



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

Thursday, 24th 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

LAYING OF PAPERS

Dr. James Ndahiro (Rwanda): Mr Speaker, I rise to lay on table a report of the Committee on Trade and Investment on Anti-Dumping and Quality Assurance on the East African region.

I beg to lay and Hon. Wanyoto will do it for me.

Mr. Abdul Karim Halerimana: Mr Speaker, I beg to lay on the table the workshop report of the Committee on Regional Affairs and Conflict Resolution to challenges related to the implementation of the common markets programme. I beg to lay.

Mr. Straton Ndikuryayo (Rwanda): Mr Speaker, Sir, I beg to lay the report of 125th Inter Parliamentary Union conference that took place on 15th-20th October 2011 in Switzerland. I beg to lay.

REPORT OF THE COMMITTEE ON COMMUNICATION, TRADE AND INVESTMENT ON THE WORKSHOP ON ANTI-DUMPING AND QUALITY ASSURANCE IN THE EAC REGION

MOTION

Dr. James Ndahiro: Mr Speaker, I move a motion that a report of the committee on Communication, Trade and Investment on Anti-Dumping and quality assurance in the region be adopted. I beg to move.

Dr. Ndahiro: Mr Speaker, I would like to ask for your permission to allow Hon. Wanyoto to read the report on behalf of the committee.

Ms. Lydia Wanyoto (Uganda): Thank you, Mr Speaker for putting my name on record correct, Lydia WanyotoMutende. I would like to read the committee report on behalf of the chairperson.

Introduction

Proper standards and quality assurance of goods and products traded in a given market are very important for economic sustainable development. Infrastructure for such standards can be useful in prohibiting counterfeits. The infrastructure provides confidence to both domestic and foreign investors and could thus be a stimulant for technological transformation and innovation. They also accord protection to consumers for the EAC region to compete effectively in the global market, it is required to establish

proper legal and institutional frameworks to protect both consumers, suppliers, manufacturers, inventors, innovators of goods to the region.

Counterfeits

Counterfeits are defined differently by different stakeholders and all legal instruments. The oxford English dictionary defines counterfeits to mean making an imitation of something with intent to deceive. Counterfeits have also been defined as goods that are an imitation of something else and intent to deceive and any device used for purposes of counterfeiting and goods which breach intellectual property, rights and goods in order to gain unfair commercial advantage with goods of a similar nature.

They could also be defined to mean goods made, produced or marketed without the authority of the owner of the intellectual property right in them. In the trade related aspects of intellectual property agreements trips under the World Trade Organisation (WTO) counterfeits are defined as any goods including packaging, bearing without authorisation of trademark which is identical to the trade mark validly registered in respect of such goods or which cannot be distinguished in its essential aspects and such a trademark and which thereby infringes the rights of the owner of the trademark in question under the law of the country of importation.

In economics, dumping in any kind of predatory pricing especially in the context of international trade, it occurs when manufacturers export a product to another country at a price either below the price charged in its own home market or in quantities that cannot be explained through a normal market completion. Dumping can force established market producers out of the market due to monopolistic positions by the exporting nation. For example, a brand of Chinese garlic export in mid 2000 forced many American producers to switch crops and leave the market.

When the price of Chinese garlic soared in 2009, the affected North American businesses were unable to quickly re-enter the local market due to barriers to entry.

The imports and effects of counterfeits and dumping

Counterfeits and dumping have far-reaching effects on manufacturing, technological transformation and commercial development. To the EAC region, such effects and impacts range from revenue loss, loss of market share by the registered local

manufacturers, loss of consumer confidence. Consumers are increasingly exposed to major health and safety risks by counterfeited products including electrical conductors, cables, fertilisers, which could result in total loss of crops, batteries which could explode or leak and skin products which cause skin and body disfigurement, poisonous foods and drugs which may kill or loss of employment.

Counterfeits deter foreign direct investments (FDI) thus hampering industrialisation. They also undermine the markets where goods are being dumped and stifles innovation. The study by the investment duty by Africa estimates EAC region to have lost US\$500 million through counterfeits and sub-standard goods last year alone. Counterfeits constitute a real danger and challenge to the EAC interrogation objective set out in article 5 of the treaty for the establishment.

It is for this reason that the EALA committee on communication, trade and investment (CTI) conducted a stakeholders workshop from 17th – 18th October 2011 on Anti-Dumping and Quality Assurance in the EA region with a desire to discuss and share in detail the measures and policies to control the entry of sub-standard products hence promotion of quality assurance in East Africa.

Mr Speaker, Sir, the Communication and Trade Investment Committee is mandated according to rule 79 of EALA Rules of Procedure among others to review legislation, oversee chapter 11 and 12 of the treaty with regard to cooperation in trade, liberalisation and development as well as cooperation in standardisation, quality assurance.

Objectives

The overall objective of the workshop was to discuss the anti-dumping and quality assurance practices in the EAC region and the specific objective of the workshop was three-fold;

- i) To share views on establishing policies for anti-dumping and quality assurance in the EAC region.
- ii) To assess the challenges associated with dumping in the EAC region and;
- iii) To recommend measures to protect EAC region from dumping and counterfeit products

Expected outputs

- i) Views and ideas on policies for anti-dumping shared as well as observations and recommendations control counterfeits and dumping in the EAC region made
- ii) Knowledge by EALA committee members on anti-dumping practices and quality assurance in the region enhanced and
- iii) Challenges and measures relevant to anti-dumping and counterfeit products identified.

Methodology

In conducting the workshop, the committee employed various methods that included listening to three paper presentations from the experts in the dumping and counterfeit products in the region; meeting and interacting with donors in the discussions in the various dumping and counterfeit products stakeholders including representatives from the following institutions;

- i) The EA business council and
- ii) The manufacturers associations and consumer bodies from all the EAC partner states
- iii) The workshop was attended by all committee members, representatives from the EA business council manufacturers' association, consumer bodies and the staff from both the EA secretariat and from EALA

Emerging issues and observations

Legal frame work: The legal frame work in the EAC for purposes of this exercise include chapter 13 of the treaty for the establishment of the EA community, the standardisation quality assurance and testing (SQMT) Act of 2006 and the EA council and management of 2006. In addition, there exists in partner states pertaining to standards and quality assurance which examples are good.

In the Republic of Burundi, there is a copyright and related rights law of 1978, trademarks law of 1964, industrial designs and partners' law of 1964 and the control of anti-competitive practices and contractual licences law of 1950.

In the Republic of Rwanda, there exists a draft law which provides for the two branches of international property which applies to the exclusive right to use inventions, innovations or utility models, product of service marks, industrial designs, models, trademarks, geographical indications, lay out designs of integrated circuits and the right to request the animation of unfair competition and copy rights and related rights which apply to arbitrary artistic and scientific works and performances of artists and phonograms and broadcasts.

In the Republic of Kenya, partner states have recently completely reformed its IP laws to ensure that their intellectual property laws conform to the internationally accepted standards as per the agreement.

There are mainly instruments arising from this reform are now governing intellectual property rights protection include;

- i) The industrial property act of 2001, copy right act of 2001, trademark act, seeds and plants variety act, trade descriptions act, weights and measures act. These are from the partner states of Kenya.

In Uganda, there are a number of legal provisions pertaining to the administration and enforcement of intellectual property rights. These are contained in the various pieces of legislation that have been enacted since independence in 1962 and many of which were replicas in the law of intellectual property act obtained in England at the time.

While a number of these laws have subsequently been amended or repealed, others remain intact and obsolete. As a result of the activities of the Uganda Law reform commission and other stake holders, there are a number of bills, draft bills in pipeline targeting provisions relating to properties rights, administration and enforcement. These are intended to update the Ugandan law to bring it to the line with the country's international obligations under the agreement.

The above is a sample of the laws pertaining to the intellectual property in Uganda today.

The United Republic of Tanzania has three main laws governing intellectual property rights, namely, the patent act of 1987, the trade and service mark act of 1986 and the copyrights and neighbouring rights act of 1999. The legislation is mainly administered by the business registration and licenses agency an executive agency established under the executive and agencies act no. 30 of 1997.

Policy procurements and laws such as the ones obtaining in the EAC partner states are not fully implemented and enforced – will fail to achieve the purposes for which they are made.

In our two-day workshop, the committee members and stakeholders raised and noted the following emerging issues and observations;

- i) That counterfeits and counterfeiting is a widespread and debilitating commercial and industrialisation development challenge in EA. The existing laws and institutional frameworks are either inadequate or too weak to address the challenges posed
- ii) That counterfeits are viewed by consumers who have low purchasing power as affordable and therefore friendlier to them than non-counterfeited goods. There is low or absent consumer awareness on the health risks and hazards posed by the prevalence of these products in the market. Traders and manufacturers in the counterfeited and dumped hazardous goods are solely motivated by the profit and the situation is not helped much due to inadequate human resource capacity in the area of standards and quality assurance.

- iii) The problem is more compounded by the governance issues especially with regard to high prevalence of corruption and graft among the personnel in institutions charged with the enforcement of laws and standards of quality.
- iv) Apart from the EAC legislation which is not being fully implemented and enforced by partner states, there is no other common EAC legislative framework to ensure free trade practices and consumer protection. Each of the partner states is initiating different types of laws but none of these are robust enough to counter the problem yet counterfeits cross borders, not any one participant.
- v) There is lack of harmonisation of enforcement of quality control mechanisms on counterfeits in the region.
- vi) The common understanding of counterfeits is that it is a trade malpractice and infringement of one's establishment to brand. Little inadequate concern is given to the aspects of health risks caused by the counterfeits and hazardous products discharged in the markets.
- vii) There is lack of string consumer ability to influence the quality of products and services in the region. For the poorly protected markets in East Africa, dumping goods compromises the lives of those responsible for consumer protection because they "officially" exist on the market cleared by revenue authorities. Dumping is alleged to be good for consumers because it enables them access to the goods at lower prices than those offered by the local manufacturers
- viii) There is lack of quality management systems in public and private institutions in EA, yet the EAC provides infrastructure in order to reduce sub-standard goods in the region. Among the legal frame works include the EAC treaty articles 81 (1), (2) and (3) which provides for standardisation, quality assurance and testing protocol 2001 and its subsequent SQMT act 2006. The SQMT act of 2006 also does provide for following institutional structures at a regional level. The EA standard committee liaison office section at the EA secretariat, the EA accreditation board and the national standards board including the national meteorology institute, national legal meteorology department, the national accreditation bodies and testing laboratories provide scientific and technical services.
- ix) Lack of quality culture with in the region's private sector which tends to focus on low priced quantity of goods than quality.
- x) The EAC partner states have agreed on almost 5000 standards to harmonise in order to protect the influx of sub-standard goods but out of the 5000 only 1000 have so far been concluded since 2006. Sub-standard goods are described as goods that don't meet the standards of quality set by the relevant authorities. Sub-standard products result from the failures in quality control and assurance in production or handling of a legal or counterfeit product.
- xi) It was observed that anti counterfeit agencies in the region have however a big task at hand due to new global nature of counterfeiting and the absence of enough staff at ports of entry. More than 2000 containers are said to arrive to at the port of Dar-el-Salam in Mombasa every day, posing a big challenge to

understaffed and ineffective anti-counterfeit bodies. Similarly, the few inspectors available are said to lack expertise to detect poor quality products.

xii) Counterfeits are reported to be a threat to consumer welfare as they take advantage of consumer inability to differentiate the genuine products from the counterfeits. Furthermore, counterfeits are mentioned to exploit consumers' budget constraints sense of value for money and perceived quality since they conceal status and low quality concerns

xiii) The most popular sub-standard products are reported to originate from Asian countries such as China, Singapore, Taiwan and Malaysia. Equally interesting is that the same countries are producers of some of the best quality products elsewhere in the world, with those in the know noting that it is mostly the question of pricing

Mr Speaker and hon. Members, I now would like to move to the recommendations of the committee's report.

Arising from the discussion during the workshop the committee recommends as follows;

i) That the council of ministers in exercising its mandate under the treaty urges the partner states to expeditiously implement and fully operationalise the EAC laws on standards and quality of goods within the EAC and according to the existing laws in the partner states

ii) There is need for the council of ministers to forge penalties for offenders and mandatory custodial sentences for repeat counterfeit offences.

iv) the committee urges the secretary general to establish a budget to support capacity building of institutions to detect and prosecute counterfeits in the region.

v) The committee calls on the council of ministers of the EAC to empower institutions at ports of entry to detect and impound counterfeit even without a complaint

vi) the committee recommends to the private sector federations in the partner states to work closely with the manufacturers or agents to register their brands and to take action when infringements occur and also to keep record of the supplies of goods and to disclose to authorities

vii) the committee calls on the secretary general to work with the EAC business council and develop and implement a consumers' awareness campaign

viii) the committee calls on the secretary general to generate the list of predominant counterfeit and sub-standard goods classified as a health risk and hazardous to the help the law enforcement institutions to perform diligently.

ix) the committee calls on the business council to identify and sensitise importers and all manufacturers of counterfeit and sub-standard goods and ban hazardous goods e.g. the asbestos materials on their dangers

x) the committee urges all EAC partner states to expedite the implementation of the EAC standardisation and quality metrology and testing act

xi) the committee calls on the EAC council of ministers to expedite the enactment of the EAC counterfeit laws and policy for harmonising the enforcement in the region

xii) the EALA should ensure that all EAC partner states governments align and approximate their national laws, regulations and procedures to those developed at regional level and

xiii) the committee calls on partner states governments to form application of pre-export verification of conformity to standards to avoid the influx of sub-standard goods especially from Asia.

Mr Speaker and hon. Members, I would now like to move to the conclusion of our report. In conclusion, the challenges cited in the committee's report should be seen as opportunities for East Africans to exercise their freedoms as enshrined in the treaty for the establishment of the EAC and for the governments of the member states to create an enabling environment for strengthening its quality assurance infrastructure in order to reduce or eradicate counterfeit products and sub-standard goods in the region.

In addition, political will by the heads of states should review and harmonise the national laws in line with regional legislation provisions to speed up the eradication of the vice in the region.

Mr Speaker and hon. Members, finally, the regional sensitisation programme will enhance the public awareness about counterfeit and sub-standard goods and make the fight of the Malaysia people centred and market driven. I would like to make the following acknowledgements according to our report as we conclude.

Finally, the committee would like to thank the following personalities for having facilitated it to build its capacity to oversee the efficiency and effectively the EAC anti-dumping and quality assurance projects and programmes.

Also, Mr Speaker, for facilitating the work of the committee, the government of Kenya in general and the EALA Kenya chapter for the reception and courtesies accorded to the committee during the work there, AWEPA for funding the workshop and the office of the clerk for ensuring that all the logistics that we needed were in place and for all the members of the committee, stakeholders and the resource person for having participated fully in the workshop.

Mr Speaker and hon. Members, I beg to move.

The Speaker: Hon. Members, the proposal on the floor is that the report of the committee on communication, trade and investment on the workshop of anti-dumping and quality assurance in the EA region be adopted. Debate is open. I am looking for people who are not in this committee.

Mr. Dan Kidega (Uganda): Thank you very much, Mr Speaker and the Chairperson committee. And hon. Wanyoto for reading the report. This assembly has been talking about questions of counterfeit and from a bigger picture of intellectual property rights within this region for a while. I remember I think the last meeting that took place in Kigali I did ask how far the council of ministers had gone with putting in place intellectual property rights policy for this region.

The best way to proceed to deal with this social evil is to have a policy that governs or guides this region. I stole a few months ago from Arusha, that day GTZ then, now, I think GTI, is supporting a process for this region to come up with a policy. I would like to know when the council of ministers, chairperson's response to this report, how far this policy has gone, the process of putting it into policy has gone, and probably when it may come into place.

Mr Speaker, I belong to a different school of thought from what most likely the committee has recommended in certain areas. It is clear that the committee is saying that we should tighten the legal regime in dealing with this problem. If you look deep even the countries the committee has mentioned that are the major sources of counterfeit goods, these are just emerging economies. They are actually emerging economies.

Look at India, look at Brazil, look at China—these are the new emerging economies. It is clear that a very strong legal regime on intellectual property rights deter the process of developing local engineering capacities. It is true that most of these countries develop through reverse engineering, getting what other people could have come up with and re-opening it and re-designing their own made kind of products.

This is not to say I support the process of counterfeits in this region. I deeply think that the littered or the scattered pieces of legislations in the partner states right now, if it is harmonised with the proper policy in place, we can avoid coming up with an anti-counterfeit act right now, but have a policy, but strengthen our regulated bodies, bill of

standards which we have in our partner countries, to deal with these counterfeits not entering our territory.

For purposes of protecting our citizens, the sources of entry of these counterfeit goods are more or less known. We don't have so many ports that irrigate goods into this economy of EAC. So, we need to strengthen our regulatory bodies of standards to make sure at the point of entry the goods that enter this country are recognised. Strengthening these regulatory bodies requires two major things.

Mr Speaker, Sir, one developing equipment's necessary for testing these goods that enter into the region. Secondly, developing the technical capacity of our human resource that are involved in this area. And if we do that, we may deal effectively with the counterfeit because I also know that there are other counterfeit goods manufactured within. We have a lot of mushrooming cottage industries in this region. But these cottage industries are actually not dangerous to the economy.

There are actually good. All they need to be regulated, through these standard managing bodies and it is these small small cottage industries that will eventually crop into bigger industries.

Mr Speaker, Sir, on the aspect of dumping, dumping is more difficult to deal with compared to counterfeit because under the WTO framework, there must be groups from a certain industry to complain to the national authority, then the national authority should show the causal link between dumping and the industry affected which takes a lot of time, and does not hurt directly the individual consumers of these goods being dumped but affects economy generally.

So, I think our emphasis right now, should be on making sure that standards are harmonised and the process of harmonisation is hastened to make sure counterfeit goods are detected. Two, to make sure that the organisations that deal with issues of standards are strengthened in terms of technology and capacity. Thirdly, we should not hurry to strengthen or tighten intellectual property regime in this region because it will stifle development. Thank you.

Ms Wanyoto: Mr Speaker, Sir, thank you and I would like to contribute – (power interruption) – sorry I have got an interruption on the public address system. I would like to contribute to this debate in the quest of urging members to adopt this report.

We did meet in a workshop to discuss issues of anti-dumping and quality assurance in the EAC region, but the first challenge I thought I should speak to in support of what was written down is the lack of awareness of consumers.

Hon. Members, there is a lot that our people are not aware of when they are out going to purchase goods in the markets and also what they find on the shelves, wither in the supermarkets or even in the shops and elsewhere. And this is a challenge for all of us. I really want us to find ways and means to ensure that sooner than later our partner states put in place measures that protect our people.

Some of the products we may not even have to mention them here but you can imagine products on the markets that have to do with drugs, maybe. Somebody goes to a drug shop or even a beautiful pharmacy, looking nice but the medicine there is not correct, or it is not even a proper prescription at the shelves of our shops.

We picked this information from the stakeholders we met and they have statistics, they have experiences and sometimes the effect is so terrible that you can only do post-mortems, you have find that somebody has died because they have got wrong prescription of drugs or they got the wrong drug on the market, they took it for their own medication, then when they die, it is when they realise that there is actually a wrong drug of this nature on the market.

I thought that is a very serious issue that we should bring to this debate and see how we can work with our governments and in our report maybe we shall, there are issues of grammatical discussion, some of who takes which responsibility but I think the buck ends in this case with the Council of Ministers.

These issues should go back to our partner states and we urge our ministers to get their colleagues who are in charge of trade and standards of our countries and ensure that we really get to the bottom of listing products on the market that are hazardous and poisonous to the community.

I can give many examples but one, which really touched me, is the issue of medicines and maybe cosmetics. Somebody goes to a beauty shop and buys a cream, and this cream just rips off their skin. Or you go, you think that this cream is nice for your hair, you want to have long hair that reaches your feet, and when you put on the hair cream, then your hair breaks off and falls and there are no corrective measures.

Mr Kidega: Thank you hon. Mutende for giving way. There is an organisation called Mpedigree, which has come up with software that works with the phone modems of

telephone communications, such that when you go to a pharmacy or a beauty shop to buy products, there are always inscriptions on the bottle that gives you details of that product.

So, when you enter that number on your phone, automatically you get a response on your phone whether that product is genuine or not. I have been involved with the Mpedigree trying to register the same in this region, in Uganda and in Rwanda. I think such initiatives can help or go a long way to help to make sure that counterfeit products are kicked off because most of our citizens today have telephones.

That is the information I wanted to give you hon. Wanyoto.

Ms Wanyoto: Thank you hon. Kidega for that information, but to me this is still a very serious responsibility of our governments to protect the East Africans. We should not leave it to personal initiatives to buy a phone and you go connecting whether you have got a right product. If you go to buy mineral water, you now have to switch on your phone to see whether this water is okay or not. I think any product that goes to the market should be safe to our consumers and we have a responsibility as leaders to protect our people.

Therefore, Mr Speaker, I thought that is one of the biggest outcomes of our interaction with the stakeholders on how open our market is and how insecure many East Africans are when they go to purchase these medicines and I was specific on some of these, because the products are many. We have like 5000 but if we can pick a few which are dangerous to the health of our people, for example the medicines, and I talked about creams and cosmetics, those have a direct impact on the personal health of people.

Hon. Members, the other issue that I thought was important that came out of our recommendations are issues of legislation that hon. Kidega has talked about that can also cause another day for debate, but I think it is important that within our EA region, we protect what we call our own. If we have people who have made innovations and are producing and they are in the industrialisation sector, we should protect their rights of invention, innovation, but most important that these products are not wiped out of the market because there are others coming in unprotected.

So, I thought that that is very important that we go through this and ensure that on our statute books we have laws that protect our own inventions and our own local products because then we will be able to compete favourably within our own market which we are creating and also be able to export with the intellectual property and protecting produce and inventions from our own industries and our innovation. We cannot run away from that responsibility.

My last contribution was on another challenge that we found which of course we know that we need to work more, maybe again to the council of ministers. The issue of enforcement, to me may not even be so much legislation, because legislation has a limit also. We have learnt and had experiences of people that just open our border to get in anything as long as they have their way and I do not know, it may not be a question of poor staffing.

It is an issue of morals and standards or capacity building, but it has to go with supervision and governance, because when you look at – you can go to a shop Mr Speaker and members, you find a bottle of mineral water, it could even have a stamp of an agency on standards, but that water may not be having the qualities that are in.

Therefore, we have issues of governance, issues of morals, and issues of corruption that have really eaten up this sector and expose our people to consume products that are not quality and they are not worth value for money that they have been inspecting.

I thank you Mr Speaker and hon. Members for listening to me. I beg to support.

Ms Regine Katabatrumwe (Burundi): Thank you Mr Speaker. I think that dumping and the counterfeit are due to our businessmen because they want to buy at low price and speculate later on. They want goods on cheaper price but in their respective countries, they sell on expensive price. For me, to eradicate this, the minister of EAC affairs and the trade should work hand in hand and do not authorise such goods to enter in all the countries of EAC.

City control should be implemented on the ports or the border posts. Mr Speaker, I support that where there is a law to sanction and punish those business men who go against laws. Where there is no law, to establish it immediately and take adequate measures.

If you come back to the report on page 6, paragraph 3, it says that “the most popular products are reported to originate from Asia countries, such as China, Singapore, Taiwan and Malaysia and what there is, equally interesting is that the same countries are producers of some of the best quality products in the whole world.” Why are our businessmen do not selling the goods of best quality?

Mr Speaker I think in our community, we need to sensitise our people especially our business men. For example you can buy shoes today, then tomorrow it is spoilt. You use that for one day only.

(Laughter)

Can you imagine in the sector of medicine products or food? This is very seriously in our community.

I support very much the report and I want to thank you once again for holding this session here in Burundi country.

Thank you.

The Speaker: Hon. Ministers, do you want to say anything on this report? Mr Kategaya?

The Minister of EAC Affairs, Uganda (Mr. Eriya Kategaya): Thank you, Mr Speaker. First, I want to report that I did the assignment you gave me yesterday and we did very well, 3 goals to one. I have been thinking about this question of counterfeit and dumping. I think it is more than just a legal matter. Of course the legal regime is okay, that can be done, but I think the issue is the number of players in this exercise as a whole.

My main concern is actually on health. The drugs, which are on the market first, the peasants who consume these drugs, are not aware that they are counterfeits in the first place. Secondly, because of our poor health services delivery to the population, there is a gap we need a desire for extra drugs. In my place for example, I have seen people coming to a drug shop. Of course, the ones running drug shops are not even qualified to run a drug shop.

He or she is not a pharmacist. Some are just nurses and somebody comes and says I am feeling feverish. Therefore, the drug shop assistant says, I have my drugs here for Shs 200 and the patient says for me, I have only Shs 100, can I have one. And he takes one drug because he can only afford that one drug. In addition, we know the consequences, he takes under dose or she takes under dose and the malaria becomes even more resistant.

Then there are business people who want to make money naturally. These counterfeits are cheaper than what you call the real products. On one hand, the trader wants to make money and on the other one, the consumers want cheaper things. So, how do we for example in the fight against these counterfeit and dumping, solve those two problems? A

trader who wants to make money, and a consumer who wants cheaper things? We have to find a way of handling it.

Mr Speaker, the EAC is about to have a one customs territory and I think we should discuss this and concretise it. Because if we are going to handle this problem it cannot be done at partner state level alone. It should be done on EAC basis so that we have stringent rules and people are not corruptible on entry points, mainly the ports, particularly, where we can be sure that whatever enters this market is certified as a good product. That is how we can manage it otherwise if we think we can do it at partner state level alone, it is not possible.

In any case, if counterfeit goods enter a market in Uganda, they will find their level in the region, very quickly, because they are cheaper and people want them. So, I support the report but I think we should may be do more deeper study. How can we handle the traders, our people who are actually consuming these goods, because either they are cheaper or our people are not aware at all?

On the agency for standards, I do not know other partner states but speaking for Uganda, we have been trying to work out this bureau of standards. You need the equipment, you need personnel, you need to make sure that they are not only in Kampala or in the city, you need on the borders with equipment so that they can test these goods when they are coming in.

So, Mr Speaker, I don't know, on EA basis, whether we should not sit down and see how collectively we can handle this matter, and of course business interest I know of, so, may be who have no problem in getting these cheaper goods who actually also want cheaper goods.

On two fronts, one, the Partner States must improve the health service delivery mainly and two making your people aware of these drugs which are not good for their health.

Thank you Mr Speaker.

The Speaker: Hon. Members, I now put the question that the report of the Committee on Communication and Trade and Investments on the Workshop of Anti-Dumping and Quality Assurance in the EAC region be adopted.

(Question put and agreed to.)

REPORT OF THE COMMITTEE ON REGIONAL AFFAIRS AND CONFLICT
RESOLUTION ON THE WORKSHOP ON CHALLENGES RELATED TO THE
IMPLEMENTATION THE EAC COMMON MARKET PROTOCOL

MOTION

Mr Abdul Karim Halerimana: Thank you Mr Speaker. I would like to move a motion that the report of the Committee on Regional Affairs and Conflict Resolution on the workshop on challenges related to the implementation of the EAC common market protocol be adopted. I beg to move.

The Speaker: It is seconded.

Mr Halerimana: Mr Speaker, since it is my first time to take the floor in this Bujumbura session, I beg to thank the government of Burundi, the Parliament of Burundi, the Burundi chapter and the entire population for the warm reception they rendered to us, because we are enjoying the good weather in Bujumbura and the hospitality which the people of Burundi are known of.

I want also to thank you Mr Speaker for the good gesture and wise one which you did the day before yesterday when you took a decision for that march from the hotel to the national stadium of Burundi because that one made the people of Bujumbura feel the presence of the EAC more than I think the media itself does. So, thank you very much for that.

I want to be brief in my report because it is short and I think that hon. Members have gone through it, so, as I read it I will skip some paragraphs.

Introduction

Regional affairs and conflict resolution committee is mandated according to Rule 79 of the EALA rules of procedure 2008 among others to review legislation and oversee chapter 17 of the treaty for the establishment of the EAC with regard to the implementation of the regional programme on movement of persons, labour, services, and rights of establishment and residence.

It is against that the above background that the EAC legislative assembly Committee on Regional Affairs and Conflict Resolution conducted a workshop in the conflicts and challenges related to the implementation of its common market protocol in Mutwala Tanzania from 26th – 29th October 2011.

The workshop which was opened by the chairperson of the committee was attended by all committee members and some resource persons from the EAC secretariat, the peace and security expert, Mr Julius Birungi, the senior monitoring and operation officer, Mr Amani Matonoka, Assistant Director Political Affairs Directorate, Minister of EAC Affairs, Republic of Tanzania and the representatives from migration headquarters Dar-es-Salam Tanzania.

Objectives

The overall objective of the workshop was to discuss and analyse the conflict and challenges that affect the implementation of the common market protocol within the region. The specific objective of the workshop was the following;

- i) To conduct a workshop on conflicts related to implementation of the common market protocol
- ii) To develop an on-spot assessment tool to evaluate conflicts, challenges arising out of the implementation of the common market protocol
- iii) To improve scrutiny of legislation related to the implementation of the common market protocol and
- iv) Produce and disseminate a workshop report.

Expected outputs

The expected outputs of this workshop were

- i) A follow-up workshop on conflicts related to the implementation of the common markets protocol conducted
- ii) On-spot assessment tools to evaluate conflicts and challenges arising out of the implementation of the common market developed
- iii) Scrutiny on legislation related to the implementation of the common market protocol improved
- iv) Knowledge of committee members on conflicts related to the implementation of the common market protocol enhanced and
- v) Workshop report produced and disseminated

Methodology

In conducting the workshop, the committee employed various methods that included

- i) Listening to the three paper presentation from the experts in the field particularly on the challenges of the EAC common market protocol focussing on peace and security
- ii) Meeting and interacting during plenary discussion with the experts on peace and security through giving presentations on the foreseen impact of the implementation of the common markets protocol on peace and security. The operational challenges of the common markets protocol on peace and security perspectives, case study of Tanzania, monitor revenue indicators from the implementation of the common market protocol

Mr speaker, three presentations were made, one was foreseen impact of the implementation of the common markets protocol on peace and security. This presentation was made by My Leonard Onyonyi, peace and security expert from the EAC secretariat and chaired by hon. Dr WalidKabourou. The presentation is attached to this report as annex 1.

The presenter noted that having achieved the level of the custom union, the next step in the integration process envisaged in the EAC is implementation of the common market, because the primary objective is the free movement of goods, persons, services and capital, the rights establishment and the rights of residence.

He informed the committee that the third meeting of the sectoral council on interstate security meeting in Bujumbura Burundi on 16th April 2011 directed the secretariat to undertake a rapid assessment study of the likely implication of the common market and security and vice versa and propose appropriate responses.

He noted that arising out of the above directive, the study was undertaken and the outcome shared with directors of criminal investigation departments and directors of operations identified as well as proposed responses were summarised as follows; safer transfer, movement and use of motor vehicles through the region, drug and drug trafficking in humans and smuggling in persons, circulation and use of small arms and light weapons, money laundering, counterfeiting, illegal immigrants, illicit trafficking in mineral and natural resources, illicit trafficking in railway active materials, and terrorism.

The EAC peace and security expert highlighted the platforms which the EAC secretariat has established to personalise the common market protocol in order to avert security threats in the region to include the chiefs of police, the chiefs of prisons services, the heads of national counter-terrorism related entities, the heads of national disaster risk reduction co-ordination entities, the heads of national focal persons and small arms and light weapons.

The presenter also highlighted the challenges and all constraints which the EAC Partner States were facing in averting security threats arising out of the implementation of the Common Market Protocol.

The second presentation was the operational challenges of the Common Market Protocol from peace and security perspectives and the case study was the united republic of Tanzania. This one, was presented to us by Mr AmanMatonoka, the assistant director political affairs directorate ministry of EAC affairs of the united Republic of Tanzania and it was chaired by hon. Mike Sebalu. The presentation is attached as annex 2.

The paper dwelt on Tanzania government operational challenges and experiences on the implementation of the common market protocol since its inception two years ago, and also gave recommendations for the smooth implementation of the protocol.

Mr Matonoka noted a number of operational challenges, which the united republic of Tanzania is facing in operationalizing the common markets protocol.

The third presentation was monetary indicators for the implementation of the common market protocol and this one was presented to us by Mr Julius Birungi, the Senior Monitoring and Evaluation Officer at the EAC Secretariat. This session was chaired by hon. Dr Odette Nyiramirimo and the presenter lies in line with indicators related to freedoms, tights and other provisions that are submitted by Partner States related to the implementation of the Common Market Protocol by August 2011. Mr Birungi's presentation is also attached to this report as annex 3.

Mr Speaker, sir, the Committee made some observations after discussing and after following the presentations and among others there was notable absence either by omission or commission, of national implementation committees of the Common Market Protocol in all EAC Partner States.

There is absence of regional implementation committee to share best practices at the regional level, review the framework and status of implementation and proposed policy intervention to relevant EAC organs and institutions. There is lack of established baseline data to act as benchmarks to monitor and evaluate the implementation of the Common Market Protocol.

There is absence of an institutional framework to administer the Common Market Protocol. There is absence or inadequate measures to address imbalances between and amongst EAC partner states.

There is absence in the sense of urgency by the Partner States in implementing their decisions by the Council through its agreed procedure of decision making by consensus which is lengthy and bureaucratic.

There is slow implementation of the Nairobi protocol and its best practices and guidelines in its circulation and use of small arms and light weapons by all EA Partner States.

There is absence of anti-money laundering laws in some partner states

There exists a slow pace in ratification and immediate implementation of the EAC Protocol on drugs trafficking by all partner states

There is lack of approximation of laws by EAC Partner States regarding emigration and legal trafficking in endangered species and other natural resources

There is absence of an established mechanism to share and exchange information that will lead to joint operations on peace and security threats in the region.

There is lack of laws on xenophobia in the region which works against the promotion of East Africaniness in the EAC Partner States.

And there is lack of continuous awareness creation and sensitisation on issues to do with the EAC integration in general and the common wealth protocol in particular.

The committee came up with some recommendations, among others;

- i) All EAC partner states should fast-track the establishment for the institutional framework to administer the common markets protocol and ensure continuous sensitisation
- ii) EAC partner states should establish statistical data to monitor and evaluate implementation of the common markets protocol
- iii) The council of ministers should improve the decision making process and implementation of agreed positions
- iv) EAC partner states should fast-track the implementation of the protocol on peace and security in order to achieve the goals of integration
- v) EAC partner states should promote East Africaniness through EAC anthems, logos, emblems, common passports and identity cards
- vi) Exchange tours should be promoted within and among partner states at all levels of society and professions to fast-track the integration.

Conclusion

Mr Speaker, the challenges cited in this report should be seen as opportunities for all east Africans to exercise their freedoms and rights enshrined in the protocol and for governments to create an enabling environment for the achievement of factual common market.

In addition, political will by the heads of the state to review national laws in line with the common market provisions to speed up the implementation of the common market protocol.

Finally, regional sensitisation programme will enhance the public awareness about the common markets protocol and make it people centred and market driven, hence achieve the ultimate goal of the EAC integration which is a creation of a single EA federal government.

The committee acknowledges and wants to thank the following personalities and institutions for having facilitated it to plan and undertake this workshop in Mutwala Eastern Tanzania where apart from the workshop the committee was enabled to visit Mutwala port and Gaza power generating plant.

Mr Speaker, you are number one on the people whom we want to thank and to appreciate your commitment; the committee also thanks the government of Tanzania in general and the EALA Tanzania chapter more especially hon. Kate Kamba for the warm reception, hospitality, courtesies extended to the committee during its three day stay in Mutwala. AWEPA for funding the workshop and per diem for the committee, the office of the clerk for ensuring that all logistics were in order prior to the workshop in Mutwala and all members of the committee, staff, stakeholders and resource persons for having participated fully in the workshop.

Mr Speaker, sir, I beg to move.

The Speaker: Hon. Members, the proposal on the floor is that the report of the committee on regional affairs and conflict resolution on the workshop on challenges related to the implementation of the EAC common market protocol be adopted.

Debate is open.

Dr. Said Bilal (Tanzania): thank you Mr Speaker for giving me the opportunity to comment on this report but before I do that, let me salute the Parliament of Burundi and through it the people of Burundi for supporting us in living the dream of EA.

I just want to stand here to congratulate the committee and the chairperson for their decision, hon. Halerimana, my friend- for their decision to choose Mutwala as venue for this important workshop. I think you will agree with me that Mutwala is the Southern most extreme to the EA region. That is why it is most befitting for us as East Africans to try to exist both physically and in our frames of mind, as we sit to deliberate in the most unlikely region away from our capitals as we sit to deliberate on the real issues that touch real lives of this region.

To me this is outreach, in its most practical form Mr Speaker and that is why I want to be on record to stand here and congratulate the committee on regional affairs and conflict resolution and the decision to be in Mutwala. Thank you, Mr Speaker.

Dr Odette Nyiramilimo (Rwanda): Thank you, Mr Speaker. I rise also to support the motion. I am a member of the committee on regional affairs and conflict resolution and supporting this motion, I would like to bring some amendment on page 6 of the report the last paragraph of the second presentation made by Mr Mwattonoka, on the operational challenges of the common market protocol from peace and security perspectives. And that last paragraph says Mr Mwattonoka made the following recommendations to address the operational challenges and the recommendations were forgotten in writing the report.

Therefore, I would like to fill the gap putting what is on page 9 of Mr Mwattonoka's presentation, this is on Annex 2 and it is on page 9, where the recommendations he made were continuous sensitisation to enhance people's awareness and understanding about various stages of integration including the benefits and opportunities that accrue at each stage of integration, sensitisation should include all citizens of Tanzania and in all partner states; and another very important recommendation that Mr Mwattonoka made was the community should establish strategies to combat threats of terrorism, piracy, human trafficking and other illegal activities in order to protect trade, humanity and security in the region.

The community should prepare bench marks for evaluation of achievements attained in the preceding stages before embarking on the following stages of EAC integration; I insist on adding these recommendations especially as Mr Mwattonoka had made very – I could say very negative presentation when he was talking of how the integration process is gone through, like saying the over ambitious and fast-tracking, and saying that the common market has caused so far problems than bringing solutions to the East Africans, but the recommendations had made very positive and that is why we should add these amendments to complete our report.

I thank you, Mr Speaker.

Mr. Christopher Nakuleu (Kenya): Thank you Mr Speaker. I want to first of all thank the President of Burundi and the government of Burundi for the warm hospitality and also to thank the parliament of Burundi and the chapter of Burundi for valuable welcome for all of us.

I, of course, support the report because I am one of the Committee which has done it, but I rise really to emphasise one issue which I find very important. As it is recommended by the committee of assembly, I wish the assembly to take very seriously this issue. We find that the implementation of the Common Market Protocol really need an institutional framework to administer it. This has been already been emphasised by the president of Rwanda.

Last time when we were in Kigali and I know that efforts are undergoing about it, but I think that it is very important to fast-track enacting the bill, establishing the EAC Common Market or EA customs union authority that shall promote and monitor the implementation of Common Market Protocol. And I take this opportunity to emphasise this so that you can see really this.

Thank you, Mr Speaker, Sir.

Mr Halerimana: Thank you Mr Speaker. I take this opportunity to commend my honourable members, brothers and sisters who have contributed to the report. Hon. Bilal is commending the committee for having that workshop in Mutwala which we discussed very much before taking that decision and we found that it was right to go there and see one of our ports in the EAC region, which is still very small, but when improved, I think it will help a lot to move firstly, the goods which we are exporting or importing to the region.

I thank hon. Nyiramilimo also for reminding us about the recommendations which were supposed to be brought from page 9 to page 6, which I think is alright also, and the contribution she made about the paper which was presented by Mwatonoka, I thank also hon. Christopher for emphasising the need for us to have institutional framework for implementation of the Common Market.

Mr Speaker, Sir, I beg to accept those appreciations and those amendments to the report. Thank you Mr Speaker.

The Speaker: Hon. Members, I now put the question that the report of the committee on regional affairs and conflict resolution on the workshop on challenges related to implementation of the EA common markets protocol will be adopted.

(Question put and agreed to.)

QUESTION FOR ORAL ANSWER

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

Ms. Dora Byamukama (Uganda): Mr Speaker sir, I would like to move that the Chairperson of Council of Ministers responds to question Ref EALA/PQ/OA/19/2011. I beg to move.

The Minister of EAC Affairs, Burundi (Ms Hafsa Mossi): Mr Speaker, since it is the first time that I take the floor, I would like to first of all welcome you and all members of this august house to Bujumbura and to thank you once again for bringing this session to Bujumbura at a time when we are going to have the Summit of Heads of State meeting next week.

I would like to take this opportunity to inform this august House that the Council of Ministers in 2005 directed the Secretariat to work out modalities to internationalise the East African passport and a task force of emigration experts was put together to design a new generation passport and look to work out the modalities to internationalise the same passport.

The Council adopted the design for a new generation EAC international passports in 2006 with enhanced security features.—**(brief power interruption)**

Mr Speaker, the delay in the printing was however occasioned by the fact that partner states had reviewed national stock of their passports and therefore gave themselves a time frame to exhaust the national passport to manageable levels. With the acceptance of the republics of Rwanda and Burundi into the community, the chiefs of emigration had initiated a process to review the design

for the new generation of EA passport in order to incorporate the international symbols of the two countries and to upgrade the security features.

The printing and the launch of the new generation passport is scheduled for March, 2012.

Mr Speaker, efforts made to secure international recognition of the East African passport have included learning from best practices from selected European countries. The task force studied the case studies of Belgium and Italy through the embassies in Kampala, Uganda and Nairobi, Kenya respectively and the research informed the process that they were under legal requirements to internationalise the East African Passports.

What Partner States need to do after the launch of the new generation East African passport is notify the international community through their various embassies or missions abroad about the introduction of the East African passport, its design and usage by their nationals.

Ms Jacqueline Muhongayire (Rwanda): Thank you, Mr Speaker, Sir I wish to ask a supplementary question; could the Chairperson, Council of Ministers take this opportunity to inform this august House what effects are in place to harmonise immigration forms within the East African Community? And also from my experience when I was going to Nairobi through the Nairobi Airport, I and some of our colleagues were given six months leave to enter Kenya and without stamping again, you could enter Kenya. This is really a positive development. But my humble request is that this should be extended to all East Africans as an interim measure to assist and facilitate free movement of persons within the Community.

(Applause)

But the ideal should be to set a one travel document so what timeframe could we be given for the production and utilisation of one EAC travel document? Thank you, Mr Speaker, Sir.

Ms Hafsa Mossi: Thank you, Mr Speaker, Sir. I would like to inform this august House that immigration experts are due to meet early next year to address all those issues especially with regard to harmonisation of immigration forms but also on the issue of having this East African Passport working in different countries. I should also maybe wish that all these questions should be put before the relevant Sectoral Council so that they can address all of them.

On the request that the procedures on having a harmonised procedure in the different Partner States on how people should be receiving visas of six months or one year, I think it is a good proposal and I should be able to discuss it with my colleagues and see whether we can put the request to be addressed in our Sectoral Council, which is coming.

Thank you.

The Speaker: Hon. Muntu and hon. Mossi I would also like to say that when Rwanda and Burundi joined the community, they joined as this and they were already in place against a regime where we had similar entry forms and I think it has already been agreed by

Council. Why don't the Partner States of Rwanda and Burundi have the standardised forms in terms of EAC, when you enter those two Partner States? I think that is what the hon. Member was trying to allude to in terms of what is happening to those two Partner States and why don't they have it? Well, think about it.

Maj. Gen (Rtd) Mugisha Muntu (Uganda): Thank you, Mr Speaker. The adoption of the East African passport, much as each country manages it under its own laws and under the immigration department is a way of promoting an East African identity and there are also a number of other ways in which the identity can be promoted; the East Africaness, which I think was adopted by the Summit and the Council. And even when you through entry points, initially you could see that there was an attempt by each country to promote that identity whenever you are entering through airports, to see East African citizens showing them where to go and then they would show the rest of the world.

But I think there has been backtracking on that. I have noticed of recent that a number of airports in each country showing its citizens where they should pass and then shows East Africans and COMESA and SADC. If you go through a number of airports now, you will notice that. I would like to ask the Chairperson, Council of Ministers, why is that happening? Why is there differentiation now? We need to understand from the immigration departments of these countries, are they veering off from the understanding of the Summit and the Council that East African identity should be promoted? I would like to get a response on that. Is it a conscious decision by the countries that are doing that or is it low level staff that have done that? I would like to understand from the Council of Ministers. Thank you.

Ms Hafsa Mossi: Thank you, Mr Speaker, Sir. I would like to assure my hon. Member that we, in Burundi are putting something to do with East Africans instead of having all those notifications on COMESA and other regional economic communities. I think that we need to emphasise the fact that we are all East Africans and we need to be treated in the same way everywhere we go in these Partner States. This is why we need to harmonise the way we do things at entry points and I would like to assure this august House that we should do whatever we can to address this issue in due time. Thank you.

Maj. Gen (Rtd) Muntu: Thank you, Mr Speaker, Sir. Actually to be exact, supplementary to that, I first noticed it when I was going through Nairobi Airport. Initially, there was East Africans, then subsequently you find Kenyans and you see East Africans and COMESA and SADC. Uganda has followed suit; now you find Ugandans and then East Africans. I didn't notice while I was going through Dar el Salaam - *(Interjections)*- it is also Tanzanians and then East Africans.

Ms Hajabakiga (Rwanda): Thank you Mr Speaker and thank you hon. Muntu for giving way. The information I would like to give is that I faced the same challenge at Nairobi Airport and even when it was written, "East African," "COMESA," "SADC" and others as I followed the row, I realised there were a number of other people who were not even from the region. When I asked as to why we were being delayed, the immigration officer who was at the desk told me that those people who were before me were more important because they pay for visas and we East Africans don't pay anything. *(Laughter)* It is absurd; probably we need to educate our immigration officers. Thank you.

Maj. Gen (Rtd) Muntu: Thank you, Mr Speaker. You know, there are small things, which some people may not matter but they do because it is from the small things that you read into the minds of those who make decisions. We would like to understand why there is that trend? On one side the Summit is saying one thing and the Council is saying one thing. Down below the departmental heads are doing something different.

So, we need to understand where there are these contradictions. Is the Summit aware? Is the Council aware? If they are in the know, then we have no problem; we will know that they are playing games with the East Africans and we leave it at that because they are the ones who hold the positions of responsibility. They make decisions and at times there is nothing you can do about it. But if they are not in the know, now we are bringing it to their attention. We would like to ask the Council of Ministers, are you ready to do something? Or should we understand you as people who say one thing and do another?

Thank you, Mr Speaker.

Ms Hafsa Mossi: Mr Speaker, Sir, we are ready to do something and this is why I was saying that – (*Applause*) - when these things happen, it is really at a very low level. But let us put it really clear that we need things to change and this is why we need to harmonise the way we do things at our airports. We are ready to do something and we are going to ask the relevant Sectoral Council to follow up on this matter.

Ms Byamukama: Mr Speaker, I believe what the Chair, Council of Ministers is saying but when you particularly follow up on what hon. Muntu has raised and consider Article 16 of the Treaty, which is on effects of regulations, directives, decisions and recommendations of the Council and it states that: *“Regulations, directives and decisions of the Council taken or given in pursuance of the provisions of this Treaty shall be binding on Partner States on all organs and institutions of the Community other than the Summit...”* Here we are saying that for us to enhance our corporate image and advance and work together as East Africans, we would love to have the East African Passport recognised as an international document. I would like to hear from the Chair, Council of Ministers as to whether there have been any regulations, directives, decisions or recommendations made on this particular subject matter? I thank you.

Ms Hafsa Mossi: Mr Speaker, I don't have an answer to give right now but as I was saying earlier on, we are going to follow up on this matter. I have no indication as to whether there has been anything that has been done to address this issue but I have promised that we are going to follow up on this matter.

The Speaker: Maybe your officers can help you because this is an important matter as the EAC. I think the officer concerned is here, maybe they can tell us whether there has been any directives, decisions et cetera on this issue because we are promising East Africans some things and we are not doing what we promise. So, are we just giving them lip service as the hon. member said? For East Africans to enjoy the community there has to be free movement or ease of movement of East Africans for them to enjoy the Community.

Ms Hafsa Mossi: Mr Speaker, I think in some countries they do have the East African passports and for Burundi and Rwanda we are making efforts to see whether we can have these passports maybe by next year. I could only say for Burundi but I know for a fact that we are trying to exhaust the stock of new passports which we have and then proceed with the East African passports.

The Speaker: Any way hon. Members, I must say that to come to the defence of the Minister, the answer the Minister has provided was not adequate to answer this question. In essence I think when you look at even the supplementary questions asked the Minister cannot actually tell us that they already have a directive or decision to do what we are asking. So, I think it is easier to say, "No, there is no directive, the Council is going to work on it," or "There is and it is not being followed but we will work on it." So, I think the Minister can look through those answers and then in our next sitting give us a proper answer on this issue.

(Applause)

MOTION FOR A RESOLUTION OF THE ASSEMBLY

Ms Byamukama : Mr Speaker, Sir, I beg to move that pursuant to Article 59 of the Treaty and Rule 26, I beg to move that a motion of the East African Legislative Assembly to mark the International Day for the elimination of violence against women and the 16 days of activism which are from 25th November to 10th December be adopted, I beg to move.

....: Seconded.

Ms Byamukama (Uganda): Mr Speaker, the motion reads as follows:

"WHEREAS the 16 days of activism for no violence against women is an international campaign, and;

WHEREAS it takes place every year from 25th November, which is the International Day of Elimination of Violence against Women to 10th December, which is the International Human Rights Day and the period includes Universal Children's Day and World Aids Day, and;

WHEREAS the theme for 2011 for the 16 days of activism is: 'from peace in the home to peace in the world, proliferation of small arms and their role in domestic violence,' and;

WHEREAS the 30th day of November, 1999 the East African Heads of State appended their signatures to the Treaty for the establishment of the East African Community in which Article 53 provides inter alia that: 'The Objectives of the Community shall be to develop policies and programmes aimed at widening and deepening cooperation for mutual benefit and for this purpose, the Community is obliged to ensure the main

streaming of gender in all its endeavours and the enhancement of the role of women in cultural, social, political, economic and technological development, and;

WHEREAS Articles 6 and 7 of the Treaty provide for fundamental and operational principles of the Community respectively, which principles govern the achievement of inter alia social justice, equal opportunities, gender equality, as well as the recognition, promotion and protection of human rights;

NOTING that Article 121 of the Treaty categorically states that: ‘The Partner States recognise that women make a significant contribution towards the process of social economic transformation and sustainable growth and that it is impossible to implement effective programmes for the economic and social development of the Partner States without the full participation of women;

FURTHER NOTING that the Partner States are obliged under Article 121 of the Treaty to:

(a) Promote the empowerment and effective integration and participation of women at all levels of social economic development especially decision making;

(b) Abolish legislation and discourage customs that are discriminatory against women;

(c) Promote effective education awareness programmes aimed at changing negative attitudes towards women;

(d) Create or adopt technologies which will ensure the stability and professional progress for women workers; and

(e) Take such other measures that shall eliminate prejudices against women and promote the equality of the female gender with that of the male gender in every respect.

NOW, therefore, this House do resolve that:

(i) This Assembly do mark the International Day for the Elimination of Violence against Women and the 16 days of activism from 25th November to 10th December by adopting this resolution;

(ii) This Assembly creates awareness for the protection of the rights of women and advocates for mechanisms that support victims and survivors of abuse;

(iii) This Assembly promotes empowerment of women in particular rural women grappling with the challenges of poverty, discrimination and violence; and

(iv) This Assembly supports efforts to reduce arms in society which tend to be the common denominator in some cases of domestic violence. I beg to move.”(Applause)

The Speaker: Hon. Members, the proposal on the floor is that this Assembly do resolve to mark the International Day for the Elimination of Violence against Women and the 16 Days of Activism from 25th November to 10th December, 2011; debate is open.

Mr Leonce Ndarubagiye (Burundi): Thank you very much Rt hon. Speaker. I rise to support this motion for several reasons. Every human being has a specialisation be it a man or woman, be it a woman to a man and a man to a woman. Every man has a mother, and eventually a wife and a daughter who nobody would like to see as victims of violence. Therefore, it is extremely important for us to support this motion. I presume that the reasons that these 16 days activities of marking violence against women raise awareness and give the opportunity eventually challenge the perpetrators of violence against women and ask for their punishment.

I believe that in the last several centuries, the societies were dominated by men. Probably that is one of the reasons that violence against women was somehow tolerated and underestimated. Currently women are less discriminated against and have come into decision making bodies. Women have started voting and being voted for.

We in the East African Community are catching up very fast as we can see that one of the Partner States-Rwanda has made extra ordinary steps by putting women in decision making positions, which has given them the platform to address issue of violence. If decisions are being taken without your participation they may affect you. But now that more and more women are being involved, I believe that they will also make a big contribution in fighting violence against them.

I must say that the most discriminatory factor was preventing women from going to school. Once they had no education they could not participate in administering the society. Fortunately today, they are being educated and thus being incorporated in the different decision making bodies.

I cannot conclude supporting this motion without making you aware of a current phenomenon where East African women are being recruited in the Middle East under the guise going for greener pastures but being mistreated, an issue that we shall also talk about. Otherwise, I support the motion. Thank you

Ms Hajabakiga : Thank you Rt hon. Speaker. Since it is my first time to take the floor, I would wish to thank the Government of Burundi, the Burundi national Assembly and our own Members of the Burundi chapter for the hospitality and care during our stay in Bujumbura. I would also like to thank hon. Dora Byamukama for introducing this important motion, which I fully support.

Mr Speaker, the violence against women and domestic violence generally is reported daily in the media in our region and what is reported in some cases involves death and rape though I think that what is reported is even less than what actually happens. And when it is reported, the attention given to it by the police officers and even in the courts of law is not adequately dealt with. They are taken as normal cases.

I would wish to propose an additional recommendation or resolution to this effect that on and above Resolution (ii) which urges the Assembly to create awareness, we also urge the Council of Ministers to urge Partner States to establish hotlines at the police stations and hospitals and if possible, create centres where such cases could be quickly reported so that they can be dealt with urgently. (*Applause*) With that amendment, I beg to

support the motion and thank you for giving me this opportunity. Thank you, hon. Dora for introducing this motion.

Ms Valerie Nyirahabineza (Rwanda): Thank you Rt hon. Speaker for giving me this opportunity to contribute to this motion for the hospitality that has been accorded to us up to now. Let me also take this opportunity to thank sincerely my good sister, hon. Dora Byamukama for coming up with this very important motion on the elimination of violence against women and the 16 days of activism.

Mr Speaker, I fully support this motion and the resolutions that have been proposed thereto. Like my colleague, hon. Patricia Hajabakiga has said, we have been reading in the newspapers where different cases of violence against women have been reported. Many people, meaning, women or children have died or are still dying. But what I want to say today is that many cases are not reported. Even some women who fortunately don't die don't report assault and neither speak out what is happening to them.

That is why I really urge all of us not only to create awareness among women in our societies by not only urging them to speak out but also to keep an open eye on our neighbours. This means that if I have a woman neighbour who is beaten regularly and doesn't have the courage to report her case, we should volunteer and report to the authorities on her behalf so that her case can be dealt with.

I know that many people in the rural areas don't speak out simply because they don't want to incriminate their husbands or whoever else violates them. But this is a very bad habit which should eventually be banned.

Mr Speaker, I know that in many countries, these 16 days of activism are celebrated and there are specific activities that go on. Unfortunately we don't have so much time here in Burundi but the fact being that you have allowed this motion to be passed by the Assembly today is a clear demonstration that you, the Rt hon. Speaker, accord very serious importance to the women cause and as always, you have shown the commitment with regard to the promotion and protection for them so as to enjoy their full and potential rights. With those remarks, I fully support the motion and urge each and every one of us to keep an eye on the neighbour. Thank you very much.

(Applause)

Dr Ndahiro (Rwanda): Thank you, Rt hon. Speaker. I also support the motion and probably at an appropriate time and date we might need to look into the violence against men. *(Laughter)*

It is neither today nor for this motion.

I have two things; one is an amendment to this resolution and the second one is information probably if the mover would like to consider it, it can be included. I would like to move an amendment on the resolutions and add No. (iv) as follows: "To urge this

Assembly to pay special attention and special recognition to women with disabilities in similar situations.” because violence against women who are able is not comparable to violence against women with disability.

(Applause)

Two, I would like to inform the House that this period between 25th November and 10th December has another important date, which is 3rd December, the International Day of Persons with Disabilities. Thank you, Mr Speaker.

Ms Kayirangwa (Rwanda): Thank you, hon. Speaker. I wish to fully support the motion and I thank the mover, hon. Dora Byamukama.

(Applause)

It is a right for all including women to have safe and secure homes in which to live in peace and dignity. To fight against gender based violence is not the duty of women only. When a man in a family is abused, the first victims are the children and the whole family, therefore, suffers. If we want to develop our Community, we need to protect the society, starting with the family against all kinds of violence.

(Applause)

Mr Speaker, Sir we can have good laws on paper but the implementation of those laws is another thing. It is for this reason that I strongly support that Partner States should promote effective education awareness programmes aimed at changing negative attitudes towards women.

(Applause)

Mr Speaker, in conclusion, I would like to say that victims of domestic violence need psycho-social support and this motion is in that line.

(Applause)

Thank you, Sir.

Ms Margaret Zziwa (Uganda): Thank you very much, Rt hon. Speaker, Sir. I would like to add my voice to that of my colleagues in supporting this motion and in thanking hon. Dora Byamukama for bringing this very important motion.

Rt hon. Speaker, all the five Partner States are signatories to the convention of elimination of discrimination against women, the Pseudo Convention. In this Pseudo Convention, the issue of violence against women is a very important chapter. I would like

to add that since the Beijing platform in 1995; all our countries adopted this platform where they are going to fight violence against women particularly in the domestic sphere.

I want to salute the theme for this year's celebration notably, "From peace in the home to peace in the world; proliferation of small arms and their role in domestic violence," and just add that we have not yet achieved peace in the home. And I think from the contributions from the hon. Members, there is still a lot of violence within the home. It is important that we critically examine the causes once again.

The question of poverty is still the highest on the agenda of causing domestic violence. I think it is important that we support the women in improving their financial resources. It is important that they are accorded better factors of production. The issue of land is very key and also empowering them so that they are able to take control of their finances by marketing their products and take charge of their incomes.

Of course, the issue of conjugal rights is still key. There is a high debate on matrimonial rape and I think at this juncture in the era of HIV/Aids, we cannot also close our eyes to it. Perhaps at an appropriate time, we should also take off time to look at it a little more critically.

The issue of man chauvinism, which is always pretesting in the ego of man's superiority, is also a problem. I am listing these causes because when you sit down and listen to many of the testimonies of the women, they are circling around these very small but very important issues.

I want to salute the press because they have helped us to bring forth many of these acts. I have had an opportunity to visit the prisons; I have visited Luzira Prisons in Uganda and you find many women who are actually also condemned because they have committed acts of violence to their husbands. But when you discuss with many of them, it is after a very long battle or very long exposure to violence that they end up in that. In most cases these women premeditate to either hurt their husbands and in the process either the husband is killed or is maimed permanently.

So, I want to say that we need to perhaps continue with campaign of violence against women knowing very well that we have not yet achieved full peace in the home; knowing very well that the peace in the home is actually an advantage to the whole of humanity. A husband whom comes from a peaceful home is even peaceful in his office. He does not harass his subordinates. A man who comes from a domestic violent household is also violent where he works and vice versa. Even women bosses who came when their husbands have beaten them end up making their secretaries and other subordinates suffer. So, it is very important that we make our homes safe.

Finally, the issue of the tools, which are used, is also critical and we should look at it. For a long time women viewed the stick as the most-*(Laughter)* – the wooden stick, Sir.

(Laughter)

They viewed that cane to be the tool that was normally used but recently-

The Speaker: Hon Ndahiro, you are confusing hon. Zziwa; continue, hon. Zziwa

(Laughter)

Ms Zziwa: Mr Speaker, recently other items have been co-opted in domestic violence; iron bars, some of which are items which say, close doors but are used in terms of violence, guns have been used and it is for this reason that this debate is even extended particularly to the people who are authorised to carry ammunitions – people who are authorised to have guns. I have read about several cases in Uganda where women have been killed by their husbands who are either police men or army men. So, this is a very important area, which we also need to work out.

Mr Speaker, Sir, I beg to support the recommendations and the resolutions of this House and I want to say that we carry this resolution to our respective national media so that it is also publicised in order to give the women an opportunity to be protected further in their own areas of safety, namely their homes. Thank you very much.

Mr Kategaya: Thank you, Mr Speaker. I would also like to support this motion because the emancipation of women is self interest of the society.

(Applause)

Women constitute over 50 percent of our populations and so emancipating them so that they can have their full rights is in our self-interest.

Mr Speaker, Sir, I am not much bothered about these 16 days of activism, why 16 days? Emancipation is a continuous process and it should be done on an everyday basis.

(Applause)

I don't know what these 16 days can do; it becomes a ritual in view. If you say, "16 days of activism," after the 16 days what happens? Or before the 16 days, do you do nothing?
(Laughter) This is my problem about these 16 days of activism.

The Speaker: You don't go back to violence after the 16 days.

(Laughter)

Mr Kategaya: Mr Speaker, Sir, I think when we are discussing this matter of emancipation of women, we should look at the underlying causes for the violence against women. In our case or in our situation here, education women is very crucial because the women in the village who are not educated, whom are not economically empowered are likely to be victims of violence and sometimes silently so. In some cases you find the woman saying, “If I leave the home what other opportunity do I have to survive as a person?”

I think we should urge all Partner States of the Community to give free education to all children including girls.

(Applause)

For instance, in Uganda we are insisting that all children must go to school including girls because the tendency had been to educate the boys and leave the girls behind to do the domestic work and also prepare them for early marriages for other reasons. But now we are insisting that all children must go to school including girls.

Then there is a question of economic empowerment of women which is very important to me. Someone who is dependant; who is very poor cannot defend his or her rights. We need to work out programmes in the Community to expand our economies so that they can have opportunities or capacity to deliver certain services on health and education.

Mr Speaker, if a woman is educated and economically empowered, she can even determine as to when to have children and when not to. In the villages these are uneducated women sometimes have no right to determine when to have children. It is the husband who determiners when to have the children and how many they should have. But if they are educated and economically empowered, then they can determine when to have children and how many because I am told that it either prolongs their lives or it does not if you have many children.

Finally, I think we are in an integration in East Africa, as far as I am concerned, mainly to create development for our economies so as to be in a position for our economies to give us the basic needs of our population. The argument is that our economies are now there but operating on a small scale. We don't attract big investors and we don't operate our industries on a big scale. Most of our industries, if you talked to the Chinese, could be called cottage industries because they are not producing to capacity. We have resources, yes but we have not harnessed them because of the divided and disintegrated economies.

But if come together in the region, which I think, is the whole point of integration, coming together to have viable economies that can deliver services to our people. I,

therefore, call upon anybody who supports this motion that a better deeper and wider integration of East Africa will help us solve these problems of emancipation of women because that way the economies will be available to produce services for the people. Women will move from the kitchen to factories.

If you look at the history of the liberation of women in Europe, it is when they moved from the kitchen to the factories that they heard their voice heard and were found to be a very important labour force in the economy and that is what we need to do. Create economic opportunities for our women, who are a bigger proportion of our population by expanding economies and to me the expansion of our economies would be through deeper and wider integration of the Community. Thank you, Mr Speaker.

(Applause)

Ms Hafsa Mossi: Thank you, Mr Speaker. I am rising to support the motion and to thank the mover, hon. Dora Byamukama because this is very important for East Africans and it is in line with Article 121 of the Treaty. As it has been said, we need to promote awareness of programmes that change negative attitudes towards women but also we need to sensitise women in order for them to know their rights. This is why I would urge Partner States to come up with a regional approach of addressing this issue.

As far as some countries in the East African Community which were affected by long periods of war are concerned, we are experiencing the phenomenon of violence against women and I think it is high time that the Community thought of a strategy to eradicate this vice.

Mr Speaker, if you could allow me, I would also like to say something on an issue that is rather different if we have exhausted the contributions on this motion. If it is agreeable, I would like to first of all thank this august House but since this being my participation as the Chairperson of Council during this session, I would like to thank the Rt hon. Speaker and the whole august House for the cordial relationship and cooperation that has been exhibited and which is continuing to grow and is blossoming between the different MPs of EALA and myself.

I would like to congratulate you, Rt hon. Speaker upon your very able leadership and all Members of this august House in fostering the integration agenda. *(Applause)* I wish to apologise in case there is anything that has arisen and maybe caused any hiccups. But I am happy to note that through dialogue and consultations, all the challenges which I have been experiencing as the Chairperson of Council have been more of learning lessons rather than hitches.

I would also like to thank my colleagues, ministers and other hon. Members of EALA and EAC members of staff for having rendered me support as and when I needed it during the last session and part of this session of the Legislative Assembly. Thank you very much for your support and your understanding.

(Applause)

Ms Byamukama: Mr Speaker, thank you very much for giving me this opportunity to register my appreciation to all those who have supported the motion. I would like to conclude by the words of Archbishop Desmond Tutu who said, “If you are neutral in situations of injustice, you have chosen the side of the oppressor.”

Mr Speaker, I want to thank you for not choosing the side of the oppressor; I want to thank this august House for not choosing the side of the oppressor. I want to thank you for being champions of peace because in effect, we are talking about peace. The names of those who have contributed are engraved in the history of the *Hansard* of this august House and I believe that goes to show the support. Even those who have not been able to support through words, I believe that you have been able to also register your support by just being here. I thank you all.

(Applause)

I would, however, like to make one major clarification on the issue, which was raised by hon. Dr Ndahiro; violence against men cannot be tolerated. But we take off 16 days, which start with violence against women and end up with marking the International Human Rights Day for the simple fact that we are saying that women’s rights are human rights. And hon. Members, as we sit here today, in each of Partner States, at least 16 women will have died because maternal mortality. I believe that is violence against women. So, there are some instances which are unique to women.

When you consider the historical aspect; religion and culture, this dis-empowers women and, therefore, that is why Rt hon. Kategaya’s contribution, “To economically empower; to educate the women,” is very valid. So, I would like to put it on record that yes, we cannot and we should not condone violence against men but we take off time to reflect; to focus on this particular issue of violence against women so that we can galvanise action and as you suggested, “recommit, not to commit violence against women.”

Today, Mr Speaker, Sir I salute you for putting on the white ribbon, which is a sign of peace- *(Applause)* - and all other members who are putting on the white ribbon, for those who haven’t, please pick it from the Clerk’s Office; we want to celebrate peace.

I know the Republic of Burundi has put aside two days and the women and men of Burundi are wearing black. I can see my chairperson, hon. Ngezeburo Frederick is

wearing black today-*(Applause)* - and hon. Bizimana Francois is also wearing black in support as well as hon. IssaNgendakumana is in black in support. This is a very serious issue.

When you hear of women dying when they are not your sisters, mothers or wives, it seems distant but it is very serious. So, we would like to thank you, Mr Speaker and the clerk to office for his continual reminder of these important events. Mr Speaker, I cannot thank you enough, you have made your legacy and we pray that God will continue to guide you as you lead this House. I beg to move.

(Applause)

The Speaker: Hon. Byamukama, there are some amendments; I do not know whether you have agreed to them or not?

Ms Byamukama: Mr Speaker, Sir I agree to the amendment moved by hon. Patricia Hajabakiga and she gave it to me in writing. I believe it will be captured. I also support the amendment moved by hon. Dr Ndahiro but I believe the issue of persons with disabilities is a human rights issue and I would kindly like to ask him to bring up a substantive motion and according to the rules, if he could also write it down....

Mr Speaker, we could not agree more, so, it is okay, it is alright. So, this will also be adopted. I thank you again and please wear the white ribbon and please do not commit violence against women from today, hence forth.

I thank you.

The Speaker: Hon. Byamukama, is that directed at me? Not to commit violence? Hon. Members, I now put the question that this assembly do resolve to mark the international day for elimination of violence against women and the 16 days of activism on 25th Nov– 10th December 2011.

(Question put and agreed to.)

ADJOURNMENT

The Speaker: Hon. Members, we have come to the end of our business today and I would like to make a few announcements before I adjourn. One, I would like to say that today as we are having the antiparliamentary tournament, the match starts at 3.30 p.m. and today it is Kenya against EALA. So, please come to the grounds to support.

I would like to say that this week end, on Saturday 26th November, we have been invited to take part in community work with H.E and this will happen at Ngozi province, which is about two hours away from here. Hon. Members, we will be leaving, and they usually start at 8 a.m. but

they made special permission for us to start at 8.30 a.m. so, we are leaving here at 6.30 a.m. in the morning.

So, please, assemble here at 6.30 a.m., but we should be back by mid-day because by then we shall be through and then we can travel back.

Lastly, I would like to say that we have a special sitting on Monday, as you are aware we are having a number of sittings, but we are starting with a special sitting where we have various guests of the speakers of national and regional assemblies who are attending.

So, the session will start at 9 a.m. but we should be seated by 8.30 a.m. in the morning on Monday.

Lastly, I now adjourn the house until Monday 9 a.m.

(The assembly was adjourned until Monday 28th November 2011, at 9.00 a.m.)