

EAST AFRICAN COMMUNITY EAST AFRICAN LEGISLATIVE ASSEMBLY



REPORT OF THE COMMITTEE ON COMMUNICATION, TRADE AND INVESTMENTS ON THE ONE NETWORK AREA (ONA) IN EAST AFRICA

 12^{TH} – 15^{TH} February 2017, Dar-es-Salaam - TANZANIA



Clerk's Chambers
3rd Floor, EALA Wing
EAC Headquarters' Building
Arusha, TANZANIA

March, 2017

1.0 BACKGROUND

The Committee on Communications, Trade and Investment held an oversight activity from 12th - 15th February 2017 in Dar es Salaam, Tanzania to assess the status of implementation of the One Network Area (ONA) in East African Community, as provided for under Article 99 of the EAC Treaty establishing the East African Community, that Partner States shall develop and adopt common telecommunication policies within the Community.

The Treaty further under Article 7 (1) (e) provides for variable geometry, which allows for progression in co-operation among groups within the Community for wider integration schemes in various fields and at different speeds. Under this principle therefore, Kenya, Rwanda, Uganda and South Sudan had the rights to pursue cooperation and progress in one network area among other areas of common interest, provided this was done within the ambit of the overall integration process of EAC.

In this regard, the EAC Heads of State in May 2014 directed that the implementation of One Network Area be effected by 31st December 2014, where Ministers responsible of ICT were tasked to implement the directive and report to the next Heads of States Summit.

Partner States' regulators were requested to harmonize tariff on traffic originating and terminating within Partner States to promote regional integration by bringing down the high cost of mobile roaming. A task force composed of representatives from Partner States' regulators, East African Communications Organization (EACO) and East African Community (EAC) was set up with following terms of reference:

- i. Collection, compilation and analysis of data on termination and roaming charges applied by all operators within EAC;
- ii. Establish the cause of the problem of high roaming charges within the region;
- iii. Propose harmonized cost reflective EAC termination and roaming charges;
- iv. Propose implementation mechanisms for the harmonized charges.

It is against this background that the Committee undertook an oversight activity on this initiative as mandated by Article 49 (d) and (e) of the Treaty.

1.1 OBJECTIVES OF THE OVERSIGHT ACTIVITY

The objectives of the Oversight were to:

- a) To find out the status of implementation of the ONA initiative in the EAC Partner States;
- b) To identify opportunities and challenges involved in the ONA initiative;
- c) To come up with recommendations.

1.2 METHODOLOGY

The Committee undertook an oversight workshop where;

- (a) Presentations from the Partner States on their respective status of implementation of the one network area were made; and
- (b) Plenary sessions through which brainstorming, discussions, and clarifications about the EAC One Network Area were also made.

1.3 PARTICIPANTS

The oversight workshop was attended by EALA Members on the Committee on Communications, Trade and Investment, EAC Secretariat, All other EAC Partner States except Burundi and South Sudan.

2.0 SPECIFIC FINDINGS

From the oversight workshop, the following findings were highlighted about the One Network Area from the EAC Secretariat and Partner States;

2.1 EAC SECRETARIAT

The EAC Technical Officer made a presentation at the meeting on the One Network Area and highlighted on the following;

Definitions:

Roaming was defined as the use of a mobile subscription that belongs to the home network, using the resources of the Foreign/Visited Network. When the Home Network and the Foreign Network are in different sovereign jurisdictions, then it is called **International Mobile Roaming (IMR).** This means that the subscriber must be physically present in a Foreign Network.

International Direct Dialling (IDD) is whereby a subscriber in a home network calls **another** subscriber in a foreign country. This means that the calling subscriber must be

physically present in his home network and calling a foreign subscriber.

One-Network-Area (ONA) is a jurisdiction (for example country, group of countries) where there is uniform tariff regime for both international mobile roaming and international direct dialling.

International Mobile Roaming (IMR) in developed countries, it dates back to the 1990s, when mobile telephony became a mass commodity in those countries, while in EAC, it dates back to the 2000s.

Regulating IMR tariffs is challenging because it involves at least two sovereign jurisdictions. Within the context of international trade, IMR is a service not a physical good. There is a well-established international regime for regulating trade in goods (for example restrictions, duty and quotas); a similar regime for trade in services is Work-In-Progress. There are current regional and international efforts to regulate IMR for-example it is being implemented in the European Union.

Controlling International Mobile Roaming tariffs in the EAC

Over the years, there have been efforts to control IMR tariffs within the EAC, up to 2010, the bilateral agreements between mobile operators in EAC countries (e.g. Kama Kawaida between Voda Tanzania, Safaricom, MTN). In this arrangement governments had no role until 2010. However after 2010, EAC governments started to intervene.

In 2013 the Sectoral Council on Transport, Communication and Metrology approved the terms of reference for developing draft policy and draft bill for regulating International Mobile Roaming within the EAC.

In the same year 2013, Kenya, Rwanda and Uganda agreed on a framework to regulate international mobile roaming tariffs for networks within their jurisdictions, and the framework regulates tariffs for both international mobile roaming and international direct dialling.

EAC Roaming Framework

In 2014, EAC Roaming Framework was developed and approved, and it was on the premise that it would provide a short term solution to the international mobile roaming challenge within the EAC, while the long term solution would come from the policy and law envisaged in the terms of reference that were approved by the Sectoral Council on Transport, Communication, and Metrology in 2013.

The EAC Roaming Framework covers the following;

- (i) Voice services for international Mobile Roaming;
- (ii) Imposes caps on both wholesale and retail tariffs for international mobile roaming;
- (iii) Tariff for wholesale originating call is capped at USD 7 cents;
- (iv) Tariff for retail originating call is capped at USD 10 cents;
- (v) Zero-rates the tariff for receiving an International Mobile Roaming call;
- (vi) Requests Partner States to remove surcharges on telecommunications traffic originating and terminating within the EAC;

After approving the Framework, the Council directed Partner States to fully implement the Framework by July 2015.

Implementation progress of the Framework

In June 2016, during the 13th Meeting of the Sectoral Council on Transport, Communication and Metrology, the status of implementation of the Framework was reported as follows:

- i. Kenya, Rwanda, and Uganda had fully implemented the Framework, on a reciprocal basis;
- ii. Tanzania was to complete the amendments to the tele-traffic monitoring regulations by September 2016, to allow implementation of the Framework;
- iii. Burundi was undertaking an assessment of required facilities and processes. The assessment was to be completed by December 2016;

In November 2015, during the 5th Meeting of ICT Regulators, Kenya gave summary of statistics on its implementation of the Framework with Rwanda and Uganda, and the overall statistics showed an increase of about 500% for roaming traffic. It was therefore concluded that IMR is a valuable communications service in this era of cross-border mobility and personal communications.

2.2 RWANDA

The Committee received a presentation from Rwanda Utilities Regulatory Authority, and it highlighted on the following regarding the EAC One Network Area; It was noted that Roaming:

- is a service that allows mobile users to use their mobile phones or other mobile devices to make and receive voice calls and text messages, browse the internet, and send and receive emails, while visiting other countries;
- ii. extends the coverage of the home operator's retail voice and SMS services;
- iii. allows mobile users to continue using their home operators' phone numbers and data services within other countries;
- iv. that seamless extension of the home coverage is enabled by a wholesale roaming agreement between a mobile user's home operator and the visited mobile

operator's network.

Roaming-Technical and Commercial details

It was noted that effective roaming needs an agreement that addresses technical and commercial arrangements to enable the service countries.

Traditionally provision of roaming requires International Carriers and Clearing Houses. In this case, international carriers route traffics from one network operator to the other, while clearing houses are responsible for billing of calls from roaming subscribers through handling of files called transferred account procedure (TAP).

It was observed that roaming involves a number of processes, and these include:

- i. A roaming subscriber calling either back home or on the networks in the visited country pays a retail roaming tariff to his home network;
- ii. The visited operator sends transferred account procedure files to a clearing house which in turn forwards them to the home operator;
- iii. The home operator pays the visited operator the wholesale charges as per the call volumes in the transferred account procedure file and rates in the wholesale roaming agreement;
- iv. The visited operator pays an international carrier for carrying the call and handing over the call to the home operator;
- v. The international carrier pays the home operator a termination rate for terminating the call in the home country.

It was observed that traditional roaming is complex and expensive due to a number of factors, namely:

- i. Technical and legal constraints and opportunities, in this case there is monopoly of international gateways. However, the International Gateways are liberalized in all Member States;
- ii. Lack of telecommunications infrastructures, in most cases, the operators is directly interconnected to make regional traffic to remain regional;
- iii. Double taxation. A lot of charges per Minute are avoided by terminating traffic between operators in the region;
- iv. Fraud, this is avoided by sending traffic to each other through direct links.

Challenges involved in International Mobile Roaming in the EAC

 i. High roaming charges are an obstacle to regional integration efforts. These high charges do not facilitate free movement of people between the region, single tourism visa destination, inter regional trade among others;

- ii. Roaming subscribers obliged to buy local SIM card to avoid high charges;
- iii. Roaming charges are on top of the below termination rates in respective countries within EAC;
- Roaming is a cross border service and its provision is set through bilateral agreements between the home and host operator;
- v. Provision of roaming services is speculative, no transparency in pricing methodology;
- vi. Limited or no consumer choices available at all;
- vii. Weak or limited competitive forces in roaming market segment;
- viii. Significant tariff differentials while roaming on different networks within a host country.
- ix. Roaming services involve many stakeholders (regulators, local and international carriers, and taxation authorities) and can not be tackled by one country in isolation;
- x. Absence of a regional policy framework on international mobile roaming;

The One Network Area Framework in EAC

- i. The taskforce came up with the findings and the framework, which were submitted, to operators in respective countries for comments and all supported the framework.
- ii. On 3rd July 2014 Heads of States set implementation of the framework for 1st September 2014;
- iii. Kenya and Rwanda launched ONA on 8th October 2014;
- iv. Uganda joined on 2nd January 2015;
- v. And South Sudan joined the arrangement in March 2015.

Components of One Network Area Framework as implemented in Rwanda

- i. Framework applies only to traffic originating and terminating within Northern Corridor Partner States;
- ii. The traffic will be exempted from surcharges on International traffic;
- iii. Regional retail tariff be capped at 0.10 USD per minute and the IOT be capped at 0.07USD per minute (based on the minimum averages of countries);
- iv. No charges for receiving calls while roaming;
- v. Prevailing local tariff rates in the visited country shall apply to inbound roamers (Non discrimination between inbound roamer and subscriber of visited networks;
- vi. Under the new frameworks for data and SMS, One SMS costs 5 USD cents to a subscriber, and the cost of data reduced to 11 USD Cents per MB from as higher as 50 USD Cents.

Achievement of the implementation of ONA framework

One of the greatest achievements is a tremendous change in international incoming and outgoing traffics after the implementation of the One Network Area. For example, outgoing traffic from Rwanda to Uganda increased from 2Million to 14Million Minutes per day, while the incoming traffic from Uganda to Rwanda increased from 1Million to 5Million Minutes per day.

2.3 KENYA

From the Kenya's presentation, it was highlighted that:

- i. High International Mobile roaming price is an obstacle to the regional integration efforts as there is growth in regional travel due to opening of economies;
- ii. There are significant tariff differentials while roaming on different networks within the host country in EAC;
- iii. Cross Border roaming Services are affected by the absence of regulatory oversight because a single country cannot tackle the issue of roaming alone;
- iv. There are weak/Limited competitive forces in the roaming market segment;
- v. International roaming services involve many stakeholders (operators, regulators, taxation authorities) and therefor a regional policy framework is paramount.

DEVELOPMENT OF A HARMONIZED REGIONAL ROAMING FRAMEWORK

The EAC Heads of State directed that the "One-Network-Area" for mobile voice services be implemented by 31st December 2014. Following this directive, Kenya's Ministers of ICT Gazetted the implementation guidelines of One Network Area (ONA) in August 2014. It was noted that early implementation of ONA was set for 1st September 2014 for Kenya, Uganda and Rwanda. Rwanda and Kenya launched the ONA on 8th October 2014.

It was further observed that regional roaming framework has got the following guiding principles;

- The framework only applies to traffic originating and terminating within the EAC Region;
- ii. The said traffic is exempted from Surcharges on international incoming traffic (SIIT);
- iii. Regional Retail tariff capped at USD 0.10 per minute. This retail rate included an inter-operator tariffs (IOT) for the Region capped at USD 0.07 per minute;-based on the average of the minimums of the countries;
- iv. No charges for receiving calls while roaming;
- v. The prevailing local tariff rates in the visited country shall apply to in-bound roamers (non-discrimination between in-bound roamers and subscribers of visited networks.

Key outcomes as at implementation between Kenya-Rwanda, the implementation was effected on 8th October 2014 and by December 2014, the traffic increased by 951%. This increase is accompanied by a 30 % increase of Rwanda customers roaming in Kenya.

The implementation of one network area between Kenya and Uganda was effected on 2^{nd} January 2015 and the key outcomes as at implementation was 111% increase of the Inbound Roaming Traffic while the Outbound roaming traffic to Uganda increased by 219%.

ROAMING STATISTICS

Name of	Jul - Sep 16						
Country	Roaming Out (Own Subscribers)			Roaming In (Foreign Subscribers)			
	Voice	SMS	Data (MB)	Voice	SMS	Data (MB)	
Uganda	22,516,191	3,822,089	789,483	15,975,444	4,731,993	294,286	
Tanzania	5,419,267	1,847,090	793,003	1,983,700	3,975,557	273,485	
Rwanda	1,901,231	1,838,952	180,229	5,688,639	247,439	143,585	
Burundi	22,394	22,851	3,142	14,160	24,824	1,202	
S. Sudan	2,582,488	546,363	37,328	6,321,366	211,797	139	
Others	3,688,327	4,638,566	2,012,037	13,118,151	8,988,175	15,071,897	
Totals	36,129,898	12,715,911	3,815,222	43,101,460	18,179,785	15,784,594	

Source: First Quarter Sector Statistics Report For The Financial Year 2016/2017 (July-September 2016)

From the table above, the volume of roaming-out-bound voice traffic was registered at 36.1 million minutes with roaming voice traffic within EAC countries contributing 32.4 million minutes, while non- EAC countries contributed 3.7 million minutes. Roaming in voice traffic recorded a total of 43.1 million minutes with in- roamers from EAC countries contributing 29.9 million minutes. Roaming voice traffic within the EAC countries has maintained an upward trend since the launch of the One Network Area (ONA) initiative.

The total number of roaming-out messages stood at 12.7 million messages with EAC countries contributing 63.5 per cent of the roaming out messages. The total roaming out data was recorded at 3.8 million MB

Similarly, the roamers from EAC countries contributed 9.1 million messages out of the total 18.1 million roaming out messages. The total roaming-in data was registered at 15.7 million MB.

ONE NETWORK AREA FOR SMS SERVICES

The Heads of State directed that the implementation of "One-Network-Area" for SMS services be effected by 31st May 2015, and the Guiding Principles were as follows;

- i. The maximum Inter-Operator Tariff within the Member States should be USD 0.03 per SMS;
- ii. The maximum retail price for SMS within the Member States should be USD 0.06 per SMS inclusive of all applicable taxes; and
- iii. These rates shall apply for both roaming and cross border SMS traffic;
- iv. The implementation of the framework between Kenya, Uganda and Rwanda to be effected by $1^{\rm st}$ September 2016.

OTHER BENEFITS OF ONE NETWORK AREA

- i. Enhance Regional Socio-Economic Integration;
- ii. Fast-Tracks the Regional Common Market;
- iii. Reduced cost of doing business for all Partner States;
- iv. Spurs other Economic Activities such as Trade and Services;
- v. Increased Government Revenues from increased usage of ICT services.

2.4 TANZANIA

It was reported that the adoption of the harmonized framework for EAC roaming charges by the EAC meeting of the council of Transport, Communications and Meteorology was held from 11th – 14th November, 2014 in Mombasa. The framework was further considered and endorsed by the 30th Meeting of the Council of Ministers on 22nd – 28th November 2014 in Nairobi. The 16th Meeting of the Summit of EAC Heads of State on 20th February 2015 in Nairobi consequently approved the framework.

Scope of the EAC Harmonized Framework

It was observed that the established framework had short term and long-term measures. The short-term measure was to have in place a harmonized roaming framework for voice calls originating and terminating within the EAC, while the long-term measure was to establish a One Network Area (ONA) for International calls originating and terminating within the EAC. This is a long-term solution because it involves a comprehensive study and requires all EAC Partner States to have in place fraud /illegal traffic detection system as well as removal of surcharges.

The Inter-operator Tariff (IOT) is capped at USD 0.07/minute for roaming traffic originating and terminating within EAC, while retail tariff is capped at USD 0.10/minute inclusive of taxes, for roaming traffic originating and terminating within EAC.

The framework provides for the abolition of charges for receiving calls while roaming within the EAC, and also removal of surcharges on international incoming telecommunication traffic originating and terminating within the EAC.

The framework further provides for Partner States to establish a system that prevents traffic refilling, fraud and other illegal termination of traffic; and Partner states to harmonize tariffs on telecommunications traffic.

One Network Area implementation in Tanzania

- i. The United Republic of Tanzania put in place the Telecommunication Traffic Monitoring System (TTMS), which is guided by the Electronic and Postal Communications Telecommunications Traffic Monitoring System Amendment Regulations of 2015.
- ii. Implementation of EAC Harmonized Roaming Framework required TTMS regulations to be amended in order to exclude regional roaming traffic from international surcharge with inclusion of fair use limits (avoid permanent roaming);
- iii. The framework leads to the harmonized tariffs through removal of excise duty on roaming charges.
- iv. Having realized that significant implication to Tanzania revenue collection from international incoming traffic, the Government had to make thorough consultations within, and with sector stakeholders.
- v. Consequently, Tanzania installed the system for prevention of traffic refilling, illegal termination and fraud detection system.
- vi. Tanzania completed the sector research study in collaboration with Mobile operators and consideration is made on removal of surcharges on roaming traffic originating and terminating in the EAC region without affecting the roaming costs to both Government and operators. This will enable effective implementation of the EAC Roaming Framework in Tanzania (Regulations for roaming implementation under approval processes)

Challenges towards the ONA initiatives

- i. There are different regional regulatory frameworks in the EAC Partner States;
- ii. Partner States need to put in place control mechanisms for Fraud prevention/ traffic refilling.

The Tanzania Communications Regulatory Authority (TCRA)

The Tanzania Communications Regulatory Authority (TCRA) Is a Government institution responsible for regulating the communications and broadcasting sectors in Tanzania.

Regional Roaming Initiatives

It was observed that TCRA Participates in three regional blocks initiatives, namely:

- i. East African Community (EAC)
- ii. Southern African Development Commission (SADC), and
- iii. Central Corridor region.

EAC Framework for Harmonized Roaming Charges

The EAC framework on roaming provides for the following:

- i. Inter-operator Tariff (IOT) is capped at USD 0.07/minute;
- ii. Retail tariff is capped at USD 0.10/Minute, inclusive of taxes;
- iii. Abolish charges for receiving calls while roaming within the EAC;
- iv. Removal of surcharges on roaming traffic originating and terminating within the EAC;
- v. Establish a system that prevents traffic refiling, fraud, and other illegal termination of traffic; and
- vi. Harmonization of tariffs on telecommunications.

Implementation Status of One Net Work Area in Tanzania

- i. The government of Tanzania is in consultation with the Mobile Network Operators (MNOs) with regard to the operationalization of the EAC One Network Area;
- ii. Tanzania has also established systems to prevent traffic refilling, fraud, and other illegal termination of traffic;
- iii. Tanzania is further undergoing a process of amending the Tele-Traffic Monitoring System (TTMS) Regulations in order to exempt Surcharges from roaming traffic originating and terminating in the EAC region is at decision making level;

Central Corridor Roaming Initiative

Tanzania participates in the central corridor roaming initiative among other Member countries including Burundi, DR Congo, Rwanda, and Uganda. The initiative is at a development stage whereby only two meetings have been held to see how best to implement a roaming initiative similar to that of East African Community.

Meeting with the Minister of Works, Transport and Communication, United Republic of Tanzania

The Committee met Hon. Makame Mbalawa, the Minister of Works, Transport and Communication in the United Republic of Tanzania. In his remarks on the EAC One Network Area, he made the following observations;

Tanzania supports the idea of One Network Area because it will promote integration and improve business between the people of East Africa. On the other hand the Minister observed that there is a problem of fraud whereby fraudulent actors terminate international calls and transfer them from other countries.

He however said that the government of Tanzania is working hard to develop the technology that controls fraud before implementing One Network Area.

The Minister further said that EAC needs to come up with a study on termination of local calls on One Network Area in the East Africa. This study should carefully identify the financial implication occasioned by the implementation of the One Network Area arrangement.

2.5 UGANDA

From the presentation made by Uganda, it was highlighted that the genesis of One Network Area Initiative originated from the recommendation of East African Communication Organisation (EACO), where EACO sought EAC Secretariat support for a Study on international mobile roaming (IMR) in the East African Community. The 5th Heads of State Summit of Northern Corridor Infrastructure Program adopted the immediate implementation of the One Network Area initiative.

Status of One Network Area in Uganda

One Network Area for Voice was implemented in Oct 2014 for Rwanda & Kenya; while in Uganda and South Sudan on 2^{nd} Jan 2015. The wholesale Inter-Operator Tariff is at \$0.07 @ minute while the retail cost is at \$0.1 @ minute on the basis of per Second billing.

One Network Area for SMS was implemented in October 2015 for Uganda, Kenya, Rwanda and South Sudan, and the wholesale Inter-Operator Tariff is at \$0.03 per SMS, while the retail cost is at \$0.06 per SMS inclusive of all Taxes.

One Network Area for Data was implemented between August and Sept 2016 for Rwanda, Kenya and Uganda where the wholesale Inter-Operator Tariff a cost of \$0.07 per MB while the retail cost of \$0.11 per MB, all rates inclusive of taxes.

Opportunities of One Network Area

- Lessons learned under Northern Corridor Infrastructure Program for EAC implementation of ONA;
- ii. SMART Africa adoption of ONA roaming framework;
- iii. Interoperability for Mobile Financial Services platforms across East African Community.

3.0 GENERAL FINDINGS AND OBSERVATIONS

 It was further reported that due to the implementation of One Net Work Area, the roaming traffic has increased beyond expectation of some Mobile Net Work Operators;

- 2. It was reported that fraud incidences affect the One Net Work Area;
- 3. It was observed that some SIM cards are not registered in all Partner States, which poses a security threat in the region;
- 4. The committee observed that some partner states do not have the traffic monitoring and fraud management systems in place;
- 5. it was observed that the Tanzania and Burundi have not yet implemented the One Network Area;
- 6. It was generally observed that interoperability of Mobile Financial Services is a challenge in terms of Ownership, operation, and location of clearing House;
- 7. It was observed and recognised that East African Communication Organization (EACO) plays an important role in the One Network Area in the East Africa Community;
- 8. Differing and non-collaborative roaming requirements that limit cross-border communication were observed;
- 9. It was noted that roaming is an important cross border service in the socialeconomic development in the region, thus regional cooperation is highly required to deal with it;

4.0 RECOMMENDATIONS

- 1. The Committee recommends for the harmonization of the existing legal and regulatory frameworks in the telecommunication sector for effective implementation of the One Network Area in the East African Community;
- 2. The Committee recommends that EAC Central Banks should set up a framework for inter-operability of the Mobile Financial Services;
- 3. The Committee recommends that all Partner States should undertake interconnection through the EAC National Backbone infrastructure;
- 4. The Committee recommends that Tanzania and Burundi should fast truck the implementation of One Network Area to reduce roaming charges;
- 5. The Committee urges Partner States to harmonize tariff rates on the international incoming calls;
- 6. The urges all Partner States to install and share information on traffic monitoring systems that monitor all calls to enable one network area work effectively;
- 7. The committee urges the council of Ministers to oblige the Communication Authorities to develop and share information on SIM cards registration for security and fraud detections purposes in EAC.

MEMBERS OF THE COMMITTEE ON COMMUNICATION, TRADE AND INVESTMENT Report on the One Network Area in the East Africa

12th - 15th February 2017, Da-es-Salaam - Tanzania

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3)	Hon. Angela Charles Kizigha	-		
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