



EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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

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

Tuesday, 31 January 2012

*The East African Legislative Assembly met at 10.00 a.m. in the
Chamber of the Parliament of Uganda, Kampala.*

PRAYER

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

The Assembly was called to order

LAYING OF PAPERS

The following papers were laid on the Table:

By Ms Lydia Wanyoto:

The Report of the Committee on General Purpose on interactive meetings with stakeholders in Partner States to develop a mutual perception towards the EAC budget

THE EAST AFRICAN COMMUNITY TRANSBOUNDARY ECOSYSTEM MANAGEMENT

BILL, 2010

(Resumption of debate interrupted on Wednesday, 7 September 2011)

THE SPEAKER: Honourable Members, before we start debate on this issue, I would like, under the powers granted to me in the Rules of Procedure, to amend the Order Paper and call the honourable Minister to move a motion.

MOTION

**THAT THE ASSEMBLY DISSOLVES ITSELF INTO A COMMITTEE TO CONSIDER
AND APPROVE THE SUPPLEMENTARY BUDGET**

THE ASSISTANT MINISTER FOR EAST AFRICAN AFFAIRS, KENYA (Mr Peter Munya): Mr Speaker, I beg to move that this esteemed Legislative Assembly dissolve into a House Committee to debate and approve the proposal by the Council of Ministers for the supplementary budget of US\$ 14,624,493 of the East African Community for the Financial Year 2011/12.

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

- Secretariat: US\$ 50,220,383 (US dollars fifty million, two hundred and twenty thousand, three hundred and eighty three)
- East African Legislative Assembly: US\$ 11,679,682 (US dollars eleven million, six hundred and seventy nine thousand, six hundred and eighty two)
- The East African Court of Justice: US\$ 3,289,104 (US dollars three million, two hundred and eighty nine thousand, one hundred and four)
- Lake Victoria Basin Commission: US\$ 44,491,149 (US dollars forty four million, four hundred and ninety one thousand, one hundred and forty nine)
- The Inter-University Council for East Africa: US\$ 12,054,241 (US dollars twelve million, fifty four thousand, two hundred and forty one)

In our budget, we outlined the key priority areas. This supplementary budget consists of additional money that we have been able to receive, but the money is still prioritised for the key intervention areas that we had planned in the main budget.

During this financial year, the EAC received additional funds from development partners totalling to US\$ 14,524,493 to implement various activities. The EAC will also resume holding the annual Health and Scientific Conference. Funds amounting to US\$ 100,000 from the general reserve will go towards hosting the event. This supplementary budget is, therefore, covering this additional funding and also funds to cater for this scientific conference. Mr Speaker, I beg to move.

DR SAADALA: Seconded.

THE SPEAKER: Honourable Members, we will not debate this motion right now. It is referred to the relevant committee. Once we get the report of the committee, we will debate it later.

BILLS

SECOND READING

THE EAST AFRICAN COMMUNITY TRANSBOUNDARY ECOSYSTEMS MANAGEMENT

BILL, 2010

*(Resumption of debate interrupted on Wednesday, 7 September
2011)*

THE SPEAKER: Honourable Members, as you are aware, debate was interrupted on this motion by the chairperson of Council at that time. A further request was made that we postpone debate on the same issue in November. Now we are back in January. Well, the Council said that they were going to say something on that issue. So, before we start debate, maybe we can hear from Council first and then we can continue.

THE ASSISTANT MINISTER FOR EAST AFRICAN AFFAIRS, KENYA (Mr Peter Munya): Mr Speaker, it is true we asked for adjournment so that we could consult further on some of the issues we raised during the debate on this Bill. One of the key issues we raised was the need to synchronise the Bill with other existing institutions that are dealing with ecosystems management.

The key issue that we found, which was not taken care of in the Bill, was the relationship between the envisaged new structure created by the Bill and the Lake Victoria Basin Commission. The Lake Victoria Basin Commission is an ecosystem management institution. Even though it is focused on one ecosystem, it is still an ecosystems management institution. So, we had challenges on how the envisaged new structure will fit in with the already existing institutions like the Lake Victoria Basin Commission and the Lake Victoria Fisheries Organisation that also manages one aspect of an ecosystem. That is one of the key issues the Council raised when it asked for adjournment and discussion over the Bill.

The other key issue that is being raised is, being an ecosystems management Bill and having national institutions that manage environmental matters, the Bill does not create a clear relationship between those institutions at the national level, which are mandated to manage environmental matters, and the regional edifice that the Bill is trying to create. These were concerns that we were saying that if they were able to be addressed, then the Council would have no problem with the Bill.

The other key issue being raised by the Council was also raised by some Partner States in their concerns when they were sending

their comments. Given that land is not part of the Common Market in terms of rights, access and all that, and given that the Ecosystems Management Bill has an aspect of land in it, they would like that matter to be clarified properly so that there is no interference with the national mandate of land management.

The other key issue, which we also hope the mover will address, is when a Partner State wants to carry out a development project, who has the mandate to do the environmental assessment to allow the project to go on? Is it the national body or will the regional body have a say on whether such a project, for example, an infrastructural project, should go on? Will the regional body have that say or is it a matter left to the national body that is mandated to do that?

Mr Speaker, if those key issues are addressed in the amendment at the committee stage or by the mover of the motion, the Council has no major problem with this Bill. Thank you.

THE SPEAKER: Honourable Members, you have heard. Debate continues on the Bill.

MR GERVASE AKHAABI (Kenya): Thank you, Mr Speaker. Before I give my views on this Bill, I wish to thank the people and the

Government of Uganda for according us the hospitality that we have received. I think they have been very gracious, especially Members of Parliament both in the national Parliament of Uganda and Members of EALA from the Republic of Uganda. Thank you very much. (*Applause*)

I also wish to thank the Minister and the Council of Ministers of the East African Community for coming round to look at this matter of the transboundary ecosystems management from a perspective that is moving closer to what many of us, Members of this august House, have held. Contrary to what the Minister is saying about the object of this Bill and the perceived issue of land not being a Treaty matter, this Bill, the way I understand it, is not concerned with land. It is concern with management of transboundary ecosystems that do not respect the sovereignty or perceived sovereignty of states. It is about how we can manage our transboundary ecosystems in a manner that is beneficial to the people of the region both now and for posterity. It is not about managing land or having control over management of land. Land, of course, we appreciate, is still a national matter.

At this point in time, when we are faced with serious challenges emanating from climate change, some of the contributing factors to which we have no control, it is important that we look at our

transboundary resources and see how we can manage them sustainably for the benefit of our people both present and the future. In the very recent memory, we had a very serious environmental threat emanating from the Republic of Kenya, when the Mau water catchment area, the Mau Forest, was devastated by wanton destruction. This had a very serious impact not only on Kenya, which we are still experiencing, but also on the northern parts of the United Republic of Tanzania. This is because the Mau water catchment area and the drainage system drain into northern Tanzania into Lake Victoria.

I have no fear in saying that the impact of the destruction of the Mau Forest in Kenya contributed, to a very large extent, to the menace of the water hyacinth that we are experiencing now in Lake Victoria. We had considerable reduction of water in Lake Victoria, and all this I would attribute to improper management of a transboundary ecosystem like Mau. Mau is wholly in Kenya but its impact has far reaching consequences not only in Kenya but also in the entire East Africa, and indeed Sudan and Egypt. So, it is a matter that we as legislators, as leaders in the East African Community, must take with considerable seriousness and take the lead.

The transboundary ecosystems affect our agriculture. We have said that over 80 percent of the population in East Africa, at least the majority in the Partner States, is entirely dependent on agriculture and subsistence agriculture for survival on a day to day basis. If we do not manage our ecosystems both in the Partner States and across the borders, the livelihoods of these vast populations are going to be negatively affected. It is, therefore, important that we have a concerted effort, and we also put in place policies that are going to help us protect the livelihoods of the majority of the people of East Africa.

Mr Speaker, in East Africa generally, but especially in those water stressed areas like the northern parts of Kenya, the northern parts of Uganda, parts of Tanzania, there is great conflict that is coming up. This is because of constant competition for increasingly diminishing resources and these resources centre around water. The availability of water is affected directly or indirectly by the ecosystems that God so graciously gave to us. God gave us these resources so that we manage them for posterity. God did not give us these resources so that we may destroy them. God said, "Go ye, look after these things", but we have gone out to destroy them. Posterity will condemn us.

We have the unenviable responsibility to do something about this, and we do something about this by enacting this Bill for the people of East Africa. We do something about it by putting in place interventions that will help us to manage these resources. East Africa is endowed with other natural resources, with wild animals. I understand that in the whole world, it is East Africa that has the largest number of lions. Lions depend on the environment. We also have the largest population of other animals, the big five: lions, leopards, elephants, rhinos, buffaloes.

By the way, these animals are no respecters of the so-called boundaries. They transit between Kenya and Tanzania. When they go into the United Republic of Tanzania, the people of that republic say, "Yes, these are our animals." When they decide they are tired of the United Republic of Tanzania, they walk across to Kenya. So, we cannot say that this wildlife belongs to any particular country. Therefore, it is our responsibility to ensure that these resources that are no respecter of boundaries are taken care of and effectively.

These animals make a big contribution to our national economies. They help many of our states to attract tourists, and tourism creates employment opportunities. Unless we learn to co-operate

in the same way the animals of Serengeti and Mara co-operate in crossing the Mara River, we are headed for self destruction.

With these few remarks, I wish to support this motion.

MR CHRISTOPHER NAKULEU (Kenya): Thank you, Mr Speaker. I also wish to add my comments in thanking hon. Nangale and his committee in moving this motion.

First, the Minister says that one of the reasons why he has reservations on agreeing to this Bill is that he does not see how the Bill is fitting into the national institutions of similar transboundary nature. It is my belief that the Minister is well versed with the knowledge that the laws we make in the region supersede national laws of similar nature and, therefore, it is the national states that are supposed to align their laws of similar nature to fit into this regional law. So, Mr Minister, I wish you rescind on that decision and support the Bill.

Secondly, this Bill is extremely crucial in the development of this region. First, a good ecosystem can be a good catchment for tourism, food security and the general economic development of the region. If you look at the coexistence between Lake Natron

and Lake Nakuru, tourists normally come all the way to Lake Nakuru to look at the flamingos but these flamingos have their breeding area in Lake Natron. Therefore, the United Republic of Tanzania has every reason to preserve the environs of Lake Natron in order to make the lives of these flamingos better for the existence of the East African Community. Any attempt to destroy one ecosystem could have a direct bearing on the other ecosystem.

Mr Speaker, if you look at Mt Elgon, it is an important water tower which requires concerted efforts from all governments. The Government of Uganda and the Government of Kenya have to make sure that the environment within the Mt Elgon ecosystem is well observed and conserved. This Mt Elgon ecosystem has a direct bearing on the people living down the plains, for example, the Turkana. There are rivers coming all the way from Mt Elgon to Lake Turkana; therefore, any attempt to tamper with the Mt Elgon ecosystem directly tampers with the lives of the Turkana, the Pokot and the Sebei who are down the plains. Therefore, there is every reason for us to make concerted efforts to conserve these systems.

Also, these systems have a bearing on the hydrological cycle. A few years ago, Kenya had a problem with electricity just because

most of the rivers dried up and they dried up because the sources of these rivers also dried up because of environmental degradation. Therefore, there is every reason to make sure that these transboundary ecosystems are well preserved and conserved.

Mr Speaker, with those few remarks I wish that the Council of Ministers supports the Bill and supports the committee as well. Thank you.

MR WALID KABOUROU (Tanzania): Thank you, Mr Speaker. Let me also say something about the hospitality that we have enjoyed since our coming to Kampala. I thank the Ugandan Government and the EALA Chapter of Uganda.

Mr Speaker, I do not have that much to say. I just have a few comments that really will concentrate on the issue of sovereignty. I think we are not taking this matter seriously; we want to gloss over issues related to it, as has been pointed out by the Minister.

As Africans, we come from a position - they used to say - of statelessness. We were stateless and this question of state has been imposed on us by the Europeans who colonised us 50 or 60

years ago. For some like Angola, maybe 400 years but for most of us, it is only 50 to 60 years.

I remember before we became independent, Mwalimu Nyerere said that Tanzania was willing to postpone its independence until Kenya and Uganda became independent as well, so that we could start together. The trouble was, according to Mwalimu, that once these Africans had begun to enjoy sovereignty it would be extremely difficult to ask them to come together, therefore he was willing to do that. We did not accept that and these entities became independent and sovereign, and this sovereignty has continued to be a problem up to today. It is not just in Africa. I think the first nation state in the world, Spain, from 1468 is still suffering the same problem of sovereignty. There are still questions of sovereignty. Europe, which had nation states long time ago, still has not united.

When the Minister stands up and talks about the land question, I think it is very important that we listen to this because it is not part of our Common Market. Now, if we are to say that we have no control over climate change, I agree, but we also do not have control over economic matters - the crisis in the Euro zone. Just yesterday, we heard some submissions from the Deputy Secretary-General who categorically told us that we could not

have a monetary union without fiscal harmonisation. That is because of sovereignty.

I have listened to my friends talking about land degradation and the kind of things that could lead to catastrophe if we do not control that. I have also heard from the Minister and others that every nation state in the region, that is, all the Partner States, have national entities dealing with the environment. Nowhere have I heard that any of these national entities has thrown up their hands and said, "Look, it is too much for us to manage."

I remember going to Nakuru myself. We were taken there by the Government of Kenya and it was the Government of Kenya that was dealing with the Mau problem. I am not very convinced that we need to have a law that contradicts our national policies. Already, we have the Lake Victoria Basin Commission, fine, but we also have Migingo. People are still fighting. Kenya and Uganda had to go back to Britain to look for maps to determine whose land Migingo is, and everybody knows it is nothing and yet they are fighting over this. So, I just want us to be careful.

I am not against looking at these transboundary resources. Yes, we have them; we have Lake Tanganyika and Lake Nyasa for

Tanzania and we have a lot of countries to deal with. I do not know whether or not these laws will apply to the Lake Tanganyika basin or Lake Nyasa basin, etc because after all, Tanzania is a member of the East African Community. But what happens when the DR Congo does not adhere to what we have as the East African transboundary ecosystem law? Does the East African Community come to our aid? Does it come and we fight the Congolese because they have violated a law, which is a regional law?

Mr Speaker, I would not say that this is not an important matter in our region. I agree it is, but I seek to go slowly in achieving whatever we think is important in this law and we listen to the governments. They are sovereign. We were in one meeting and one of the Attorneys-General actually came to us and said, "Look, we have been looking at the Treaty recently and the national Constitutions are above the East African Community Treaty." That is what they told us. We cannot just come here and say we do not know that. We do!

If the national Constitutions are supreme to the East African Community Treaty, maybe we need to amend the Treaty in Article 8 (4), which says that laws passed by the Legislative Assembly are going to be supreme and supersede the laws of the national parliaments or national states. What does this really mean? What

if Tanzania refuses to adhere to a law passed by us? Yes, the Treaty says it should, but the Constitution says "no". So, we need to be careful really. I do not want to say that I would not support this law. All I can say is that I would support it if it takes into consideration what the Minister has already said. Thank you, Mr Speaker.

MR AUGSTINE LOTODO (Kenya): Thank you, Mr Speaker. I just want to thank the mover and to declare that I am a member of this committee, and I fully support this motion.

I want to address the issue raised by the Minister about land. He rightly put it to us that Lake Victoria Basin Commission is an ecosystem management institution. We know very well this ecosystem affects 30 million people directly within the lake and another 60 million people along the rivers. So, if the Lake Victoria Basin Commission is addressing lives and people who are on land, why can't we have this Bill? I want to start from there. Lake Victoria Basin Commission is addressing issues of land. If we are saying that land in East Africa is a national issue, then we should disband Lake Victoria Basin Commission.

Mr Speaker, I think the sentiments here are really trying to evade the real issues. I will seek that we go back to the

objectives and the functions of this Bill such that we are not misled by fears that are not addressing the Bill. Clause 3 talks about the objectives, and I just want to read, says: "(a) *Establish an institutional framework for the management of transboundary ecosystems within and among Partner States.*" We have agreed that we have institutions within Partner States; now we are trying to establish one among Partner States.

"(b) *Establish procedures of carrying out environmental impact assessments in transboundary ecosystems of the Community.*

(c) *Maintain stable functional relationships between living and non-living parts of the environment found in the transboundary ecosystems of the Community through preserving biological diversity and respecting the principle of optimum sustainable yield in the use of natural resources of those ecosystems.*"

What is wrong with that? I think that is what the Council of Ministers should come out and explain. What is wrong with these objectives that are here? We want to reclaim lost transboundary ecosystems and, where possible, reverse degradation of national resources as my colleagues have said. Do we have a problem with that?

Mr Speaker, I could go on and on but I want to go on to the functions. Clause 7(a): *"Coordinate, monitor and supervise the implementation of the East African Community policies relating to management of transboundary ecosystems.*

(b) Liaise with the private sector, intergovernmental organisations, non-government organisations and government agencies of other States outside the Community on issues relating to land and transboundary resources."

I am very sure these are not what hon. Kabourou is addressing. We want to coordinate our natural resources across our countries. So, I would like the Council of Ministers and all Members to support this Bill because we cannot talk about working together in the Community and then we choose not to work together on other issues. The Treaty is very clear; we have an article which talks about incorporating all natural resources and management. So, how can we now come and start saying these are sovereignty issues? Mr Speaker- (*Interruption*)

MR MUNYA: Mr Speaker, I am just trying to avoid some misunderstanding. We only raised concerns. We said if those concerns are addressed, and it is possible to address them, we have no problem with the Bill.

The issue of land, we said, is a concern that has been raised. If in the Bill we can have a proviso saying that the institutions and the mandates envisaged in the Bill do not interfere in any way with national management of land and ownership, then we have no problem. These are concerns raised and we want them to come out so that they can be clarified in the Bill.

We are not blind to the fact that most aspects of the environment deal with land. So, if you are doing an environmental management, you cannot run away from land. However, we also are alive to the fact that the issues of land that are kept out of the Treaty are issues of ownership, land rights, access, sale and those kinds of things. If clarifications are done within the Bill to make the Council comfortable, we have really no problem with the Bill.

MR LOTODO: Thank you, Mr Speaker. I want to thank the Minister for conceding that we are not here to deal with buying and selling of land. I think it is very clear from the objectives and functions of the Bill that what you are talking about is the co-operation between the institutions among our Partner States dealing with the management of the eco-system. I thank you.

MR SPEAKER: Thank you, hon. Lotodo. I can see hon. Sarah has really researched well this time.

MS LYDIA WANYOTO (Uganda): Thank you, Mr Speaker. Honourable Members, since this is my first time to take the podium, I want to say that with deep humility I receive, together with my colleagues, the humble and kind words you said about Uganda. But for me, it is very difficult to say *karibu* because Uganda is not for me or for anybody but for all of us.

I would like to appreciate the words that President Kagame said in some of the meetings he held before the end of the week. He said that he was chatting on the social network, Twitter, and they were asking him why he has been able to visit Uganda three times in a year. He was able to chat and say he lived in Uganda each day for 30 years; for 30 years he lived in Uganda so why are they asking him about the few days he has been coming to Uganda. With the advent of the Common Market, we should be free to move as many times as we can across our borders as leaders, so that people know that the Common Market has come to stay and that we have free movement of people.

This takes me to the Bill. I was smiling when the Minister was talking because they are raising issues of land but even this Chamber is on land. What is not on land in East Africa? I think that it is very important that we realise the importance of mindsets. I understand where the Minister is coming from because maybe he missed the discussions we had yesterday in the morning. We talked about issues of shifting mindsets. If we do not learn to shift mindsets, everything will become a block or become big mountains before us. We need to move away from things that are going to hold us back. Natural resources are on land. We are all on land and we walk on land. If land is an issue, we should find a way forward.

This Bill is so important because it is in line with EALA resolutions on the report of the Committee that we had in the past on conflict based natural resources. We were able to tour most areas in East Africa in the last Parliament and we found that one of the main causes of conflict on our borders was natural resources. In our reports, which were passed by this Assembly, we did say we needed a mechanism which is going to help our people to coexist on the borders, harnessing natural resources in a more harmonised manner. This Bill comes in handy to address this type of resolution that we passed as an Assembly.

The second issue is that there is already a mechanism under the International Conference on the Great Lakes, which is headquartered in Bujumbura, Burundi; eleven countries, including the five EAC Partner States, are signatory to a protocol on a mechanism on managing natural resources. I hope that I am speaking on the same page with all of us who read about regional blocs and the Great Lakes arrangement. All our presidents are signatory to these arrangements. This law just comes in place to implement what our other governments have already agreed upon - how to manage and how to coexist.

There is already a protocol under the Great Lakes arrangement. Our five countries signed to it. Heads of state signed to this document. Kenya was the Chair and Tanzania has been heading the secretariat, which is headquartered in Burundi. So what are we talking about when we begin saying this cannot work, it is too early, let it be slow? We are already in it! This is a marriage we have already entered and you cannot get out of it unless you bring new proposals on how you can get out of it.

I support this motion because there are already existing mechanisms that this Bill just comes to enhance. It comes to help us ensure that our ecosystems are managed properly, and to

ensure that what we put on paper in other fora is implemented at a regional level.

Mr Speaker, I was also looking at some of the issues we have agreed on in the Common Market. We are already talking about free movement of people. If we can agree that we should put in place regulations and rules for people to cross borders, what about mechanisms to manage those resources that have crossed the borders without passports or without our own approval? It defeats my understanding that we can come and say that this cannot work when it is the spirit in the Common Market that we should be able to manage ourselves as people crossing borders and also manage and harness our own resources. So, I hope that we cannot live in a box. We should learn how to live outside the box and see how this law is going to help us harness our natural resources, manage them and be able to make sure that we work to sustain our environment for posterity.

As I conclude, I want to say that this Bill relates to what hon. Dr Odette brought to the House, the Bill on conflict management. There is a lot of conflict that relates to natural resources management, access and utilisation. So, if we can put in place an arrangement that is going to help us manage our natural resources, we would have cut the conflict that we see arising in

our communities almost by 50 percent. This is researched information and it lives with us. The only way that EALA can play its role is with the support of the Council of Ministers to ensure that there is a mechanism that is going to help us avoid unnecessary conflict and management of it within our communities.

Mr Speaker, I want to leave a question and a proposal, through you, to our Council of Ministers. They have issues from Partner States and from themselves on the Bill; I would like to ask, why haven't they brought solutions to the Bill? It becomes very difficult when you come and raise questions and issues for all this time and you do not propose solutions to these issues. We are supposed to be a team. East Africans are looking at us to provide solutions for East Africans. If hon. George Nangale and EALA brought a Bill to the House, it may have gaps but what solutions have you brought so that we move to the next step? When you come and only ask questions, it then looks like it belongs to EALA and that brings problems to some of us.

This is a forum for us to bring solutions so that the Bill passes. When you bring solutions, it brings a positive spirit to the Bill that you are moving towards solving problems for East Africans and giving them a mechanism on how conflicts and their

challenges can be addressed. We are here to serve them and provide solutions - (*Interjection*) - Mr Speaker, can I be protected.

THE SPEAKER: I think they are looking for solutions to the problems they gave. (*Laughter*)

MS WANYOTO: I thank you, Mr Speaker. I would be happy if the Council of Ministers stands, like I am standing now, to provide solutions to a Bill that has been brought by a private Member and not to raise problems in the Bill as if it is up to us. It is not up to us but for all of us. This is our work. We have been put in place by East Africans to provide solutions for them. If you have any issue on the Bill, provide a solution to it; give plan B to it. Let us live outside the box and provide solutions and a better living community for our people. I thank you.

THE SPEAKER: Yes, hon. Sebalu. I thought you used to be a Member in this House.

MR MIKE SEBALU (Uganda): Yes, I was a Member of this House. At that time we had not gone into multiparty politics and I used to

enjoy a seat across where hon. Ogalo is now sitting- (*Laughter*)
- but now that is a no-go area for some of us.

Thank you very much, Mr Speaker, and I want to thank the mover and member of the agriculture committee, hon. George Nangale, with whom we have done a lot as a committee to enrich this Bill. We have been able to link up with many stakeholders. Let me hope he is not persuaded by the ideas of the Minister to abandon the baby in still water. I hope we pursue this to a logical conclusion.

Mr Speaker, my assessment of this law is that it is a very good law. It is very relevant and very timely, let alone being a very well thought-out law that should be appreciated by all those that wish East Africa well.

The issue raised regarding land really defeats me. I wonder whether we will ever pass any law that has no bearing whatsoever on land. I stand to be advised. Which law can you ever pass that does not have any bearing on land? [Hon. Member: "The anthem law"] The anthem law; but even when you sing it, you are on land. Do you sing it in the air? You must be standing somewhere on some piece of land and sing the anthem. So, which law are we going to pass as EALA that has no bearing on land? Even with the

CASSOA, these aeroplanes land somewhere. I think we better run away from that. Personally, I call that diversionary, defeatist and cowardly.

I really agree with Prof. Mamdani. During the symposium, he raised the issue of land. He said that we, who are in the management of getting this integration work, have done one big disservice to this region and to the people of East Africa by cowardly keeping the issue of land out of our operations. I think the earlier that issue is revisited, the better because what is East Africa without land? East Africa is purely a geographical expression based on land. Are we hanging somewhere in the air as East Africa? Why don't we address the real issues?

There are serious issues around that subject and I think the earlier we deal with it squarely, the better. So, hon. Minister, the issue of land needs to be handled squarely and I thank EALA for engaging this issue. If the Council of Ministers is not interested, we have a serious interest in ensuring - We are talking about being people centred. The basic commonality of all people and their existence is land and you do not want to talk about it. So, I think we really need to do something more.

The Bill is very carefully crafted. We considered all these matters. If someone took time off and went through the Bill, you really find that the issues that are being raised are very well taken care of by this Bill. It is about managing the transboundary ecosystems for mutual benefit. Actually, it is for mutual benefit and sustainability. Even in the law, we do appreciate that there are certain partner states that do have bilateral arrangements regarding these matters. Even that is acknowledged and appreciated within the law. But it is complemented by other provisions that we want to ensure that this is something we do together as a region for purposes of ensuring that we live in a good environment as a region. So, this law is good and it must be appreciated.

We all know that our economies are agro-based and the rain patterns are becoming very erratic. Kampala never used to be this hot. Actually, as Ugandans in Kampala, the issue of this level of heat is something recent. It was never the case before. That is a clear indication that we are suffering from effects of climate change and we need to deal with these issues wherever they are.

Sovereignty is good but if you had wanted to enjoy sovereignty one hundred percent, then we would never have thought about

integration. There is no way you can get married and you think you can enjoy the same level of freedom and independence. If you used to go home at 3.00 a.m., here you have someone who is asking, "What time is this you are coming in?" That is why there is a saying somewhere that you are either married or happy. You cannot be both. *(Laughter)*

When talking about this, you must talk about it in proper context. We are now five Partner States; you cannot think of enjoying the same degree of sovereignty. It can never be. That is why we even have a Chairperson of Summit who is the *defacto* leader of East Africa in a particular year. Even when addressing themselves, they will say, "Your Excellency, Chairperson Council". Some degree of sovereignty is already gone at that level.

Even when you are in your country and the Chairperson Council comes, you are receiving him as a superior. These are matters of sovereignty. They are already compromised by the fact that we decided to come together. So, we need to sober up and appreciate that when you are together, there is give and take. There is no way you can eat your cake and have it at the same time. We are now integrated and the essence of integration is that you must be willing to subordinate yourself to a supranational entity and

this entity is called the East African Community. The earlier we agree with that principle, the better and that will determine the pace at which we will achieve our stated objectives.

So, hon. Kabourou, you need to rethink some of these things. *(Laughter)* This sovereignty should not stand in the way. Let other people be the ones hyping about the sovereignty but EALA should be humble enough and should live up to the expectations of the East African people.

The fundamental question we should always ask is, is what we are doing good for the East African people? Once this law is good for our people, - and we are talking about people-centred integration - then let us go for it because we are pro-people. We are coming from the people, we are working for the people and we should project the good intentions that would serve the people of East Africa. So, this is a very good law for whoever has taken time to read it. If one has not read it, then maybe he may pick ideas elsewhere but let us go through this law.

I agree with the Minister's latter version when he says, "subject to some concerns". He has now made them concerns and those can easily be accommodated. So, if there are areas that could be amended, then that can be explored because we are

providing a working document, which is available to the House for adoption fully or with amendment.

It is a good law and I beg the indulgence of the House that we pass this law in the best interest of the people of East Africa. The challenges regarding environmental issues are immense. We are all experiencing them. What we are doing in this law is trying to avert them by ensuring that even those ecosystems that are transboundary in nature are taken care of.

Besides, the law acknowledges the role of the environmental institutions at national level and even the relationships are well defined within this law. We are very cautious not to enter the territory of national jurisdiction in terms of work. So, we created a very good mutual and symbiotic relationship between the national and the regional institutions, and the law is clearly complementary to the national laws. It is not about to replace national laws or national institutions but it is complementary in as far as there are issues of a transboundary nature that need to be taken care of.

Mr Speaker, I can see my honourable friend, hon. Kabourou, is smiling. I hope we are now on the same page and we move together

to pass this very good law, sovereignty issues notwithstanding.
Thank you very much.

MS CATHERINE KIMURA (Kenya): Thank you very much, Mr Speaker. May I start by thanking hon. Nangale for bringing this Bill to this House. It is a very important Bill and I do hope that we shall honour the founders of the Community who framed the Treaty by passing this law. All we are doing is building on what the founders did when they started this Community. It is all spelt out in articles 111, 112 and 114. All we are doing is putting a law in place, a legal framework, to operationalise those articles; nothing less, nothing more.

Therefore, Mr Speaker, I want to appeal to the Council that they move with us in passing this law. We have shared resources - our lakes, rivers, wildlife and mountains. We cannot therefore run away from the fact that as the EAC we are bound together. We share boundaries. Animals do not know boundaries and, therefore, it is important that we guard against anything that would interfere with the national resources of any of our Partner States.

When we talk about wildlife, for example, there are migratory routes that run across the various countries. There are

migratory routes between Serengeti and the Mara, and even within Mt Elgon. If you interfere with one in one country, the other countries suffer. What would happen if all of a sudden in the Masai Mara the Narok County Council decided that today they are putting a big stone wall between us and Tanzania? What would we have done? We would be saying that those animals that cross, which is one of the wonders of the world - the wildebeest migration - cannot happen. This is what this law is seeking to do, to protect our national resources to make sure we manage them as a Community for the benefit of posterity. We are not doing it for ourselves today but posterity will judge us if we do not take care of the environment.

Mr Speaker, I want to appeal to the Council. This Bill has been with them since 2010 and any amendments or any concerns that the honourable chair of Council has said are there should have been addressed. It is not too late. The way forward is not to say we cannot go ahead but for the chairman of Council, with the assistance I believe of the CTC and other Council members, to come up with amendments. What areas of concern are there; how can they be addressed within this Bill so that we move forward? That is my appeal.

When I look at Schedule 1 of this Bill, it lays out the potential activities and projects that are to be subjected to the transboundary environment impact assessment within the Community. If you read it, nothing here is strange. All these activities that are listed here are activities that require environmental impact assessments under our own laws in our countries. All we are saying is that let us have a regional law, which makes sure that all those other laws that deal with impact assessment for the areas where there is a regional ecosystem are brought into this law. These issues are taken care of within our laws; let us harmonise, let us bring a regional law and put it in place in order to manage these activities.

I want to support the motion and I want to appeal to all of us to support it, including hon. Kabourou. I do not agree that we go slowly. The other day when the Head of Summit addressed this Assembly, he added a very important word, which even our hon. Speaker was able to pick, that we "hasten"; we do not only deepen and widen but we hasten this process of integration. This is one way to go about it. It is not a time to go slow. Thank you, Mr Speaker. I support.

MR SAID BILAL (Tanzania): Thank you, Mr Speaker. Let me begin by thanking the Government, Parliament and people of Uganda for

their continued hospitality. When I was a young man, I remember a fable that says when a stranger comes for the first day, you treat him or her graciously and very kindly and if he over stays, you start subjecting him to hardships before you kick him out. Now, in Uganda we have been coming here for the first day, the second day and as we wind up as EALA, they have still been very kind to us. So, thank you.

Mr Speaker, the first thing I want to say is that this is a good law because it concerns people, land and the environment. I want to agree with hon. Akhaabi that lions have no respect for boundaries and they have been there since time immemorial. That is why we have been having tranquillity because lions, despite their being disrespectful of the environment, are lions but transboundary, unfortunately, involves people. People are intelligent beings, intelligent animals, and therefore, we ought to be very careful.

Yes, it is a good law but a good law also is not without issues. On page 9, (h), the first part says, *"to ensure that Partner States sharing transboundary ecosystems maintain a proper balance between resource development for a higher standard of living for their peoples and conservation and enhancement of the*

environment to promote sustainable development." My problem is, how do you maintain this proper balance?

I am saying this because this law has had many precursors in the form of political events that raise issues in our national states, for example, the much spoken about Mau ecosystem. There you have a central government vis-à-vis people around the ecosystem and you still have failed. Well, I do not want to talk about the events surrounding Mau but we have been reading a lot about our country and about Kenya also.

Look at the Lake Victoria issues, the Migingo issues. These are land and ecosystems too. The problem, unfortunately, is with political interference, with isolated interests that tend to prevail over sensibilities. That is why I want to raise these issues. I think it is proper to say that we need to look at how we can address these issues before we embrace this as a regional law. That is my concern. For that reason, I want to hear more about how this is to be addressed before I address myself to it. Thank you, Mr Speaker.

MS JANET MMARI (Tanzania): Thank you, Mr Speaker. Since this is my first time to stand, may I join the rest who have spoken before me to thank the Government of Uganda, the Parliament of

Uganda, the people of Uganda and more specifically the Ugandan Chapter for making our stay very comfortable. It is not the first time that I have been here but every time I keep on saying, I appreciate the people of Uganda and the environment in general. So, we should learn as East Africans to live like Ugandans. (*Applause*)

Mr Speaker, I am a member of this Committee and I think this law is very good. I looked at everything that the law said and we appreciated what hon. George Nangale had done, and I can assure you it is a very good law. It is something that as East Africans we should be looking forward to and making sure that people realise that there are resources that we can all enjoy as East Africans.

Mr Speaker, I heard what the Council said and again I want to take a lesson from what one of the honourables, "Mr Clear Head", said. He reminded -

THE SPEAKER: Hon. Mmari, we do not have anybody called "clear head" here. (*Laughter*)

MS MMARI: I have taken that out, Mr Speaker. It was not said by hon. Ogalo; the person who said that is looking at me. It was a cue about marriage.

Most of us here are married. I have been married for 38 years. I saw this young man and I thought he was the best among the lot, and indeed he is. But the secret of living for 38 years and very happily married is simply because we agree on every issue that we plan and undertake. As I said before, this is a very good law and I do not think there is anybody here who is going to say that we should not pass it. We will pass it, but when somebody has reservations, like the ones that were raised by the Council, it is something that we have to think about.

When I got married, we decided we were going to have children but I did not at any one stage say I was going to take fertility pills so that I can have six children the following morning or the following year because there is no way I could have taken care of six children. It is simply that we planned that we shall have one child this year, another child after five years, another child after 10 years and that was it. This is what the Council is raising here. (*Interjections*) Can you protect me, Mr Speaker?

THE SPEAKER: Continue, honourable.

MS MMARI: Thank you, Mr Speaker. The whole issue here is about the Council saying that there are areas that we need to clear. We have been talking of fears. Maybe there is somebody who has fears; I do not have any, but if there is anybody who has fears, and since we want this marriage to last, I think it is important that we address those fears together. Let us give ourselves some time so that we can address them.

I am sure there is nobody who will say this is not an important Bill. If we can delay it or we can give them time so that at least they can check whatever is not clear, I cannot see why not. In other words - (*Interruption*)

MR SEBALU: Thank you very much, Mr Speaker. I would like to seek clarification from my colleague, hon. Janet Mmari. You have appreciated that this is a good law and the Council of Ministers have raised concerns. The procedure that we do follow in this House before passing a law is that when you have an idea that you want to be part of the law, you make amendments. So, apart from that, what other opportunity is available for Members to deal with those concerns other than the committee stage where they are free to move amendments to reflect what they feel

should be part of the law? That is the clarification I am seeking.

MS MMARI: Thank you, Mr Speaker, and I think that was a very good observation. Actually, it is the very same person, hon. Sebalu, who brought up the issue of marriage.

The Treaty was very specific. When our founding fathers were preparing this Treaty, they said it should go in stages and decisions should be by consensus. When you talk of consensus, I know we brought in other people. For me, I will say that I am a member of this Committee and I came here to pass this because I believe it is a very good law. However, it does not stop me from listening to issues that are coming from the Floor. Out of those issues that are coming from the Floor, I now start looking at the other side, the other issues that I had not looked at.

Simply, I agree with you, Sir. The Treaty said we should move in stages. Unfortunately, when you look at the previous Community, that is why they did a lot of things in a hurried manner and they only managed to exist for 10 years. We have done things slowly. We are moving consistently and very well. We have done 10 years and I believe we will be there forever and ever and be an institution for which people will come and learn from us.

What I am asking honourable members to do is to appreciate that it is a very good law and when the time comes, we will pass it. I came today prepared to pass it but it is only after listening to other people that I am saying, "eh, let us look at those things and probably give ourselves time, probably move a clause, so that tomorrow we can look at it again."

It is only those few comments I had, Mr Speaker, but it is a very good law.

MS DORA BYAMUKAMA (Uganda): Thank you, Mr Speaker. I would like from the onset to state that I support the motion. This Bill has far-reaching effects not only for the East African Community but for Africa and the world at large. As we debate this, I know for a fact that we have colleagues even in the European Union watching and seeing how we handle this matter.

Let me start from practical experience. This Parliament facilitated the Accounts Committee to visit the Mt Elgon Ecosystem Environmental Project, otherwise known as MERECEP. When we went to this region, we discovered very amazing things. Because of the management aspect that had been included in the project to improve livelihoods, one of our colleagues from the

Republic of Rwanda said, "How I wish this kind of project could also be initiated between Uganda and Rwanda to preserve the mountain range of Muhabura", which is also home to the mountain gorillas which we share in this part of the world.

Mr Speaker, I would like to say that it is very important that we continue building on this block. If, for example, the mountain gorillas get a disease and we are not able to even work with the wildlife authority or the Republic of Rwanda, we may miss out on this particular aspect of our tourism, which is sought after the world over. So, the issue of managing the transboundary ecosystems is very important. Apart from the security aspect, as was mentioned there is the issue of food, as well as the environment and tourism and even other aspects. Even as human beings, if we do not manage this aspect, it means that we will not even be able to manage issues of diseases which may be passed on to human beings.

My second point is on the issue of land. A lot has been said, but I would like to quickly say that when you look at Article 76 of the Treaty, which provides for the issues of the Common Market, the right of establishment is provided for. Unless this has been scrapped from the Treaty, we cannot run away from

dealing with the issue of land. We need clarification and we should not confuse the East Africans.

I think the point that was made in respect to this particular aspect of land was in reference to the management of land. The legal aspect of land will be in the hands of the sovereign state. So, we should not confuse it and use it to fetter any other areas of co-operation. The Minister needs to come out very clearly and inform all East Africans that whenever we talk, we should not use the issue of land being a sovereign matter to fetter co-operation in other matters.

Mr Speaker, still on the issue of land, and I believe hon. Munya who is a lawyer knows this very clearly, there are some international principles; for example, you cannot pass better title than what you have. Secondly, if you have ownership to a title, it is explicit evidence that you are the owner. So, even if this issue of land is still governed by sovereign states, there are international principles which no one can really trespass without meeting or having to answer before the law. So, I would like to say quickly that I believe that after listening to us, this concern of land will have been done away with and that he will fully support our position.

I would like to finally say that when you look at the wider concept, this particular law which we are making is very novel. It is a model law, and I believe it will also help us manage other transboundary ecosystems including the River Nile. Right now, a lot of talk and negotiations are going on about usage of the River Nile. Some allege that it starts as a drop in the Republic of Burundi and others say it starts here in Uganda. That is not the point; the point is, if we come up with a very good law on transboundary ecosystems management, it will help us manage all the transboundary ecosystems we have in the whole of Africa and even beyond.

Look at our beaches; for example, if you have the beaches of Mombasa and you go right across to Dar es salaam, this is also a transboundary ecosystem. We have beach management units and, therefore, we need to harmonise policies on how this is done.

Mr Speaker, I would like to conclude by congratulating hon. George Nangale for bringing this up as a Private Members Bill. I believe that this august House will go down in history as having done justice to the world especially at this time when issues of the environment are a priority. I thank you.

MS SARAH BONAYA (Kenya): Thank you, Mr Speaker, for allowing me to contribute to this very important motion. I would like to start by thanking the Government of Uganda, particularly the Parliament, for hosting us very well and making us feel at home. We appreciate the hospitality accorded to us.

I consider this an important Bill because it is one of the very important Bills that the Treaty advocates for. To operationalise Article 111 and 112, we need to have a legal instrument, and I think managing our natural resources and ecosystems is a very important approach towards waste in the region. As a region, we have come together not because we had much choice but in the face of the globalised world, we feel that we have been left behind in so many instances and we have been left to beg from the international community. Once we are actually faced with managing our resources well, we will actually reverse the trend and maybe be able to be the future donors. Who knows? The global world is crumbling under the economic crunch all over.

Mr Speaker, several views have been advanced and many people have said we need time for this Bill, but as the *Swahili* saying goes, "*Ngoja Ngoja utakuta mwana si wako.*" In marriage, if we do not learn to manage our own affairs in time, more so our natural resources, others already have advanced resources and they have

mapped our resources. They have actually managed and conserved our resources better than we have ever done. So, how long are we going to wait before these resources are reaped empty?

I congratulate Mr Nangale for this Bill. I say this in particular because I come from a desert location in Northern Kenya that is actually the home to the earliest man ever discovered by Dr Richard Leakey. Today, that habitat is a desert. Lake Turkana, which borders the area, is receding and is actually heading for a very serious disaster. It is drying up because Ethiopia on the other side has made a very big dam, which will harness water on the other side for electricity. This means that with time, Lake Turkana will die and the first habitat of mankind will also go with it. So, if we take time delaying, giving excuses as usual basing on our very selfish issues, I think we will end up causing disaster and we will deprive our future generation of very important resources.

Mr Speaker, as we are working towards a political federation and we are trying to work on removing our borders, if the Bill is read it should be, "The East Africa Ecosystem and Natural Resources Management Bill". We do not need to put "transboundary". What boundaries are we talking of?

We have been talking of sovereignty and have protected our assets with the military, which has been protecting hunger and poverty over the years. We need to come together and join hands and protect even those resources within those states. With Uganda, for example, they are going to get oil. It is going to be a big problem for them because the international community will be interested and there are so many other interested parties. If we do not take interest to manage together that resource, much as it is in one state, we will have conflicts like we have in Nigeria and other states.

So, I think other than the transboundary ones, we need to protect resources like Lake Turkana, the wind projects in North Kenya where I come from, the solar energy project which is being undertaken in northern Kenya and many other parts of the region. We need to go beyond trans-boundary and look at all those big resources which will enrich us as a region but which will attract a lot of interest and conflict in the region.

I support the motion. It is our duty to nurture, protect and conserve what nature has blessed us with. We have a duty and moral responsibility to do that. I think the Council of Ministers will agree that this is one of our escape routes from poverty if we learn to manage our natural resources. Let us not

waste time. Please, let us manage our resources responsibly and be able to secure the future of our children. Thank you.

MR CHRISTOPHE BAZIVAMU (Rwanda): Thank you, Mr Speaker. First of all, I would like to thank the Government of Uganda for the warm hospitality we have had and continue to enjoy till now.

I rise to support the Bill because I find it very important. I want to highlight that on my part, transboundary ecosystem management is a very important issue. The reasons have been given. I think this Bill is another way of promoting Partner State collaboration and East African Community integration.

I have read the Bill and I find that it is good enough. In addition to what is contained in this Bill, I think that it is important and helpful to stipulate in Article 16 that the environmental impact mitigation plan has to be budgeted for and that the budget has to be an integral part of the related proposed project. It is also important to make it clear that a project without a budget for mitigating these environmental problems or negative impacts cannot be eligible.

Mr Speaker, I support the motion. Thank you.

MR ISSA NGENDAKUMANA (Burundi): Thank you, Mr Speaker. I wish first to say to Uganda and the Ugandans, *mwebale, mwebale nnyo* for your hospitality - (*Laughter*) - and I am wishing all of them a happy new year. I also wish to congratulate the mover of this Bill, hon. George Nangale, and the chairperson of the Committee on Agriculture, hon. Safina Tsungu, on having led us to conclude this Bill.

I wish to add my voice to those of my colleagues who support this Bill. This Bill, I think, is very important because it is about peace. We know that from ancient times up to today, the competition over utilisation of resources is one of the drivers of conflicts. When in a shared ecosystem resources are differently used by many stakeholders, it leads to conflicts. This is because such ecosystems many times contain valuable or vital resources such as water, fauna, flora, minerals, oil and gas. Therefore, to enact this law on transboundary ecosystem management is to increase the original peace potential.

This Bill is also very important because it is about justice and inter-generational solidarity. Partner States have sovereignty over natural resources but sovereignty must be exercised under control of law. One State cannot undertake any action from which

harm can result to other Partner States or human settlements or the shared ecosystems.

Furthermore, we inherited those ecosystems from our parents and ancestors. It is natural to enjoy them sustainably for our own wellbeing, keeping in mind that other generations of East Africans to come after us as well have rights to those resources. We should act wisely and responsibly as if the resources we are enjoying today or intend to enjoy tomorrow are a borrowed thing that we have to return to the owner, the coming generations of East Africans.

Mr Speaker, this Bill is very important because it is about a great historical responsibility we have as East Africans. Universal history names our region as the cradle of humanity. It is a heavy responsibility vis-à-vis the rest of the world. It is impossible for us to retain all the ecosystems we have in their pristine state, but we have to do all that is possible to keep them clean, healthy and ideally we should even make them better than we found them. This is very important especially when we are branding the East African Community as a tourist destination.

This Bill, in my view, comes to fix norms allowing us to harness wisely and responsibly our resources for the satisfaction of our needs without compromising the requirements I mentioned here above. For these reasons, I support this Bill. (Applause)

MS VALERIE NYIRAHABINEZA (Rwanda): Thank you very much, Mr Speaker. Since this is my first time to stand, let me thank the people and the Government of Uganda, and in a special way the Uganda Chapter of the East African Legislative Assembly, for the warm hospitality accorded to us since our arrival. Let me also take this opportunity to thank the Government of Uganda for having given an award to His Excellency Paul Kagame in recognition of his great contribution to this country and the people of Uganda.

Back to the Bill, I do not think I have much to say because many of the aspects I wanted to put forward have been mentioned and highlighted by those who spoke before me. However, since I was given the Floor, I will say that this is a very important Bill simply because it is in line with the Treaty. It is operationalising the articles that are well highlighted in the Treaty. Since they are not contradicting the Treaty, I think all of us should be in support of this Bill.

I want to give an example, which should eventually lead us to support this Bill, even for those who seem to have a contrary view. Yesterday, we had an opportunity to be given a brief by the DSGs and the Director-General in charge of Customs and Trade. He spoke about cross-border trade. We have the responsibility as East Africans, as leaders of the East African Community, to protect the people living near the borders who are crossing borders so that they can do business with their counterparts on the other side.

Mr Speaker, I take this opportunity to thank you sincerely for having organised such a brief. We were told that the department dealing with customs and trade organises cross-border markets so that people living near the borders enjoy co-operation between themselves and their counterparts on the other side, and yet those people are living on this so-called land which has now become a big issue. I do not think we have to spend any more time in dealing with that. Even if it is said that the issue was left for the Partner States to take a decision on it, I do not think it should be so.

I will go back to the concerns that have been raised by the honourable Minister. Though they are valid in a way, I do not think - First of all, he mentioned one aspect that the

commission that is going to be established is going to interfere with the existing national structures that deal with ecosystems management. I do not think this is so. In the text we were given, it is mentioned that it is going to establish a liaison with the private sector, intergovernmental organisations, non-governmental organisations and governmental agencies of other states outside the Community on issues relating to management of transboundary ecosystems.

Also, the very structure that is going to be established at the level of East Africa is going to initiate policies and legislative proposals, standards, and guidelines on transboundary ecosystems in accordance with this Act and in line with the provisions of the Treaty. In my view, I do not think it will interfere. On the contrary, it is going to work closely with the existing structures in our Partner States dealing with ecosystem management.

Mr Speaker, I do not think I have to say too much because it has been well articulated by those who spoke before me. I implore each and every one of us to support this Bill because it is in line with the Treaty. If we are supposed to operationalise the Treaty, I do not think we should leave any aspect behind. Thank you very much.

THE COUNSEL TO THE COMMUNITY (Mr Wilbert Kaahwa): Thank you very much, Mr Speaker. I stand here in my capacity as Counsel to the Community for purposes of enriching the Bill currently before the august House. Before I make my contribution, allow me also to thank the Government and the people of the Republic of Uganda, the Parliament of Uganda and you, the Rt Hon. Speaker of the East African Legislative Assembly, for having enabled we, East African parliamentarians, to have our meeting once again in this beautiful city of Kampala. *(Applause)*

I must also take note of the fact that during our meeting we were happy, once again, to be addressed by two members of the Summit including the chairperson of the Summit. I also note that during this time Uganda was also hosting, for the third time in two months, another member of the Summit, President Paul Kagame, and also the Chairperson of the AU Summit, President Nguema.

Mr Speaker, I now come to you. It is with pleasure that I warmly congratulate you upon having been meritoriously awarded the Moran of the Golden Heart of the Republic of Kenya. *(Applause)* I surmise that this was in recognition of your ability as a Moran to carry the Treaty for the Establishment of the East African

Community as your shield and the decisions of the Legislative Assembly as your spear. (*Applause*)

On another pleasant note, I warmly congratulate my dear sister, hon. Nusura Tiperu, upon being blessed with a baby boy. (*Applause*) For me every time a person I know gets a baby, I feel very happy, unlike some of my countrymen who make unnecessarily big issues of such a blessing.

On a sad note, I express my deepest sympathies to our dear friend, hon. Clarkson Othieno Karan, who towards the end of last year lost his dear daughter, Brenda. You recall that this was a very trying period because it was a period when hon. Karan himself was indisposed. But we who read the Bible very fervently recall the words of Job to the effect that "The Lord giveth and the Lord takes away. May His Name be praised." May the soul of Brenda rest in perfect peace!

Mr Speaker, coming to the gist of my contribution, there are four areas I would like to address for purposes of enriching the Bill. The first area is with regard to conceptualisation of the very aspect which the Bill addresses, transboundary ecosystems management.

The second aspect is with regard to the institutional framework. This has been an area which has not been very clear and was one of the main reasons why the Council of Ministers sought adjournment of debate. There was the need to engage in further consultation with the relevant ministries, with the Partner States and other stakeholders. The fourth aspect is with regard to decision-making and the fifth aspect will be on settlement of disputes as provided in the Bill.

Mr Speaker, the thrust of Bill, as particularly provided in Clause 3, refers to transboundary ecosystems of the Community. I would like to persuade this august House that we should conceptualise transboundary ecosystems in the Community or within the Community. Transboundary ecosystems by their very nature may not be tangible enough to belong to the Community but of necessity they exist within the Community. During the committee stage, I intend to move amendments to enable the Bill be better conceptualised in that regard.

With regard to the institutional framework, allow me to once again state that one of the major reasons why the Council needed clarity or time for further consultation was because it appeared like the Bill did not take into account the existing institutional framework, which also relates to ecosystems. Sir,

if you will allow me, I will read from the *Hansard* of the first meeting of this session, which was held in Kigali. The Chairperson of the Council, in moving a motion of adjournment, had this to say:

"The Bill establishes an East African transboundary ecosystems commission to co-ordinate, monitor and supervise EAC policies on management of transboundary ecosystems in the EAC region including the Lake Victoria Basin. However, the Lake Victoria basin and its catchment area as a transboundary ecosystem is already under the institutional mandate of the Lake Victoria Basin Commission, which is an existing EAC institution. The LVBC also handles ecosystem management in the Mt Elgon area.

Furthermore, the Lake Victoria Fisheries Organisation exists as an EAC institution with a mandate on fisheries aspects of the same ecosystem. The relationship between the proposed East African Transboundary Ecosystems Commission under the Bill, the Lake Victoria Basin Commission and the Lake Victoria Fisheries Organisation has not been established. This gives rise to issues of parallel ecosystem management and coordination.

The creation of several bodies and agencies to take care of environmental issues and natural resources in the same or

related geographical locations is not in harmony with the letter and spirit of Chapter 19 of the Treaty, which stresses effective, cost efficient and institutional management and co-operation."

Mr Speaker, that was one of the major areas which necessitated the moving of a motion for adjournment of debate, and you will recall that earlier today, hon. Peter Munya referred to this matter. I want to propose that this is a matter which could be addressed through amendment of Clause 6 of the Bill. Clause 6 provides for the composition of the Commission and provides for eight members selected and appointed and then it lists them.

I will be proposing, during committee stage, that to address the problem of institutional framework, the House considers increasing the membership to 10; the other two being the chief executive officers of the existing ecosystems management institutions - the Lake Victoria Fisheries Organisation and the Lake Victoria Basin Commission. That kind of amendment will take care of the concerns, which were earlier raised by the Council of Ministers.

Mr Speaker, the other aspect I want to address is on decision-making by the Commission. Clause 7 (1) (m) provides that the

functions of the Commission shall be, *"to implement decisions of the Summit of Heads of State regarding the management of transboundary ecosystems."*

With due respect, that clause may not be in harmony with the provisions of the Treaty and other clauses of the Bill. According to Article 11 of the Treaty, the functions of the Summit are to give impetus and general directions to the Community. But decision-making for purposes of monitoring the programmes of the Community, and ecosystems management would be one of the programmes, is a reserve of the Council of Ministers. You will also find that in this Bill, the Commission is answerable to the Council of Ministers as a policy organ.

Therefore, Mr Speaker, during the committee stage, I intend to move an amendment to substitute the words "Summit of Heads of State" in Clause 7(1) (m) with the words, "Council of Ministers". This, pursuant to the Treaty and other clauses, is more relevant.

With regard to settlement of disputes, the Bill in its Clause 22 (2) provides for arbitration on one hand and submission to the East African Court of Justice on the other hand. According to Articles 23 and 27 of the Treaty, up to now the jurisdiction of

the East African Court of Justice is delimited to interpretation of the Treaty and ensuring adherence to the law in the implementation of the Treaty.

During the committee stage, I will therefore move the Committee to agree that we delete (2)(b) simply because we cannot amend the Treaty through enactment of this legislation by extending the jurisdiction of the East African Court of Justice. We will be comfortable with this Bill providing for arbitration, as is clearly anticipated under Article 32 of the Treaty. Whenever the jurisdiction of the East African Court of Justice is extended, and this should be soon, the ensuing Act can always be amended appropriately.

Mr Speaker, the last point I will raise is that normally when there is a proposal for the establishment of organs, institutions and such a body, there is always a feeling of discomfort as far as budgetary issues are concerned, and it is well founded. We know the sort of Partner States which comprise the Community, but then we may not be able to run from it always simply because there is a need for such institutions in given areas. To address that matter, I am glad that hon. Nangale and the Committee on Agriculture have provided for an escape clause in clause 1 (2) of the Bill.

Clause 1 (2) of the Bill says, "*This Act shall come into force on such a date as the Council may, by notice in the Gazette, appoint.*" Mr Speaker, that is an escape route because it enables the Council to address a few of these budgetary matters. It caters for the void which is always felt when there is a proposal to establish organs and institutions without addressing budgetary matters.

During the committee stage, I intend to bring to the Committee and to this House a few other amendments, which are not very substantive to require me cover during this debate. Mr Speaker, I thank you very much.

MR ABDUL HARELIMANA (Rwanda): Thank you, Mr Speaker. I stand to support the motion. I want to take this opportunity also to thank the Government of Uganda, the Parliament, the people and our colleagues in the Uganda Chapter for the good environment they set for us. Now and tomorrow, maybe until 8th, we shall be enjoying the hospitality of the good people of Uganda.

This Bill, as it was said before, is a very good one. I think it is among the best ones this House is about to vote for. Some people raised the issues of sovereignty, which I think is no

longer a big issue because there are many things, which we already left behind when we intended to come together as East Africans, as a people. We abolished the visas which were being used. We are allowing our people free movement, four or five of them. We are about to have a single tourist visa. All of these issues were part of our sovereignty but we are leaving them behind and going ahead as a people to a federate East African Community.

Mr Speaker, I think we are not learning from the calamities, which we have in the East African Community because of environmental degradation, which our people are causing. Just a few weeks ago, we lost many people in Dar es Salaam because of the floods which attacked the city. A few months ago, we lost many people in Bududa somewhere in eastern Uganda. A few days ago, we had a drought somewhere in Kenya which killed people. We lost people in Burundi and Rwanda because of the heavy rains, which I think overlapped the usual rains. I think these were good lessons for us to come up with a Bill like this one so that we can manage the issues.

Mr Speaker, if you look at the title of the Bill itself, it says, "Transboundary Ecosystems Management Bill." We just want to manage. If you look at clauses 8 and 9, among others, they

are talking about the managers of this law once it is enacted. Clause 8(1): *"The national environment management authorities in the Partner States shall be the national trans-boundary ecosystem management focal points."* So the Bill is not taking any powers from anyone.

Clause 9(1) says that, *"Partner States shall ensure that any person intending to use a shared transboundary ecosystem within their respective territories, or who intends to set up a project in such ecosystems, shall obtain a permit from the relevant competent authority within the partner state."* So, the sovereignty is still here and no one is taking it.

Some people talked about giving the Bill some more time. I think it started in Kigali somewhere in April last year, it was brought up again in Bujumbura in September last year and today here we are in Kampala. For how long shall we wait for it to become a law?

Mr Speaker, I beg to support.

MR LEONCE NDARUBAGIYE (Burundi): Thank you very much, Mr Speaker, for giving me the Floor. I am a member of this committee and I support the motion. I am grateful to the mover

who came with a very interesting and vital Bill not only for our region but even for the bordering region.

I wish to express my gratitude to Ugandans, the Uganda Government and the Uganda Chapter who accommodate us so well that they always surprise me with something new. This time they gave each of us a pigeon-hole, which you never see elsewhere. *(Laughter)* They are very selfless! I sometimes understand why those Burundians who came long time ago to Uganda never came back. It is because of the country and the hospitality people give here. Thank you very much. I wish they would come back but maybe they are very well off here and I understand.

When we talk about sovereignty, we talk about resources and we also talk about immigration. How many East Africans live in India? I do not want to ask the opposite question. When you talk about resources and sovereignty, I ask myself one question, and I wish those who spoke about it would ask themselves that question - to whom do the natural resources belong, the investors, the country or the people?

We should always know, whether we like it or not, that we are together for good, for better or for worse. Why? I remind you what you all know, that there is only one permanent factor in

history, and that is geography. Whether we like it or not, we will always be together and if we decide to be together for good and for the better, so be it.

I do believe that there is no perfect law for everyone but if a law is good for many, it is good for all. So, if this law is good for the majority of the people of East Africa, then definitely it is good for all. Thank you, Sir. I support the motion.

MS SAFINA TSUNGU (Kenya): Thank you, Mr Speaker, and all those who contributed to the debate. The report of the Committee on this Bill was read on 7th September in Kigali last year. Of all the speakers who have risen to speak, now 21, only three held reservations on the Bill and that was the Chair Council of Ministers, hon. Kabourou and hon. Masha.

The reservations they were raising were issues that the Committee had already considered when considering the Bill, therefore there are no issues that were raised with the Committee report. The issues that were raised were on the Bill, which the Committee also had considered. I, therefore, beg to thank everybody who concurred with the Committee report and who also, by extension, supported the proposals that the Committee

had put in place to enrich the Bill which at the committee stage, I will be privileged to move. I thank you. (*Applause*)

DR GEORGE NANGALE (Tanzania): Mr Speaker, I want to take this opportunity to thank the Assembly for the contribution, which has been made to this Bill.

In September last year, when we moved for the Second Reading for the first time, the Council of Ministers pointed out some seven critical issues which they thought they were going to seek engagement for consultation. As the mover of the Bill, may I address some of those issues one by one.

I will start with the issue of institutional framework. It is true that the Bill establishes a commission mainly to coordinate, monitor and supervise EAC policies in the management of transboundary ecosystems in East Africa, including Lake Victoria and its basin. Lake Victoria and its basin is a transboundary ecosystem already under the institutional mandate of the Lake Victoria Basin Commission. We also have the Lake Victoria Fisheries Organisation whose mandate includes fisheries aspects on the same ecosystem. The Lake Victoria Basin Commission also handles, as we know, the eco-system management around Mt Elgon.

Mr Speaker, the Bill provides a relationship between the proposed commission and other transboundary ecosystem management bodies, including the Lake Victoria Basin Commission and Lake Victoria Fisheries Organisation, through the functions of the Commission as stipulated in Section 7(1)(i), (j), (k), (l) and (m). I support the proposal put forward by hon. Kaahwa that in order to improve this link, it would be appropriate to include the chief executives of these other transboundary ecosystems management bodies in the Commission as well.

Mr Speaker, the spirit of creating a central body for coordinating management of environmental issues and natural resources, such as the one proposed by this Bill, is in line with Article 111 and 112 of the Treaty for the Establishment of the East African Community. It enjoins Partner States to cooperate on all issues of environment and natural resources management.

We have seen this happening now, but you will recall when this Assembly was deliberating on the East African Customs Union Management way back in 2004, the Assembly was very clear that we need a central body to co-ordinate the issue of customs but by then the Partner States did not accept that particular notion.

We saw yesterday that efforts are now being done to come to a body which will have a regional customs territory, and that has been the spirit of the Assembly from the beginning.

Mr Speaker, the inclusion of the private sector and civil society representation in the Commission reflects the very nature of our current East African Community arrangement, which is people centred and private sector driven. As much as the EAC is an intergovernmental organisation, these governments in fact belong to the people; they are for the people and it is the people of East Africa, through their civil societies, private sector and the civil service, that should be part of the organisation and management of our institutions. So, the notion of taking out the civil society and the private sector, I think, needs to be reconsidered.

I want to clarify that the national environmental management agencies - in some countries called authorities and in others councils - are provided for by Section 8(i) of the Bill. These are the bodies that would be the national focal points as far as the national transboundary ecosystems management is concerned.

As for the modalities through which the Commission will discharge its responsibility, section 6(i) provides for the

director responsible for environment at the EAC Secretariat to be its secretary. We all understand that currently at the Secretariat, we have very few staff who are managing different disciplines and portfolios, including environment. So, through this docket, it might be necessary for the East African Community Secretariat to employ more people to deal with these important issues of environment.

The second issue is the conceptual scope. The Bill does not only emphasise the protection of the environment alone but it also addresses the issues of human development provided by the employment of strategic environmental assessment, environmental management plans, environmental audits, through amendments which will be moved by the Committee.

The Committee did realise some of the errors in the Bill, including indicating that we are talking about the ecosystems of the Community. I want to correct that. We have corrected it in the Committee that actually these ecosystems are in the Community and not of the Community.

Issue three is about the transboundary national issues. Mr Speaker, the Bill specifically addresses the obligations of the Partner States through Section 9. This is very important because

the East African Community belongs to the Partner States. So, the Bill has dedicated the whole of Section 9 to address the obligations of the Partner States.

Since the Committee's principle of asymmetry recognised the different levels of industrial development or any other development among Partner States, I will welcome amendments which address such scenarios.

Issue four is on conflict with the Common Market. I want to say that I do not prescribe to the notion that by placing transboundary ecosystems under the management of EAC, the Bill goes against the Common Market Protocol. Lake Victoria, as some of you have said, is about land and water development and it is about environmental management as well despite the existence of the Common Market Protocol.

Mr Speaker, this Bill is about coordination of ecosystems management and activities, and it also deals with streamlining the environmental impact assessment procedures. It is not about ownership of land or ecosystems. I think I should make this very clear - it is not about ownership of land or ecosystems. It is about streamlining management of activities and streamlining these activities so that whatever is on the land, water,

wildlife etcetera are there for the betterment of our people of this generation and future generations to come.

Issue five is on the financial obligation. Mr Speaker, the Bill may create a charge on the East African Budget and that is why in Section 1(2) of the Bill, it provides for the Act to come into force on such a date as the Council may appoint. As for the EAC costs, the governments, as any other stakeholder in environmental management, have the obligations of bearing such costs.

Issue six, the scope of EIA; Mr Speaker, the Bill does not restrict itself to environmental protection alone as the Council suggests. In fact, I would welcome an amendment which addresses the EIA beyond what is provided in this Bill.

Issue seven is on conflict transboundary areas. Mr Speaker, the Bill provides for settlement of disputes, and again I welcome amendments which will include existing disputes as the Council suggests. Hon. Kaahwa did mention some of the issues, for example, the issue of taking the dispute to the East African Court of Justice. I agree that it is a repetition of the previous article where arbitration can be taken to the East African Court of Justice.

Mr Speaker, I want to conclude by emphasising that the Bill is not about environment and natural resources alone. It is also about security, as one of the honourable members said. Most of the world's conflicts today - some people may argue the Iraq war, the Libya crisis - to me and to many people are about resources and equitably benefiting. Providing a mechanism to resolve and deliberate on the impact of the intervention of trans-boundary resources in any of our countries will ensure that we continue living in harmony and dwell in the much needed development ventures in our region. Let us deliberate on this landmark Bill and pass it.

Mr Speaker, I want to thank all those who contributed, and I would like to mention them: hon. Safina Kwekwe, the Chairperson of the Committee; hon. Patricia Hajabakiga, former Minister of Environment in the Republic of Rwanda for her contribution; hon. Akhaabi, hon. Nakuleu and hon. Kabourou, I respect his views.

Hon. Lotodo, hon. Lydia Wanyoto, hon. Sebalu, for articulating very clearly the role of our relationship and how we can, as countries, come together and harness the resources we have. Hon. Catherine Kimura, hon. Bilal, hon. Mmari, hon. Dora Byamukama, hon. Sarah Bonaya, hon. Christopher Nakuleu, hon. Mugisha, hon.

Valerie, hon. Hafsa Mossi, who actually moved the seven issues; I just addressed them.

Hon. Peter Munya, who put very clearly the question the Council of Ministers had; and hon. Kaahwa for providing the different legal aspects and provisions on which he is about to move amendments. I do not want to forget hon. Abdul Karim and hon. Leonce for his very fruitful contribution. Mr Speaker, thank you very much. I wish that we continue deliberating on this Bill and pass it. Thank you!

THE SPEAKER: Honourable Members, I now put the question that "The East African Community Transboundary Ecosystems Management Bill, 2010" be read for the Second Time.

(Question put and agreed to.)

(Motion carried)

THE SPEAKER: Honourable Members, I think we are getting close and I think it is time for lunch. I now suspend the House until 2.30 p.m. We will be back here at 2.30.p.m.

(The House was suspended at 12.40 p.m.)

(On resumption at 2.40 p.m., the Speaker presiding_)

THE ASSEMBLY IN COMMITTEE

(The hon. Abdi H. Abdirahin in the Chair)

BILLS

COMMITTEE STAGE

THE EAST AFRICAN TRANS-BOUNDARY ECOSYSTEMS MANAGEMENT BILL, 2010

Clause 1, agreed to.

Clause 2

MR MUNYA: Mr Chairman, I would like to move an amendment to Clause 2. We want to include, in the definition clauses, the following new definitions - these are additional terms that were supposed to be defined but were not defined in Clause 1:

- "Audit Commission" means the audit commission established under Article 134 of the Treaty.
- "Country of impact" means the Partner State which a project originating from another Partner State may impact

- "Country of origin" means the Partner State where the project, which will impact on trans-boundary ecosystems, originates.

These are just additional terms that are not defined but are in the Bill. Thank you, Mr Chairman.

DR NANGALE: Mr Chairman, I agree with the changes.

MS TSUNGU: Mr Chairman, I wish to move the following amendments to Clause 2:

- We define "developer" as a person who executes a project or an activity in the Community as established by Article 2 of the Treaty.
- "Ecosystem" means a dynamic complex of plants, animals and microorganism communities and other -

THE CHAIRMAN: Sorry, which one is the second one? Which one are you reading now? You said developer first and then?

MS TSUNGU: Developer, community-

THE CHAIRMAN: They are not in the order in which you listed them here; that is why I am getting confused. Continue.

MS TSUNGU: I am moving amendments as follows:

- Define "Community", which means the East African Community established by Article 2 of the Treaty.
- "Developer" means a person who executes a project or an activity.
- "Ecosystem" means a dynamic complex of plants, animals and microorganism communities and their non-living environment interacting as a functional unit.
- "Environment" means the environment as defined in the Treaty.
- "Environmental audit" means a systematic documented periodic and objective evaluation of how well environmental organisations, or a facility management and equipment, are

performing in managing the environment and natural resources.

- "Permit" means a document issued by a competent authority authorising the environmental impact assessment.
- "Person" means a natural or legal person.
- "Polluter" means any person who engages in activities, which are hazardous to the environment.
- "Project proponent" means a person who initiates a project or an activity.

We are also replacing the definition of "transboundary impact" with the following definition: "Trans-boundary impact means any impact within an area under the jurisdiction of a Partner State caused by an activity the origin of which is situated wholly or in part within the area under the jurisdiction of another Partner State." I beg to submit.

DR NANGALE: Thank you, Chair. I accept the amendments moved by the chair of the committee.

Mr Chairman, the clerk is bringing something to my attention. I think there is an issue there when you say "country of impact" and "area of impact" in the definitions. I think the minister called it "country of impact" and you have called it "area of impact". Is it the same thing or is it different? The definitions are similar.

MR MUNYA: Mr Chairman, our amendment is in relation to what is referred to in Clause 17(2), which refers to the country of impact. That is why we are amending it to read "country of impact". Clause 17 refers to the country of impact and not area of impact.

MS TSUNGU: Mr Chairman, I did not provide a definition for "area of impact" because the Bill already had "area of influence" etc. What I am proposing is rephrasing the definition of "transboundary impact", which is the second last definition in Clause 2. That is what I am rephrasing. Thank you.

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

(Question put and agreed to.)

Clause 2, as amended, agreed to.

Clause 3

THE CHAIRMAN: Honourable Members, I put the question that Clause 3 be part of the Bill.

MR MUNYA: Mr Chairman, I propose that we add a residual clause, which we would call (k), which would read as follows: "Promote such other activities incidental to or necessary for the achievement of the objectives of this Act." This is usually a clause that is intended to allow other activities that are related to what the Bill is intended to achieve to be done without bringing the Bill for amendment.

DR NANGALE: Mr Chairman, I accept the amendments moved by the Council of Ministers. It is important.

MS TSUNGU: Mr Chairman, I move an amendment to Clause 3, and I beg your indulgence because I am amending almost every paragraph.

I am proposing that we rephrase Paragraph (a) to read:
"Establish an institutional framework for the co-ordination of the management of transboundary ecosystems within and among Partner States."

Insert in paragraph (b) the words, "and harmonise" after the word, "establish", and replace the word, "of" in the last line with the word, "in", so that it is "in the Community."

Paragraph (c) remains as it is.

Rephrase paragraph (d) to read, "Determine and restore degraded transboundary ecosystems and where possible reverse the degradation of natural resources in those ecosystems."

Paragraph (e), replace the word, "of" in the last line with "in".

Paragraph (f), delete the word "communities" and insert after the word "ecosystem" the words "in the Community".

Paragraph (g), delete the word, "significantly" because this is a subjective term.

Paragraph (h), insert the word "that" after the word "ensure".

I submit.

MR MUNYA: I had two more amendments for 3(d). I want to add the word "within" between the words, "resources" and "those". So, it would read, "Reclaim the lost transboundary ecosystems and where possible reverse the degradation of the natural resources within those ecosystems."

Clause 3(g), add the word, "impact" between the words, "environmental" and "assessment". So that it reads, "Require prior environmental impact assessment of proposed projects or activities which may significantly affect the environment or use of natural resources in transboundary ecosystems."

THE CHAIRMAN: Honourable Members, I think we will get confused given the way we are going. Maybe we will have to go one by one from now on. I can see that hon. Safina has amended something and now the Minister is amending what was already there, and now we are confused as to what is being amended. You get what I am saying? So, first of all, do we have any problems with (a)? Let us go one by one; it is easier that way. Do you have something on (a)?

MR BAZIVAMO: Thank you, Chairman. I was comfortable with the former (a). For an amendment to say the framework is about coordination only, I think, is not correct. When you say "coordination of management", you limit yourself. I think what you are speaking about is a framework for the whole management and not only for coordination. Thank you.

THE CHAIRMAN: Honourable, next time you want to pass an amendment you have to write it and bring it here. I think you should read the rules. I do not know whether we will take your amendment; maybe write something and bring it.

Mheshimiwa Nangale, what do you think of (a) as moved by hon. Safina?

DR NANGALE: Mr Chairman, I have listened to the amendment moved. The proposal by Chris that -

THE CHAIRMAN: That is not on the Floor. I told you on Mheshimiwa Safina's amendment. He has not written and brought that one here. Are you okay with hon. Safina's?

DR NANGALE: Yes, I accept all the amendments moved by -

THE CHAIRMAN: Not all, I am only asking for one now.

DR NANGALE: Yes, I accept it.

THE CHAIRMAN: Then there is (b)

MRS ZZIWA: The clarification I want to seek arises from the objective. I think hon. Christopher -

THE CHAIRMAN: Mheshimiwa, I already ruled on that one. Do you have anything else?

MRS ZZIWA: No.

THE CHAIRMAN: Thank you. On (b), Mheshimiwa Nangale?

MR MUNYA: Mr Chairman, I accept the amendment moved by the chair of the committee.

THE CHAIRMAN: There is (d), which was moved by hon. Safina and now amended by the Minister. I do not know what it actually reads now.

MR MUNYA: Mr Chairman, we agree with hon. Kwekwe's amendment. We only would like to put the term "within" instead of "in" so that it reads, "...the degradation of natural resources within those eco-systems."

MS TSUNGU: I think it is in order.

DR NANGALE: Mr Chairman, it is in order. Thank you.

THE CHAIRMAN: Hon. Nangale, proposal from hon. Safina on (e)?

DR NANGALE: Mr Chairman, I accept the proposal by the chairperson of the committee.

THE CHAIRMAN: Hon. Nangale again, the proposal from hon. Safina on (f)?

DR NANGALE: Mr Chairman, I accept the amendment by the chair of the committee.

THE CHAIRMAN: On (g), hon. Minister, you can see what hon. Safina has done and you are proposing something else. Correct? She said delete the word "significantly". Hon. Nangale, I think

the Minister also moved an amendment; what do you think of the amendment by the Minister?

DR NANGALE: Mr Chairman, I accept the changes by the chair of the committee since it does not contradict with the Minister's.

THE CHAIRMAN: On (h), hon. Nangale?

DR NANGALE: I accept the changes by the chair of the committee.

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

(Question put and agreed to.)

Clause 3, as amended, agreed to.

Clause 4, agreed to.

Clause 5

MS TSUNGU: Mr Chairman, I propose that under the heading of Part II, between the words "African" and "Transboundary", we insert the word, "Community", so that it reads, "Management of the East African Community Transboundary Ecosystems". So, 5(1) reads,

"There is established a commission known as the East African Community Transboundary..."

DR NANGALE: Mr Chairman, I accept the changes moved by the chair of the committee so long as the word "Community" is in capital letters.

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

(Question put and agreed to.)

Clause 5, as amended, agreed to.

Clause 6

MR MUNYA: Mr Chairman, I need to move an amendment to Clause 6(1) to delete "eight" and replace it with "10", so that it reads: "The Commission shall be composed of 10 members selected and appointed as follows..." We then insert a new (b), which will read: "Executive Secretary of the Lake Victoria Basin Commission and the Executive Secretary of the Lake Vitoria Fisheries Organisation." That will be a new (b) so that the current (b) will be (c), the current (c) will then be (d) and (d) will be (f).

THE CHAIRMAN: Hon. Safina, did you also have an amendment?

MS TSUNGU: Mr Chairman, am I moving on the one of the Committee or responding to the one of the Council?

THE CHAIRMAN: Yours.

MS TSUNGU: The committee recommends that we amend 6(1) by replacing "eight" with 10, so that the Commission shall be composed of 10 members appointed as follows - We then have a new (d) and (e) which reads: "(d) One person representing research institutions", and "(e) One person representing the academia." I submit.

THE CHAIRMAN: Hon. Members, I do not know if you remember, but during the debate it was moving from eight to 10 and the two people that the Council was proposing were from the Lake Victoria Basin Commission and Lake Victoria Fisheries Organisation. Now the chair of the committee is talking about two different people. Are we going to have 12, are we having the same thing or are we going to compromise on our caveat?

MR KAAHWA: Mr Chairman, the proposed amendment on clause 6 was largely formed by the need to represent existing institutions of

the Community within membership of the Commission. That is why we are proposing that within the membership, two more be added, that being, (b) Executive Secretary of the Lake Victoria Basin Commission, and (c) Executive Secretary of the Lake Victoria Fisheries Organisation.

Looking at the functions and activities which are carried out by these institutions according to the constituency instruments that set them up, you will find that they cover research and also matters of academic interest pertaining to the discharge of their obligations. To that extent, research institutions and the academia are more or less covered. Therefore, I would like to persuade my honourable friend that we do not further include representatives of the research institutions and academia, which will make the Commission have a very unwieldy membership. Thank you, Mr Chairman.

MS HAJABAKIGA: Thank you, Mr Chairman. I want to urge my colleagues, the committee members and mover of the Bill, that since the Council has amended so that we can have 10 people coming from the very important institutions, we keep them and we do away with the committee amendments in which we are to add the academia and research and have 10. So, we keep 10 including the

ones as amended by the Council and omit our own, the academia, taking into account the same clause at the end.

I cannot read that clause right now but it says that the Commission can co-opt any expert when they want. This means if they really need someone for issues of research and academics, then they can co-opt as far as Clause 6 (3) is concerned. Thank you, Mr Chairman.

MR OGALO: Thank you, Mr Chairman. It appears that we have two amendments in that respect. I suggest that we dispose of each of them separately, beginning with the one which was the first. So, I would propose, Mr Chairman, that we debate the one of the committee, make a decision on it and then be able, if necessary, to proceed to the next amendment.

MR MASHA: Mr Chairman, mine is not an amendment or a comment on the amendments. I just want to seek clarification from the movers on whether they have given thought to how they will get a representative of civil society organisations, knowing especially that most civil society organisations are one or two issue organisations and some may not even be organised in any format.

Have they given thought to how they will get representatives of civil society organisations in each of the Partner States or in the five Partner States? It is not even quite clear if it is one from each Partner State or from all the Partner States. Have they given thought about how they will get those persons?

MS BYAMUKAMA: Mr Chairman, I would like to add my voice to hon. Masha's. Apart from that one representative from civil society organisations, the one representative from the private sector may also pose a challenge. Since this is supposed to be for management, I propose that-

THE CHAIRMAN: Hon. Members, right now we are at committee stage. We debated the Bill and this should have come up during debate.

MS BYAMUKAMA: I am proposing that we delete (b) and (c).

THE CHAIRMAN: Then write it and bring it because we have debated and those things should have come up during debate. Right now we are looking at amendments, which are brought by the Committee and by the chair. Maybe before we debate, we can ask whether the committee is withdrawing theirs in favour of this one or whether we continue with the committee's proposal. Hon. Tsungu, do we continue with it or do we want it amended?

MS TSUNGU: Speaking about the amendment itself-

THE CHAIRMAN: Yes, that is what I am saying. On the two, you have suggested 10 but you are saying that they should be from research and the academia while I think the other proposal from Council talks of Lake Victoria Basin Commission and Lake Victoria Fisheries Organisation.

MS TSUNGU: The possibility of co-option, I think, is okay.

THE CHAIRMAN: We are not talking about co-option.

MS TSUNGU: What I am saying is that since the same clause under 3 provides for the provision of co-option, then it is okay. I can drop the amendment of the Committee.

THE CHAIRMAN: She has not put it on the Floor, so it is not there. Hon. Nangale, do you take the proposal of the Minister?

DR NANGALE: Mr Chairman, I accept the amendments moved by the Council of Ministers to incorporate the Executive Secretary of Lake Victoria Basin Commission and the Executive Secretary of

the Lake Victoria Fisheries Organisation as part of the Commission. Hon. Masha asked for clarification-

THE CHAIRMAN: Hon. Masha did not ask for anything. He just talked. He should have talked earlier. (*Laughter*) Now I think hon. Byamukama has beaten the bell. I now have an amendment from hon. Byamukama, which I propose that she moves.

MS BYAMUKAMA: Mr Speaker, I beg to move that Clause 6(1)(b) and (c) be deleted. The justification for this is that this commission, which is accountable to Council, is supposed to handle the task of management. Therefore, this one representative from the private sector may be one of those that can be co-opted if they want to make consultations on any issue of management. This can also be the case for the civil society representative, depending on the issue.

I would like to propose that bearing this in mind, in addition to the mode of appointing this one representative of the private sector and civil society not being clear, we are better off having the heads of the national environmental agencies from each Partner State. This will help us with harmonisation and management as well as what has been proposed by the Council of Ministers. I beg to move.

THE CHAIRMAN: Hon. Masha can talk now.

MR MASHA: Mr Chairman, I thank you for allowing me to talk now. Let me say that the way it is put here, for example, (c), the one I was commenting on, talks of one representative of civil society organisations. We are talking of five countries and each country has civil society organisations and there are a lot of them. Some of them focus only on one issue depending on what they are interested in. What is the process of getting this one person who will represent all these civil society organisations in five countries?

What I suspect is that this was intended to involve all those interested parties in the Community to be able to have an input into the management of this. However, this can be done through an advisory system rather than through direct involvement in management as indeed hon. Byamukama is saying.

So, I would suggest, because of the difficulty of getting this one person and the possibility of paralysing the work of this commission because of the lobby tactics of issue groups, that we delete this. Perhaps if the mover is interested, we can then

find a way of involving, on an advisory basis, some of these civil society organisations. Thank you.

MR LOTODO: Thank you, Mr Chairman. I just want to say that under 6(b) and (c), if you look at the composition that we have of the Commission, we do have heads of national environmental agencies and also we have agreed that we are going to put the proposal from the Council. So, being a private sector driven treaty, I think excluding them in this commission will not be good.

I want to inform hon. Masha that all organisations in East Africa actually have regional bodies, most of them based in Arusha. Even recently, the East African Community included the East African Business Council in the Council's meetings. So, it should not be difficult for them to participate in this area.

MR MUNYA: Mr Chairman, even though I appreciate what hon. Lotodo is saying in terms of involvement of the private sector and civil society, the Treaty already provides for a forum where civil society and private sector views can be processed and then channelled into various institutions of the Community. The Council is already in the process of finalising and formalising that structure. So, civil society will be taken care of in that

forum instead of having them directly participating in the Commission.

In any case, if you wanted to co-opt the private sector and civil society, you can do it under (3), where the Commission is allowed to co-opt whoever it feels will provide useful information in the work of the Commission. So, it might not be necessary to again provide for their representatives here, where you already have provision for co-option because you might want to co-opt different experts at different times depending on your needs.

THE CHAIRMAN: Hon. Nangale, now it is the issue of deletion of the two.

DR NANGALE: Mr Chairman, I support deleting the representative of private sector and civil society for the reason that they may be co-opted under item No.3. So, that means that the Commission remains eight (8).

THE CHAIRMAN: Honourable Members, instead of putting numbers, because as you know we already have other Partner States who want to join the Community, why don't we say, "it should be composed of the following"? We can then just get those that have

it, so that tomorrow we do not have to come to amend this law again. I was just giving a suggestion. I cannot move it.

MS BYAMUKAMA: Mr Chairman, I would like to propose that we say, "The Commission shall be composed of..." and then we can go on to say, "heads of national environmental agencies, one from each Partner State", without putting a number.

Further still, since you have given me the Floor, I was thinking that instead of leaving out civil society and the private sector explicitly, when we come to (3), like the mover of the motion said, we could say, "...may co-opt civil society organisations, private sector and experts." Thank you.

THE CHAIRMAN: I think "co-opt" will work, and you have not brought it here. So, honourable members, I now put the question that Clause 6, as amended, be part of the Bill.

(Question put and agreed to.)

Clause 6, as amended, agreed to.

Clause 7

THE CHAIRMAN: Honourable Members, I propose that Clause 7 be part of the Bill.

MR MUNYA: We still want a small amendment on Clause 6(i)(d). It is just a typographical error. It is supposed to be "ex-officio" and not "ex-official".

THE CHAIRMAN: Hon. Minister, since it is a typographical error, the clerk can correct it when they are finishing with that. I do not think we need to go through the process.

Honourable Members, on Clause 7, let me start with the Minister first, you guys can come later. Hon. Minister, I can see you have something on Clause 7.

MR MUNYA: Mr Chairman, we are dropping our proposed amendment on Clause 7(1)(a) because we have already included Lake Victoria Basin Commission and the fisheries representatives. So, we do not need this amendment.

MS TSUNGU: The Committee proposes an amendment to 7(1)(a) by deleting the word, "supervise" and replacing it with, "advise on", so that it reads, "Coordinate, monitor and advise on the implementation of the East African Community policies relating to management of transboundary ecosystems."

DR NANGALE: Mr Chairman, I accept the changes moved by the chair of the committee.

MS TSUNGU: Subsequently, the Committee also proposes an amendment on 7(d) so that it is rephrased to read, "Coordinate the review and approval of environmental impact assessments, strategic environmental assessments, environmental management plans, environmental audits and environmental impact assessments submitted to it in accordance with this Act."

DR NANGALE: Mr Chairman, I accept the amendments moved by the chair of the Committee.

MS TSUNGU: The Committee further proposes the following amendments:

Amend clause 7 (f) by deleting the word, "communities" and inserting, after the word "ecosystem", the words "in the Community".

Amend (g) by deleting the word, "significant".

Amend (h) by replacing the word, "of" after "eco-system" with the word "in".

Rephrase (i) to read, "Ensure that Partner States sharing transboundary ecosystems maintain a proper balance between resource development for sustainable livelihoods for their people and conservation and enhancement of the environment to promote sustainable development."

Amend (l) by deleting the word, "shared".

THE CHAIRMAN: You can stop there first.

DR NANGALE: Mr Chairman, I accept the changes moved by the chair of the committee on (f), (g), (h), (i) and (l).

MR MUNYA: I would like to move an amendment to Clause 7(1)(m) by replacing the words, "Summit of Heads of State" with the words, "Council of Ministers" so that it reads, "Implement decisions of the Council of Ministers regarding the management of the transboundary ecosystem."

MR BILAL: Mr Chairman, I would like to propose an amendment on 7(i)

THE CHAIRMAN: We are talking about (m). I thought you wanted to debate on (m).

DR NANGALE: Mr Chairman, I accept the amendments moved by the Council that instead of the "Summit of Heads of State" we put "Council of Ministers".

MS TSUNGU: Mr Chairman, the Council was reading from the same script with the committee on that amendment. So I am proposing another amendment not to (m) but a new paragraph (m) to read: "Initiate the preparation of the state of the transboundary ecosystems' report for submission every three years to the Council, which shall cause to be laid to the Assembly within six months."

MR KAAHWA: Mr Chairman, while appreciating the spirit of the proposed new paragraph, I invite the Committee to further look into it. It reads, "Initiate the preparation of the state of the transboundary ecosystems' report for submission every three years to the Council, which shall cause to be laid to the Assembly within six months."

The whole of Clause 7 is about functions of the Commission. When you legislate and say, "initiate", you give an impression that

there is another body beyond the Commission which will now prepare the report. Why doesn't the Commission be obliged, as a function, to submit a report on transboundary ecosystems management to the Council, which shall cause to be laid to the Assembly, so that you make it direct without requiring initiation and subsequent preparation and presentation?

Secondly, I would like to know how the period of three years is determined. I have had a lot of training from my friend, hon. Hajabakiga, on environmental matters. Why can't this report be on annual basis, knowing the impact and the need to manage and sustain the environment? Why can't it be an annual report, just like the Council submits annual reports on the activities of the Assembly? I thank you, Mr Chairperson.

THE CHAIRMAN: Can you propose an amendment?

MR KAAHWA: My proposal is that the new (m) reads: "Submit an annual report on the status of transboundary ecosystems management to the Council, which shall cause it to be laid to the Assembly within six months."

MS TSUNGU: Mr Chairman, whereas it would be desirable to have an annual report, realistically it may not be possible. Because

while we are asking for the state of the transboundary ecosystems report, it shall involve the status on strategic environment assessments, the environmental management plan, environmental audit and environmental impact assessment. That is a duty that we have already imposed on the Commission.

Also, seeing that the projects are envisaged to be subjected to such assessments, sometimes the assessment itself can go beyond one year. That is why we are saying three years will be more realistic. This is because then if there had been an impact assessment and a strategic environment assessment, within at least three years that would have been done. That is the rationale behind why the committee was proposing three years. However, the other amendment is okay but I only differ on the period.

MS HAJABAKIGA: Thank you, Mr Chairman. Further clarification on that matter is that to do a state of the environment report is a very technical matter and it requires enough time. We also, during the amendments, consulted the Partner States' environment laws and we have realised that their state of environment reports come once in every two years. They will be basing this particular report on what is actually being reported from the state of the environment reports in the Partner States. So, I

think that is also in consideration of the technical nature of such reports.

THE CHAIRMAN: Hon. Members, the proposal I have now is that - Oh, hon. Ogalo is now looking at me. I do not know why the CTC is now becoming the -

MR OGALO: Thank you, Mr Chairman. The practice as we know it now is that the Council of Ministers prepares an annual report on the activities of the Community, and indeed this would be one of the activities of the Community. So, it would appear that for the three years, the Council of Ministers will be preparing reports but leaving out one of the activities of the Community.

I think that I would rather go with what was suggested by the CTC about the annual report and then it can always be updated. I do not see any problem of saying, "this activity is at this stage; it is not yet completed". At least then we are kept up-to-date on all activities of the Community because an annual report on the activities of the Community is a Treaty matter. So, Mr Chairman, I would go with what the CTC suggests.

MS TSUNGU: Mr Chairman, I am not in dispute that the Council every year must produce a report. The committee is recommending

that on this particular matter of the state of transboundary ecosystems, it produces a report that, as hon. Hajabakiga said, requires technical expertise that exceeds in most cases three years and so, this particular report comes every three years. In the meantime, the Council can be updating the House on all other activities, but we need a technical report that comes from the Council every three years telling us the status of the transboundary ecosystems in the region.

MR SEBALU: Thank you very much, Mr Chairman. I am looking at the two extremes of having this report annually and having it every three years. When you have it every after three years, that means because it is ultimate, it is supposed to be presented to the Assembly. That means in a five-year period of an Assembly, you interface with this report only once and then it moves to another Assembly. I am finding problems on how then the Assembly can be very useful in impacting on some of those reports.

I am suggesting that we could have it twice - every after two years - and then it can be more or less harmonised with the partner state reports just after that, other than having it once in three years. When you look at these other bodies like Parliament, which is supposed to interface with it, in my view, it may not add value. The best case scenario would definitely be

annual. If you have done the first one, then the rest are annuals which are updating on the status, so that there is constant interaction with what is going on in this area.

I am a member of the committee and my senior colleague, the chairperson, has her views, but I am begging her to accommodate mine as well so that we move - (*Interjections*) - I am more persuaded with the annual one. If we can get the first one out of the way, then we get regular interactions so that there are regular updates.

THE CHAIRMAN: Honourable, I thought you already talked and said one year. I do not know what you will tell us differently - (*Interjections*)- three years? Oh, you are conceding? Sorry.

MS HAJABAKIGA: Mr Chairman, really I plead, unless they will just be reporting that, "we have visited an eco-system." The state of the environment report involves analysis. It goes to the level of analysing water levels, if it is a wetland. It requires technical studies. You know how long it takes to do technical studies. It is not easy. It is not something that you can do in three months and you are done. It requires you to hire experts who will be able to do it. Some of those commissioners are not even in a position to do it themselves. It requires

money, it involves a lot of things in analysing the ecosystem and how it is faring in terms of where it was the last time and where it has reached.

If you are to analyse how many animals have moved from Masai Mara to Serengeti, for example, and why, that is not something that people can do every year. I think it is just fair that we give them time so that we can get good reports. Otherwise, they will just be doing reports for the sake of pleasing the Community but they will not be really reports. Thank you.

MR MUNYA: Mr Chairman, we are persuaded by the argument of giving more time because of the nature of the reports that are required and the wide area that they are supposed to cover. Perhaps we need to provide for progress reports annually, so that you receive a complete report after three years. You can have annual progress reports that tell you the Commission has gone to this level in preparing that three-year report, so that the Community is informed on what is happening annually.

THE CHAIRMAN: Honourable Members, I think we have sometimes waited for the full term. Even the customs people would have said, "You know, the Customs Union will be ready within five years, so we cannot give you anything until after five years."

Maybe we can say that there has to be some progress report every year for them to tell us what they are doing. If we tell them three years, how do we know they are actually doing something? If after three years they say they are not ready, what do you tell them? Anyway, you are the ones to decide.

MS BYAMUKAMA: Mr Chairman, I think we are looking at things differently. The committee is looking at a status report and as an Assembly we are looking at a report, which will also give us information on the management of the transboundary ecosystems. I think both of them feed into each other. So, I think we could agree that on an annual basis we need to have a report on the management of the transboundary ecosystems. I believe this will form part of the bigger report on the status of the transboundary ecosystems.

I would like to urge the committee that even as we budget, we need to have some kind of activity-based report so that we can ascertain and monitor that what we have budgeted for, and what we anticipated this law to achieve, is being realised. So, I would like to plead with the chair of the committee, the mover and members to appreciate our position. I thank you.

MS TSUNGU: Mr Chairman, every year when the Council gives us a report, they have subheadings on what the institutions have done, on what institutions like this commission will have done. I think if it is just a status report we would want, then the annual Council reports that are already provided for in the Treaty already will provide that for us. I am begging the Members to realise that this is not a status report; it is a state of the transboundary ecosystems report.

Mr Chairman, if I can indulge you. If we have an ecosystem, which we have been observing that there is some extinction, for example, of either flora or fauna, for you to be able to determine that it is activities that are happening in that ecosystem that are responsible for that extinction, you cannot do it within one year. That is what we are calling "the state of the transboundary ecosystems". We are talking about the flora and the fauna of those ecosystems and how they are behaving within a period of time. You cannot say that within one year you can be able to say how pelicans, flamingos, plants or butterflies and everything that has happened in there is attributed to a development that is happening within the region.

The status report the Council of Ministers gives every year, where they give us what IUCEA has done, for example, will also

tell us what this commission that we are establishing, if it passes, has done. However, after three years, the Council shall cause to be laid a state of the trans-boundary ecosystems report that will explain the variations that they have been observing in the transboundary ecosystems. I beg the Members to understand where we are coming from.

THE CHAIRMAN: Honourable Members, so as to dispose of this thing very quickly, why don't we vote on it so that we can move to the next one? The committee has said three years and the other option is one year. We can vote on the one year. If that is defeated, then we go for the one of three years.

MR MUNYA: The Council withdrew its proposal for one year and we supported the three years.

THE CHAIRMAN: Then it has been withdrawn. Yes, hon. Tsungu, continue.

MS TSUNGU: The committee proposes -

THE CHAIRMAN: Before we finish that one, the only problem I have with this one is that if the Council withdraws its amendment, it means it will still read what is being read here, "initiate".

The Council cannot then withdraw if it reads that way. So, how do we go about it now?

MR MUNYA: Mr Chairman, we thought from the contribution of the chair of the committee that they were accepting that aspect of initiating. What we were withdrawing is the issue relating to the period because we were convinced that one year is not enough to prepare that kind of technical report that requires studies, and studies that require time and observations of the behaviour and of the flora and fauna. We are convinced that three years would be the right time. We are also convinced by the fact that whether we put it or not, there will be progress reports in our annual Community reports anyway, indicating what the Commission is doing.

THE CHAIRMAN: Honourable Members, I think we have discussed this issue quite substantially. Chair, up to now I do not have that amendment before me and until it is here, I will go with the original one because no one has written or sent it here by the way.

MR MULENGANI: Thank you, Mr Chairman. I want to seek clarification that possibly may guide my chair of the committee. Annually, this House will be allocating funds to these

activities that will be implementing the programmes of the transboundary ecosystems. As an Assembly, we shall demand annual reports on these budgets that will be allocated to these particular activities. So, I think requesting for progressive reports annually is not bad. If we can keep both progressive reports and then status reports after three years, I think that is very comfortable for this Committee. Because annually, we shall be allocating funds and we cannot wait for three years to look at the budget performance of that particular activity.

THE CHAIRMAN: Honourable Members, the new clause (m) as proposed by the Council should read, "Submit a report on the state of the transboundary ecosystem every three years to the Council, which shall cause it to be laid before the Assembly within six months." Are you comfortable on that amendment?

MS TSUNGU: I am comfortable, and to allay the fear that the honourable members are raising, the Bill takes care of the annual report under Clause 21. There is an annual report that has to be presented and what it contains is also detailed in that clause. Thank you.

DR NANGALE: Mr Chairman, I accept the changes of the new paragraph.

MS TSUNGU: Mr Chairman, on Clause 7 the committee proposes that where the words, "shared transboundary" appear, the word, "shared" is deleted.

On 7(2), we are proposing a new paragraph (k) to read, "Political and cultural factors". We are also proposing, as a committee, a new sub-clause (3) just after sub-clause (2) to read, "The Commission may address issues of co-operation among local communities in a transboundary ecosystem in the Community." I thank you.

THE CHAIRMAN: While the Minister is getting ready, the question is, what are these political and cultural factors, so that we can understand better?

MS TSUNGU: Mr Chairman, in the wisdom of the committee, they thought to include political and cultural factors as some of the relevant factors that the Commission shall take into account when ensuring the equitable manner of utilisation of transboundary ecosystems. Transboundary ecosystems are also the bedrock of livelihoods and livelihoods which are determined more often than not by the cultural behaviour of the communities that live along those transboundary ecosystems. Therefore, when the

Commission is ensuring the utilisation of transboundary ecosystems in an equitable manner within the meaning of paragraph 1, then the political and cultural factors should in that case be also taken into account. That was the rationale.

MR MUNYA: Mr Chairman, we are not convinced at all by her explanation because we do not understand what she means by political and cultural factors. I would think that would be taken care of by (h), which talks of the social and economic needs. Social and economic needs includes political and cultural. Social transformation includes cultural transformation, it includes political transformation. Once you have socio-economic, you are okay. When you start using complicated terms like "political" and then "cultural", you complicate issues and the implementation.

MS TSUNGU: Mr Chairman, when we were discussing this schedule of amendments, it was like four months ago so I cannot remember every argument that was advanced to this. However, transboundary ecosystems may be inhabited by individuals who have a cultural practice, say, pastoralists. For us to be able to ensure that that the ecosystem is equitably shared by those individuals, we wanted to acknowledge that there are cultural phenomenon that are in themselves transboundary. However, if it is the

conviction of the Members that social and economic needs will take care of those, then I am okay.

THE CHAIRMAN: So you concede on that one?

DR NANGALE: Mr Chairman, I accept the changes moved on 7, including conceding to remove the political and cultural factors.

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

(Question put and agreed to.)

Clause 7, as amended, agreed to.

Clause 8, agreed to.

Clause 9

THE CHAIRMAN: Honourable Members, I propose that Clause 9 be part of the Bill.

MS TSUNGU: Mr Chairman, the committee proposes to move amendments on sub-clauses (i) to (viii) as follows:

On (i), delete the word, "shared" and insert, immediately after the words "such ecosystems" in the second last line, the words "likely to impact on such transboundary ecosystems."

On (ii), delete "shared".

Amend (iii) to delete the words, "listed in Schedule 1" and replace "a significant" with the word, "an".

Rephrase sub-clause (iv) to read, "At the initiative of any Partner State, parties may enter into discussions on whether one or more proposed activities are likely to cause an adverse transboundary impact."

On (v), replace the word "party" with the words, "Partner States."

Delete and rephrase (vii) to read, "The Partner States shall take all necessary measures to prevent the introduction of and eradicate alien species of flora and fauna in the transboundary ecosystems which may have a detrimental effect on those ecosystems."

Delete (viii) and rephrase it to read, "A Partner State shall, within a period of 90 days, notify the affected Partner State, other Partner States and the Secretariat of any impact originating from its respective territory." I submit.

MR KAAHWA: Mr Chairman, I make reference to the proposed amendment listed in Clause 9(iii), to the effect that the words listed in Schedule 1 be expunged. We have to consider what the effects of that deletion will have on the whole Bill because Schedule 1 is part of this Bill. Schedule 1 is on potential activities and projects to be subjected to transboundary environmental impact assessment in the Community. Is it the proposal of the committee that this schedule, once the reference is deleted, be expunged from the Bill?

MS TSUNGU: The rationale for the proposed amendment by the committee is based on this, that the committee had proposed earlier, and it had passed, that Schedule 1 would no longer be necessary as part of the Bill and we would only have Schedule 2. Schedule 2 would, therefore, be the sole schedule. The reason is because we have given the Commission the power to determine the projects that would have to undergo environmental impact assessment and the Commission shall develop that list with the approval of the Council.

I am trying to look for where we have passed that already. There is a clause where we have given that power to the Commission to do so with approval of the Council. So, Schedule 1 does not necessarily have to be part of the Bill. The Commission would have to do that with the Council's approval.

THE CHAIRMAN: Honourable Member, are you saying that Schedule 1 will be deleted from this Bill completely?

MS TSUNGU: If we get to the end of our proposals, you will see that we are proposing deletion of Schedule 1.

THE CHAIRMAN: Hon. Member, what if the House does not agree with you to delete Schedule 1, what will you do then? Are you anticipating that the House will delete Schedule 1? What if it does not?

MS TSUNGU: That is a proposal of the committee, Sir, and it is for the House to decide.

THE CHAIRMAN: I am saying that you are anticipating something that you are not sure will happen.

MS TSUNGU: I am forced to anticipate because if I had moved amendments on deleting the Schedule before we got there, then I would have been out of order.

THE CHAIRMAN: Hon. Member, in parliamentary practice, we do not agree to anticipation.

MR OGALO: Mr Chairman, the proposed amendment will cause problems. In the first place, under our rules you cannot anticipate a provision before you come to it. So, it will be dangerous for us to deal with this position now and later on find that maybe we do not agree with it. It will not be neat. So, I would rather that it is stood over and we proceed with others and then we can deal with it when we come to the Schedule.

THE CHAIRMAN: Hon. Member, somebody is giving you a way out.

MS TSUNGU: Actually, I welcome the recommendation of hon. Ogalo because what I was referring to, we are not there yet. It is a proposal and I am sorry I thought we had already disposed of Clause 13. So, if we could - I do not remember the term you used - stand over it and then come back to it, if that - *(Laughter)*

MR MASHA: Mr Chairman, I do not have any amendment but I just want to make a comment on this Clause 9. But before I make the comment, I would like to see if I can get clarification from the movers.

I notice in this Clause 9, as indeed in Clause 8 which has already passed, we are loading a lot of functions to the national environmental agencies. We are doing this to the extent that in one of the paragraphs in Clause 9, we are asking the educational systems of the member states to include these educational systems at all levels, from first grade up to university.

Could you give me clarification as to whether indeed the national environmental agencies would be able to order - and mark you, the head of the agency is not necessarily a Cabinet Minister - ministries of education and the other ministries to change their curricula? Maybe then we need to go back and look at the level and authority of the members of the Commission to see whether indeed they can have that kind of role in their national systems. May I get some clarification on that.

DR NANGALE: Mr Chairman, the national environmental authorities are the focal points of the Partner States. This being a

governmental organisation, they might be in different ministries but they are part of the government. Since education and the issues of the curriculum are in the jurisdiction of the government, it is very clear that the focal point in the country, which is a government agency, will ensure implementation of this Act if it has to implement issues related to any sector related to the jurisdiction of this Act, including education. Thank you.

THE CHAIRMAN: Hon. Members, I would now like to call hon. Nangale's attention to the amendments. I think we said we would stand over 9(iii) until we get to it later on.

DR NANGALE: Mr Chairman, I accept changes moved by the chair of the committee with the exception of the one which we have said to stand over or something.

THE CHAIRMAN: Hon. Members, I think I will not put the question to that particular clause. We will come back to it later on. So, we will continue and then come back to it later on.

Clause 10

MS TSUNGU: Mr Chairman, the committee proposes that we amend 10(1) and rephrase it to read:

"(1) Partner States sharing trans-boundary ecosystems shall identify and designate such areas as trans-boundary ecosystems which they may wish to manage jointly.

(2) The identification and designation of transboundary ecosystems under subsection (1) shall be carried out with the knowledge of the Commission."

Under (3), we are proposing to replace the word "Schedule 2" with the words, "the schedules."

THE CHAIRMAN: Mheshimiwa, I think you are also anticipating here, from the way I look at it. So maybe we can stand over it and then we come back to it later on.

Clause 11

MS TSUNGU: Mr Chairman, the committee proposes the following: The entire Clause 11 be transferred from where it is to come immediately after Clause 7. Thereafter, insert a new sub-clause (4) and (5) immediately after sub-clause (3) to read, "Decisions of the Commission shall be by consensus", and "The Secretary-General shall convene the first meeting of the Commission."

The justification for this is that as per the Treaty, decisions are by consensus and somebody must convene the first meeting of the Commission, that is, the Secretary-General. Renumber them accordingly.

MR MUNYA: Mr Chairman, I propose to amend Clause 11(3) to read as follows: "The Commission shall determine its own procedure for its meetings."

DR NANGALE: Thank you, Mr Chairman. I accept the changes moved by the chair of the committee and I also accept the changes moved by the Council, correcting the word "notwithstanding".

THE CHAIRMAN: Hon. Members, I put the question that Clause 11 as amended now be part of the Bill.

(Question put and agreed to.)

Clause 11, as amended, agreed to.

Clause 12

MS TSUNGU: Mr Chairman, the committee proposes that in 12(1) we delete the word "shared" and in 12(2), we also delete the word, "shared". For 12(3), we delete the entire sub clause because it is a repetition. In (4), we delete the word, "significant".

DR NANGALE: Mr Chairman, I accept the amendments moved by the chair of the committee.

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

(Question put and agreed to.)

Clause 12, as amended, agreed to.

Clause 13

MS TSUNGU: Mr Chairman, the committee recommends the amendment of 13(1) to read, "Activities which have or are likely to have a trans-boundary impact within and among Partner States shall be determined by the Commission and approved by the Council as activities which shall not be carried out without an approved environmental impact assessment."

This is the reason why we are saying Schedule 1 should not be part of the Bill. Schedule 1 was providing for such activities that shall not be carried out without an approved environment impact assessment but they could be more than those. We did not want to curtail the law by providing for an exact number of such

projects that have to undergo an environmental impact assessment.

Two, we are also proposing to delete the word "are" before the word "likely". In addition, delete the words, "significant in land use and also". I submit.

THE CHAIRMAN: Hon. Members, you have heard why the committee says it wants to delete the Schedule. I can see the Minister does not have the Bill before him but they have proposed amendments on 13(1).

Honourable Members, I would like to give a suggestion. The problem comes when you give the Council of Ministers to approve the regulations. We had it for the Customs Management Act and it took them three years before they brought these regulations to pass. I think there was another Bill we passed again and we allowed them to do the same and they took forever to bring regulations.

Why don't we perhaps put a time limit on when the regulations should be on board? You will have a problem whereby the Council wants to frustrate this commission and it will never approve.

Those are just suggestions; I am not debating or anything. I am thinking out loud.

MR AKHAABI: Mr Chairman, I think the issue of regulations is really for the policymakers. I know that there are circumstances when they have been a subject of legislative action, but really they are regulatory and I think the Council of Ministers as policymakers should be the ones to do it. That is my view.

MR SEBALU: Thank you very much, Mr Chairman. When we make laws, it becomes important for us to borrow from experiences of previous pieces of legislation that were made. If from institutional memory we find that elsewhere we have had problems with these regulations coming in time, then it defeats the purpose for which the piece of legislation is made. In that respect, I think it suffices to give a timeframe so that the operation of the law is not prohibited by lack of regulations. I know that this would be in the best interest of the committee and the House, and I suppose that the chair takes this matter seriously.

MR MUNYA: I think the Schedules are so critical to this Bill that if they are not in the Bill, then the Bill becomes thoroughly weakened. The Schedules help in identifying what

activity should be done and the ecosystems we are talking about. So, if we leave it out and let people guess what they have, then we significantly lose sight of the objective of this Bill. So, I would urge the committee to drop that amendment.

MR OGALO: Thank you, Mr Chairman. The Schedule would give guidance. It is in the law and it would guide whatever authority is there on what was intended by this House. The way the proposed amendment is now leaves everything to the discretion of the Commission. It therefore depends on the type of people you will have in this commission; they may decide to approve some of the activities or not to approve at all.

Honourable Members, I do not wish to even remind you. This House passed a Bill at the very inception of this Assembly. It was a Bill on joint trade. We gave the discretion to the Council of Ministers but up to now, it has not been given any effect. If we had had a schedule which gives some guidelines, maybe we would have got somewhere. So, I would also plead with the chairperson to stick with the Schedule so that we have at least a skeleton on which the Commission must operate. Thank you.

MS WANYOTO: Thank you, Chairman. I wanted to move that the Schedule remains but we add the words, "and updated from time to

time" immediately after the words, "on Schedule 1" on Clause 13(1)" so that we do not lose out but give space and leverage for update of the Schedule.

MS TSUNGU: Mr Chairman, the committee would really like to have a starting point. We did not want to be seen as if we were usurping the powers of Council to come up with the regulations. However, I would go with the proposal that hon. Wanyoto has given, that the Schedule remains but we have a window of updating it from time to time. So, you can subtract or add.

THE CHAIRMAN: Hon. Wanyoto, can you repeat that because we are trying to see what it reads but it does not flow. Can you read it please?

MS WANYOTO: I was proposing that the Schedule remains but we provide for a window of leverage by adding that it will be updated from time to time immediately after the word, "Schedule 1". That is Clause 13(1).

THE CHAIRMAN: Mheshimiwa, have you read it? It does not connect with the second sentence.

MS TSUNGU: Mr Chairman, I seek your indulgence. Since we have not adopted 9 and 10, the proposal that hon. Lydia is moving would be better placed if it came under 9 where the Schedule is mentioned for the first time. So, when we mention the Schedule under 9, we can say, "...which can be updated from time to time". We can then make reference to it subsequently and we would not need to amend 13. I do not know whether I am making any sense.

THE CHAIRMAN: I think hon. Lydia does not want to delete the Schedule. She is just giving you leeway because again you will be anticipating going backwards. I think instead of coming up to the Schedule, maybe we can start with the clause and say, "update from time to time the activities specified under Schedule 1, which have a likely bearing..." and continue that way. That is a suggestion. Maybe Mheshimiwa can move it.

MR OGALO: I am just seeking clarification whether hon. Wanyoto can consider, instead of us saying updating the Schedule, we can put a provision later giving the Council of Ministers powers to amend the Schedule.

THE CHAIRMAN: I think that looks cleaner. What hon. Ogalo is saying is that instead of changing this, we can give the Council

of Ministers powers to amend the Schedule. So, hon. Ogalo, maybe you can draft it and bring it.

MR MASHA: Again, together with what hon. Ogalo has suggested, perhaps the movers can enlighten us; I have a problem because when I leave this Chamber having passed this as an Act, I may have to answer questions which I may not be able to if this is not quite clear. That is why I am seeking more clarification as we go along.

The Schedule contains so many things. Literally, when you read it to the end, it is as if we are putting brakes on industrialisation in the Community. We are putting brakes on everything including funny things as in item 66. Even on item 66 where we are saying storage of scrap iron including scrap vehicles, you have to go and get permission from this commission? You want to set up an airfield in the remote parts of Tanzania in Mtwalo or maybe in Sumbawanga, you need to go to this commission to get permission? Even for all urban development projects - this is in item 79?

This Schedule, to me, is probably the scare, because we are putting brakes on industrialisation. That is why I will vote against it if this Schedule remains. Mr Chairman, when we go

back, I want it recorded that I will be against this Bill if this Schedule stays on.

THE CHAIRMAN: Hon. Masha, you are not here to threaten people that you are going to go against the Bill or anything of the sort. You can have your say and the majority will have your way. You should also not dictate to other Members on issues of this Bill. Bring your proposals, if accepted they will be taken on, but not to say that, "I am going to vote and you record." You will not be recorded. You will only be recorded when you debate and you put your way forward and you get your way.

MR OGALO: Mr Chairman, I was rising on a point of procedure. I said procedure because I thought hon. Masha was out of procedure, but you have sorted it.

THE CHAIRMAN: Yes, hon. Safina, on Clause 13

MS TSUNGU: Mr Chairman, I am afraid I did not hear what hon. Ogalo said.

THE CHAIRMAN: Hon. Ogalo proposed an amendment which he was going to read out before.

MR OGALO: Mr Chairman, I had sought clarification and sent a draft because it was raised by hon. Wanyoto. So, I sent what I had drafted to hon. Wanyoto.

MR WANYOTO: There is now a proposal, which hon. Ogalo has sent, which reads - it is a new formulation under 9(4) after the third one - "The Council of Ministers may from time to time amend Schedule 1."

THE CHAIRMAN: Hon. Member, was that yours or is it that hon. Ogalo cannot read so he sent it to you to read for him?
(Laughter)

MS WANYOTO: It was an improvement of mine. Thank you, Mr Chairman. Honourable Members, the new formulation that is going to give us a window of leverage to make new formulation reads: "The Council of Ministers may from time to time amend Schedule 1." I beg to move.

THE CHAIRMAN: Hon. Members, I think Clause 13(1) stays the same. We are not amending Clause 13(1), so we are all on the same page. So, 13(2) is what you have said, that we delete the word "are" -

DR NANGALE: Mr Chairman, I want to accept the changes moved by the chair of the committee based on the fact that when you look at Schedule 1, these are potential activities. It is written "potential activities". It does not mean the activities. I think the amendment coming will provide the Council of Ministers room to make amendments on those potential activities. Thank you.

MR AKHAABI: My comment is on the amendment which has been proposed to allow ministers to make amendments to the Schedule.

THE CHAIRMAN: That comes on clause 9. So, you will comment on it when it comes. Hon. Members, I now put the question that Clause 13, as amended, be part of the Bill.

(Question put and agreed to.)

Clause 13, as amended, agreed to.

Clause 9

MS TSUNGU: Mr Chairman, the committee proposes to amend 14(1) -

THE CHAIRMAN: Hon. Member, we are on Clause 9. Remember we stood over it earlier? I thought you stood over it and you wanted to finish with it.

MS TSUNGU: Okay, the committee recommends the following on Clause 9: One, delete the word "shared" -

THE CHAIRMAN: I think all of them are there. It is only one that had a problem. Remember, we looked at 9(iii) and it said that you delete words listed in Schedule 1. I think we are getting rid of that. Correct? Then go to 9 (iv).

MS TSUNGU: Okay, on 9 (iv), the committee recommends that we rephrase this sub-clause to read: "At the initiative of any Partner State, parties may enter into discussions on whether one or more proposed activities are likely to cause an adverse transboundary impact."

THE CHAIRMAN: Hon. Safina, let us go one by one. Are we leaving Clause 9 (iii) the way it is? You had earlier said that we delete the words, "listed in Schedule 1" and replace "significant" with the word. Are you leaving it the way it was?

MS TSUNGU: To delete the words, "listed in Schedule 1"? No!

THE CHAIRMAN: Look at your amendment on clause 9(iii).

MS TSUNGU: The committee is withdrawing that amendment but retains the replacement of "a significant" with the word "an" on (iii).

DR NANGALE: Mr Chairman, I accept the amendments moved by the chair of the committee deleting the words "listed in the Schedule 1" and the issue of the replacement of significance remains.

THE CHAIRMAN: Hon. Mutende, now you can move your new (iv).

MS WANYOTO MUTENDE: Mr Chairman, I would like to move an amendment that reads, "the Council of Ministers may from time to time amend Schedule 1."

MR MASHA: Mr Chairman, I am amazed at how easily the amendment would surrender the authority of the Assembly to legislate to the Council of Ministers in this case. I thought it was a very serious principle and since the Schedule is part of the original Act, I think the Legislature should retain its authority to make any amendments to it. If the Council of Ministers chooses to recommend amendments to the Legislature, so be it, but I would not be willing to surrender completely the legislative role of

this body to the Council of Ministers. Therefore, I would be opposed to that amendment.

THE CHAIRMAN: Hon. Member, I think it is called a schedule because it is different from the main Act. While we are legislating even though we are putting the schedule there, in most schedules you find that the ministers usually from time to time amend those schedules. I think we have done it in many laws and it is not the first time we have done it. Hon. Mutende, you wanted to say something on that?

MS WANYOTO MUTENDE: Thank you, Chairman. Since morning, I have been trying to find a positive spirit of a win-win situation, so I want to say that maybe to win over hon. Masha we could say, "with the approval of the Assembly." However, according to what I know, it can be done by the Council because it is not in the substantive body of the Act. That is what I wanted to say, hon. Chair, in a more polite mood.

MR AKHAABI: Mr Chairman, if we look at the matters that are being considered in the Schedule, they are really technical matters. They are matters which the Executive would be better suited to deal with administratively than this House to grapple

with, and usually this is the case. These are technical matters. They are meticulous and they need a number of considerations.

Mr Chairman, I think that we would be extending our luck too far if we said that we go into the nitty gritty of matters of this nature. With respect, I think that is a matter that should be left to the Council of Ministers.

MR OGALO: Thank you, Mr Chairman. I want to dissuade the mover of the amendment from adding that phrase, "with the approval of the Assembly." Once the Assembly has given that power which it is entitled to do under the Act, then it goes into the Schedule and it gives it to the Council of Ministers.

Sometimes we can have a schedule with many items, like the one we have here with 51 items; does it mean that every time you want to add just one, you have to come for an amendment and then after two weeks when you want another one you bring an amendment to the House? That is why we have schedules and then we delegate to the Council and leave the power to the Council to vary that schedule, rather than having every time to come to the Assembly to move the amendment. It is standard procedure.

MR MASHA: Mr Chairman, if the Schedule was not part of the Act and no reference to the Schedule was specific as in 9 and 13 - In clause 9 there are specific references to the Schedule. In other words, as we are legislating, we are also legislating those details which are appended as Schedule 1. If you people want to surrender your authority, so be it but realise that the schedule is an integral element-

THE CHAIRMAN: Hon. Masha, there are no "you people" here. There are honourable members. You can be very emotive on this issue but it does not necessarily - we will hear you and we will listen to you.

MR MASHA: I withdraw that language, Mr Chairman.

THE CHAIRMAN: It is okay, honourable.

MS WANYOTO MUTENDE: Thank you, Mr Chairman. I think hon. Masha has heard the voices on the Floor, and I think that since the Assembly has decided that it is actually possible to give the powers to the Council of Ministers, Mr Chairman, I stay my amendment without any addition. Thank you.

DR NANGALE: Mr Chairman, I accept the amendment as moved by hon. Mutende.

MS TSUNGU: Mr Chairman, the committee also made amendments to Clause 9 sub clauses (v), (vii) and (viii) as follows:

Sub clause (v), replace the word "part" with the words, "Partner States".

Sub clause (vii), delete and rephrase it to read as follows:
"The Partner States shall take all necessary measures to prevent the introduction of and eradicate alien species of flora and fauna in the trans-boundary ecosystem, which may have a detrimental effect on those eco-systems."

Sub clause (viii), delete and rephrase as follows: "A Partner State shall, within a period of 90 days, notify the affected Partner State, other Partner States and the Secretariat of any impact originating from its respective territory." This is just to make the phrase neater.

MR AKHAABI: Mr Chairman, in the proposed amendment by the chair of the committee on sub clause (vii), I propose that in the line that has "eradicate alien species of flora and fauna", we

substitute the word "and" with "or". This is because if you leave the phrase to be "flora and fauna", then the two of them must come together. So, if there is an alien species of flora but there is no fauna, then you cannot eradicate it. Thank you, Mr Chairman.

MS TSUNGU: That is welcome.

DR NANGALE: Mr Chairman, I accept the amendment moved by the chair of the committee.

THE CHAIRMAN: Hon. Members, I now put the question that Clause 9 as amended be part of the Bill.

(Question put and agreed to.)

Clause 9, as amended, agreed to.

Clause 10

MS TSUNGU: Mr Chairman, the committee proposes to amend sub-clause (1) to read, "Partner states sharing transboundary ecosystems shall identify and designate such areas as transboundary ecosystems which they may wish to manage jointly".

Sub clause (2) to read, "The identification and designation of transboundary ecosystems under sub section (1) shall be carried out with the knowledge of the Commission."

I submit.

DR NANGALE: Mr Chairman, I accept the changes as moved by the chairperson. We no longer need the schedule because we have Schedule 1 and Schedule 2.

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

(Question put and agreed to.)

Clause 10, as amended, agreed to.

Clause 14

MS TSUNGU: Mr Chairman, the committee proposes that we insert, under 14(1) immediately after the word "Commission", the words, "approved by the Council from time to time". We then rearrange the sequencing of the paragraphs, a, b to d in the following manner: a, followed by c, followed by d, and end with b, and therefore renumber them accordingly.

DR NANGALE: Mr Chairman, I accept the amendments moved by the chair of the committee on Clause 14.

THE CHAIRMAN: Honourable Members, I now put the question that Clause 14, as amended, be part of the Bill.

(Question put and agreed to.)

Clause 14, as amended, agreed to.

Clause 15

MS TSUNGU: Mr Chairman, the committee proposes to insert, after the word "standards", the words, "and procedures on the environmental impact assessments".

DR NANGALE: I accept changes moved by the chair of the committee on Clause 15.

THE CHAIRMAN: Honourable Members, I now put the question that Clause 15, as amended, be part of the Bill.

(Question put and agreed to.)

Clause 15, as amended, agreed to.

Clause 16

MS TSUNGU: Mr Chairman, the committee proposes that we amend Clause 16(1) to insert the word, "report" after the word, "structure" and insert after the word, "contain" the words, "among others but not limited to."

Paragraph (d) of 16(1), we are proposing that we delete the words, "the current land use and" so that it reads, "Discussions of the relationship between the proposed project and other relevant policies for the area likely to be affected."

Paragraph (h) of 16(1), we propose deleting the word, "significant". We also propose a new 16(1)(i) which will read, "environmental management plan".

We are also proposing an amendment to 16(2), 16(3), and 16(5). In 16(2), we are proposing to add the words "in the Community" after "eco-system". Under 16(3), replace "of" with "in". Under 16(5), rephrase the entire clause to read, "the decisions made and the conditions attached to such decisions."

I submit.

MR KAAHWA: Mr Chairman, I have listened carefully to the proposed amendments. I am particularly interested in the proposed amendment on Clause 16(1) paragraph (d) to the effect that the words, "the current land use and" be deleted. I think in addition to that, the word "other" should also be deleted so that it reads, "Discussions of the relationship between the proposed project and relevant policies". If the word "other" is maintained after the deletion of the preceding words, it gives an impression that proposed projects are also policies and yet they are not policies as such. If the committee could also agree, I think it will improve on the proposal.

MS TSUNGU: It is okay, Mr Chairman.

DR NANGALE: I accept the changes moved by the chair of the committee on Clause 16.

THE CHAIRMAN: Honourable Members, I now put the question that Clause 16, as amended, be part of the Bill.

(Question put and agreed to.)

Clause 16, as amended, agreed to.

Clause 17

MS TSUNGU: Mr Chairman, I seek your indulgence. Earlier when we were doing the definitions a proposal was made by the Council, and it passed, that we define the country of origin. Therefore, the proposal that is being moved by the committee on 17(2), 17(3) and 17(4) cannot hold. The committee is, therefore, proposing to insert a new sub clause (3) that reads, "The developer shall undertake environmental auditing every three years." This is in consonance with the time period we have given for the development of the state of transboundary ecosystems report. Thank you.

DR NANGALE: I accept the changes moved by the chair of the committee on Clause 17.

MS BYAMUKAMA: Mr Chairman, I am not opposed but can we have more clarification as to why a developer would have to undertake an audit when there is going to be a state of audit anyway.

THE CHAIRMAN: Not only that; if you say three years, when are you going to have this report? This one is going to say three years, the other three years; are you ever going to know what this guy is doing?

MS TSUNGU: Mr Chairman, I just wanted to inform my sister, hon. Dora Byamukama, that just as it is the responsibility of the developer to undertake, at their cost, the environmental impact assessment, they too are expected to undertake environmental auditing. That is the norm that they would undertake. The developer could be government or a private entity. Whoever it is, they have to undertake an environmental impact assessment at their cost and they also would have to undertake an audit at their cost too. That, with other information that the Commission will have, is what will inform what goes into the state of transboundary ecosystems report.

MR AKHAABI: Mr Chairman, I agree with what the committee is proposing. I think such an audit report is important for purposes of monitoring and evaluation continuously. However, I wish, because I see a gap here, to see a provision for submission of such a report to the Commission. If they just carried out such an audit without it being submitted to the Commission, then it would not make much sense. So, I would propose to the committee or to the House that there is a requirement for submission of such reports to the Commission.

MR OGALO: I just want to seek clarification from the chair. If this audit is made every three years and is maybe made in the

last month of the third year, how does that fit into the state of the environment report? Is that sufficient time?

MS HAJABAKIGA: Thank you, Mr Chairman. The reports are two different things. The environmental audit report is for the project itself, the project which is undergoing; and the state of environmental ecosystems report is the status at the time of how the ecosystem is. So, they are two different undertakings which are not connected.

One is for the developer to actually update the Commission, and I agree with hon. Akhaabi that it refers to the impact, which was identified during the first phase as the project was being started, and how the developer has now fared in terms of implementing what he agreed to do. That is technical and it will be limited within the mandate of the Commission; it does not come to the Council or whatever. It is within the management of those who are dealing with the environmental impact assessment, the Commission and the focal points in the Partner States.

MR OGALO: Mr Chairman, I asked you because I thought I heard the chair say that it will feed into that report. That is what I was asking for when I asked about the time. Maybe I misunderstood or

misheard the chair, but I thought she said that this audit will feed into that report.

MS TSUNGU: Mr Chairman, may I respond to the concerns that were raised by hon. Akhaabi and hon. Ogalo concurrently. I agree with hon. Akhaabi that this report should end up somewhere, and therefore, maybe he will be kind enough to make an amendment to the same on the audit.

Why I said that it would feed into the state of the transboundary report is because each developer is doing a particular project. One may be doing a hydro power project and another doing a refinery project. During the environmental impact assessment, there are benchmarks that are set that in the event that this happens, this is how we are going to mitigate. So, after the three years, that audit is supposed to inform the Commission what that particular project and that developer has done. If they encountered those impacts, how did they deal with them? Was it as per the plan?

Because there are many developers and therefore many projects, all those reports will feed into the larger report of the Commission on all the trans-boundary ecosystems within the

region and how they are faring on. That is the rationale behind saying that each developer shall produce their own.

Again, the three years is in the same vein. Some projects are very long. If you are doing a hydro project, for example, you cannot do it within one year and conclude. So, probably, the periodic ones will be okay but three years is when you can be able to measure the impacts and be able to say how you have mitigated those impacts, whether they have been within the plan that you had established or not. That is the premise from where I am coming.

DR NANGALE: Mr Chairman, I just wanted to clarify that when you talk about a developer providing the audit reports every three years, you will probably need to understand that we are talking about a number of projects and these projects will be happening each year. For a project to qualify to have an audit we have proposed the three years, but when the state of trans-boundary ecosystems report is being done by the Commission, we take into account the projects which have already done the audit for the three years. Some of them will qualify this year, some of them next year and it is a continuous process. Thank you.

THE CHAIRMAN: Hon. Members, I now put the question that Clause 17, as amended, be part of the Bill.

(Question put and agreed to.)

Clause 17, as amended, agreed to.

Clause 18

MS TSUNGU: Mr Chairman, the committee is proposing as follows:

Amend clause 18 by inserting, "the project proponents" immediately after the words, "responsibility of" and thereafter delete (a) and (b). The reason is that all these are project proponents, so we do not see the purpose of having them enumerated again when we have taken them as project proponents wholesomely. So, delete (a), (b) and (c) but just amend 18 and add the words, "project proponents" to take care of (a), (b) and (c). Thank you.

DR NANGALE: Mr Chairman, I want to accept the amendment moved by the chair of the committee on Clause 18.

THE CHAIRMAN: Hon. Members, I now put the question that Clause 18, as amended, be part of the Bill.

(Question put and agreed to.)

Clause 18, as amended, agreed to.

Clause 19, agreed to.

Clause 20, agreed to.

Clause 21, agreed to.

Clause 22, agreed to.

Clause 23, agreed to.

Clause 24, agreed to.

The First Schedule

THE CHAIRMAN: Hon. Members, I propose that the first schedule be part of the Bill.

MR KAAHWA: Through you, Mr Chairman, I would like to seek some clarification. I am not moving an amendment but I am just seeking clarification from the mover of the motion and the chairperson of the committee. There are some inclusions in the list here, which do not appear to be very clear to me, and I imagine to my other honourable friends. Now, if they are not very clear to us, you can imagine how unclear they will be to the Commission and other intended users of this Act.

Let me give you examples. On the list you have item 40 and part 11(i) says, "Swaging by explosives". What is swaging by explosives to the committee and to the House? That is one. You come to item v, "manufacture of dairy products", which is understandable but "manufacture of brewing and malting"; how does one manufacture brewing and malting? Are we talking about manufacture of brews and malt?

Item 51(iii), "Manufacture of confectionary and syrup manufacture"; what exactly do we portray by syrup manufacture? Are we talking of confectionary and syrup? Item 51 (iv), "manufacture of installations"; how does one manufacture installations? You come to item 67 on the list, "sludge deposition sit"; what does "deposition sit" mean? What is "sit" as a noun? Item 82, "projects involving introduction of exotics"; what exactly are exotics?

I am bringing all these up, Mr Chairman, so that the committee and the mover of the motion will be able to explain to the whole House these technical and scientific matters, which are very strange to most of us. We can then improve on Schedule 1.

I do not have a proposal. I am sorry to be listening to-
(*Laughter*) - But since it is in my interest to further say

something on that - I should not have listened to my honourable friend, I should have listened to the Chair - I do not have a proposal as such. Before I make a proposal, I need to be educated on what exactly these technical matters mean.

MS BYAMUKAMA: Mr Chairman, under Clause 13 we say that the activities specified in Schedule 1, which are likely to have significant trans-boundary impact within and among Partner States of the Community, shall be determined by the Commission as activities which shall not be carried out without an approved environmental impact assessment. Also, considering that questions have been raised on some aspects of this schedule, I do not know whether it is too late to reconsider. We can recommit so that this schedule is left to be determined by the Commission and thereby also to be amended, as was proposed, by the Council of Ministers.

Mr Chairman, without specific technical knowledge and expertise in this area, we may be hazarding and therefore not knowing exactly whether what we have included is exhaustive or not. I would like to hear from the chairperson and the mover of the motion as to how they came up with this compilation before I move a substantive proposal. That is my proposal before I hear from them. Thank you.

DR NANGALE: Mr Chairman, these potential activities and projects in Schedule 1 were derived from information, which came from the East African Community Secretariat. A team of environmental experts was given this task by the Secretariat way back in 2004.

When we were deliberating on this in the committee, there were some issues which were controversial. When we are doing public hearings, the definition of some of the activities, for example "deforestation of large forests or large areas" might mean something else for Rwanda compared to Tanzania. Probably in Tanzania 10,000 hectares might be a small area but for Rwanda it might be a big issue.

So what I would propose is that any of these activities in Schedule 1 which have no specifics - you find some of them have specifics like 50m³ etc - be deleted from this list, so that we leave it for the Council of Ministers to determine the list. We only leave the ones with the specifics. Thank you.

MS HAJABAKIGA: Thank you, Mr Chairman. I want to give some information. This list was delivered from the environmental impact guidelines from the Secretariat; actually, those

guidelines have already been approved by the Council, so they exist as documents of the Community.

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

The First Schedule, agreed to.

The Second Schedule

MR NAKULEU: Mr Chairman, I need to be guided. Clause 10 of the Bill says that Partner States sharing continuous ecosystems shall identify and designate such areas as transboundary ecosystems and to be managed as such by the Community. Now, consider Schedule 2(b), the aquatic ecosystems; there is a list of aquatic ecosystems like Lake Victoria, Lake Tanganyika, Lake Jipe, Lake Chala, all the way to Mlagarazi Wetlands, but Lake Turkana is not there. I presume the same criteria that was used to consider Lake Nyanza, which is in Tanzania and also Malawi and Mozambique, could be the same criteria that could be used to consider Lake Turkana since three quarters of it is in Kenya and a small portion is in Ethiopia.

MS BYAMUKAMA: I also have a concern. Unless I have not read properly, I do not see the ecosystem between Rwanda and Uganda,

which harbours the mountain gorillas, and this is the Muhavura Ranges. I stand to be corrected.

THE CHAIRMAN: Mheshimiwa, while you do not see it, Mheshimiwa Nakuleu took the initiative to actually bring an amendment to have Lake Turkana included. With you, you just saw but you took no action.

Before I call hon. Nangale, if you look at Clause 3, the objectives of the Bill, it says "To establish an institutional framework for the management of transboundary ecosystems within and among the Partner States". In a lot places, it talks about "within and among", but in the Schedule, you talk of areas where you start mentioning countries which are not part of the EAC. You talk of DRC, you talk of Mozambique. Can we get some clarification on that also? Are we now legislating for other countries that are not within and among the EAC? Maybe you could just name them and not mention the other countries outside the EAC. Mheshimiwa Lotodo, and you are the one who brought it up this morning.

MR LOTODO: I just want to give information that in Clause 24, the issue you have raised has been captured. It says, "Partner States may continue to enter into new or implement existing

bilateral or multilateral arrangements..." This is informed by the fact that we know East Africa borders with other countries, which are not members of the Community and therefore, we need to collaborate with them to address some of these issues. Thank you.

MR NGENZEBUHORO: Just to give information. Mlagarazi Wetland is not between Rwanda and Burundi but between Burundi and Tanzania.

THE CHAIRMAN: Excuse me, what did you say?

MR NGENZEBUHORO: On page 13, it says that Mlagarazi Wetland is between Rwanda and Burundi. That is wrong. It is between Burundi and Tanzania.

THE CHAIRMAN: Honourable Members, do we need to have countries that are not EAC Partner States on the Schedule? Even if we are going to have bilateral relations, can't you know it is the EAC having bilateral relations with those countries? Do you need to have them named in the Schedule?

MR OGALO: Mr Chairman, Schedule 2 is headed, "identified and designated continuous transboundary ecosystems of the Community." Now, in (b) you have DRC, Malawi, Mozambique; these

areas cannot be areas of the Community. Secondly, we lack the legal competence to legislate beyond East Africa. Definitely, this must be addressed by removing this.

MR AKHAABI: Thank you, Mr Chairman. I agree that in as much as we would want to protect our transboundary ecosystems, I think that to deal with those transboundary ecosystems that go beyond the borders of the East African Community would be attempting to walk on very slippery ground. I think that we need to reconsider that.

Secondly, I am just wondering whether the second Schedule is in fact intended to be exhaustive. If it is intended to be exhaustive, then I would wish to see River Malakisi there, River Suam and River Sio, where hon. Ogalo comes from.

THE CHAIRMAN: First and foremost, before we go to these other ones, we are just making suggestions. With hon. Nakuleu, we mentioned Lake Turkana to be included.

DR NANGALE: Mr Chairman, I would like to say that this list is not exhaustive. We have mentioned in the body of the Bill that the Schedule will be amended from time to time by the Council of Ministers. So, this is not exhaustive and I agree that a number

of places are missing out. Also, including some of the non Community states like Congo, Malawi and Mozambique, I think is not proper. So, I would suggest that an amendment be moved to rectify some of these errors. Thank you.

MR MASHA: Mr Chairman, if the lists in the schedules are not exhaustive and we are being asked to pass legislation, which we will have to explain to our constituents, would it be fair to say that maybe the mover, and all those who are supporting it, have not done enough of their homework so that we would have a comprehensive list? So maybe they could go back and do some more homework before they ask us to pass something which includes other things we do not know about.

THE CHAIRMAN: Hon. Masha, when you say that people come here and bring things they have not researched, I think the reason people have amendments to Bills or Acts of any country or Partner State is because they are not exhaustive. If you see something tomorrow, you bring it down. Do not put this House to disrepute by saying that we are here and we have not researched what we are doing here. You can be against it but please, let us be civil.

MR KAAHWA: Mr Chairman, may I propose to the committee a way forward. The committee has been informed by the mover of the motion that the two lists in Schedule 2 are not exhaustive. The committee has also informed itself of the danger in appearing to legislate in respect of areas which are not within the Partner States' ecosystems.

Taking those two positions into account, let me propose that on item (a) of Schedule 2, we replace the words "the terrestrial ecosystems comprising of", which is limiting, and we use the term, "terrestrial ecosystems, including those listed below". That will leave it open to the list being amended from time to time when there is an identification of a similar ecosystem.

Under (b), we delete the words, "the aquatic ecosystems including" and we say, "aquatic ecosystems including the following". We then go further from the way the committee has informed itself on item no. 8 and we delete DRC, and also delete the whole of item no. 11. This is because Lake Nyasa is not among trans-boundary ecosystems within the Partner States. That is my humble proposal to the committee.

MR NAKELEU: Mr Chairman, in as much as I tend to agree with the CTC to some extent, but I am quite informed that there is a part

of Lake Nyasa which is in Tanzania. If we go ahead to delete Lake Nyasa, there is nothing that will stop us again from deleting Lake Tanganyika because part of Lake Tanganyika is also in the DRC, if we go by the same logic.

MR KAAHWA: Mr Chairman, the thrust of the Bill is transboundary ecosystems within the Partner States. As far as Lake Tanganyika is concerned, there is a transboundary ecosystem relating to Burundi and Tanzania, and that is what makes it different from reference to Lake Nyasa. Lake Nyasa is shared between the United Republic of Tanzania, where it is referred to as Lake Nyasa, and Malawi where it is referred to as Lake Malawi. It is not shared between, for example, Tanzania and Uganda or Tanzania and Kenya. It is not in the category of the Lake Tanganyika ecosystem, which is shared between Partner States. Lake Nyasa or Lake Malawi is shared between one partner state and not another partner state, but with a foreign country as defined under Article 3.

MS HAJABAKIGA: Thank you, Mr Chairman. I want to come back to what hon. Dora Byamukama raised about the mountain gorillas in Rwanda and Uganda and of course the DRC. I think it got lost because it was in the amendment. However, I also want to inform you that it is also part of the Albertine Rift eco-region. It is

found within, but I think it is better to be specific because it is an important ecosystem. Thank you.

THE CHAIRMAN: I think I already have hon. Byamukama's proposal that the Muhavura Ranges be part of this. Hon. Nangale, I think the CTC has given a proposal where he talks of "the terrestrial ecosystems including..." and then in (b) he talks of the "aquatic ecosystems including the following". He also proposes that you remove DRC, Mozambique, Malawi, and Lake Nyasa he told you to remove completely.

DR NANGALE: Mr Chairman, I accept the changes as proposed, only that I would like to add that in the definition, it should be identified and designated continuous transboundary ecosystems "in" the Community and not "of" the Community. I think this has been the spirit throughout the Bill. We are talking about "in the Community" and not "of the Community."

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

(Question put and agreed to.)

The Second Schedule, agreed to.

The Title, agreed to.

MOTION FOR THE HOUSE TO RESUME

DR GEORGE NANGALE (Tanzania): Mr Chairman, I beg to move that the House do resume and the Committee report thereto.

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

(Question put and agreed to.)

(The House resumed, the Speaker Presiding_)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

DR GEORGE NANGALE (Tanzania): Mr Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled, "The East African Community Transboundary Ecosystems Management Bill, 2010" and passed it with some amendments.

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

DR GEORGE NANGALE (Tanzania): Mr Speaker, I beg to move that the report of the Committee of the Whole House be adopted.

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

(Question put and agreed to.)

Report adopted.

BILLS

THIRD READING

THE EAST AFRICAN COMMUNITY TRANSBOUNDARY ECOSYSTEMS MANAGEMENT

BILL, 2010

DR GEORGE NANGALE: Mr Speaker, I beg to move that the "East African Community Transboundary Ecosystems Management Bill, 2010" be read the Third Time and do pass.

THE SPEAKER: Hon. Members, I put the question.

(Question put and agreed to.)

A BILL FOR AN ACT ENTITLED, "THE EAST AFRICAN COMMUNITY
TRANSBOUNDARY ECOSYSTEMS MANAGEMENT ACT, 2010"

BILLS

SECOND READING

THE INTER-UNIVERSITY COUNCIL FOR EAST AFRICA BILL, 2010

(Resumption of debate)

THE SPEAKER: Hon. Members, as you are aware, during the sitting in Bujumbura, the Council of Ministers requested for adjournment of debate so that they may bring comprehensive amendments to this Bill and share them with the committee. I now would like to call the chairperson. Hon. Minister, if you could say something on what you have done since Burundi.

MR PETER MUNYA: Mr Speaker, the Council of Ministers asked for adjournment of debate on this particular Bill because there were specific concerns that were raised on the Bill during the debate. Key among these concerns was the attempt by the Bill to create two parallel systems of accreditation of universities, giving preference to foreign universities. It was treating foreign universities that may want to operate in East Africa as

if they are superior to the universities that are already established in the East African Community.

You say that when foreign universities want to operate here, all they will need is accreditation by the Inter-University Council whereas the local universities require accreditation by local institutions that are involved in assessing whether those institutions should be allowed to operate and whether they meet the standards that are required. What in effect you are doing is that you are creating a parallel system that gives preferences to foreign universities without giving us any justification why the Bill should do that. Are you saying that foreign universities are necessarily superior to our universities and, therefore, should be allowed to operate without any assessment at the national level in the country in which they want to start operating?

We were not given any justification for such a system. We would want a system where all universities that are going to operate in our region are given equal treatment. This is one of the key concerns that the Council felt should be addressed before the amendment Bill is passed.

The other concern is that the way the Inter-University Council is set up, it is actually an inter-university council; it is a membership of universities. Therefore, when we give it powers to regulate higher education in the region and to assess universities to see whether those universities are able to operate in the region, in effect we are expanding the mandate of the Inter-University Council without looking at the institutional setup since this is a council of universities. Should universities, therefore, be given the powers to assess other universities that want to operate in the region? So, there is a problem of institutional structure.

If you want an institution that can assess universities to allow them to operate in this region, then you would want to include representation of Partner States' higher education institutions. Each Partner State has an organisation or an institution that does accreditation of higher education institutions and assesses institutions that want to become universities. These organisations look at the standards and the facilities to see whether they reach that status of being given a charter to operate as universities. Each Partner State has that kind of institution.

You would now envision an institutional structure that would have those ones involved at the regional level, or at least represented at the regional level, to be able to have that technical capacity and information and knowledge to be able to carry out that assessment that you want the Inter-University Council to carry out.

That was the second most important concern that the Council was raising, that the way the Inter-University Council is set up, it was never intended to be an accreditation body. It was a membership body with universities in the region joining so that they are able to work together on harmonisation of curriculum and on matters that affect them at the regional level as universities. So, it is a body that is by design not adequately prepared or designed to undertake a heavy responsibility like accreditation.

If we are to give it that power, then we have to restructure it to be able to include other institutions at the partnership level that are involved in accreditation. I am sure even the name would change from the Inter-University Council to something else. So, we also have that institutional problem of giving this body those responsibilities.

Also, in relation to what I said at the beginning, if you are to allow foreign universities to easily come and establish themselves in East Africa, - university education now is a commodity that is on sale, Prof. Nkunya will tell you that - we would want to know the value of what those foreign universities want to come and sell. Some of them have nothing really to sell. They sell substandard stuff. So, would you want them to just come and make money here and pretend that they are giving degrees to your people when they are giving really nothing?

I am sure if we are to allow that, that is exactly what would happen. Any university from India, from US, even those so-called community colleges that are of very low calibre, would want to find their way here and come and make money. This is a commodity that allows you to make a lot of money. People want to be educated. People are hungry for education. So, any kind of university would want to come and establish itself here and sell that commodity. So, you would want to be careful when you are doing that by providing the right institutional mechanism for assessment, by preparing the Inter-University Council, restructuring it to be able to have the technical skills and the capacity to carry out such an exercise.

The least you would do, if you were to allow this, would be to only allow universities that are already established in East Africa, those that have already undergone assessment at the national level in one of the East African Community states. Those ones can be given accreditation at the regional level if they want to expand to other Partner States in East Africa. So, even the foreign universities that may want to come here must land first of all at Partner State level, be domesticated there, go through their assessment, establish themselves there and then later apply to go regional.

If we allow them to become regional immediately they arrive when they have not landed in any particular country, established themselves there or gone through assessment and acquired the necessary technical skills there, I think it would be going too far. It would be opening a Pandora's Box in the education sector in the region, and that would not auger well for what we are trying to do or render.

Already, the Sectoral Council on Education, through the assistance from the Inter-University Council, is undertaking curriculum harmonisation at the regional level so that our universities and education is harmonised. When we are at that level, then it would be probably easier to go regional. However,

before we finalise that exercise, I think it would be premature to give this opening where foreign universities will take advantage and start selling us sub-standard education and taking advantage of our people who may not have the knowledge to know what kind of education they need.

Education is preparing manpower for us. There is no need to say we are preparing manpower if you can get useless papers that will not even give you an opening for a job anywhere in East Africa or outside East Africa.

Mr Speaker, those are the concerns that the Council is raising. We think these concerns are weighty enough to persuade Members to wait for an appropriate time when we are able to do institutional restructuring that will make the Inter-University Council ready to carry that kind of responsibility. Thank you.

THE SPEAKER: Honourable Members, this Bill has been before us for a number of years and I think we have had adjournment after adjournment from the Council of Ministers. The last time the chairperson came before this Floor, he gave the same thing you are reading now. That is what you read to us in Bujumbura. What he actually said was that he was going to have a comprehensive amendment, which he would bring to the committee so that the

House can go through it at this particular time. I went further to write to the Council of Ministers so that they do not forget to bring this issue, the ecosystems issue and there was a third issue that they were supposed to have looked at, so that we do not have the situation that we have today.

First and foremost, I would like to ask the Committee of General Purpose; have you met the Chairperson of Council so that he or she could give the comprehensive amendments?

MS WANYOTO: Mr Speaker, to the best of my knowledge, the Council of Ministers has not met us to bring the comprehensive amendments.

THE SPEAKER: Hon. Minister, maybe you can give us these comprehensive amendments that you said you would bring before this House so that we can have a look at them.

MR MUNYA: We are not ready to do the comprehensive amendments, that is, the institutional restructuring that would be required. However, we had agreed at the Council level that we are ready to accommodate some basic amendments on this Act, which will at least remove that parallel system so that the Inter-University Council may be able to play that role of accreditation without

creating two parallel systems. We are ready to agree on those amendments; we have them with us. Therefore, we will support the Bill as amended.

THE SPEAKER: Honourable Members, you have heard the Minister. I do not see any difference from what he said in Burundi, what he said in Kigali and what he has said in Kampala. It is the same thing. Anyway, the Minister says he does have amendments that he will share with the House. Maybe he can give them to the members of the Committee or the mover of the Bill so that they can also look at them and we come up with something concrete. We do not want to have a situation whereby we are always talking about the same thing and we look as though we are pulling or pushing in a different direction.

Honourable Chair, what I will do is to adjourn debate on this issue or adjourn the House for today. If you could share the document with the mover and the committee, which I think is also sitting tomorrow, so that we come back from an informed position of what the Council is actually thinking. From the way the chair proceeded at the beginning, he was against the Bill and now he tells us he has amendments or he is agreeable to amendments. If as Council you could bring these amendments like you promised in

Burundi; if they are not comprehensive but whatever amendments you think are fair, bring them to the committee.

Honourable Members, the chairperson will give the amendments to the committee concerned and the mover of the Bill so that when we come back, we can see how we can proceed on this issue.

MR MUNYA: Mr Speaker, we undertake to do that. We will provide the committee with the proposed amendments and then we can move on later when the House resumes.

THE SPEAKER: Thank you, hon. Minister. Honourable Members, before I adjourn the House, I would like to make a few announcements.

I would like to say that there is a change in the programme tomorrow. You will see that the General Purpose Committee will sit tomorrow morning instead of the Communications, Trade and Investments Committee. I think you have already been informed by the Clerk that you will be sitting tomorrow.

We also have a function tomorrow for the whole House. We are meeting Gavi Alliance, which deals with vaccines and various issues. They are coming from Geneva. This activity will be held

at the Imperial Royale Hotel. I think you have already got communication from the Clerk. It will start at 12.45 p.m. and end at around 2.30 p.m.

I would also like to say that we will not be having our sitting tomorrow. It has been changed to Thursday morning. So, we will be having our sitting on Thursday at 9.30 a.m. and we will also continue with the afternoon session.

We will not have a sitting tomorrow in the afternoon. The Committee of General Purpose can continue to look at the supplementary and also this issue of the Inter-University Council. I am doing that to give the Council more time so that we can come up with, as they say, amendments and the supplementary.

Honourable Members, tomorrow at 12.30 p.m. please be on time. There are people who have come from far and it is an important activity that we will have with them. When I say everybody, it also includes the ministers because you are Members of this House. We are meeting at Imperial Royale.

ADJOURNMENT

THE SPEAKER: Honourable Members, with those few remarks, I would like to adjourn the House until Thursday at 9.30 a.m.

*(The House rose at 6.00 p.m. and adjourned until Thursday, 2
February 2012 at 9.30 a.m.)*