even our villages, around East Africa and most parts of the world today have plastics scattered all over the place. In Africa in particular, with its culture of not handling properly our waste disposal, the environment has been damaged a lot.

Mr Speaker, plastic carrier bags which were made in East Africa, probably 30 years ago, conquered the market because they came with a very famous brand. By then there was a movie called *Rambo* played by Sylvester Stallone. In Tanzania, when you say "*mfuko wa Rambo*", you know exactly what it is; it is a plastic bag.

This legislation will help us to responsibly take care of our environment and clean our environment both in urban and rural areas. I want to encourage my fellow entrepreneurs around the region to resolve replacing their plastic factories with the biodegradable material production

factories. Mr Speaker, I again support the motion. Thank you very much.

THE SPEAKER: I am happy we have entrepreneurs in this House.

MS MARGARET ZZIWA (Uganda): Thank you very much, Mr Speaker. I want to thank hon. Patricia Hajabakiga for this very important Bill. I want to thank the Committee on Agriculture for a very informative and educative report, and also for the activities they undertook to make sure that it actually touches base with many of the people who actually are stakeholders in this very important aspect of the use of polythene and plastic.

I want to add my voice to the concerns raised particularly on the area of management of polythene and plastics. Probably if polythene and plastics were adequately managed, it would not have been a menace. I want to mention that during the 26th NRM celebrations in Kapchorwa, polythene became a menace and it was an embarrassment. There was a lot of wind because we were high in the mountains and this wind carried all sorts of plastics and polythene right into the faces of our guests. To the security personnel it was a

nightmare; they kept running up and down bending down to pick these polythene bags against the odds of the winds. It was not very pleasant to look at.

That notwithstanding, I come from a constituency of an urban area - Kampala - and at times I feel embarrassed when you look at all the streets littered and filled with polythene paper and bags, plastics among other things. That tells us that the question of management of this polythene is actually a very big challenge.

I want to say that that is also coupled with poor disposal. The lack of implementation on the management of the polythene has led to very high floods in Kampala. Whenever it rains, all the drainage channels are blocked. Some of the famous drainage channels like Nakivubo, which actually goes straight into Lake Victoria, are known to carry a lot of plastics and polythene. In most cases, we have a lot of floods downtown. In some instances, we have even had people killed because all the drainages are blocked and actually the roads are also blocked.

I also want to say that the areas around Bwaise, which is a suburb in the northern part of the city, are always prone

to floods. Many of the homesteads and households have even moved because the water virtually entered their homes because of the poor drainage. This has all been exacerbated by poor management of plastics and polythene.

Mr Speaker, in addition to the question of management, I want to say that the polythene would be a very important and handy aspect of daily use to a human being if there could be comprehensive sensitisation of the population and if there could be proper disposal. The campaign towards sorting at the household level could be a very effective way of helping us out of this menace.

If at every household level we could have two levels of disposal, the green or the recyclable and the unrecyclable - it is highly practiced in developed countries. I have had an opportunity to live in the UK and even the bigger dustbins always have three or four levels of recyclable materials and garbage is sorted at that level. So, we need to also know that in the management of polythene and plastic, we need to intensify on the question of sensitization. Sensitization is a key factor which, if it requires, we need to appropriate resources to go in that direction.

The third concern on which I want to add my voice to is the approach to call on heavy taxation on polythene and plastics. In Uganda, as you are aware and as the Committee has ably mentioned, in 2009/10 announced that there was going to be a ban on polythene and plastics. Fortunately or unfortunately, the implementation seemed to have been difficult. One of the challenges was being brought in from the context of taxation - that the polythene and plastic sector brings in a lot of taxes.

I want, from this context, to also say that in the area of polythene, heavy taxation acts as a disincentive. Even though there is an advantage of having income or revenue to Government, it actually motivates the population and the business sector to actually go ahead and produce because they see that that is a window and the demand is high. So, I think although it brings in a lot of revenue to government, we have to encourage Government to seek alternative revenue instead of looking at just the polythene and the plastics as a source of revenue.

My other concern comes in with the recycling industries, and I am happy and I thank the Committee and hon.

Hajabakiga for providing some of these reading materials. Some of these industries definitely come from the high or developing countries and they come and place themselves here. Some of the reasons are known. They come here because our governance regimes are still weak. So, in most cases they find it easy to come and place themselves here.

In many instances, even some of the fumes which come out of the recycling industries are actually poisonous to the population. Although there must be an environmental impact assessment exercise, many of these industries have not done it. If they have, we have not actually been able to appreciate the report as is. For that matter, I want to say that in the effort of management of the polythene, the industries should also be reviewed. We need to see some of these industries.

In Uganda they were talking about the 30 microns but in most cases a lay person may not be able to differentiate what 30 microns is. When hon. Nangale was describing when he was still a young man and he was carrying a polythene bag and it was fashionable, to date even those very high fashion houses like Louis Vuitton also produce plastics

which are fashionable and people actually would like to carry them.

So I think we need to look critically at also the producers of the plastics and the polythene. We need to be sure that they actually only produce, if they are to produce, those which are compatible with the scientific possibility of recycling and they are also able to give a hand in terms of the social corporate responsibility.

I want to thank some of the industries that have encouraged the community to participate in terms of collecting the polythene. I have seen one industry in Kenya being quoted in the report where women, children and youth are encouraged to go out and collect the polythene and they are paid per kilo, perhaps among other things. I think that could also be a good alternative if production has been stopped. For instance, a country like Uganda could actually take this on to make sure that the current volume of plastics and polythene which are in the countryside are actually retrieved and recycled or withdrawn completely from the community.

I thank you, Mr Speaker, and I thank the Committee for being pro-active and bringing forth this Bill. Let us work together to make sure that the implementation in the Partner States is actually effected.

MS EMERENCE BUCUMI (Burundi): Thank you, Mr Speaker, for giving me this opportunity to contribute to this Bill. Before I proceed, since it is the first time that I am taking the Floor since we came here to Kampala, allow me to thank our hosts for the hospitality which has made us comfortable. We feel at home. (*Applause*)

I want to congratulate hon. Patricia Hajabakiga, the mover of this Bill. It is a very important issue in the world in general and in our region in particular. The most important thing is to realise that our environment is slowly being destroyed by these polythene materials. I want to use this opportunity to thank the leaders of the Republic of Rwanda who took this good example to fight against the use of these polythene materials and who have succeeded.

Enactment of a legal framework for preservation of a clean and healthy environment is necessary now especially when we see the damage caused by climate change in the region and

beyond. We cannot ignore that the climate change was occasioned by the pollution of the environment. Sometimes we kill ourselves. We know that elements such as polythene materials are harmful but we continue to use them.

If one country in our region has succeeded, this shows that all of the countries in the region can also succeed. (Applause) What we need is a community which wants a healthy environment. So we must support this Bill without any other hesitation, consideration - (Applause)

Mr Speaker, thank you once again. I support the motion. (Applause)

MR CHRISITOPHE BAZIVAMO (Rwanda): Thank you, Mr Speaker. I also rise to support the motion. I thank the mover of the motion and the Committee.

I fully agree with the arguments given in support of the ban of some plastic materials. I fully really highlight that proliferation of polythene material, especially plastic bags, is of serious harm to our environment in general and particularly in Africa, which has a mainly agriculture and livestock-based economy. Firstly,

accumulation of plastics in agriculture farms causes low penetration of water in the soil thus limiting implicitly soil productivity and soil production and *ipso facto* causing or increasing this problem of food insecurity in Africa.

Secondly, use of plastic bags is harmful to livestock. We all know that plastic ingestion causes many losses in livestock - domestic animals, wild animals or water beings - with horrible consequences.

Thirdly and finally, avoidance of use of plastic bags is often not positively perceived at the beginning. However, we know that it is possible because we already have countries which have embarked on the process and have not only gained economically but also are usually proudly cited as best practices or showcases in the world.

Mr Speaker, we know that alternatives exist and we know that it is also possible to manage these plastics. We know that this is possible because there are already examples we can find here and there. One which can be cited is also this water hyacinth bags production, which can be taken as

a solution not only to protect our water but also to reduce this plastic bag utilisation.

If these plastic bags have been banned and the process achieved successfully by some countries, there is no reason that we cannot adopt this Bill for the good of all Africans and especially East Africans and therefore sustain development. Even if some find that it is not easy to avoid all plastics, let us at least try what is possible by banning what is possible, replacing what is possible and taking an orientation in managing what is not possible to avoid. I am sure that if we commit ourselves, it is possible to achieve what we want to achieve. Thank you very much.

THE CHAIRMAN, COUNCIL OF MINISTERS (Mr Peter Munya): Thank you, Mr Speaker. I would like to express the Council's support for this Bill. (Applause) At committee stage, we will move two amendments that are only intended to improve the Bill and not to curtail its ends.

The problem of solid waste management in general is a big problem especially in developing countries. Most of the industrialised countries and western countries have been

able to come up with policies and measures of dealing with their solid waste. But if you travel in most of our towns in the developing world, and in particular here in East Africa, you will see that that it is a major problem in urban areas especially, and it is also spreading to the rural areas where development is also reaching. So, this is a problem that we must confront. This Bill is, therefore, very timely in addressing this specific aspect of solid waste management that deals with polythene materials.

Mr Speaker, the Bill gives effect to Article 112 of the Treaty, which articulates Partner States' rationalisation and harmonisation of policies on the management of the environment. The Bill aims at controlling pollution whose dangers to the increasingly abused environment include clogging of drains, causing danger to wells and life and chocking flora and fauna.

Mr Speaker, it is also important to say that this is not the first attempt in dealing with this problem. If you look at the experience of all the Partner States, there have been attempts at dealing with the problem but the attempts have largely been unsuccessful, except for Rwanda and Zanzibar.

In the other countries, for example in Kenya, there was a law passed in 2007 to ban thin polythene bags, the 0.03mm kind, but that ban was never effected. The industrial players raised a lot of problems and the ban was never effected.

There have also been attempts in Tanzania to do the same. There have been attempts here, but these attempts have not been successful. Therefore this Bill is timely in the sense that it will reinforce those efforts at the Partner States level to deal with this menace.

The Bill attempts to regulate the use of plastics but specifically focuses on banning the plastic bag because the plastic bag is the most notorious and problematic aspect of the polythene material. It is a big problem to all of us and the rest of the world.

The Bill is also in line with the Partner States' commitment to international instruments like the Kyoto Protocol, the United Nations Framework on Climate Change and also the Cartagena Protocol on Bio safety. So, it is in line with those international instruments that we have

assented to as a region and as Council, to safeguard our environment.

If you looked at some of the statistics that are available, they are mindboggling. They express clearly the magnitude of the problem. Information provided by the US Environmental Protection Agency tells us that between 500 billion and a trillion plastic bags are consumed worldwide each year and less than one percent of the bags are recycled.

A study in 1975, which was done a long time ago and therefore the figures must have gone up tremendously now, states that ocean going vessels dump 3.6 million bags into the sea every year. That was in 1975, so you can imagine the magnitude of the problem right now.

The United Nations Environment Programme in Nairobi tells us that supermarkets in Nairobi alone hand out nearly 100 million bags. Out of the 1,500 tons of solid waste generated in Nairobi, it is only 25 percent of this solid waste that is collected. In the US, 600,000 plastic bags are handed out every five seconds and 100 billion bags each year.

So, you can see the magnitude of the problem. The problem is bigger in poorer countries where we do not have any policy on disposal, collection and recycling of these materials. Our problem is much bigger and that is why we have to be proactive in dealing with them.

In South Africa, we are told that before the ban in 2003, the thin bag, which was multicoloured, was everywhere on every surface and it used to be called the "national flower" because you would find it in every corner of a street, in every drain, on every fence. So, it got that beautiful name. The South Africans eventually banned it and South Africa is now cleaner and more beautiful than it was before 2003. From that experience, we know that in East Africa, if we do this I am sure our cities will be more beautiful, our streets will be cleaner, our drains will be clearer and our crops will do better because there will be no plastic bags buried there preventing the growth of our crops.

Mr Speaker, this Bill is timely; it is progressive. It is going to make our lives better and it will also assist us

in preserving a better environment for the future generation in East Africa. I support it. (Applause)

MS PATRICIA HAJABAKIGA (Rwanda): Thank you, Mr Speaker. There were no questions, just comments and support. I would like to thank you, Mr Speaker, for availing us this opportunity once again. I thank you, honourable members, who have supported, those who have spoken. For those who had no opportunity to speak, I am sure they are in support but because of the limited time, they could not contribute.

Specifically, I would like to thank hon. Tsungu, Chair of the Committee; hon. George Nangale because he also reminded us of the sisal industry and all those estates and land covered in Tanzania and Kenya with sisal, which are no longer of use and yet we can harness that resource and use it for our people as well.

Hon. Zziwa, I thank you very much for reminding us about the issue of some of the materials being poisonous. I did a personal experiment, which anybody can also try and do. I took a black plastic bag, the fine one, and I put white maize flour. After just a span of two weeks, all the flour had turned black, which means that we do not even know what

we are consuming, and people are using them to put milk and cover our matooke when we cook. So, there is a danger which we do not know. I did not do any chemical test, but that was visual evidence that there must be a problem.

I also want to thank hon. Emerence, hon. Christophe Bazivamo, and finally Minister Peter Munya, who is standing for the Chair of Council, for his comments. I welcome amendments if they are acceptable. I thank you all very much. (*Applause*)

THE SPEAKER: Honourable Members, I put the question that the East African Polythene Materials Control Bill, 2011 be read for the second time.

(Question out and agreed to.)

(Motion carried)

BILLS

COMMITTEE STAGE

THE EAST AFRICAN POLYTHENE MATERIALS CONTROL BILL, 2011

Clause 1, agreed to.

Clause 2

MS TSUNGU: Mr Chairman, the Committee on Agriculture has the following proposals:

- i) Replace "authorised officer" with "relevant authority".
- ii) Have new terms for definition of:
 - a) "Polyethene" to mean a thermoplastic which is a polymer of the gas ethane with multiple uses.
 - b) "A polymer" is a large molecule composed of repeating structural units typically connected by covalent chemical bonds.
 - c) "Biodegradable" means a material or item that has ability to break down or which can be composed back into the natural environment without causing harm; and
 - d) "Environmental friendly" means the material or item that has no negative impact to the environment.

iii) Replace "environmental officer" with "relevant officer".

iv) Delete "polythene" and replace it with "polyethene" wherever it appears.

Thank you.

MR KAAHWA: Thank you, Mr Chairman. I am looking closely at the proposed amendment of clause 2 for purposes of including new definitions. I am particularly interested in the definition of "biodegradable". This clause should serve to interpret terms and words used in the Act. I have combed through the Act and I have not seen where we have used the term "biodegradable" so that there is justification for its consequential definition in clause 2.

However, assuming that we have used it in any of the other clauses, then here we should be defining it not as an adjective but as a noun. In the Committee's proposed amendment, they are defining an adjective but when you come to the body of the definition, you find that there it is a noun they are referring to. So, I have those two major issues.

I thank you, Mr Chairman.

MS TSUNGU: Mr Chairman, I did not get the second concern but on the first one, - why define "biodegradable" if it is not used - on the list of proposals by the committee, if it does pass there will be need to define "biodegradable".

On the second one, I did not get the concern that the CTC was raising.

MS BYAMUKAMA: Mr Chairman, I see the word "biodegradable" in the memorandum. I have looked through the Bill twice. It may be that it is not there but I believe considering the subject matter that we are dealing with, definition of the word "biodegradable" may also be found in some of the international environment agreements and conventions and, therefore, I see no harm in including it. When we are talking about - should I continue? I do not know whether I was being listened to.

THE CHAIRMAN: The person listening to you was hon. Tsungu.

MS BYAMUKAMA: Oh, sorry. Anyhow, the memorandum has the word biodegradable-

THE CHAIRMAN: Hon. Member, just to help you; the memorandum will not appear in the Act.

MS BYAMUKAMA: Yes, I understand so and I am saying that reference to international environment agreements and conventions obviously would bring up this issue. Considering the fact that we are dealing with an issue such as polyethene materials, I do not see any harm in including it because obviously this particular terminology will come up. I thank you.

MR KAAHWA: Mr Chairman, we are guided by the provisions of the EAC Act, which guides this august House in enactment of legislation. When we enact legislation, after this process we will end up with an Act which will be assented to and which will be published. In that Act, which will now be for implementation, you will not be able to read the memorandum. The memorandum is for purposes of informing this august House, during the introduction and during the second reading, of the purpose and in-depth need for the

Bill. Once it has gone beyond that stage, you will not need the memorandum again except in the annals of history of this House. Including it when it does not feature in the provisions of the Act is superfluous.

MS TSUNGU: Mr Chairman, I have a proposal that if the House so desires, we can come back to clause 2 when we have gone through the entire list of proposals that have been moved by the Committee because among the proposal there is "biodegradable" that will be used. I thank you.

THE CHAIRMAN: Why don't you request using that word we were saying yesterday?

MS TSUNGU: I am requesting that we stand over it.

Clause 3

MS MMARI: Thank you, Mr Chairman. I want to move an amendment on clause 3 to include a section 3(f) to read, "Promote recycling," and thereafter (g) becomes, "brand the East African Community green and clean."

I am moving that amendment because by looking at the report that was tabled by the chair of the Committee, there is an

amendment of clause 12. This clause 12 is looking at ensuring that people who are recycling or creating biodegradable packaging materials may receive support. So, recycling being one of it, I thought we could include it as 3(f), "promote recycling".

Mr Chairman, I have already requested the clerk to see to it if it can be done.

THE CHAIRMAN: Hon. Members, we have an amendment from hon. Mmari to have a new (f) which will read, "Promote recycling".

MS HAJABAKIGA: I take the amendment moved by hon. Mmari. It does not harm the Bill.

THE CHAIRMAN: Hon. Members, I put the question that clause 3, as amended, be part of the Bill.

(Question put and agreed to.)

Clause 3, as amended, agreed to.

Clause 4

MS TSUNGU: The Committee proposes to amend clause 4 to read, "This Act applies to all types of polyethene materials."

THE CHAIRMAN: The Minister is asking the difference between "polythene" and "polyethene".

MS TSUNGU: Mr Chairman, "polythene" is a layman's term but the technical term is "polyethene" with an "e" between "y" and "t". That is the term as defined by the International Union of Applied and Pure Chemistry.

THE CHAIRMAN: You have heard. (*Laughter*)

MS HAJABAKIGA: I accept the amendment.

THE CHAIRMAN: Hon. Members, I put the question that clause 4, as amended, be part of the Bill.

(Question put and agreed to.)

Clause 4, as amended, agreed to.

Clause 5

THE CHAIRMAN: Hon. Members, I propose that clause 5 be part of the Bill.

MS TSUNGU: The title just before clause 5 reads, "Prohibition and Exception." The Committee recommends that we replace "prohibition" with "regulation". In clause 5(1), we replace "prohibited" with "regulated". In clause 5(2), we replace "polythene" with "polyethene". In clause 5(3), we replace "polythene" with "polyethene" also.

We have a new clause 5(4) to read, "For avoidance of any doubt, the elimination of the polyethene bags shall be complete in all Partner States within one year from the coming into force of this Act." This has been lifted from a clause which was appearing later in the Bill. Thank you, Sir.

THE CHAIRMAN: Hon. Member, what about the marginal note? It reads "prohibition"; does it stay "prohibition"?

MS TSUNGU: The marginal note on 5 will read "regulation".

MS HAJABAKIGA: Mr Chairman, I accept the amendment.

THE CHAIRMAN: Hon. Members, I put the question that clause 5, as amended, be part of the Bill.

(Question put and agreed to.)

Clause 5, as amended, agreed to.

Clause 6

MS TSUNGU: Mr Chairman, I propose consequential amendments to the word "polythene" to read "polyethene" and "environmental authority" to read, "the relevant authority". Also, insert the word "not" in clause 3(1) between the words "materials" and "specified."

THE CHAIRMAN: Hon. Member, please repeat that because what I have here is something different.

MS TSUNGU: We are proposing amendments to 6(1) as follows:

a) A consequential amendment to replace the word, "polythene" with "polyethene".

b) Insert the word "not" between the words "materials" and "specified" so that it reads, "Any person who wishes to use, sale, manufacture or import any polyethene materials not specified in the schedule..."

c) Another consequential amendment to replace the word, "environment authority" with "relevant authority".

THE CHAIRMAN: Can you continue with clause 6 so that we finish.

MS TSUNGU: Clause 6(1)(c), replace "polythene waste" with "polyethene waste" arising from their use.

Clause 6(3), redraft it to create a new sub clause to read, "In the event that the applicant is not satisfied with the decisions of the relevant authority, they may seek redress from the minister from the relevant ministry."

MR KAAHWA: Thank you, Mr Chairman. I have listened carefully to the honourable chairperson of the Committee on the proposed new sub clause (3). Whereas it is well intentioned, I think it would require amendments. I am going to propose that instead of it reading the way it is reading, it reads as follows: "In the event that the applicant is not satisfied with the decision of the relevant authority, the applicant may seek redress from the Minister."

THE CHAIRMAN: Can you justify that so that at least we know why you are thinking that way.

MR KAAHWA: The way it is written now, I should not say is not elegant but it is not in consonance with drafting techniques. So, I am trying to improve on the drafting techniques as known to this House. Where I refer to the "relevant authority" I will refer to the "environment authority".

Can I read it again, Mr Chairman? "In the event that the applicant is not satisfied with the decision of the environment authority, the applicant may seek redress from the Minister." I know, Mr Chairman, I may be asked which minister, but I have seen in the East African Community Interpretation Act guidance on that one.

May I read it? I did not want to say the "relevant minister" or the "minister responsible" because I have seen in the laws of the East African Community Interpretation Act, 2003, Section 2 reads: "*In this and every other Act of the Community.. - including the one that we are now enacting - ...the minister in relation to a Partner State means the*

minister for the time being responsible in that Partner State for the matter in question." That is why I stopped at "minister" without using superfluous words like "relevant minister" or minister in respect of.

THE CHAIRMAN: *Bwana CTC*, we are also writing what you are saying. You went from "relevant authority" to "environment authority"; which is it now?

MR KAAHWA: Mr Chairman, I thought I moved with you. I think I am with you on "relevant authority" because I see in 6(1), there is a proposal - I do not know whether it has been accepted by the committee - for a consequential amendment to replace "environment authority" with "relevant authority" wherever it appears.

MS BYAMUKAMA: Mr Chairman, my comment I think has been taken into account because in 6(1) the Committee was changing from "written authorisation from the relevant authority", and so reintroducing the issue of "environment authority" I thought would not rhyme with what had been agreed upon.

Secondly, I have some concern when the person who is aggrieved has to seek redress from the minister. Redress in certain matters as this could actually be handled by a court of law. I do not understand as to whether this particular law is going to vest the minister with *quasi* judicial powers to handle such matters. We are assuming that ministers in this particular context would have been vested with such *quasi* judicial authority. Thank you.

MR MUNYA: This is the normal practice. If you are not able to be helped by the authorities, then you have a chance to go to the Minister and if you are not satisfied with the Minister, the court's jurisdiction is always there. It is already assumed that you have a right to go to court, so we cannot put that here. In any case, it gives you even a third level of appeal where you can now go to court if you are not satisfied with the decision of the Minister. So, I think the amendment is very good.

MS NYIRAHABINEZA: Thank you very much, Mr Chairman. Mine is just a small input for purposes of clarity. Under 6 (2), suppose that somebody works on an application and then does not submit that application, in this Bill, it is stated that the environment authority shall, within a period not

exceeding 20 working days, determine the application under sub section (1) and inform the applicant accordingly. May I propose that maybe we add "20 working days starting from the day it was received by the relevant authority" just for clarity? Thank you.

THE CHAIRMAN: Before we get to that, can we have it. She is reading but she has not brought a document here, so I assume it is not here. *Mheshimiwa Patricia*, write and bring it.

MS HAJABAKIGA: Thank you, Mr Chairman. In principle, I agree with the amendment but the lawyers seem to be discussing how to draft it. I think under the rules, it is clear that if things are amended for purposes of clarity, it is okay. Instead of saying, "they may seek" I think hon. Kaahwa said, "the applicant may seek redress from the minister". If that is what was decided in the document which he has read for us, I accept.

MR OGALO: Thank you, Mr Chairman. I think hon. Dora Byamukama had a point on the question of 6(3). Yes, you are aggrieved by the decision of the authority and then you seek redress from the Minister, but I think her concern was, if you are dissatisfied with the decision of the Minister, what then happens? [Hon. Members: "You go to court."] Yes, you go to court but the appeal is given by statute. It is just not automatic that you would have to put it here to give the authority for the applicant to be able to appeal within a particular time if he is dissatisfied with the minister. An appeal is a creature of statute; you cannot just imply it.

I thought that the committee would address that because when you say that in the event that the applicant is not satisfied with the decision of the authority then that applicant seeks a redress from the minister, suppose you are not satisfied still with the position of the minister? Yes, you can go to court but where is the authority for you to go to court? Where is the basis? It has to be here as before because an appeal can only be created with a creature of a statute.

MR KAAHWA: Mr Chairman, the processes which the Act is referring to here - the process by the relevant authority or in case an applicant is dissatisfied with the process by the minister - are purely administrative in nature. Also, there is always a process through which you can seek judicial review of administrative action.

An applicant would not be appealing against a decision; an applicant here - and this is common in all our jurisdictions - would be moving court for a judicial review of an administrative action. It is not as if an applicant would be appealing having been dissatisfied with a decision of another judicial body like court. But having been dissatisfied by a decision of an administrative body, an applicant would be seeking judicial review of that decision.

MR OGALO: Mr Chairman, my understanding of judicial review is in respect of prerogative writs of mandamus, certiorari and prohibition, which questions the process. If the Minister has not followed a proper process, then you can go for a judicial review. However, if the Minister had followed the proper process - he has given you a hearing, you have put your case and he has come to a decision - is

the judicial review applicable? It is only applicable where you are challenging the process but here you want to challenge the decision, the merits of the case.

MR MUNYA: Mr Chairman, the assumption in every Bill or Act of Parliament that is passed is that any individual who feels aggrieved by any action brought about by that Act can go to court. We do not have to write it in the law.

By going to the courts here, you are not appealing. You are going to court for the first instance, as the CTC explained, because these are administrative actions. You are aggrieved by the decision of the Minister, so you can challenge that decision in court and you can seek those three orders you are talking about - if you want the Minister to be forced to act in a certain way, if you want the court to quash the decision of the Minister, or if you want the court to prohibit the Minister from doing anything. But if you want us to write that we go to court, we can write it.

THE CHAIRMAN: Honourable Members, I want to say that I do not have an amendment here. I can see the lawyers are trading this and that and saying this or that but there is

no amendment on the table. Hon. Patricia Hajabakiga has agreed to the amendment of hon. Kaahwa. Hon. Members, I now put the question that clause 6, as amended, be part of the Bill.

(Question put and agreed to.)

Clause 6, as amended, agreed to.

Clause 7

MS TSUNGU: Mr Chairman, part (3) of that section in the Bill has a title "Miscellaneous". The Committee is proposing that these matters are not miscellaneous but substantive and they propose to change it to "sanctions, enforcement and incentives".

Thereafter, for clause 7(2), we propose to delete the group of words from "director" all the way to "second person" and replace them with the words, "any officer of that corporate body, such officer as well..." So, it will read as follows: "Where an offence under this Act is committed by a body corporate and it is proved to have been committed with the consent or connivance of, or to be attributable to any act or default on the part of, any officer of that corporate body, such officer as well as the corporate body shall be

deemed to have committed the offence and shall accordingly be liable." This is just to reduce on verbosity and to make it neater.

MR KAAHWA: Thank you, Mr Chairman. If the reason of the committee to cause an amendment to part (2) of this clause is to avoid verbosity, then with due respect, it is not very convincing. Reason being that, the liability visited on certain officers of a body corporate is different from that visited on all other officers. Just like in the Community, the liability visited on the Secretary-General on the commission of any offence, for example, is different from the liability visited on any other officers serving the Community.

The mover here in sub clause (2) intended, and rightly so, to reflect on that differentiation in liability, and therefore, to include all those words. This is not excess baggage on the Bill and this is the normal way we legislate. So, if the reason is just to avoid verbosity, I advise the committee to maintain the original version because it is in accordance with standard practice and will help in the implementation of the Act. We thank you so much.

MS TSUNGU: Well, the Committee has no objection.

MS HAJABAKIGA: Thank you, Mr Chairman. I keep what was in the Bill.

THE CHAIRMAN: Hon. Members, I now put the question that clause 7, as amended, be part of the Bill.

(Question put and agreed to.)

Clause 7, as amended, agreed to.

Clause 8

MS TSUNGU: Mr Chairman, the Committee moves a consequential amendment to replace "environmental authority" with "relevant authority".

MS HAJABAKIGA: I accept the amendment.

THE CHAIRMAN: Hon. Members, I now put the question that clause 8, as amended, be part of the Bill.

(Question put and agreed to.)

Clause 8, as amended, agreed to.

Clause 9

MS TSUNGU: The Committee makes another consequential amendment on clause 9 to replace "authorised officer" with "relevant officer."

MS HAJABAKIGA: I accept the amendment. Thank you.

THE CHAIRMAN: Hon. Members, I put the question. If you have something to say, please stand up and say it. It is too late now. *(Laughter)* Honourable Members, I now put the question that clause 9, as amended, be part of the Bill.

(Question put and agreed to.)

Clause 9, as amended, agreed to.

Clause 10

MS TSUNGU: Mr Chairman, the Committee makes consequential amendments to 10(1) and 10(2). On 10(1), replace "authorised officer" with "relevant officer" and on 10(2), replace "authorised authority" with "relevant authority".

MS HAJABAKIGA: Thank you, Mr Chairman. I accept the amendment.

THE CHAIRMAN: Hon. Members, I now put the question that clause 10, as amended, be part of the Bill.

(Question put and agreed to.)

Clause 10, as amended, agreed to.

Clause 11

MS TSUNGU: Mr Chairman, the proposal by the Committee is to amend clause 11(1) by deleting the words, "take such measures specified in the notice" and replacing them with, "the relevant authority may, by notice in writing, rescind its earlier decision". So, it would read, "The relevant authority may, by notice in writing, rescind..."

Also, replace "polythene" with "polyethene", which is consequential, and delete "prohibited" and replace it with the words, "contravening clause 5(2) under this Act".

MR MUNYA: I seek your indulgence. We have passed clause 10 but I think the amendment that you have made may completely interfere with the meaning. This is because "authorised

officer" does not necessarily mean the relevant officer. "Authorised officer" could mean a prosecutor or the police person who has the power to enforce. So, if you change it to "relevant officer", you change the meaning.

Even if you look at the section on definition, "authorised officer" is not necessarily the same as "relevant officer". So, we change the meaning completely and then we disable enforcement authorities who could be the Police or the prosecutor or anybody else, to do his work when we turn it to "relevant officer". So, I think for clauses 9 and 10 we retain "authorised officer".

THE CHAIRMAN: There are two ways of doing it. You can define "authorised officer" in the definitions because we stood over it, or we recommit the Bill later on.

MS BYAMUKAMA: Mr Chairman, I would like to go with your proposal because when we keep on saying "relevant authority" and yet we are dealing with a subject that is connected to Article 112, which is on management of the environment, what is relevant? It means no one will be responsible. So, we need to either say "authorised officer" or "authorised entity" because if we do not name it for

clarity, nobody will take up that responsibility. I am sorry, Sir, but I believe what you are saying is correct. We need to be more specific otherwise "relevant" may be misinterpreted or not interpreted at all. I thank you.

THE CHAIRMAN: So, honourable member, are you saying you will define it?

MR MUNYA: Mr Chairman, what I was saying is that for the other amendments we made, where we said "relevant officer" there was no problem because we meant the officer in charge of those matters as long as we define it there, but when we come down here to 9 and 10, we are not dealing with the relevant officer. We are dealing with enforcement, which means even taking somebody to court. So, the meaning expands now to include the prosecutor and the police, so the need to retain that term "authorised officer" to be able to carry that meaning with us.

THE CHAIRMAN: Honourable Members, maybe somebody will move to recommit the Bill once we get back up there so that we can come back to clauses 9 and 10 and take care of that problem. Is that okay with you? I guess somebody should have a motion to recommit the Bill. Honourable Members, you

all have your rules here; I do not know why nobody looks at those rules on how to recommit.

MR MASHA: If you read something which we have already passed as "authorised officer", the authorised officer according to this will have to be authorised in writing by the authority and the authority here is the environment authority.

THE CHAIRMAN: Where are you looking?

MR MASHA: I am looking at clause 9 but I am just making reference to another one to show the problem between "authorised officer" -

THE CHAIRMAN: That is what the minister has been saying. There is a problem between the two.

MR MASHA: That is what I am addressing. I am saying that according to this, if we do not bring in "relevant officer" and maybe redefine it so that we include police officers and the other enforcement agencies, what remains as "authorised officer" according to the earlier piece we have passed does not include the police officer unless the

police officer gets a written authorisation from the authority, which is the environment authority as defined in here. So, we may have a problem that enforcement authorities may not be able to actually enforce this Act. It is because of the restrictions we have put on the term "authorised officer".

THE CHAIRMAN: Honourable Members, I think we have not passed clause 2 yet and that is what I said earlier. We stood it over, which means when we come to definitions we can put that definition or whatever you want in it. At the same time, the Minister says even if we change that definition, it will not take care of 9 and 10. Are we together? I think it is only you and I who are saying, "Yes" but I am asking the other members if we are together. *(Laughter)* Hon. Tsungu, are we together?

MS TSUNGU: We are together. I just want to inform hon. Masha that we have not yet passed clause 2. The issue that the Minister raised, where we have replaced "relevant authority" and "environmental officer" with "relevant officer" before 9 and 10, was in order. It is only in 9 and 10 where now the "authorised officer" has to be wider than

just that of the "relevant authority" so as to bring on board other officers who can be empowered by law.

Again to answer your worry, in the event that a crime has been committed under this Act, it is the relevant authority that has to say that something wrong has been done for the police to swing into action. So, I do not think there will be a problem. It will not be a toothless Act as you think.

THE CHAIRMAN: Honourable Members, while I have allowed you to talk about 9 and 10, we had already finalised it and put the question. So, currently we are on 11. For that one, we can recommit after we finish. So, I now put the question that clause 11, as amended, be part of the Bill.

(Question put and agreed to.)

Clause 11, as amended, agreed to.

Clause 12

MS TSUNGU: Mr Chairman, the Committee is proposing to replace "polythene" with "polyethene" under 12(1), and as earlier proposed to lift 12(2) to go to 5(3).

MS HAJABAKIGA: Thank you, Mr Chairman. I accept the amendment.

THE CHAIRMAN: Honourable Members, I put the question that clause 12, as amended, be part of the Bill.

(Question put and agreed to.)

Clause 12, as amended, agreed to.

THE CHAIRMAN: Hon. Minister, I think you are lucky because I have not put the question on clause 2. So, you can move your new clause 13.

Clause 13

MR MUNYA: Thank you, Mr Chairman, for your indulgence. We wanted to introduce a new clause 13. The clause will read as follows: "Any activity aiming at controlling the polyethene waste pollution or any person investing in biodegradable packaging materials may receive support from the East African Community Development Fund."

Clause 14, which reads: "The Council may make regulations for the better coming into effect of the provisions of this Act".

THE CHAIRMAN: Honourable minister, let us finish with clause 13 first and then we can come back to clause 14.

I think the CTC was saying no to bio-degradables earlier but he did not know he had his own biodegradable here. *(Laughter)* Maybe you want to contradict the Minister, *Mheshimiwa* CTC.

MR KAAHWA: Mr Chairman, there is no way I will contradict the Minister. You see, here "biodegradable" is used as an adjective - biodegradable packaging materials - and in enactment of legislation, we do not define terms which are adjectives; we define terms which are nouns. That is why I still insist that the definition of "biodegradable", which was stood over, is not necessary. It is superfluous. We have used in this Bill adjectives like "legal framework"; are we going to define the term "legal"? We would be defining "framework" in that context. Even here, if we had to define, we would be defining "packaging material" not "biodegradable". So, with due respect, I still advise the committee that the attempt to define the term "biodegradable" does not arise. There is no contradiction. We are talking about biodegradable packaging materials.

MS TSUNGU: Mr Chairman, the amendment that was moved by the Council on support from the development fund is very close to the amendment that was being proposed by the Committee on giving incentives for those controlling waste and investing in biodegradable packaging materials. The only difference that there is is that the Council of Ministers is limiting the source of the incentives to the East African Community Development Fund whereas the committee is expanding the basket of incentives to include subsidies from government, grants and tax regimes as a Partner State may determine.

So, in my view, my prayer to the Council of Ministers is that they consider expanding the source of incentives from the East African Community Development Fund. I can imagine if there is a lot of interest from the region for people to invest in recycling and waste pollution control, we would need all kinds of incentives that could make that viable. So, I am proposing that we amend the proposal that was made by the Council of Ministers to include, apart from the East African Community Development Fund, support from the government in form of subsidies, grants or tax regimes as a

Partner State may determine, so that it is a wider basket of incentives.

MR MUNYA: We are persuaded by that inclusion but we would rather it is put on its own article because it is different from this. Those are incentives from government and these are specific benefits from a specific fund of the Community. So, if we can introduce another article to deal with that, it would be fine. We did not want to leave the burden on the Partner State because we understood the financial implications, the protective nature of Partner States to the available taxes. We wanted to give the burden to the Community to source for funds for purposes of giving those incentives. That amendment is necessary but it is a standalone amendment.

MS TSUNGU: Mr Chairman, if it may please the House, if we could have the marginal note as "incentives" so that we have two sub clauses that any activity aiming at controlling polyethene waste pollution or any person investing in biodegradable packaging materials may:

a) Receive support from the East African Community Development Fund; or

b) Receive support from the government in form of subsidies, grants or tax regimes as such personal assessment may determine.

THE CHAIRMAN: Can we have what you are reading here please, in writing.

MR KAAHWA: Mr Chairperson, I am persuaded by the chairperson of the committee's intervention, but in order to avoid at a future stage seeking a recommitment, I propose that wherever we are referring to "governments", we refer to a government of a Partner State. For example, where we are saying "may receive support from the government in form of subsidies, grants or tax regimes as such a partner state may determine", subject to the amendment which she has moved which I accept, we say "...from the government of a Partner State in form of subsidies, grants or taxes as such a government may determine." That is my addition, which I think she accepts. I see her nodding.

MS DORAH BYAMUKAMA: Mr Chairman, I do not have any major disagreement but if you are talking about support from the government in form of subsidies, grants or tax regimes as

such Partner States may determine, wouldn't you by reference be referring to a government of a Partner State because there is no way a Partner State may determine for another government. I think it just flows. By deduction, the fact that the Partner State is determining, therefore that government is of a Partner State. I do not see any added value. I thank you.

MR KAAHWA: Mr Chairperson, there is value added. Let me invite the Committee to look at the proposed amendment as it appears. This is on page 6 of the list of the schedule of amendments. The words in italics, and to save time I will just refer to the two lines, which read "...from the government in form of subsidies, grants or tax regimes as such a partner state may determine". If you are saying "as such a partner state" and you have not referred to such a partner state, there is confusion. I am trying to streamline it.

If you are going to refer to government, refer to "a government of a partner state in form of subsidies, grants or tax regimes as such a government may determine", so that you do not mix up "partner states" and "government", otherwise enforcement becomes very difficult. I think hon.

Dora Byamukama will now be kind enough to see value added.

I thank you, Mr Chairman.

MS DORA BYAMUKAMA: I concede to the counsel of the Counsel to the Community.

MR LOTODO: Hon. Chairperson, I just wanted clarification on the East African Development Fund; is it there and what does it do? Thank you.

MR MUNYA: Mr Chairman, The East African Development Fund is a fund already created by the Council of Ministers. The only remaining thing about the fund is its operationalisation, but it is already created by the Council.

MS SAFINA KWEKWE: On the same amendment, I wanted to beg that it becomes the new clause 12 because the last article on the Bill is for taxation provisions. So, if it came before the taxation provisions such that it becomes a new 12 and then the current 12 becomes a 13, I think it would provide for a better flow.

MS PATRICIA HAJABAKIGA: Mr Chairman, I accept both amendments which came from the Council and that one which came from the committee and how they have been streamlined.

THE CHAIRMAN: Hon. Members, I now put the question that the new clause 12 be part of the Bill.

(Question put and agreed to.)

MR MUNYA: Mr Chairman, I would like to introduce a new clause 13, which will read as follows: "The Council may make regulations for the better carrying into effect of the provisions of this Act." This is because the provision on money coming from the East Africa Development Fund will require regulations on who benefits and why they benefit, what criteria they are supposed to meet, the conditions and all that. That is why we are providing for them so that the Council can set up regulations to regulate, so that it is clear who qualifies to benefit from that fund.

MS BYAMUKAMA: Mr Chairman, I would like to propose a friendly amendment. I think, "for better implementation" may flow better than "carrying into effect". So, I propose that it reads, "The Council may make regulations for better

implementation of the provisions of this Act." I beg to move.

MR KAAWA: Mr Chairperson, I thank hon. Byamukama for attempting to improve on the wording of this provision. May I add more value, and this is based on precedents we have used in the enactment of other legislation like the East African Community Customs Management Act. Can we say, "The Council may make regulations generally for giving effect to the provisions of this Act"?

MS HAJABAKIGA: I would seek clarification if this clause has nothing to do with waiting for these regulations in order to implement this Act. Unless "may" tells us that it is not an obligation; otherwise, I will not accept this amendment unless it does not tie down the execution and implementation of the law.

MR MUNYA: To remove any doubts; "the Council may make regulations generally for giving effect to the provisions of clause 12". With this we confine ourselves to regulations in relation to getting funding from the Development Fund and we avoid the fear that the clause is intended to prevent all the issues relating to the Act from

being effected. I think that is more acceptable. If somebody else feels there is some better way, I have no problem.

MR OGALO: Mr Chairman, I think the proposal by the Minister will be very restrictive. It will mean that the Council is only making regulations to give effect for just this particular provision. What was suggested by the CTC is wider and it covers the whole law. So, I would request the Minister that we go with the CTC's proposal.

MS BYAMUKAMA: Mr Chairman, there is a problem here. When you talk about "carrying into effect provisions of this Act", it means that in effect you have the key to either unleash or to stop the bringing into effect of the Act.

We have agreed from the onset on the principles of this law; and therefore, when Council makes regulations, the regulations should be such as to enhance implementation and operationalisation of the Act. So, when you talk about "bringing into effect", I have a challenge with that. I would rather we talk about implementation and operationalisation. Yes, we have made laws before but what do we want to mean? I would like to urge the Counsel to the

Community and hon. Ogalo to see this other side. I thank you.

MR OGALO: Mr Chairman, I think there are two things here; there is commencement of the Act itself and then there are the regulations to facilitate, in future, how the Act is going to be run. I do not read what is being proposed as saying that it will not commence until the regulations are made. I do not read that.

THE CHAIRMAN: Honourable Members, I think there are two things here. One, I think the mover is afraid because she feels that these regulations will stop the enactment of this Act. Correct? However, I think "the Council may" means it is a "may"; it is not a "shall". It does not stop. I do not think we have put anywhere in this Act that there have to be regulations from Council for it to take effect. I think it will take effect from the date of commencement. I think we have a date of commencement, don't we?

MR KAAHWA: Mr Chairman, there is need to enforce this Act and there is need to implement this Act. That is why this august House recognises the Council as the policy organ to enforce this Act, to consult Partner States in the

enforcement of this Act and to relate to the environmental authorities to enforce this Act.

Now the question is: how does the Council do this? The Council does this through statutory instruments carrying regulations, and so it is always normal to have an enabling clause in the Bill, a provision in the Act, whereby the Council has got basis for making such a statutory instrument and such a regulation. That is the intention of the proposed new clause 13.

MS BYAMUKAMA: Mr Chairman, you have guided the House. If the clause reads, "The Council may make regulations for the better carrying into effect the provisions of this Act", I think I would go back to what had been proposed originally. This is because when you talk about other aspects - I think we have a case whereby some laws cannot be operationalised until regulations have been put into place. I do not want that to be the case here, so maybe we have to be very clear that if it is to facilitate, like hon. Ogalo says, then we should be very clear and say, "Council may make regulations to facilitate implementation of this Act." I do not know why Counsel is very reluctant to take on this. Thank you.

THE CHAIRMAN: Honourable Member, I think if you put implementation there, then you are going to restrict it and then they will sit on that and not do anything. That is the problem I see. If you put implementation there, then they will sit on it and not make regulations.

MS BYAMUKAMA: Mr Chairman, I cannot go against your advice. Let us take it as it is. Thank you.

THE CHAIRMAN: Hope you see that. I hope I am not- The problem I have is when we did that for the Customs Management Act and we put, "for the implementation" then they took forever. So, once you put that word "implementation" then they say, "We cannot do anything until Council brings regulations." I think we -

MS HAJABAKIGA: Thank you, Mr Chairman. If you have assured me that "may" actually does not hold the implementation and coming into force of this Bill when it becomes an Act, then I agree with the amendment. I only have one problem; the word "regulations" has already been used. They need to find something in the margin. We have already used "regulations". Unless we call it "Council regulations", it will appear twice in the Act and with different meanings -

(*Interjections*) - In the margin, we have used "regulations" to mean something else.

THE CHAIRMAN: We have changed from "prohibition" to "regulation".

MR MUNYA: Mr Chairman, the formulation we put forward, which was acceptable was, "The Council may make regulations generally for giving effect to the provisions of this Act." I wanted also to explain that Council regulations are totally different from the regulations you are talking about because they are known. Council acts always through regulations or through decisions or through directives and they are already defined in the Community law. So, there is no contradiction.

THE CHAIRMAN: The CTC is saying they are two different things, one is "regulation" and the other one is "regulations". If it makes sense to the lawyers - (*Laughter*) - Hon. Ogalo, can you help?

MR OGALO: Mr Chairman, perhaps CTC could throw more light on the difference.

MR KAAHWA: Mr Chairman, the difference is not as simple as the difference in terms of plural and singular usage of the terms. In part 2, as amended, it is "regulation" where the term refers to an act, just like prohibition. It was "prohibition and exception" and now it is "regulation and exception" - the act of regulating just like you could have an act of prohibition. In the new proposed clause 13 we are referring to "regulations" as statutory instruments, enabling instruments. I hope it is clear now.

So, there is no difference; in part 2 we use "regulation" to refer to an act in the same as we are talking about prohibition and exception. We are not talking about a regulation but about regulation as an activity, as a mechanism. Now, in the new clause 13, we are talking about "regulations" - handy methods of enforcing the Act, statutory instruments. Have I made the difference clear, Mr Chairman?

THE CHAIRMAN: Hon. Hajabakiga, I can see hon. Dora Byamukama and hon. Ogalo nodding, so, I think - (*Laughter*)

MS HAJABAKIGA: Thank you, Mr Chairman. I am not a lawyer so if the lawyers are nodding, I accept the amendment.

THE CHAIRMAN: Hon. Hajabakiga, I think the Chairperson of Council has assured you that this will not stop with the implementation of this Bill. So, I now put the question that the new clause 13 be part of the Bill.

(Question put and agreed to.)

Clause 2

THE CHAIRMAN: Honourable Members, as you remember, we stood over clause 2. The Committee had amendments. I am happy *Mheshimiwa* Masha is back; he can help us on this "relevant officer".

MS TSUNGU: Mr Chairman, the Committee was proposing to amend clause 2 as follows: replace "authorised officer" with "relevant officer".

We also have new terms to define:

- "Polyethene" to mean a thermoplastic which is a polymer with multiple uses.

- "A polymer" is a large molecule composed of repeating structural units typically connected by covalent chemical bonds.
- "Biodegradable" to mean a material or item that has the ability to break down or which can be composed back into its natural environment without causing harm.
- "Environmental friendly" to mean the material or item that has no negative impact to the environment.
- "the relevant officer" to mean the staff of a government body designated by a Partner State to deal with environment management and compliance.

MR MUNYA: Mr Chairman, we wanted to expand this definition of "authorised officer" because it is only confined to officers working for the environmental body and yet the Police and other agencies are also empowered by law to enforce the law. So, we would expand it to say, "Staff of an environmental authority in a Partner State or any other officer authorised in writing by the authority to perform duties under this Act on behalf of the environmental

authority or any other officer authorised by any other law." This would bring in the Police and other agencies that can enforce the law.

MR MASHA: Mr Chairman, it is in the same line as the honourable minister has indicated. Essentially, what we have here is a restrictive definition, and to me it is just a question of language. It is a restrictive definition of "authorised officer" who is required to have this authority in writing from the environment authority. If a police officer was to see a violation of this Act, and if that police officer does not have authority in writing, we would have removed their ability to enforce this Act. So, I think I am in agreement with what the honourable minister has proposed.

MR LOTODO: Thank you, Mr Chairman. Having been told about the East African Community Development Fund, I thought this fund too should be defined somewhere because we do not know what it is and -

THE CHAIRMAN: The minister already told you what it is.

MR LOTODO: In the Act.

THE CHAIRMAN: *Mheshimiwa*, if we go that way, then we should start defining subsidies, grants and we would define everything. If you want to do that, then you start looking for all the other things and you talk about everything; since here you talk of subsidies, grants, let us define a grant, let us define -

MR LOTODO: I beg to indulge the Chair. I thought that this is a new fund that does not exist in the Community and we have been told that it is being established by the Council and now we are mentioning it in the Bill. So, I just thought it should be defined somewhere. Thank you.

THE CHAIRMAN: Honourable Member, I think maybe you were not listening earlier. The Minister told you that they have already established the East African Development Fund.

MR LOTODO: I concede, Mr Chairman.

THE CHAIRMAN: Hon. Safina, can you just move these amendments that you had and maybe it will become clearer.

MS SAFINA KWEKWE: Mr Chairman, the Committee wanted to add two new definitions. But before that, we wanted to withdraw the amendment saying, "replace 'authorised officer' with 'relevant authority'". We wanted to withdraw that, so that now we have, "relevant officer means the staff of a government body designated by a Partner State to deal with environment management and compliance". We then define "relevant authority" to mean the government body designated by a Partner State to deal with environment management and compliance. Thank you.

MS HAJABAKIGA: Thank you, Mr Chairman. I agree with the amendments.

MR KAAWA: Earlier on, the Committee stood over the proposed definition of biodegradable. That was at the time when I intervened and I said, with due respect, that definition is superfluous and I gave reasons. I was saying that where "biodegradable" is used, is used as an adjective, for example "biodegradable packaging materials". If it is used as an adjective, then you do not need to define it.

The way it is stated here is even wrong - "biodegradable means materials..." An adjective cannot mean materials. So, I want to persuade the Committee to drop that proposed amendment of clause 2 including that definition. It is not necessary.

MS BYAMUKAMA: Mr Chairman, with due respect, if you use a term as an adjective and you do not have a definition for it in the noun form, then how will we be able to understand? How will we be able to understand, for example, that the person has invested in such a material? I think "biodegradable", whether in adjective form or in a noun form, is very important when it comes to interpretation of packaging material that may receive support from government.

I would, therefore, like to urge the honourable Counsel to the Community that for clarity, certainty and consistency with international norms, we should adopt this terminology. Otherwise I do not want to, for example, quote even the word "recidivism", which I do not think is a noun which is in the Bill. But the point I am making is that this will give us more clarity when we are determining what we

already adopted in the Bill. So, I beg that the honourable Counsel to the Community concedes. It does no harm. I thank you.

MR NDARUBAGIYE: I just wanted to make a suggestion on "biodegradable". I think the best way to explain it is to say that it is an organic material. It is not inorganic because inorganic is not biodegradable but organic is. That is the truth.

MR MASHA: Mr Chairman, to me this is just a question of English and in order to comply with what he is insisting on, let us have a pronominal phrase, "biodegradable material" and then we define biodegradable material. If you keep the word "biodegradable" by itself, then he has a problem, but if we say "biodegradable material", it becomes close to a noun which will comply with what we are asking for.

THE CHAIRMAN: But CTC, I think he has helped that -

MR KAAHWA: Yes, he helped me but let me just add further flavour to what he has just said. If you look at the definition by the Committee on Agriculture, biodegradable -

THE CHAIRMAN: Mr CTC, I think we shall be here forever. Give us an acceptable term that we can use if we want to keep "biodegradable". I think hon. Masha had suggested something. Do you agree with what hon. Masha said?

MR KAAHWA: I want to suggest that if you have to define, you define "biodegradable packaging materials"; that is when it would make a lot of sense. Short of that, I encourage you to do away with this definition.

MS KWEKWE: Mr Chairman, I think the word "biodegradable" is an important word here because we are trying to discourage polyethene to get to something else. It is an option we have; it is a key word, actually, as far as this Bill is concerned, from my own perception. It also needs to feature in the objective of what we are doing now. So, maybe we need to understand that.

THE CHAIRMAN: Hon. Masha, can you please stand up and give us the definition and the words for us to put here so that we finalise this thing?

MR MASHA: I think the definition should be exactly the same.

THE CHAIRMAN: What should it read?

MR MASHA: The words being defined would be "biodegradable material" and the definition remains the same.

MS HAJABAKIGA: Thank you, Mr Chairman. I think it is very important that "biodegradable" remains. Even if we had "material", I have no problem. The reason is that one of the biggest and most contentious issues which we had in Rwanda during the implementation of the law there was the issue of people coming up with certain materials saying that they were biodegradable and the authority in charge saying they were not. So, if you do not define it, then the law makers or the inspectors will not be able to know what to do with such a thing. So, it is important to have it.

THE CHAIRMAN: So, have you accepted the amendment?

MS HAJABAKIGA: I agree with the amendment of hon. Masha.

THE CHAIRMAN: Hon. Hajabakiga, just before we finish, I want to ask, the next one was "Environmental friendly means the material or item that has no negative impact to the environment". Shall we call it "environmental friendly material"? How do we call it?

MS HAJABAKIGA: For consistency, we also add "material" - environmental friendly material. I accept that amendment.

THE CHAIRMAN: No, I did not move it.

MS HAJABAKIGA: Hon. Masha helped us move it.

THE CHAIRMAN: Okay. Hon. Members, I now put the question that clause 2, as amended, be part of the Bill.

(Question put and agreed to.)

Clause 2, as amended, agreed to.

The Schedule

MS TSUNGU: The Committee proposes to add to the schedule the following:

(5) Materials used in the agricultural industry.

(6) Materials used for mechanical and machine parts.

(7) Household wares and furniture.

(8) Materials used in plumbing.

This is not to say that the Committee has exhausted the list; there is a provision in the Act for the Council to expand or reduce the list. So, we wanted this to be in the initial Schedule.

MS HAJABAKIGA: I accept the amendment.

THE CHAIRMAN: Hon. Members, I now put the question that the Schedule as amended be part of the Bill.

(Question put and agreed to.)

The Schedule, as amended, agreed to.

The Title, agreed to.

MOTION FOR THE HOUSE TO RESUME

MS PATRICIA HAJABAKIGA (Rwanda): Thank you, Mr Chairman. I beg to move that the House do resume and the Committee of the whole House reports thereto.

THE CHAIRMAN: Hon. Members, I put the question that the House do resume.

(Question put and agreed to.)

(The House resumed, the Speaker presiding_)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

MS PATRICIA HAJABAKIGA (Rwanda): Thank you, Mr Speaker. I beg to report that the Committee of the whole House has considered the Bill entitled, "The East African Community Polyethene Materials Control Bill, 2011" and passed it with some amendments. I beg to move.

MOTION FOR ADOPTION OF THE REPORT FROM THE COMMITTEE OF THE
WHOLE HOUSE

MS PATRICIA HAJABAKIGA (Rwanda): Mr Speaker, I beg to move that the report of the Committee of the whole House be adopted.

THE SPEAKER: Honourable Members, I now put the question that the report of the Committee of the whole House be adopted.

(Question put and agreed to.)

(Report adopted.)

BILLS

THIRD READING

THE EAST AFRICAN COMMUNITY POLYETHENE MATERIALS CONTROL
BILL, 2011

MS PATRICIA HAJABAKIGA (Rwanda): Mr Speaker, I beg to move that the East African Community Polyethene Materials Control Bill, 2011 be read for the third time and do pass.

THE SPEAKER: Hon. Members, I put the question to the motion.

(Question put and agreed to.)

A BILL FOR AN ACT ENTITLED, THE EAST AFRICAN COMMUNITY
POLYETHENE MATERIALS CONTROL ACT, 2011.

ADJOURNMENT

THE SPEAKER: Honourable Members, we have come to the end of business today. I know we still have a lot going on but I think we have worked quite a bit the whole day today so I think whatever business we have will come in the next session.

Before I adjourn, I would like to first and foremost congratulate you on the good work you have done for the last two weeks. (*Applause*) Sometimes when you look at the work that we do, people look at just two, three or four Bills but the amount of work that goes into going through them is not only tiring mentally, physically and all - so I want to say thank you very much for a job well done!

Secondly, I want to thank the Council of Ministers for being around; more so, I would like to thank hon. Munya and hon. Abdullah who have been with us throughout last week and this week. (*Applause*) I do not want to say maybe they should be promoted to go up because they are here with us all the time. (*Laughter*) I hope they will take their work

seriously even if they are up there as well. So, *nashukuru sana*. Thank you very much for being with us and for the support you have given the Assembly for the last two weeks.

I would also like to thank His Excellency Yoweri Kaguta Museveni, the government and the people of Uganda for the hospitality they have accorded us for the past two weeks. (Applause) I would also like to thank the Speaker and the Members of Parliament from Uganda. Earlier today, I saw one of the Members coming to the Chamber and he was told, "You are a stranger; get out." (Laughter) So, we thank them for the facilities they have given us for the past two weeks.

I would also like to thank His Excellency Mwai Kibaki, the Chairperson of the Summit, for coming all the way from Nairobi to give us the State of the EAC Address. (Applause) It shows a lot when the Summit takes this House seriously and is always here whenever we invite them to come to the Assembly. So, we say thank you so much to all of them! (Applause)

I would also like to thank the staff of both EALA and the Uganda Parliament for the good work they have done. (Applause) You know, sometimes we do not see them but

things move and you do not know how they move. I think they have done really very well and we thank them for the support they have given us.

Lastly, I am aware, honourable members, that we are also going for election during this period. I want to wish you well. For all those who are going for election, we are with you. We are praying for you. If someone was to ask for the scorecard, I think I have already made it open. (Applause) I think generally we have done very well as an Assembly and I wish you well in your re-election back to this august House.

Honourable Members, with those few remarks, I adjourn the House *sine die*.

(The House rose at 6.15 p.m. and was adjourned sine die)