



EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

Official Report of the Proceedings of the East African Legislative Assembly

FOURTH MEETING– SECOND SESSION – SECOND ASSEMBLY

Wednesday, 23 November 2011

The East African Legislative Assembly met at 10:00 a.m. in the Burundi National Assembly Chambers, Bujumbura, Burundi.

PRAYERS

(The Speaker, Mr Abidrahin Abdi, in the Chair.)

The Assembly was called to order

BILLS

FIRST READING

THE EAST AFRICAN COMMUNITY CONFLICT MANAGEMENT BILL, 2011

Dr. Odette Nyiramilimo (Rwanda): Thank you Mr Speaker, Sir. I beg to move that the East African Community Conflict Management Bill, 2011 be read for the first time.

I beg to move.

THE EAST AFRICAN COMMUNITY CONFLICT MANAGEMENT BILL, 2011

The Speaker: The Bill is referred to the relevant committee.

INTER-UNIVERSITY COUNCIL FOR EAST AFRICA AMENDMENT BILL, 2011

(Debate on the Motion continues)

The Speaker: Hon. Members, debate continues of the same motion.

Mr Mike Sebalu (Uganda): Thank you Mr Speaker, Sir. Since I am making my first contribution in this session, allow me like my colleagues and yourself to express gratitude for the Republic of Burundi for the hospitality level extended to us and the enabling environment that they have created for our work.

Mr Speaker, Sir, like you have indicated, the dinner that was hosted by the speaker of Burundi National Assembly; I want to concur that we were in your delegation for the first time when we came here and since then there is something that I have noticed that is quite peculiar to Bujumbura especially with regard to your office.

Mr Speaker, Sir, I do appreciate that you are a frequent flier, but I want to appreciate that in Bujumbura the red carpet mileage that you have accumulated in Bujumbura is comparable to none because wherever you go you receive red-carpet reception. I think that is something we must appreciate; the courtesy extended to us should be appreciated.

Mr Speaker, regarding the Bill, I raise to support it. I do support the report of the committee and I looked at the justification by the mover, he has got very good reasons he put across for this amendment and I think it is timely and we need to act to it. We need to enhance the activities of the university councils, give it more visibility and make it more relevant to our human resource needs because at the end of the day, we need to create a human resource well trained up to university level and who are responsive to our unique needs as a region in terms of our undertakings.

Yesterday, we had an interaction where I gave some information on the floor but I had problems to do with my source. I would now like to declare my source; the source I quoted was the 2011 World University Web Ranking; Top Universities and colleges in Africa.

The situation that was painted on the region was not desirable and I think we need to look at this in order to balance it up. This web lists the top 100 universities and we have Makerere University at no.11 we have University of Nairobi at no.14, University of Dar-es-salaam at number.15, we have Kenyatta University number.42, we have Jomo Kenyatta University at number.66 and Uganda Christian University at number.79, Moi University at number. 84, Edgerton University at number.91, National University of Rwanda at number.97 and Kigali Institute of Science and Technology at number.100.

So to say that in the top 100, East Africa has none would be little unfair to our institutions and I thought that we should clarify this.

That aside, Mr Speaker, we are integrating and we get opportunities to demonstrate our commitment to the integration. But more often than not, we simply leave those opportunities to go by. When the mover seeks to amend to ensure that we get an Inter-university Council dealing with matters of accreditation at a regional level – to me, it is something we need to take with open hands. We are in a Common Market where there is free movement of labour and there are issues of standardisation regarding qualifications. So the best thing to do at this time is to ensure that we make parallel engagement to ensure that we create a regional level of accreditation. At the end of the day, when our graduates move within the region, we can do away with problems of ranking of qualifications in a way that create second considerations.

This leads me to a few questions. What do we lose as a region when we enhance the activities of the Inter-university Council of East Africa? To include those aspects that the mover has brought on board – do we lose anything as a region; or do we stand to gain anything. If we gain something, why don't we work it out and then we work our other modalities to ensure that we harmonise the other aspects to avoid contradictions.

So my view is that we look at the principal; is the principal good; do we benefit from it as a region? And if we do, then the details and modalities can be worked out by the technical people so that we do not lose the strategic objectives that we are likely to get from such an intervention.

We are seriously talking about one-people one-destiny. But how can you create one-people one-destiny without making use of the educational system. We need to get a level ground in terms of how we manage and deal with our educational needs, especially university education. To me this is a critical issue that we can use to propel the integration to another level. The mover put up very good reasons for that which were also supported by many honourable colleagues in the House. He must have identified a gap in the existing framework.

Our role as legislators is to identify gaps and ensure that we make interventions by filling in the gaps. We appreciate that we have national structures dealing with these matters. But elevating them to a supra-national level and be in conformity with the other arrangement we have in place is not a bad idea and I think we need to take it seriously.

Mr Speaker, one of the issues that keep coming up wherever we go is to do with the benefits of integration. We should go for some of these practical aspects which can be implemented and at the end of the day the population of East African benefit from them. If we adopted this amendment and we get a regional accreditation arrangement supervised by the Inter-University Council of East African, the benefits accruing from this will be immense and the people of east African will gain from this.

But also, this is one way of making our work easy by telling the people what we have been able to achieve; this can profit very good benefit for our people given the mobility that we are creating, give the common market that we are creating – so that at the end of the day, we do benefit.

So, Mr Speaker, Sir, without much ado, I want to add my voice to those supporting this amendment and I call upon the Council of Ministers to appreciate the reasoning behind this amendment and support it so that we make progress in this directions.

Thank you, Mr Speaker for the opportunity you have accorded me.

Ms Janet Mmari (Tanzania): Thank you, Mr Speaker, Sir, for seeing me. Let me join those who have spoken before me to thank the government of Burundi, the people of Burundi, Parliament of Burundi and in particular the chapter of Burundi for ensuring that our stay here has been very comfortable. I have wined and danced to the tune of the *Ngomas* like in no other place.

Honourable speaker, coming to the Bill that is on the table, I stand here as a very perturbed person. One, because I would have wished to support this motion; when I listened to the mover of this Bill – and heard the low rankings of our universities; notwithstanding that what he said was corrected that we have quite a number of universities that are properly ranked, investment in the education sector and specialisation in which case will do away with duplicity and allow for regional university – I thought that would be a motion that I would support.

However, Mr Speaker and Members, I have quite a number of reservations simply because we had a day after receiving the papers. I looked at the Bill and the amendments that have been passed. I wish now to put across my reservations. I want to start with reservation no.1.

When we talk of amendment of section 4; “That the purpose of the Council is to advise the Partner States on all matters related to higher education and present such other functions as may be authorised under this Act”. When you talk of this Act, you automatically move to the amendment which is in section 6.

When I look at the amendment moved in section 6(R) and 6(S) – those ones to me are things that can never be acceptable. For example in R. it says, “Facilitating the establishment of a foreign university in the community by granting them on application -” and I want to underscore “On application”. That means somebody just applies; this university is not going to be checked. It will not go through the process of ensuring that it will give us what we want. Simply by application, they are going to be given permission to operation in any of the Partner States.

Mr Speaker, Sir, when you have such a situation, then it means I can move to any state – for example, in Minnesota in USA, stay in an apartment, register a university and because it is foreign registered, I can go to ICA – because it says, “On application”, that university that has no resources and does not add any value to me. It is just a university and it can automatically get registration.

When I looked at that, I said, there is no way we can favour foreign bodies which may not even be comparable to our own bodies which we have. And in my view, since we have institutions in the countries, which can offer better education and they go through the accreditation process – I cannot imagine a situation where a foreign body, just on application come and be registered. That is one of my major reservations.

My second reservation is on amendment 6(s), “To facilitate the establishment of any member university which may apply to operate in another partner state by granting it the necessary foreign accreditation. In a way, I agree with that since it is a university within the region. It means it must have gone through the accreditation process. It has been checked and compared with the others and we believe it can offer the services. For that reason, it can be registered and allowed to do business in that country.

The question which I have on that is whether that is not already happening. I come from Tanzania and we have Kampala International University operating in Der-es-Salaam. I know Edgerton University is also operating in other Partner States so the question that I have is, what is it that is not happening that we want to ensure that it happens by inserting this clause?

Again, I am looking at the Treaty. There is no way we can pass here a law or a Bill that is going to contravene the Treaty. Hon. Members, when we look at Article 102(2)e and if I may read: “Harmonise curriculum, examination, certification and accreditation of education and training

institutions in the Partner States through the joint action of their relevant national bodies charged with the preparation of such curriculum.

So we are saying in the Treaty and we haven't changed it; that is one of the things we have to ensure. By allowing these other institutions to just come in and register on application, it means we are contravening article 102(2)c. In other words, Mr Speaker, I can only support this Bill if five conditions are met.

The first condition is that there should be no contravention of the Treaty and this article which I read in particular: Article 102(2) e –

The Speaker: Hon. Mmari, I think by contravening the Treaty – we will not be looking at it; so we are not contravening the Treaty. If you have another interpretation, that is something else, but we are not contravening the Treaty here.

(Applause)

You may continue, but we are not contravening the treaty; we are doing what we are supposed to do as an Assembly, to legislate for the Community.

Ms Mmari: Point taken, Mr Speaker, Sir. Let me be assured that foreign institutions that may be of lesser significance and importance are not given priority over ours. Condition no.3, I believe that all these institutions, as long as the institutions in the Partner States that have been given mandate to accredit any institution of higher learning is still in existence by law and should be consulted and then the institution wanting serve must go through the process.

Condition no.4, we should have a process of harmonising the education institutions as stated in the Treaty. No.5. I recollect, when I was looking at the report that was tabled by the Committee of General Purposes, on page no.2, the last paragraph, they were very specific that they were consulted and they have written a letter saying that they are not prepared at this point in time to make any changes in the way they operate; they have taken leave to consult their lawyers. So as long as they have not come back, I do not see any point of giving them bigger mandate when they know very well that they cannot be able to fulfil this mandate.

The Speaker: Hon. Mmari, are you trying to tell me that if the inter-university council tells you that they cannot do anything, you will just sit here and do nothing? We are here under are mandate under the treaty. We do not wait for anybody. If we had to wait for anybody, the council of ministers would not be doing anything. So to say that we are waiting for the inter-university council to go to the laws is not proper. I think we should continue with what we are supposed to do as an assembly.

(Applause)

Ms Mmari: Point taken, Mr Speaker, but I thought when you are in the process, those are the major stakeholders and they are the people who are going to operate in this. They have said that they have a problem with their legal standing. I thought it was important that we –

I may end up supporting it but as it is now I do not support the Bill.

The Speaker: Then the people running – those major stakeholders should not be there in the first place because they cannot do their work.

Dr. Lwanyatika Masha (Tanzania): Thank you, Mr Speaker. This is one of the Bills, which gives me – (*Interruptions*) – Mr Speaker; I think the technical machines did not want me to speak. I said it gives me some difficulty. I like what is in the Bill, and I think it is proper to be part of our legislative process.

But from the on-set, I should set the record straight. I have seen references to the Inter-university Council for East Africa Act, 2009. The copy I have is the Inter-University Council for East Africa Act, 2008 and I see the documents, which have been used by the General Purpose Committee, are the one for 2009. When I look at the amendments, they seem to tie with the document I have. So I am slightly at a loss; which is the correct Act?

The Speaker: I think you have answered your question; you have the correct document because you said the amendments they cite in their documents tie in; so you have the correct document.

Dr. Masha: Very good; I thank you, Mr Speaker. Now, what is accreditation about? Accreditation which refers to quality assurance referred to both in the original Act and in the intentions of the amendment has to do with two broad aspects; and I have been involved in some of these in my life. One is accreditation for the entire organisation – the entire university. Does it have premises; does it have an administrative structure, do they have enough facilities, do they have a good library and so on. You can accredit a university on the basis of its facilities.

You also accredited programs on their quality and when you accredit programs, especially for a university, you can accredit a program say on the bachelor's degree in Medicine. Then you would have to accredit the master's degree program in gynaecology or specialisation in a certain area.

All these are involved in accreditation. So what do you look for? You look for the requirements for entry into those universities, the quality of staff, the curriculum, and the programs for staff development among others. All these are contained in the original Act, page 16-17 this is what they are talking about. Therefore, the need for accreditation of universities has already been in cooperated in the Act we passed and it did not specifically preclude any university coming from outside wanting to establish itself in our territories. I do not see any specific requirement that these were only for locally based university. Any university coming from outside and wanting to be locally in -cooperated will have to meet the same standards.

Therefore, I do not see the need for another Act just to separate for foreign universities. However, there is a clause on page 17(g) in the original act, which requires the councils to ensure the establishment of quality assurance and oblige member universities to offer quality education to graduates in all academic disciplines. The Council is expected to oblige all of them. Therefore, my problem is; is there really a need for this amendment – yet the amendment contains things that I support.

I am finding also some difficulty in the position of the council of Ministers in their objection to this view because they have already signed on these things I support. I also find difficulty in the position of the council of ministers in their objection to this Bill because they have already signed this has become an Act. The elements are already in the Act.

Let me repeat; I do not see the basis for objection by the council for ministers for this amendment – it is a very awkward situation.

Mr Speaker, the problem is that when we passed this Act, we overlooked transforming the character of the Inter-University Council. The Inter-University Council is a voluntary association of universities on the basis of the protocol to support them. We just assumed that it was an integral part of the community and that we can load functions on it.

Therefore, we gave them many functions including this one of accreditation and we assumed we can just instruct a voluntary association and give it functions to perform. No wonder they are saying no, you are giving us too much work, and we need our lawyers to look into this first. Because indeed we are asking them to do things which they were not originally intended to do. One would have to look at both the protocol, which established that council and the functions of the Inter-University Council before we add on these functions.

Now, what they are calling for – this is probably where I support the ministers. They are calling for a comprehensive review of the inter-university council to ensure that it can do the functions we are asking them to do. Not just the accreditation for the institutions; they want a comprehensive review.

When I read the report of the Committee, which met the relevant minister in Nairobi, in July, I saw reference to this very point. Both EALA Members and those who were there seemed to have agreed for a need to have a comprehensive review of this inter-university council to see if it can perform the functions, we want it to perform.

I find it rather awkward that we oppose a Bill, which contains things we like or that we oppose a Bill on the basis of reasons, which I find a little out-dated. Therefore, I seek for a reply from the Committee on General Purpose. Reference to sovereignty; some people were saying that this impinges on the sovereignty of the Partner States but obviously, a lot of the things we pass here impinge on the sovereignty of Partner states. By the fact that Partner States have signed the Treaty, they have signed these Protocols, and many references have been made in what the

treaties in the protocol contain, it means they accepted to cede their sovereignty in these areas. Therefore, for this argument to come up again as we legislate, I find it rather out of place.

(Applause)

Now, as a practical matter, if the ministers are calling for a comprehensive review, rather than one area – otherwise they would be opposed to it. If the Inter- University Council says we need a comprehensive review – now we are not even sure they have implemented the other things, which we gave them to do; it is prudent for us to push for this small piece of legislation? Wouldn't it be advisable that we take time to educate ourselves together with the Council of Ministers and the Council of the Inter- University until we see the light to it?

After all, Mr Speaker, Sir, nothing has stopped. If there was a report brought to us to show that things are sort of pending and that we need this legislation urgently, then we would know that there is need to legislate very fast. But accreditation by national organisations is going on; the Council is not doing what we are asking them to do, but the academia is going on and there consultations going on the harmonisation of curricular in the education field. Nothing will stop functions because we do not have this Bill tomorrow.

I know that there is a feeling, Mr Speaker, Sir, which I have noticed since I joined the Assembly where – because the Council of Ministers have been resisting private members Bills and because the Council of Ministers is not taking the initiative to develop legislations for us, relevant to the Treaty, so we say, let us push this to them. I do not subscribe to this relationship between the legislature –

The Speaker: Mheshimiwa Masha, I do not think we are pushing anything to the Council of Ministers, these legislations we are passing are not for the Council of Ministers but they are for East Africans. So I do not think we are here to push something down the throat of the Council of Ministers. In addition, whatever we pass is not proper, it is returned by the heads of state under assent.

So there is nothing to push down the throats of ministers of have a conflict with the Council of Ministers, we are legislating for East Africans.

Dr. Masha: I appreciate your guidance, Mr Speaker, and I will respect it but I was only venting the feelings I have heard over the three or four years concerning our relationship and EALA.

My approach would be to seek consultations and discussions until we are all in agreement after all we have a cooperative relationship in legislation. What we pass, if it is not passed by the

presidents, it becomes mute and futile. So for me I see the need to engage into consultation so that we are in agreement so that whatever we pass will be signed – (*Interruptions*) –

The Speaker: He is already finishing, let him finish.

Dr. Masha: Thank you, Mr Speaker, Sir. I like what is contained in the Bill and in the amendment but I do not agree with the objections by the Council of Ministers. I would prefer to have a collaborative relationship rather than exercising a futile exercise to just pass it for the sake of passing it.

Therefore, I call upon my colleagues to be patient so that we have the consultations until we come up with some agreement and there is an agreement to do a comprehensive review of the Inter-University Council; I suggest that we wait until that comprehensive review is available for us to pass it.

Thank you.

The Speaker: Hon. Minister, are you waiting for the members to finish and then you speak or you want to contribute now?

The Chairperson Council of Ministers (Mr Musa Sirma): Speaker, Sir, I am standing in on behalf of our chairman of the Council of Ministers –

The Speaker: Then I would advise you that you listen to them first and when they finish then you can speak, unless you are coming on another matter.

Mr Musa Sirma: I was bringing a new motion to the Bill – wanted to move a motion on the Bill.

The Speaker: Okay, you can move your motion.

Mr Musa Sirma: Mr Speaker, Sir, first and foremost, I want to thank the members who have contributed from the mover and the other members. From the onset, I want to say that it is not that we are opposed to private members Bills as alluded to by Hon. Masha, but we know the role of the East African Legislative Assembly; Its independence in the East African Community Treaty.

Mr Speaker, Sir, I want to thank you for this opportunity you have given me to contribute to this motion. I would like this august House to know that the Council of Ministers appreciates the importance of improving on our legislations as changing needs of the integration process require.

It also appreciates the importance of this Bill whose purpose is to amend the Inter-University Council of East African Act, 2009 to provide for regional accreditation of higher education institutions and universities.

Mr Speaker, I appreciate that fact that the enactment of the Bill is meant to amend section 2, 4 and 6 of this Act and establish a single university accreditation centre and promote the standardisation of higher education and in turn facilitate the movement of qualified man-power in the East African region in line with the implementation of the East African Common Market.

To facilitate the establishment of foreign universities by granting them on application a regional accreditation status enabling them to carry on their activities in any Partner States without going through national accreditation process.

To facilitate the establishment of any member university which may apply to operate in any other Partner State by granting it the necessary regional accreditations.

Mr Speaker, the second and third reading of this important Bill has been adjourned partially upon intervention by the council of ministers. The Council decision for seeking adjournment of debate has been necessitated by the need of the council to have a well-informed policy position. I consider it important for me to highlight the chronological activities that have taken place in this regard.

Following the introduction of the Bill during the second meeting of the legislative assembly forth session, the Bill was referred to the Sectoral Council on education, culture sport science and technology at its Eight Meeting held on 28th January, 2011. The Sectoral Council considered the Bill and noted that Partner States have national regulatory bodies established by law that give them power to accredit national and foreign institutions and academic programs.

Therefore, the Sectoral Council was of the view that the Bill will cause two parallel systems for accreditation: one for national and the other for foreign and regional universities.

The Bill would also impinge on the principles of sovereignty as provided for in the Treaty. This position was adopted by the council in its 22nd Meeting held on 15th April, 2011.

Mr Speaker, Sir, however, following further consultations and exchange of views with the EALA Committee on General Purpose during EALA's 5th meeting of the fourth session, the ministers responsible for East African Affairs were of the view that this Bill could further be considered by the Council according to its meeting held on 11th and 15th July, 2011, the Sectoral Council on Education culture and sports directed the secretariat to convene a meeting of partner states. Higher regulatory bodies and the EALA General Purpose Committee to discuss the proposed amendment. That was confirmed by Lydia on our contribution yesterday and in the report of the committee.

Mr Speaker, Sir, a series of meetings of Education and higher learning experts and stakeholders have taken place ending with the meeting for higher education and members of the EALA General Purpose Committee in Nairobi on 11th November, 2011.

At this meeting, the honourable ministers responsible for educating considered the presentation of both the executive secretary of inter-university council for East Africa and the report of the heads of higher education regulatory bodies and Inter-University Council on the way forward on the IUCEA Bill, 2011.

Currently, IUCEA is an association of Member Universities therefore, in such an institutional structure, extending the mandate of accreditation to IUCEA will entitle that the universities will be carrying out self-accreditation. However, the on-going process towards harmonisation of the education system in the region will eventually culminate into regional system of accreditation as one of the outcomes.

In that regard, IUCEA is already putting in place the required framework for the eventual development for harmonising the higher education system in the region. That would include regional accreditation of universities.

In this on-going process as the first step in establishment of a regional quality assurance system in universities is in its advanced stage. Thus, a handbook on quality assurance has already been published and disseminated to universities and national higher education commissions in the region to guide institutionalisation of quality assurance at a regional set up.

IUCEA has also initiated a process of development of an East African credit system as part of higher education harmonisation instruments for the regions.

Furthermore, IUCEA has initiated a process to develop a regional qualification framework for higher education area in the East Africa area in the East Africa Community by 2015. In this regard, IUCEA is working very closely with the national commissions, councils for higher educations to reach a common understanding on all the Partner States on implementation of regional quality assurance and accreditation systems to be established.

IUCEA will take cognisance of already existing regional accreditation systems in other parts of the world coming up with a framework acceptable to the Partner States.

IUCEA institution established in any country shall operate within the national educational framework to ensure quality education and compliance with national policies, visions and missions. Honourable Kimura and Mmari have stated that clearly on the roles. Operationalization of IUCEA Act, 2009 has shown some shortfalls and IUCEA is now reviewing the Act so as to process its holistic amendment.

The Council of Ministers responsible for higher education and the EALA General Purpose Committee have supported the on-going process. That was said yesterday - to comprehensively review the Act of 2009 and have an agreed road map set to complete the process. That is in the report, Mr Speaker.

The Speaker: Why don't you finish the sentence in that report –

Mr Musa Sirma: Yes, Mr Speaker, Sir, the minister responsible for higher education and honourable representatives of the EALA General Purpose Committee adopted the following recommendations:

- a) There is a recognised need to develop and put in place a common higher education area for the community through harmonisation of higher education systems.
- b) Adopting a system of easily readable and comparable degrees;
- c) Promotion, mobility of both students and teachers and promoting East Africa Integration in quality assurance.

The on-going review of IUCEA Act, 2009 should be completed in a consultative manner and the amendments be given a holistic and comparative approach so that other clauses support the issues of enforcement and provide for necessary legal framework.

However, the honourable member of EALA asserted that the due legislative process of discussing the bill could go on, as it was not in contradiction of the general approved position. In developing the common higher education, area Partner States should utilise the window provided by the provisions of article 11(2) of EAC Common Market Protocol on mutual recognition of academic and professional qualifications.

A road map was developed to guide the review process and the IUCEA initiative to establish a common higher education area and last is that partner states should be urged to provide the necessary resources to IUCEA to accomplish the establishment of common higher education area for the community by 2015.

Mr Speaker, the IUCEA Act, 2009 has many short falls that make it difficult to operationalize. The review of the amendment bill by the mover of the amendment is also a testimony to the weakness of the IUCEA Act, 2009.

Therefore, it is paramount to review holistically the Act in order to address all the shortfalls while capturing emerging global developments in higher education including establishment of regional higher education areas that encompass framework of regional accreditation and qualification as ultimate outcomes of regionally operated quality assurance systems.

Meanwhile, IUCEA is now developing the above stated frameworks whose operationalization will be guided by the comprehensive amendment of the IUCEA Act whose process has already started.

It is important to note that regional accreditation requires IUCEA to be a real EAC institution instead of an association of universities in order to be independent of universities in accreditation process. Taking into account, Mr Speaker, all the information that I have put before the House with regard to a need for a comprehensive review of the IUCEA Act, I have the honour to move a motion under Rule 31(c) of the Rules of Procedure for adjournment of debate until the next meeting of this august House.

Mr Speaker, this will give time for this comprehensive review of the IUCEA Act and we want to have a comprehensive one. As stated by other members, let us put this together and accept the motion.

The Speaker: Seconded. Hon. Members, the proposal on the floor is that debate on this bill be adjourned until our next sitting. Debate is open. Hon. Lydia – oh, sorry, first the seconder-

(The Secretary General of the EAC) Dr. Richard Sezibera: Honourable speaker, I raise in support of the motion for adjournment of debate until the next meeting of this august House. In supporting this motion, I do for many reasons. I also share the sentiments shared by some of the Members of the House in that this is a position in which – how can say no to regional accreditation? The Council cannot, and will not.

Everybody involved in the education sector cannot and will not. Indeed the whole programme that the Inter-University Council of East African has developed leading to a higher education area for East Africa is precious so that we can come up with a workable system of regional accreditation.

In fact, Mr Speaker, if you look at the work that the Inter-University Council is involved in establishing a regional quality framework that will allow for regional accreditation of programs and degrees and diplomas in the region – if you look at the work that IUCEA is involved in establishing a credit system for the region and a regional qualifications framework, this is critical for regional accreditation.

If you look at the work that IUCEA is involved in - promoting mutual recognition of qualifications and the work that it involves; moving from harmonisation of curricular; dealing with agreement on what body of knowledge our students coming from the universities in East African should have so that mutual recognition should have is a critical component of regional accreditation.

Now, of course, regional accreditation also would involve what national bodies are doing now. So the mandate of the councils and commissions in Partner States now does not only include accreditation but also includes registration. They include certification of institutions. They have regulatory function, they have quality assurance, and they administer admission of students to higher education institutions just to mention but a few.

So accreditation is more than simply allowing a university to work in a certain area. Therefore, although the amendment is good in intent, it is difficult to operationalize right now. I have had working sessions with the Inter-University Council of East Africa trying to operationalize the ICA Act of 2009. We have been faced with very difficult problems of operationalization.

1. We have an Act and we have a protocol and the Act did not repeal the protocol yet the provisions of the protocol on governance and audit and management are at variance with the provisions of the Act on the same issues.
2. The Inter-University Council of East Africa as it stands now is a voluntary association of universities in East Africa. It is difficult to see how this association is going to see and

regulate itself accredit universities, set up bodies in the national – in the partner states to carryout accreditation of programs and facilities and quality control. I do not think, Mr Speaker that this will work.

Therefore, the process that working with the Inter-University Council and other stakeholders in the region of reviewing the Act and making sure that we strengthen and enhance the Activities of the Inter-University Council in a manner that will allow them to exercise their mandate fully within a common market and within the confines of a higher education area for the community; I believe it should be allowed to proceed.

If we pass the amendment today, we would be putting the Inter-University Council in a position in which it would be set up for failure to deliver on that mandate because they cannot as structured currently – under the current educational framework within the region, they cannot fulfil this task, unless we first harmonise it and agree on a qualification framework for the entire region.

It is for these reasons, Mr Speaker, Sir that I urge this august House consider adjournment of this debate to make sure that when we finally have an amendment Inter-University Act, we will have an Act that addresses the needs, concerns and desires of the people of East Africa. I fear that if we simply amend the sections highlighted by this amendment bill, we will miss that occasion. Thank you, Mr Speaker.

The Speaker: Hon. Members, I am tempted to suspend the house for ten minutes so that I can go and get all the correspondences from the Council of Ministers and from the Secretary General himself on this issue of the Inter-University Council.

You know, this matter has been there – it is not a matter that started yesterday, It started in 2010 in this same chamber. Then the council of ministers stood up and supported this bill. At that time, they said we get the other stakeholders and we see how to strengthen the bill. It is a year a two months since that time. The Inter-University Council came to the committee in September 2010 and they requested to bring their lawyer who would bring amendments to this Bill. I do not know what kind of lawyers they have who take a whole year to make amendments. May be they should change their lawyers and get new lawyers, but it does not make any sense.

Time after time, I have removed this matter from the order paper to give Council more time to give the Inter-University Council to give the stakeholders more time to come and present to the committee, but it has not happened.

Today, I think the last session, we got a letter requesting that it be removed so that we can bring it to this particular session. Today, we are having much of the same thing where we are being told that we wait until the next session. Hon. Members, I think the next session is not very far away. It will be in end of January at the beginning February. I want to urge you hon. Members to allow the Council of Ministers more time; January is not very far, so that they can bring their comprehensive amendments to the bill so that we can discuss the bill in the next session.

So hon. Members, I put the question that we adjourn debate on this bill until the next session.

(Question put and agreed to.)

QUESTION FOR ORAL ANSWER

The Speaker: Hon Margaret Ziiwa. Hon Hajabakiga will ask on her behalf.

Ms Patricia Hajabakiga (Rwanda): Thank you Mr Speaker, Sir, on behalf of hon. Margret Zziwa Nantongo, “To ask the chairperson of the Council of Ministers the question number EALA/PQ/OA/16/2011. Thank you, Mr Speaker.

Mr Musa Sirma: Mr Speaker, I beg to reply all the five East African Community Partner States are among 33 African countries that are currently considered by the world health organisation as yellow fever endemic.

Under the international health regulations, yellow fever vaccination is the only certificate that should be required for international travel. Even then, it is only for limited number of persons. It is required that travellers including those in transit arriving from infected areas or countries with infected areas.

However, both the Republic of Burundi and the republic of Rwanda have not reported any outbreak of yellow fever for more than sixty years and therefore they do not enforce the international health regulations requirements on yellow fever. In respect to regional and or international travellers or local residents from the other East Africa Partner States.

According to the newly revised 2011 World Health Organisation recommendations for yellow fever vaccination in Africa, only the United Republic of Tanzania and part of Kenya, from Nairobi to Coast are classified as low risk zones for the disease.

On the other hand, the whole of the republic of Uganda, the republic of Rwanda and the republic of Burundi remain high-risk zones according to World Health Organisation recommendations. However, according to the international health regulations, of 2005, countries with vulnerable populations and susceptible vector species can define and enforce their own yellow fever vaccine entry requirement especially if specific traveller’s itinerary indicates potentially increased risk of recent exposure to the disease.

Mr Speaker, the united Republic of Tanzania has not experienced yellow fever outbreak in the past. However, due to international public health and national health concerns, the united republic of Tanzania is the only East Africa Community Partner State that strictly enforces international health regulations requirement on yellow fever in respect to regional and or international travellers or local residents from the other East Africa community’s Partner States in order to prevent importation of the disease from the other high risk countries and or outside the East Africa region.

Mr Speaker, the matter was exhaustively discussed during the 5th ordinary meeting of the EAC sectorial council on regional cooperation on health that was held in Arusha Tanzania on the 21st of January, 2011. The partner states agreed to maintain the status quo in each country with regard to the implementation of the international health regulations of 2005 concerning the enforcement of the requirement on yellow fever control.

Mr Speaker, in this regard, the united republic of Tanzania is enforcing the international regulations through the Active surveillance and national vaccination strategy to protect travellers entering the country, which is considered endemic for yellow fever.

This strategy applies also to other East Africa citizens and permanent residents who may not have travelled to endemic areas within the other East Africa community partner states. However, due to limited resources and infrastructure, the united republic of Tanzania is at the moment enforcing the yellow fever Active surveillance and quarantine – at at-least three main international airports namely Julius Kambalage Nyerere International Air Port, Mwanza international airport and Kilimanjaro international airport. And also some in-land cross boarder ports of entry such as Namanga Border town, between the republic of Kenya and the united Republic of Tanzania. These services will also be extended to other parts of entry in future.

On why these other border posts do not consider yellow fever certificate and when they will be compliant – Mr Speaker, it is the national policy of the Government of the Republic of Tanzania to Actively enforce the international health regulations requirements on yellow fever in respect to regional and on international travellers or local residents from the other East Africa partner states. These services will also be extended to other ports of entry to the country once adequate resources and infrastructure are available including all land sea and air ports of entry to the united republic of Tanzania.

The second part is why there are double standards in the application of the law? There are no double standards in the application of the law since the Government of the united republic of Tanzania has started to enforce the international health regulations requirement on yellow fever in high priority points of entry such as Julius Kambalage Nyerere International airport, Mwanza international airport and Kilimanjaro international airport. And these services will be extended to other points of entry once other resources and adequate infrastructure are available on all land, sea and airports of entry to the country.

On the discrepancy on the implementation of the requirement of the yellow fever certificate in this country of Tanzania, all the partner states are signatories to the international health regulations. But each country has met and implement the relevant requirement of the international health regulations especially with regard to yellow fever and other communicable diseases of public health importance. Thank you.

The Speaker: Thank you. Supplementary question, yes, hon. Muntu.

Maj. Gen (Rtd) Mugisha Muntu(Uganda): Thank you Mr Speaker. My understanding of this question is that nobody is questioning the right of any country to enforce health regulations for purposes of protecting its citizens. But I think the reason this issue has come up; I think, it must be the second or third time in this assembly is because those who travel into Tanzania met this requirement only at one entry point, Kilimanjaro International airport.

If I may give myself as an example, in the last three months I have entered Tanzania through four entry points: I have entered through Kilimanjaro, through Rusumu, I entered through Namanga and I also entered through Dar-el-salaam. What was surprising; another colleague asked this question, but now I recall the same experience. The only point where I was asked for a yellow fever certificate was at Kilimanjaro airport. I was never asked for one at Rusumu, at Namanga or in Dar-el-Salaam.

My understanding of protection the citizens of a country, more so if there is a serious problem like – at times when there is Ebola or in this case yellow fever, I think a Government would control all the entry points.

The Speaker: Hon, your questions please.

Maj. Gen (Rtd) Muntu: Disease transmission does not come through only one entry point. So the question is, does yellow fever threaten the Tanzanian state only through Kilimanjaro?

Mr Musa Sirma: Mr Speaker, I have to thank honourable Muntu for that question. I only want to say that recently, during the last Sectoral Council, we had established a health directorate, which will be based here in Burund, and the harmonisation of all the regulations on health matters will now come into force.

It is just that other Partner States have not enforced this but it is a requirement. I want to give you an example of myself. When I travelled to South Africa, and I have forgotten my yellow fever certificate – the first time, they vaccinated me at the airport even though I have been vaccinated three months ago. On the second time, they removed that health unit at the airport and I was forced to stay overnight for the certificate to be flown in from Kenya to South Africa for me to get entry.

Therefore, what we need to do is – this certificate could be a tool put in place by all the member states and if it is there, it could be enforced. Like the directorate, once it is in place, it will ensure that it gets rid –

The Speaker: Hon. Minister, are you trying to tell me that you are trying to create more NTBs for people to move around the partner states? (Applause) – I thought we are talking about integrating and allowing people to move around.

Mr Musa Sirma: Thank you, Mr Speaker. I know we do not what these NTBs but because we have already put in place a directorate, it will remove that and of now, we are at risk. If you go to Migori right now, we are doing vaccination on polio, which we do not know where it came from.

Therefore, the spread of disease is there and we need to fight it. Therefore, the entry points should in future – that requirement should be removed once we are satisfied that yellow fever is no longer a threat.

Ms Dora Byamukama (Uganda): Mr Speaker, Sir, I would like to ask the hon. Chair of the Council of Ministers a supplementary question. Do these countries, which require yellow fever certificate on entry, have mechanisms for proving that the yellow paper or booklet they are presented with is authentic or not?

If they do not have proof that this is authentic; I would like to put it to him that this is cosmetic and a none-tariff barrier. But I would like to hear from him first as to whether they have the mechanisms to check whether what is presented as yellow fever vaccination is authentic or not.

Secondly, can we talk about reinstating the yellow fever requirement for all Partner States even as we advance into the issue of common market? We are talking about free movement of persons and goods. How do we now re-introduce this? I believe there should be other mechanisms for controlling disease. If you have vaccination on one side of the border –

The Speaker: Hon., ask your question please, you are now debating; please finish.

Ms Byamukama: Anyway, I believe that it is an NTB and it is cosmetic and that it does not facilitate the Common Market principles. Is it in order therefore?

The Speaker: Okay, honourable minister; while he is consulting this people, we can ask another question. Mheshimiwa Nangale.

Dr George Nangale (Tanzania): Thank you Mr Speaker, Sir, In line with the enforcement and the implementation of the International Health Regulations, can the minister tell us what measures the East African Partner States have taken to protect the East African travellers entering Cong where the outbreak of the deadly Ebola pandemic has been reported several times in recent years?

The Speaker: I would say that is something new but the minister himself introduced and talked about other diseases. So he can answer.

Mr Sebalu: Thank you very much Mr Speaker. I want to ask a supplementary question regarding the implementation of this. Have the authorities in United Republic of Tanzania considered training these enforcers to deal with this matter with courtesy and dignity? At times you are treated as if you are a criminal; there is need for courtesy in dealing with this matter because Arusha is a very important destination and the people who go there are equally important.

Mr Musa Sirma: Mr Speaker, you will agree with me that free movement of persons has also an element of health. That is part of the requirements. Therefore, we do not want to move sick people from one country to another.

Mr Speaker, Sir, four out of the five Partner States I have already removed this requirement and therefore very soon, with the clearing and giving a good Bill of health to the remaining part of the countries, we are sure that the yellow certificate will soon be eliminated.

As I told you, the commissioner of the directorate is going to be in place very soon and the requirement of these cards – whether they are authentic or not, we trust that the health authorities in the various countries – if you do not trust what your country gives, then it would be very difficult even for us to enforce it. If the directories in these countries or the ministries do not trust what they give away then it is a dangerous trend. Thank you.

The Speaker: Last question from the mover.

Ms Hajabakiga: Thank you, Mr Speaker. Mine is not a question, it is a comment. The Council of Ministers, as much as they tell us that they consult, Mr Speaker, if you remember, when honourable Kamara was the Chair of the Council of Ministers, he told us that actually Tanzania was going to scrap off this particular vaccination certificate and that it would no longer be applicable in Tanzania as well.

Today, we are told, actually we are advised to have all East African countries having it back –

The Speaker: Mheshimiwa, that was a slip of the tongue from the minister and I must say hon. Kamara must have been debating his own views not those of the Council of Ministers or the countries.

QN REF: EALA/PQ/OA/19/2011

Ms Dora Byamukama (Uganda): Mr Speaker, Sir, pursuant to Rule 17, I beg to move that the chair of the Council of Ministers address question reference EALA/PQ/OA/19/2011. I beg to move.

Mr Musa Sirma: Mr Speaker, I beg to reply that the East African Joint Trade Negotiations Act was enacted in 2007. The Act makes provision for the East African Community to negotiate as a broke in all regional and multilateral trade arrangements and to establish an East African Joint Trade Negotiation Commission as an institution of the East African Community.

It also provides useful and rational provisions to mitigate resources and expertise challenges for trade negotiations. It also builds opportunities to strengthen our ability as a region to negotiate trade deals.

Mr Speaker, the importance of the East African trade negotiation Act cannot be over emphasised. Currently, there is a lacunar on the legal framework to back the trade negotiations which currently are being coordinated by the secretariat.

In addition, it has shown that many ministers do not have adequate human resource to undertake trade negotiations effectively. Those existing are also involved in other day-to-day Activities of ministries in the Partner States yet another problem is that many of the Partner States trade negotiations of regional and multilateral nature are scattered in different ministries.

For example, multilateral issues are handled by foreign affairs of one department while regional issues are handled by ministry of trade but by different departments.

The scattered negotiations make countries weak in coordination and come up with different positions. In some cases contradictory and make trade negotiations quite expensive and yet Partner States have limited resources.

In addition, some negotiations for example those of World Trade Organisation are so expansive requiring officers to move from one negotiation to another or just to ignore some of them, yet they are important. Pooling of resources within East African will resolve some of those problems. History tells us that the pooling of resources at East African community level was practiced before in the defunct East African Community with no problems whatsoever.

Indeed the pooling of resources will be very beneficial to East African if the Act will be implemented in such a manner that the partner states will not feel excluded at least in the short run.

Mr Speaker, the East African trade negotiations Act, 2007 could not have come at a better time. East African partner states have recently configured themselves and successfully negotiated an EPA Framework agreement. Henceforth, EAC Partner States will negotiate full and comprehensive EPAs as a block. Additionally, EAC Partner States will also negotiate other multilateral issues jointly.

The Act consequently endeavours to put in place a mandate, structure and appropriate framework for trade negotiations. It also points out on how to address capacity issues and mobilisation of financial resources for trade negotiations.

At its meeting held on the 9th of April, 2009, the sectorial council on trade and industry, finance and investment noted that EAC joint Negotiation Act, 2007 had budgetary implications on the community and that its operationalization could affect on-going trade negotiations with the European Community. It was further noted that the Act lacked transitional provisions to cater for the on-going trade negotiations.

In this regard, it is necessary that the Act be reviewed by the respective organs to make it consistent with the Treaty. The sectorial council therefore urges the council to refer this Act to the sectorial council on legal and judicial affairs to draft the necessary amendment for on-ward submission to the East African Legislative Assembly.

Mr Speaker, from the legal point of view, the Secretarial Council on Legal and Judicial Affairs has established that matters that need to be considered in the amendment include

- a) The inconsistency between sections 5(2) and 18 on the appointment of members of the East African joint trade negotiations commission.
- b) The need for a transitional provision to address the functions of that commission vis-à-vis the progress so far achieved in international trade negotiations fora.

- c) The need to scantily cater for EAC at the regional and back stopping level sections 12 and 13.

East African Community regards trade issues to be important for the development of the East African people. But for trade to be beneficial, efforts have to be spent in instituting proper negotiation mechanisms. That will maximise the benefits while minimising the cost of negotiations. Good deals take a lot of hard work including research work and preparedness and skills in negotiating.

The Act will assist in bridging the gap in trade negotiations and assist in pooling resources and making a sense of all trade negotiations for the benefit of the East African Community.

However, there is need to make necessary amendment to the Act for it to be beneficial to the East African integration process. Mr Speaker, the council will soon introduce an amendment Bill after further policy input by the sectorial council on trade industry, finance and investment. Thank you.

Ms Dora Byamukama (Uganda): Mr Speaker, I want to thank the chair Council of Ministers for the response. However I have a few concerns. Number one, when you look at the paragraph which talks about the fact that EAC Partner States will negotiate full comprehensive EPAS as a block. This is a welcome development. But when you look at the subsequent paragraph, it negates what has been states because it talks about the fact that the Act cannot be implemented because it has financial implications. I know every few laws which do not have financial implications. Does the fact that the law has financial implications disenable it from being operationalized?

Secondly, Mr Speaker, the response, even when you look at the last paragraph to this question is futuristic. It is talking about the fact that the Act will assist in bridging the gap. This is an Act which is already operational for the last – it is coming to four years.

The Speaker: Hon. Member, the Act is not operational.

Ms Byamukama: What I mean to say is that the law is in place; it has been in place since 2007. But in response, the council of ministers refers to it as being futuristic, it says, “It will assist”. Can he shed some more light on this?

Finally, if this question had not been brought up, would these amendments have come up anyway? I just do not appreciate the response especially on those three aspects. Thank you.

Mr Musa Sirma: Of course, we are not talking about the Act being futuristic, but we know it is just the issue of operationalization and also on your first concern that actually when we talked about the Act having financial implications; establishing the commission to do this job or to put the system in place, it has a cost.

Therefore, the Member states must also agree on how to fund it so that they can come up with a good formula of working out on any future negotiations. But as of now, we need those

amendments which have been proposed which the Council on Legal and Judicial have identified as issues to be addressed in the amendments

Mr. Dan Ogalo (Uganda): Thank you, Mr Speaker and I thank the minister for the answers given. The Sectoral Council on Trade Industry and Finance decided on the 9th ofin that under A, B and C the minister is only talking of three amendments. Can the Minister assist the House and indicate whether we shall need another 2 1/2 years before these 3, 1/2 amendments are brought.

Secondly, this omission should be considered by it in accordance with the Treaty. I thank you.

Mr Musa Sirma: Mr Speaker, I do agree that the process has taken long. Of course any process, which is going to be successful, is through thorough consultations. We do not want to come up with a half-hearted party, which will just agree for the sake of moving forward. We want something thorough, which can be implemented by all the Partner States.

We know the Legal and Judicial Affairs Committee have already met and deliberated on these issues and very soon, the three proposed amendments will be brought before this House. Therefore, let us give them the last chance because they have already finalised their issue. Thank you.

Ms Wanyoto: Thank you, Mr Speaker. My question was on issues to do with timeframe and you have heard the answer from the Council of Ministers. Thank you.

Mr Gervase Akhaabi (Kenya): Thank you, Mr Speaker. I am a little concerned, is the Council of Ministers satisfied that after the law has been enacted by this House and assented to by the Summit of Heads of State the Sectoral Council has the appropriate authority to question its validity as to whether it has financial implications or not?

Secondly, Mr Speaker looking at Article 21 of the Treaty on the functions of the sectoral committees, is the Minister satisfied that it was or it is in order for the Sectoral Council to direct the Council not to operationalise an Act that has been passed by the House and assented to by the Heads of State?

Mr Musa Sirma: Mr Speaker, I would like to thank hon. Akhaabi. I would like to give correction that Article 21 talks about Sectoral Committees and not the Sectoral Council and, therefore, the Council will implement and always give advice. We also do know that there are other issues which take longer than- like the one which we are talking about and you understand the nature of relationship between countries; you need to give it time to grow without arousing conflict so that we do not go back to the past.

Thank you.

The Speaker: Hon. Minister, what conflict are you talking about when all the presidents assented to this Bill? If I were the Minister, I would have said that: "Hon. Members, as you know, when you passed the Bill you gave the power to operationalise the Bill to the Council of Ministers at a time they deem appropriate." So, I think, hon. Sirma that is what you should have said; you should have reminded this House that when they passed the law, it gave you the powers to operationalise this particular Act. Therefore, in essence, the only thing the House is asking you

is how long it will take; that is the only problem you have and technically it is within your powers as to when you should operationalise the Bill. Hon. Members, let us go to the next question.

Mr Sirma Musa: Thank you for that, Mr Speaker. You have done my part.

(Laughter)

QN REF: EALA/PQ/OA/21/2011

Ms Byamukama (Uganda): Mr Speaker, I beg to move that the Minister responds to question REF: EALA/PQ/OA/21/2011

Hon. Minister: Mr Speaker, Sir I beg to reply; on the establishment of the common foreign policy, Partner States were guided by the provisions in the Treaty under Article 123(4) particularly paragraph (a) which calls for establishing systematic cooperation between Partner States on any matter of foreign or security policies of general interest to the community in order to define a common position to be applied by the Partner States.

The Partner States negotiated a protocol on foreign policy coordination which they signed on 3rd December, 2010. Broadly, the protocol addresses issues related to coordination of:

- (a) Collaboration in diplomatic and counsellor activities including provisions of visa and counsellor services on behalf of each other where a Partner State is not represented.
- (b) Collaboration in multilateral diplomacy.
- (c) Collaboration in economic and social activities- deeper engagement of Partner States, diplomatic missions in pursuit of community objectives.

Mr Speaker, when the Summit approved the protocol for signature on 3rd December, 2010, it also directed Partner States to conclude the ratification by 30th June, 2011. To date, this ratification process is yet to be concluded. I, therefore, urge EALA Members to follow up on this matter with the relevant authorities in their countries so that we can move fast on implementation on this protocol.

Systematic coordination in these areas will act as a precursor to the establishment of the common foreign policy for Partner States.

Mr Speaker, Sir, regarding security policies, similar initiatives were also being undertaken in a systematic manner. The regional peace and security strategy which was adopted by the Council of Ministers at its 13th meeting held in November 2006 and its implementation plan as adopted by the Council of Ministers at its 21st meeting is under implementation guided by this strategy.

Partner States had negotiated a protocol on peace and security. The protocol outlines the areas of cooperation which include:

- (a) Conflict prevention management and resolution,

- (b) Prevention of genocide and counter terrorism
- (c) Combating piracy.
- (d) Peace support operations
- (e) Disaster management and crisis response
- (f) Management of refugees
- (g) Control of proliferation of small arms and light weapons.
- (h) Combating transnational and cross border crimes including drug trafficking, money laundering, cyber crime and motor vehicle thefts.
- (i) Addressing and combating cattle rustling.

The draft protocol was endorsed by the Council and referred to the Sectoral Council on Legal and Judicial Affairs who have referred it to the joint meeting of the Sectoral Council on cooperation in Defence, Cooperation, Peace and Security and Foreign Policy.

Coordination for clarification on technical matters

Such technical matters include those pertaining to prison and correctional services, counter terrorism, combating piracy and peace support operations.

Mr Speaker, Sir further to the protocol on peace and security and in line with Article 123(4) (e) which calls for coordination of the defence polices of the Partner States. The Partner States have upgraded the Memorandum of Understanding on Cooperation in Defence to a protocol. The draft protocol is also before the Sectoral Council on Legal and Judicial Affairs for legal input.

In addition, aware that effective foreign and security policies are hinged on developing and consolidating democracy and the rule of law and respect of human rights and fundamental freedoms as provided for under Article 123 (3) (c) Partner States are negotiating a protocol on good governance as spelt out below:

- (a) Constitutionalism, rule of law and access to justice.
- (b) Protection of human rights and promotion of equal opportunities.
- (c) Democracy and democratisation process.
- (d) Combating corruption and enhancing ethics and integrity.
- (e) Separation of powers.
- (f) Economic and corporate governance.

Various key stakeholders having consulted in this process including the hon. Members of this august House.

The Council is aware, Mr Speaker Sir, of the Nanyuki Series that bring together EALA Members and MPs of national assemblies. There are also other activities that have brought together EALA Members and MPs such as elections of several missions, conferences and seminars which we believe are important avenues in promoting and strengthening cooperation among national assemblies and this Assembly in line with Article 123(4) (f) of the Treaty.

The Council appreciates that more is yet to be done and is mindful of the need to develop and strengthen an elaborate mechanism for information dissemination and exchange between the national assemblies and EALA. Thank you.

The Speaker: Before I call upon hon. Dora, I would like to remind the Council of Ministers that it is not the job of EALA Members to urge relevant authorities if Partner States to operationalise a protocol. (*Applause*) I don't know who wrote this answer for you but that is your job that you are not doing; it is not our job.

Ms Byamukama (Uganda): Mr Speaker Sir, we were of the same mind; that is what I wanted to put to him. Otherwise, I would like to commend the Chair, Council of Ministers for a comprehensive answer and commend the work that has been done so far. But I wanted to put it to him that EALA's role is really not to work in that area.

I thank you.

QN REF: EALA/PQ/OA/22/2011

Ms Byamukama (Uganda): Mr Speaker Sir, hon. Members, I beg to move that the Chair, Council of Ministers responds to Question EALA/PQ/OA/22/2011, I beg to move.

Mr Musa Sirma: Mr Speaker Sir, I beg to reply that the East African Community Power Master Plan has been developed to address the long term power demands from 2013 to 2038. The Power Master Plan has reviewed the power demand projections for that horizon and considered the energy sources available within the Community and options for power importation from neighbouring regions.

The Power Master Plan has developed a least cost expansion programme comprising power generation and transmission projects. If implemented in a timely manner, the EAC Partner Power Master Plan will help to address power supply problems in the Community and promote regional power trade.

The Power Master Plan was completed in May 2011 and submitted to the Sectoral Council on Energy in June, 2011. The Sectoral Council adopted the Power Master Plan and directed the Standing Committee on Implementation of Power Master Plan to develop an implementation action plan. The Implementation Action Plan was to be presented to the Sectoral Council on Energy during its planned meeting in October, 2011 to enable Partner States budget for it in financial year 2012/13. Thank you.

Mr Ogalo (Uganda): Thank you, Mr Speaker, Sir. I know that this Power Master Plan has been on since 2001, which, therefore, is 10 years that we are at this level. Could the Minister give

guidance as to when it will become operational because we are still in the planning stage given the fact that we started it 10 years ago?

Dr Nangale (Tanzania): Thank you, Mr Speaker. I have two supplementary questions;

One, that fact that the East African Community region is endowed with renewable energy resources such as geo-thermal, solar, biomass et cetera, to what extent does the plan incorporate such resources?

Two, Mr Speaker since Tanzania and Uganda have discovered huge resources of uranium, is the Minister planning to incorporate such uranium resources as an energy resource in the Master Plan? Thank you.

Mr Speaker: Hon. Minister you could also tell this House what you meant by the next meeting planned for October 2011, which has already taken place. Maybe you can inform this House the outcome of that meeting. It would be good if the Council Ministers could update their answers before they come to this House. I think they are not serious in terms of what they are doing here.

Mr Musa Sirma: I would wish to fully agree that that meeting has already taken place and I think that was an omission on the part of my answer and, therefore, I apologise for that.

The Master Plan incorporates all the energy resources, which are available in all the Partner States. We have of course not considered uranium as part of it but I think it will come later. As of now, we are talking of what we are used to and we should agree with what the Energy Sectoral Council have done; they have not put uranium in their plan. Thank you.

Mr Speaker: Hon. Ogalo asked a question as well, do you have an answer to his question? Maybe you can repeat it for him. Hon. Ogalo.

Mr Ogalo (Uganda): The Power Master Plan has been on the books since 2001 and we are still in the stages of planning. I wanted to know from you Sir, whether we could have information as to when the real thing will start instead of the plans which have been going on since then and this one is also still a plan according to your answer and all Partner States are in a crisis over energy.

Mr Musa Sirma: I think the implementation of the Master Plan is based on the pool energy which we have in the Partner States and the following have been put as priority for implementation: Gida-Arusha-Nairobi; 400 KVS interconnector by 2014; Masaka –Mwanza 220 KVS by 2014 also; Rusumu-Nyakanzi 220 KVS interconnector by 2015; Rusumu-Kigali interconnector by 2015 and Rusumu- Benjundera 220 KVS interconnector by 2015; Segilasi George Hydro Power Project of 2100 Megawatts by 2017; Kibura Coal Plant in Tanzania of 200 Megawatts by 2014; Rwanda PT to generate 400 Megawatts by 2013; Burundi PT Power Plant 200 Megawatts by 2015; Ayago Hydropower Plant 600 Megawatts by 2013 and Usumu Hydropower Plant 900 Megawatts by 2016.

The implementation of these projects will actually greatly address the power needs of the East African Region. Thank you.

The Speaker: Hon. Minister, those are all plans that you are telling us. But hon. Ogalo asked you is when they are starting. And according to your answer here, you say “the meeting was

planned for October, 2011 to enable Partner States budget in the 2012/13 fiscal year.” That is part of your answer; have they budgeted anything for that and what have you? What was the outcome of that meeting? Maybe that will help hon. Ogalo answer his question.

Mr Musa Sirma: Mr Speaker, the budget process for 2012/13 is ongoing and they are incorporated because you see the first phase starts in 2014 and this Master Plan is going to be implemented.

The Speaker: Last question, hon. Dora.

Ms Byamukama (Uganda): Mr Speaker Sir, please bear with me. When I got the response, I was taken back because this is not what expected. The issue of energy is critical and when you leave Bujumbura, go to radio stations, and talk to our people, we need to tell them what the aggregate demand is; what is the aggregate supply? What are the sources because now this answer leaves us in doubt? I was actually constrained because I did not know where to start since the answer did not address what I wanted to hear. I wanted to hear the projections aggregated at the East African Regional level so that we can address this critical issue because without energy we cannot do anything. So, my problem is that, Mr Speaker maybe with your permission, he could come back with another-

The Speaker: In the region, I think he gave you that. The second part of the question is when will they become operational? Even though he gave future dates, he also said from 2012/13 is going to be budgeted for. Therefore, I think maybe next time we can come and ask before the budgets are prepared whether what he tells us here is actually incorporated in the budget. So, I think he generally answered your question unless you want to ask a different question in a different way. Next question, please.

QUESTION: REF: EALA/PQ/ OA/26/2011

Ms Wanyoto (Uganda): Thank you, Rt hon. Speaker and hon. Members. I would like to ask the Chair, Council of Ministers to answer Question Ref: EALA/PQ/ OA/26/2011. I beg to move.

Mr Musa Sirma: Mr Speaker, Sir I beg to reply under the East African Community Memorandum of Understanding on Cooperation in Defence, the partner States have agreed for the armed forces to:

- (a) Carry out joint military training.
- (b) Combat joint operations.
- (c) Have technical cooperation between each other's defence industrial establishment and to visit each other's forces.
- (e) Exchange information between their intelligence services.

This is indicated in the matrix, which I have the honour to now lay on the table.

Mr Speaker, Sir it is true that the defence sector is ahead of other sectors with regard to the integration progress. The lessons that can be learned from the sector are:

(a) Reducing suspicions and engendering mutual trust and understanding among all the stakeholders through various confidence building measures which include exchange of personnel between each other's training institutions and I am sure in their training and operations are carried out in joint meetings to discuss various issues of mutual interest, posting defence liaison officers to the East African Community Secretariat, creating secure and reliable communication channels between the defence chiefs and their directors of defence, military intelligence and holding visits and having cultural exchanges.

(b) Constant interaction between Partner States militaries: This takes place at all levels of military hierarchy. A good example is the recently conducted military games and cultural events 2011 in Bujumbura.

(c) Focus action aimed at achieving well defined goals: The defence sector is guided by the principle of war which entails electing and maintaining the aim. It means the sector is constantly reviewing the status of implementation of its activities and ensuring that new tasks are taken on only when the old ones are completed.

Ensuring that the process of cooperation in defence is out of fears and is driven by East African interests.

The sector tries to avoid the engagement of external donors in its programmes however friendly they may be.

Accessing partnership with other countries is only done when the partners interests coincide with those of the East African Community and ensuring that there is as little interference as possible with mutual progression of integration process and ensuring that all the stakeholders understand what is at stake.

Mr Speaker, Sir in view of the threat of terrorism, the following measures being undertaken to protect East Africans:

(a) Regular meetings between the Partner States security chiefs, directors of military intelligence, defence intelligence to exchange information, share intelligence and coordinate activities.

(b) Coordinated joint operations to deal with terrorism and suspected terrorism.

(c) Creation of a joint intelligence fusion centre.

Thank you.

The Speaker: Supplementary hon. Lydia?

Ms Wanyoto: Thank you, hon. Speaker and I would like to thank the Chair, Council of Ministers for the response they have given on the question. I have two short additional questions; one, now that in the answer he has given us in the affirmative that the defence cooperation is

ahead of many other areas of cooperation, I would like to ask why hasn't the Council of Ministers made operational Article 59(3)(c) of the Treaty? And I beg to read it for my colleagues; it says: *"The Assembly shall hold an annual debate on the report to be submitted to it by the Council on progress made by the Community in the development of its common foreign and security policies."* So, why hasn't this ever been done before the Assembly with all the progress you have reported today and when do you intend to do this if you intend to do it all during the Assembly's life?

The second question I would like to ask, hon. Speaker is in reference to part B on page 12 of the answer from the Council of Ministers. He has talked about coordinated joint operations to deal with terrorists and suspected terrorists. I would like the Council of Ministers to know whether it is a fact that what is happening in Somalia is a result of coordinated joint operations between – I know that there are three Partner States in Somalia under the AMISOM Burundi and Uganda are in Somalia but I also know that Kenya is in Somalia in pursuit of the Al-Shabaab. I thank you, hon. Speaker.

Mr Musa Sirma: Mr Speaker, I wish to inform the hon. Member and the House that under Article 59(c) the Council is going to meet this week to deliberate on the same and will come before the House in the next sitting to report; I wish to confirm that.

I also want to say that the joint operation of Partner States especially in pursuit of Al –Shabaab, which all the Partner States are fully in agreement to coordinate on the same is one such an operation although in different forms; we are all pursuing for the same enemy. Thank you.

Mr Abdu Karim Halerimana: Thank you, Mr Speaker Sir. It is just a very short supplementary question; the Council of Ministers is satisfied that the defence sector is ahead of other sectors and there are lessons to be drawn from. If so, is the Council of Ministers ready now to sensitise the other sectors so that they can work to reach that level? Thank you.

Mr Musa Sirma:: Mr Speaker, for us to live peacefully security comes first and I know that all other sectors are important but we shall endeavour to ensure that all other sectors are compliant and moving in tandem with what we envisage in the Treaty. Thank you.

Maj. Gen. (Rtd) Muntu (Uganda): Thank you, Mr Speaker. I would like to get a clarification from the Chairperson, Council of Ministers on the issue of the African Standby Force. To my understanding, the five Partner States belong to different regional units; four belong to one and one belongs to another regional defence arrangement. It is more or less a replication of what we have seen in the area of the trade blocks where we have four Partner States in one grouping, that is, COMESA and another Partner State in SADC. I would like to understand from the Council of Ministers whether they intend to act according to the understanding that in whatever body these Partner States get engaged in, they need to go as a block under the East African Community flag, what is the current position or do they want that to remain the status quo? We would like to have that understanding. Thank you, Mr Speaker.

Hon. Minister: Mr Speaker, Sir, you are aware that all the Partner States fully endorsed the operation that is going on in Somalia. And we do not coordinate the African Union joint operations but it is coordinated under the African Union and therefore, we have a responsibility of Partner States neighbouring and all this is driven by the fact that it has affected all the five Partner States in one way or another through trade. Therefore, the call for a joint effort on an exercise like this requires that we do come up with a joint operation within the Partner States as an act together and, therefore, we would like to say that the Member States although we have not put in place a standby force but of course, in spirit we are together.

ADJOURNMENT

The Speaker: Hon. Members, we have come to the end of business today. I like the Minister's answers-(Laughter) - "in spirit we are together." So, I would like to say that we have come to the end of business today. Hon. Members, I would like to make the following announcements:

Right after this adjournment, Members of the House Business Committee are informed that we are holding a meeting right now with the Secretary General and the representative of the Chairperson of Council, hon. Sirma in the next room here.

I would also like to say that today EALA is playing at 3.45 p.m. and I would like you to come and watch hon. Kimura who is our striker is today scoring goals.

(Applause)

Hon. Kategaya will be there to lead the ceremonies. So, hon. Kategaya, 3.45 we are starting the process. Hon. Members, come and cheer the EALA team at 3.45.

With those remarks, I would like to adjourn the House until tomorrow, 10.00 a.m.

(House adjourned until 24th November, at 10.00 a.m.)

