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EIGHTH PARLIAMENT THIRD SESSION

**THE REPORT OF THE DEPARTMENTAL COMMITTEE
ON DEFENCE AND FOREIGN RELATIONS**

ON

**THE DRAFT TREATY FOR THE
ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY**

JULY, 1999

PREFACE

Mr. Speaker, Sir,

On behalf of Members of the Departmental Committee on Defence and Foreign Relations, I feel greatly honoured to present to the House the Report containing the Recommendations and Minutes of the Committee on the Draft Treaty for the Establishment of the East African Community.

Mr. Speaker, Sir,

This Departmental Committee was appointed on 16th April, 1998 by the House Business Committee pursuant to the provisions of Standing Order 151(1) and it comprises of the following Members:-

1. **Hon. David M. Musila, M.P. (Chairman)**
2. **Hon. Mohammed Y. Haji, M.P. ***
3. **Hon. M.H. Hashim, M.P. ***
4. **Hon. Samwel L. Poghio, M.P.**
5. **Hon. Sammy P. Leshore, M.P.**
6. **Hon. Mark Too, M.P.**
7. **Hon. Paul Kihara, M.P.**
8. **Hon. David Mwenje, M.P.**
9. **Hon. Odeny Ngure, M.P.**
10. **Dr. the Hon. Mukhisa Kituyi, M.P.**
11. **Hon. P.K. Muiruri, M.P.**
12. **Hon. Z.K. Kittony, M.P.**
13. **Hon. J.N. Angwenyi, M.P.**

* *Hon. M.Y. Haji, M.P. relinquished membership and Chairmanship upon appointment as an Assistant Minister, Office of the President on Monday 22nd February, 1999.*

Hon. D.M. Musila, M.P. was subsequently elected Chairman on Tuesday, 20th April, 1999.

* *Hon. M.H. Hashim, M.P. ceased membership upon appointment as an Assistant Minister, Ministry of Trade on Thursday, 29th April, 1999*

Mr. Speaker, Sir,

Allow me to begin by sincerely thanking these Members of the Committee for their co-operation and dedication in pursuing the objectives for which the Committee was established and specifically in deliberating on the Draft Treaty. I feel indebted to their invaluable contribution and commitment in producing this report.

Mr. Speaker, Sir,

The terms of reference for this Committee are set out in Standing Order 151 (4) which states as follows:-

- (a) *to investigate, inquire into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;*
- (b) *to study the programme and policy objectives of the Ministries and departments and the effectiveness for the implementation;*
- (c) *to study and review all legislation after First Reading, subject to the exemptions under Standing Order 101 A (4);*
- (d) *to study, assess and analyze the relative success of the Ministries and departments as measured by the results obtained as compared with its stated objectives;*
- (e) *to investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister; and*
- (f) *to make reports and recommendations to the House as often as possible including recommendation of proposed legislation.*

The mandate of this Departmental Committee, therefore, covered the following Ministries:-

- (i) The Office of the President and specifically the department incharge of national defence.
- (ii) The Ministry of Foreign Affairs
- (iii) The Ministry of East African and Regional Co-operation

Mr. Speaker, Sir,

When the Committee met for the first time on 23rd July, 1998, it generally became apparent that although there were many issues under its purview which were yearning for attention, the consideration of the Draft Treaty for the Establishment of the East African Community, which had just been laid in this House, was of utmost priority.

Consequently, the Committee held a total of thirty-one sittings during which time the members went through the Draft Treaty Article by Article at considerable detail, in the process eliciting heated, albeit interesting discussions, the result of which are the proposals I am presenting to the House today.

Mr. Speaker, Sir,

Allow me to take this early opportunity to recognize the significance of the reports of the forums convened to discuss the Draft Treaty, namely:

- (i) The East African Co-operation meeting of Speakers of the National Assemblies held at Arusha, Tanzania between 4th - 5th June, 1998.
- (ii) The Workshop at Kenya School of Monetary Studies at Ruaraka, Nairobi between 24 - 25th September, 1998 which was organized by the Ministry of East African and Regional Co-operation.
- (iii) The East African Co-operation meeting of Speakers of the National Assemblies held at Arusha, Tanzania between 18th - 19th May, 1999.

The input of these meetings in the treaty making process cannot be ignored and the Committee found their proposals useful. Infact, Chapter Twenty Four on Standardisation, Metrology, Quality Assurance, Quality Management and Accreditation has been completely re-written as recommended by experts drawn from the three Bureaux of Standards of Kenya, Uganda and Tanzania during their sectoral meeting in May, 1998.

The Committee invited and exchanged views on the Treaty with officials from various Ministries. In this respect, I would like to thank Hon. K.N.K. Biwott, E.G.H., M.P. - Minister for East African and Regional Co-operation and Hon. J.J. Kamotho, E.G.H., M.P. - Minister for Trade, for their valuable contribution.

Last but not least, may I also express my gratitude to the Secretariat from the Clerk's Chambers who played a crucial role in organizing the Committee meetings by securing the venue and facilities required, taking the Minutes and the recommendations which culminated into the production of this report.

Mr. Speaker, Sir, for the benefit of Members, it is necessary to note that the Articles which do not appear in the report were adopted by the Committee in their original form.

Signed:.....

David M. Musila
Hon:.....
(CHAIRMAN)
Departmental Committee on Defence
and Foreign Relations

Date:.....th
14 July 1969

PROPOSED AMENDMENTS TO THE DRAFT TREATY

PREAMBLE

The Committee recommends that the Preamble should also include the principles that necessitate the establishment of the proposed Community.

The Committee further recommends that the last paragraph in the Preamble be amended to read;

"DETERMINED to strengthen their Economic, Social, Cultural, Political and other ties for their fast balanced and sustainable development by the establishment of an East African Community, with a Common Market as an integral part, subsequently a Monetary Union and ultimately a Political Federation founded on the development of comparable and compatible political institutions and observance of the principle of pluralism thereof:"

CHAPTER TWO

ESTABLISHMENT AND PRINCIPLES OF THE COMMUNITY

Article 2 - Establishment and Membership of the Community

The Committee recommends that no state should be admitted into the Community under paragraph 5 until the Council provided for in paragraph 8 is legally constituted and the protocol detailing procedures for admission have been agreed upon.

Article 4 - Objectives of the Community

The Committee recommends that the Article be amended as follows:-

- (i) Under 4(1), the words "research and technology" be inserted immediately after the word "economic" on the third line.
- (ii) Under 4(3), a new sub-paragraph (h) be inserted to read;
"The promotion of a common education curriculum, research and human resource development".

CHAPTER FOUR

THE SUMMIT

Article 9 - Composition of the Summit

The Committee recommends that the Summit should consist of the Heads of State and Government.

Article 10 - Functions of the Summit

The Committee recommends that 10(8) be amended to read;
"Any Member of the Summit may record his objection to a proposal submitted for the decision of the Summit and if any such objection is recorded, the Summit shall proceed with the proposal provided that the majority vote is obtained and provided that such proposal does not involve the admission of a new member, or the proposal does not have a direct bearing on the dissenting Member, then for which a unanimous decision will be mandatory".

CHAPTER FIVE

THE COUNCIL

Article 12 - Functions of the Council

The Committee recommends that the Article be amended as follows:-

- (i) Under 12(2), a new sub-paragraph (m) be inserted to read;

"shall prescribe procedures for the accreditation of observer status for inter-governmental organisations and foreign countries".

- (ii) The numbering from 4 - 11 to change and read as from 3 - 10.

CHAPTER SIX

THE CO-ORDINATION COMMITTEE

Article 15 - Functions of the Co-ordination Committee

The Committee recommends that a clear separation of roles be established between the Co-ordination Committee and the Secretariat particularly the harmonisation of Article 15 (1)(d) with Article 64(1)(k) which appears to be in conflict.

CHAPTER SEVEN

THE EAST AFRICAN COMMUNITY COURT

Article 18 - Role of the East African Community Court

The Committee recommends that the Partner States should work towards the re-establishment of the East African Court of Appeal separate from the East African Community Court.

Article 20 - Tenure of Office of Judges

The Committee recommends that the judges should serve a single term of seven years.

CHAPTER EIGHT

THE EAST AFRICAN COMMUNITY ASSEMBLY

The Committee recommends that the Assembly be called the "East African Legislative Assembly" instead of the "East African Community Assembly".

Accordingly, the name should be changed in Chapters Three, Eight and wherever it appears in the Draft Treaty.

Article 44 - Composition of the East African Legislative Assembly

The Committee recommends that the Article be amended as follows:-

- (i) Under 44 (1)(a), the membership of the Assembly be revised from twenty seven elected members to forty five.
- (ii) Under 44(4), the words "on the recommendation of the Assembly" be inserted immediately after the word "shall " in the first line.

Article 45 - Functions of the Assembly

The Committee recommends that paragraphs 1 and 2 be deleted and the following three paragraphs be inserted in place thereof:-

1. "Subject to the provisions of this Treaty, the Community may through its Assembly, enact measures to which legislative effect may be given in the Partner States with respect to such matters as the Summit may from time to time, determine.
2. The Assembly may discuss any matter pertaining to the Community.
3. The Assembly shall liaise with the legislatures of the Partner States on

matters pertaining to the Community."

Consequently, **Article 57** should be deleted.

Article 46 - Election of members of the Assembly

The Committee recommends that the Article be amended as follows:-

- (i) Paragraph 1 be rephrased to read;

"The National Assembly of each Partner State shall elect fifteen members for the Assembly, who shall represent as much as it is feasible, the various political parties and shades of opinion represented in the National Assembly, gender and other special interest groups in that Partner State, in accordance with such procedure as the National Assembly of each Partner State may determine."

- (ii) Paragraph 2 be rephrased to succinctly provide for the qualification for membership of the Assembly as below;

"A person shall be qualified to be elected a member of the National assembly of a Partner State if he:-

- (a) is a citizen of that Partner State;
- (b) has proven experience or interest in advancing the objectives of the Community;
- (c) is qualified to be elected a member of the legislature of Partner State under its electoral law;
- (d) is not a member of the National Assembly of that Partner State;
- (e) is not holding a political post as a Minister or Deputy Minister in that Partner State; and
- (f) is not an officer in the service of the Community or a servant of the East African Development Bank or of the other surviving institutions of the former East African Community."

- (iii) In view of the all-embracing provisions of Article 47 (2), paragraphs 3 and 4 of Article 46 should be deleted.

Article 48 - Questions as to membership of the Assembly

The Committee recommends that the Article be amended as follows:-

- (i) Paragraph 1 be rephrased to read;

"Any question that may arise whether any person is an elected member of the Assembly shall be determined by the National Assembly of the Partner State responsible for the election in question and shall be communicated to the Clerk of the Assembly under certificate of the Clerk of that National Assembly for further action."

- (ii) Paragraph 2 be deleted and be replaced by the following new Paragraph

"Any question that may arise touching on the membership of the Assembly including the cessation of membership by any elected member thereof under the provisions of Article 47 of this Treaty shall be communicated by the Clerk of the Assembly to the National Assembly concerned."

Article 49 - Speaker of the Assembly

The Committee recommends that the Article be amended as follows:-

- (i) The name of the Chairperson should be "Speaker".

Accordingly, the term "Chairman of the Assembly" should, wherever it appears, be deleted and be replaced with the term "Speaker".

- (ii) Paragraph 1 should be amended to read as follows:-

"The Speaker of the Assembly shall be elected by the elected members of the Assembly from among themselves to serve for a period of five years."

- (iii) A new sub-paragraph 1 (b) should be inserted to be worded as follows:-

"A member of the Assembly elected to the office of Speaker of the Assembly shall automatically cease to be a member."

- (iv) Paragraph 2(a) should be amended to expressly provide for a five year tenure of office.

Article 51 - Meetings of the Assembly

The Committee recommends that the Article be amended by deleting the word "Council" in both paragraphs 1 and 2 for appropriate replacement with the word "Assembly"

Article 54 - Voting in the Assembly

The Committee recommends that 54(1) be amended by deleting all the words immediately after the word "voting" in the second line.

Article 57 - Legislative functions of the Assembly

The Committee recommends that in view of the specific recommendation to amend Article 45 in the manner stipulated, this Article be deleted.

Consequently, the Articles should be renumbered.

CHAPTER NINE

THE SECRETARIAT AND STAFF OF THE COMMUNITY

Article 64 - Functions of the Secretariat

The Committee recommends that a clear separation of roles be established between the Co-ordination Committee and the Secretariat particularly the harmonisation of Article 15(1)(d) with Article 64(1)(k) which appears to be in conflict.

CHAPTER TEN

CO-OPERATION IN TRADE LIBERALIZATION AND DEVELOPMENT

Article 69 - Internal tariff

The Committee adopted this Article with the following reservations:-

- (i) In 69 (1), the period provided is not realistic.
- (ii) In 69 (2), the question of enforcement is pertinent.

Article 74 - Dumping

The Committee recommends that besides protocol detailing anti-dumping measures, institutional mechanisms to strengthen the Partner States capacity to stop dumping be established.

Article 82 - Duty Drawback

The Committee recommends that the concept of duty drawback be defined more explicitly to avoid ambiguity in interpretation.

CHAPTER TWELVE

RE-EXPORTATION OF GOODS

Article 89 - General provisions

The Committee recommends that under the proviso of 89(1), a limit should be placed on administrative and service charges to avoid them being used as a replacement for import duty.

CHAPTER THIRTEEN

SIMPLIFICATION AND HARMONIZATION OF TRADE DOCUMENTATION AND PROCEDURES

Article 91 - Trade documentation and procedures

The Committee recommends that the number of trade documentation and national bodies required to handle the documentation be reduced.

Article 92 - Trade facilitation

The Committee recommends that police road blocks be reduced to a bare minimum.

CHAPTER FOURTEEN

MONETARY AND FINANCIAL CO-OPERATION

Article 95 - Monetary and fiscal policy harmonization

The Committee recommends that 95(2) be amended by inserting a new subparagraph (f) to provide for avoidance of double taxation.

Article 96 - Currency convertibility

The Committee recommends that the Partner States should work towards a return to a common currency as was the case during the defunct East African Currency Board.

Article 99 - Banking and Capital Market Development

The Committee recommends that this Article be amended by inserting the following two new sub-paragraphs to be worded as below;

- (i) 99(e), "ensure harmonisation of the Banking Acts, procedures and supervision."
- (ii) 99(f), " take measures to prevent money laundering activities."

Article 102 - Safeguard measures

The Committee recommends that:-

- (i) this Article be placed at the very end of the Treaty to address adverse effects emanating from implementation of the Treaty.
- (ii) the Article be harmonised with any other safeguard measures provided in the Treaty.

CHAPTER FIFTEEN **CO-OPERATION IN INFRASTRUCTURE AND SERVICES**

Article 103 - Common transport and communication policies

The Committee recommends that this Article be amended by deleting 103 (d).

The Committee also recommends that this Article be reworded to reflect the intended privatisation of some of these services.

Article 104 - Roads and road transport

The Committee recommends that 104(q) be amended by inserting the words "and standards" immediately after the word "policies" in the first line.

The Committee further recommends that rather than harmonizing policies, the Partner States should establish an East African Roads Authority to look after existing cross-border roads and establish new ones where necessary.

Article 105 - Railways and rail transport

The Committee recommends that the possibility of single entities taking over the privatised system should be explored.

Article 106 - Air transport

The Committee recommends that this Article be amended by deleting 106(1), (2) and (3)(b) and (i) in the light of the present privatisation realities.

Article 107 Maritime transport and ports

The Committee recommends that this Article be amended by deleting 107(q).

Article 108 Inland waterways transport

The Committee recommends that in the light of the proposed privatisation, the Article should be reviewed.

Article 110 Freight booking centres

The Committee recommends that this Article be deleted.

Article 111 Freight forwarders, customs clearing agents and shipping agents

The Committee recommends that this Article be amended as follows:-

- (i) That 111(1) be rephrased to read;

"The Partner States shall allow any person to register, and be licensed, as a freight forwarder, customs clearing agent and shipping agent, provided that, that person fulfils the harmonized legal requirements of the Partner States."

- (ii) That 111(2) be deleted in view of the stipulated amendment to Article 112

Article 112 - Postal Services

The Committee recommends that this Article be amended as follows:-

- (i) a semi-colon be inserted immediately after the word "Community" in the fifth line.
- (ii) the word "including" in the fifth line be deleted and the words "and adopt compatible policies regarding", be inserted in place thereof.

Article 113 - Telecommunications

The Committee recommends that be amended by deleting the word "shall" in the second line.

CHAPTER SEVENTEEN
FREE MOVEMENT OF PERSONS, LABOUR, SERVICES, RIGHT OF ESTABLISHMENT AND RESIDENCE

Article 118 - Scope of Co-operation

The Committee recommends that the possibility of establishing an East African Industrial Court should be explored.

CHAPTER EIGHTEEN

AGRICULTURE AND FOOD SECURITY

Article 119 - Agriculture and food security

The Committee recommends that this Article be amended as follows:-

- (i) 119(1)(c) be reworded to read;

"an increase in the productivity and efficiency in storage of crops, livestock fisheries and forest products for domestic consumption, exports within and outside the community and as inputs to agro-based industries within the Community".

- (ii) 119 (2)(e) be rephrased to read;

"standardisation in the manufacture of food products to meet internationally accepted quality and environmental standards".

CHAPTER NINETEEN

CO-OPERATION IN ENVIRONMENT AND NATURAL RESOURCES

Article 120 - Environmental issues and natural resources

The Committee recommends that this Article be amended by rephrasing 120 (6)(b)(c) and (d) as below:

- (i) 120 (6)(b) to read;

"to jointly enhance the institutional capacity to manage toxic waste; and"

- (ii) 120(6)(c) to read;

"to ensure sustainable utilization of natural resources within the diverse eco-systems such as lakes, wetlands, forests and range lands".

- (iii) 120 (6)(d) to read;

"to jointly develop and adopt sustainable water resource use, management and conservation policies".

Article 121 - Management of the Environment

The Committee recommends that 121(2)(n) be amended to read;

"adopt common policies and regulations governing the use and management of genetic resources".

Article 122 - Prevention of illegal trade and movement in toxic chemicals, substances and hazardous wastes

The Committee recommends that this Article be amended as follows:-

- (i) That the heading be reworded to read;

"Prevention of illegal trade in and movement of toxic chemicals, substances and hazardous wastes."

- (ii) That 122(3) be rephrased to read;

"The Partner States undertake to accede to and ratify international environmental conventions that are designed to conserve the environment and improve environment and improve environmental policies and management".

CHAPTER TWENTY
CO-OPERATION IN TOURISM AND WILDLIFE MANAGEMENT

Article 124 - Tourism and Wildlife management

The Committee recommends that the Article be amended as follows:-

- (ii) 124(3)(e) be rephrased to read;

"take measures to ratify and accede to and ratify, and, implement relevant international conventions, and"

CHAPTER TWENTY ONE
CO-OPERATION IN HEALTH, SOCIAL AND CULTURAL ACTIVITIES

Article 125 - Health, social and cultural activities

The Committee recommends that the Article be amended as below:-

- (i) 125(2)(a) be rephrased to read;

"take joint action on agreed public health interventions for disease prevention and control."

- (ii) 125(2) be amended by inserting the following new sub-paragraphs to be

listed and worded;

- (j) "co-operate in the promotion of maternal and child health and access to health care.
- (k) co-operate in the promotion of adolescent health and access to health care.
- (l) co-operate in the development and promotion of access and health care to the aged."

CHAPTER TWENTY TWO

ENHANCING THE ROLE OF WOMEN IN SOCIO-ECONOMIC DEVELOPMENT

Article 126 - The role of women in socio-economic development

The Committee recommends that this Article be amended as follows:-

- (i) the word "agree" in the first line be deleted and the word "recognize" be inserted in place thereof.
- (ii) 126(a) be rephrased to read;

"promote the empowerment and effective integration and participation of women at all levels of development especially in decision-making".

Article 127 - Role of women in business

The Committee recommends that this Article be amended as follows:-

- (i) Under 127(a), the words "formulation and implementation" be inserted immediately after the word "policy"
- (ii) 127 (c) be rephrased to read;

"promote special programmes for women in small, medium and large size enterprises".
- (iii) 127 (d) be rephrased to read;

"eliminate such laws, regulations and practices that hinder women's access to credit".

CHAPTER TWENTY THREE

CO-OPERATION IN INVESTMENT AND INDUSTRIAL DEVELOPMENT

Article 128 - Industrial Development

The Committee recommends that this Article be amended by deleting 128(1)(a).

Article 129 - Strategy and priority areas

The Committee recommends that 129 (1)(e) be amended by inserting the words "establishment and" immediately before the word "promotion" and that the word "and" in the first line be deleted and the word "facility" be inserted in place thereof.

The Committee further recommends that deliberate action should be taken to make the provisions of this Article workable.

CHAPTER TWENTY FOUR

CO-OPERATION IN STANDARDIZATION AND QUALITY ASSURANCE

The Committee recommends that this Chapter be amended as follows:-

- (i) The heading of the Chapter be rephrased to read;

"Standardisation, Metrology, Quality Assurance, Quality Management and Accreditation"

- (ii) Article 130 be deleted and be replaced with the following Articles which should be numbered as appropriate:-

Article - Role of Standardisation, Metrology, Quality Assurance and Quality Management.

The member states, recognising the importance of Standardisation, metrology, Quality Assurance and Quality Management in the promotion of health, the enhancement of the standards of living, the rationalisation and reduction of unnecessary variety of products (goods and services), the facilitation of interchangeability of products, the promotion of trade, consumer protection, the creation of savings in Government purchasing, improved productivity, the facilitation on information exchange as well as in the protection of life, property, and the environment, agree to:

- (a) evolve and apply a common policy with regard to the standardisation and quality assurance of products produced and traded within the East African, the relationship of their national standards bodies with regional, international and other organisations concerned with standardisation and quality assurance

and in the development of activities in standardisation and quality assurance for the achievement of the objectives of the East African market.

- (b) promote activities of the national standards bodies and develop their technical capacities so as to enable them to adequately carry out standardisation and quality assurance activities at the national level and to co-operate with other member states and other relevant bodies.
- (c) promote and enforce standards relating to public health and safety and the protection of the environment by applying appropriate standards for products produced and traded within East Africa; and
- (d) recognise the standards developed and adopted by the African Regional Organisation for Standardisation (ARSO) as leading co-operating partner in the implementation of appropriate provisions of this Chapter and agree to accede to the Agreement establishing ARSO.

Article - Establishment of Standards

The member states undertake to:

- (a) apply uniform rules and procedures for the formulation of their national standards.
- (b) adopt African regional standards and where these are unavailable, adopt suitable international standards for products traded in East Africa.
- (c) co-ordinate their views with regard to the selection, recognition, adaptation and application of East African Standards and International Standards in so far as the needs of the East African are concerned, and constantly endeavour to improve the standardisation of products within the East African region.
- (d) apply the principle of reference to standards in their national regulations, so as to facilitate the harmonisation of their technical regulations.

Article - Quality Assurance and Quality Management

The member states shall:

- (a) apply uniform standards and specification for the inspection and testing of products traded within East Africa, so that the results may be more easily interpreted and co-ordinated in a similar manner within the East African region.
- (b) adopt regionally acceptable quality management and quality assurance standards and develop capacities for assuring quality of products traded in East Africa.

- (c) use harmonised documentation for the evaluation of the quality of products traded in East Africa; and
- (d) in conjunction with customs and other relevant authorities, provide for ease of movement of samples meant for testing within East Africa.

Article - Environment

Member states shall:

- (a) develop and harmonise Environmental Standards within East Africa.
- (b) adopt International Standards and use them to promote environmental requirements of products produced within East Africa.

Article - Certification and Laboratory Accreditation

The member states shall:

- (a) adopt and apply a harmonised scheme for the certification of products produced and traded in East Africa.
- (b) adopt and apply a harmonised scheme for the accreditation of laboratories used for the evaluation of products produced and traded in East Africa and for the mutual recognition of each others national certification marks and laboratory accreditation schemes.

Article - Metrology

The member states shall:

- (a) adopt a harmonised system for legal, scientific and industrial metrology activities and formulate modalities for the mutual recognition of calibration certificates issued by the national metrology laboratories and accredited calibration centres within the member states.
- (b) promulgate national legal frameworks for legal metrology in line with International Organisation for Legal Metrology (OIML) guidelines.
- (c) adopt and systematically apply a uniform system of labelling products to be traded within East Africa.
- (d) agree to standardise all aids to the recognition and movement of goods and their containers such as labels and transit documents.
- (e) apply safety codes for the handling and shipment of products traded within

East Africa.

- (f) in conjunction with customs and other relevant authorities, provide for the ease of movement of metrology standards and equipment sent for calibration within the member states.

Article - Co-operation in Testing

The member states undertake to encourage inter-laboratory comparison testing, establish competence of repeatability and reproducibility of results promoting recognition of test certificates within the region.

Article - Documentation and Information

The member states shall agree to adopt compatible management systems for standardisation, quality assurance and quality management related documentation and information to facilitate easier exchange of information among themselves.

Article - Training

The member states agree to:

- (a) consult one another through the Secretariat, concerning their common training needs in the field of standardisation, quality assurance, testing and metrology.
- (b) undertake to co-ordinate among themselves the use of existing facilities with a view to making them accessible to other member states.
- (c) establish in conjunction with the ARSO and other relevant organisations, training programmes designed to meet the specific needs of the East African market.

Article - Publicity

The member states shall endeavour to make all the activities of standardisation, metrology, testing, quality assurance and quality management to all concerned through seminars, advertisements, publications, films, discussions, participation of the national standardisation institutions in trade fairs, special national awards and the creation of national quality associations within the member states.

Article - Administrative Procedures

The member states shall use harmonised documentation for the evaluation of the quality of goods for customs clearance of goods traded in the East African market.

Article - Accreditation

The member states shall undertake and establish an East African Accreditation Body to promote recognition of certification and test laboratories within the region and worldwide.

The member states shall use harmonised documentation for evaluation quality of goods for customs clearance for goods traded in the East African market.

CHAPTER TWENTY FIVE **CO-OPERATION IN POLITICAL MATTERS**

Article 132 - Regional peace and security

The Committee recommends that this Article be amended by inserting a new paragraph (5) to read:-

"Partner States undertake to co-operate in reviewing the region's security particularly on the threat of terrorism and formulate security strategies and measures to combat terrorism".

Article 133 - Defence

The Committee recommends that 133(2)(b) be amended by inserting the word "of" immediately after the word "fields".

CHAPTER TWENTY SEVEN **CO-OPERATION IN OTHER FIELDS**

Article 135 - Other fields

The Committee recommends that this Chapter should be swapped with Chapter Twenty Nine and the Articles renumbered accordingly.

CHAPTER TWENTY EIGHT **THE PRIVATE SECTOR AND THE CIVIL SOCIETY**

Article 136 - Creation of an enabling environment for the private sector

The Committee recommends that 136(2)(b) be rephrased to read:-

"stimulate market development through infrastructural linkages and the removal of unnecessary barriers and constraints to market development;"

Article 137 - Strengthening the private sector

The Committee recommends that this Article be amended as follows:-

(i) 137(2)(a) be rephrased to read;

"encourage the efficient use of scarce resources and to promote the development of private sector organisations which are engaged in all types of economic activity such as, the chambers of commerce, confederations and associations of industry, agriculture, manufacturers, farmers and professional development groups;"

(ii) 137(2)(c) be rephrased to read;

"establish a quality information system which will allow collection, harmonised processing and timely dissemination of data and information."

CHAPTER TWENTY NINE **RELATIONS WITH OTHER REGIONAL AND INTERNATIONAL** **ORGANISATIONS AND DEVELOPMENT PARTNERS**

Article 139 - International organisations and development partners

The Committee recommends that this Chapter should be swapped with Chapter Twenty Seven and the Articles renumbered accordingly.

CHAPTER THIRTY **FINANCIAL PROVISIONS**

Article 140 - Budget

The Committee recommends that this Article be amended as follows:-

- (i) Under 140(2), the words "by the Assembly" be inserted immediately after the word "consideration".
- (ii) Under 140(6), the words "Secretariat of the Community, the" be inserted immediately before the word "surviving" in the second line.

Article 142 - Audit of accounts

The Committee recommends that this Article be amended as follows:-

- (i) That 142(1) be rephrased to read;

"There shall be an East African Audit Commission made up of the Auditors General of Partner States whose functions will be to audit the accounts of the Community"

- (ii) That 142 (3) be rephrased to read;

"The Audit Commission shall submit its reports under paragraph 2 of this Article to the Council within six (6) months after the end of each financial year which shall cause the same to be laid before the Assembly and for such other consideration and action as the Council may deem necessary".

CHAPTER THIRTY ONE

GENERAL, TRANSITIONAL AND FINAL PROVISIONS

Article 145 - Official Language

The Committee recommends that the official languages of the Community be English and Kiswahili.

MINUTES OF THE FIRST SITTING OF THE COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD IN COMMITTEE ROOM NO. 9, PARLIAMENT BUILDINGS ON THURSDAY 23RD JULY, 1998 AT 11.00

PRESENT: The following Members of the Committee were present:-

1. Hon. Yusuf M. Haji, M.P.
2. Hon. M.H. Hashim, M.P.
3. Hon. David M. Musila, M.P.
4. Hon. Samwel L. Poghisio, M.P.
5. Hon. Sammy P. Leshore, M.P.
6. Hon. David Mwenje, M.P.
7. Hon. Odeny Ngure, M.P.
8. Dr. the Hon. Mukhisa Kituyi, M.P.
9. Hon. P.K. Muiruri, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. Mark Too, M.P.
2. Hon. Paul Kihara, M.P.

IN ATTENDANCE: **NATIONAL ASSEMBLY**

Mr. J.K. Masya	-	Clerk of the National Assembly
Mr. P.C. Omolo	-	Principal Clerk Assistant
Mrs. C.W. Munga	-	Senior Clerk Assistant
Mr. A.M. Mwendwa	-	Second Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.1/98 **INTRODUCTORY REMARKS BY THE CLERK OF NATIONAL ASSEMBLY**

The Clerk of the National Assembly called the meeting to order and made the introductory remarks on the Departmental Committees in general. He informed the Members that the Departmental committees were a new feature in the Kenyan Parliament and henceforth all bills other than Finance, Appropriation and Constitutional ones, would be referred to these committees after the First Reading.

The Clerk further informed the Members that these committees would enable the members to meet and discuss policy matters with the ministers in a relaxed atmosphere. He added that basically the committees are advisory in nature and that it is a common practice in the Commonwealth Parliaments for these Committees to be chaired by the government side.

MINUTE NO.2/98

TERMS OF REFERENCE

The Clerk referred the Members to Standing Order No. 151 which establishes the Committees and provides the following as the terms of reference:-

- (a) To investigate into, and report on all matters relating to the mandate, management, activities, administration, operations and estimates of the assigned Ministries and departments;
- (b) To study the programme and policy objectives of the Ministries and departments and the effectiveness for the implementation;
- (c) To study and review all legislation after First Reading, subject to the exemptions under Standing Order 101A(4);
- (d) To study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with its stated objectives;
- (e) To investigate and inquire into all matters relating to the assigned Ministries and Departments as they may deem necessary, and as may be referred to them by the House or a Minister; and
- (f) to make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.

MINUTE NO.3/98

ELECTION OF THE CHAIRMAN

The Clerk conducted the proceedings for the election of the Chairman. The Hon. Dr. Mukhisa Kituyi, M.P., was proposed and seconded by the Hon. D. Mwenje, M.P. and the Hon. Patrick Mwiruri respectively. The Hon. Yusuf Haji, M.P. was likewise proposed by Hon. S. Poghisio, M.P. and seconded by Hon. P. Leshore, M.P. respectively. Secret voting results were as follows; Hon. Yusuf Haji, M.P. - 5 Hon. Mukhisa Kituyi, M.P. - 3. Thereupon the Clerk declared Hon. Yusuf Haji, M.P. as the duly elected Chairman

MINUTE NO.4/98

ANY OTHER BUSINESS

Hon. Mukhisa Kituyi, M.P. proposed that the Committee undertake a tour to Uganda and Tanzania in order to meet and compare notes with their counterpart M.P.s from those Parliaments. Hon. S. Poghisio, M.P., expressed his support

for the sentiments expressed by Hon. M. Kituyi. The Clerk advised that he will communicate with the Chairman on the issue. He also informed the Committee that the three speakers of Kenya, Uganda and Tanzania have a scheduled meeting in which they will examine what each Parliament has proposed as regards the East African Cooperation.

MINUTE NO.5/98

DATE OF THE NEXT MEETING

It was agreed that the date of the next meeting will be communicated to the Members by Notice.

MINUTE NO.6/98

ADJOURNMENT

And there being no Any Other Business, and the time being Twelve O'clock, the Chairman adjourned the Meeting until a later date.

CONFIRMED:
Hon. M.Y. Haji, M.P.

SIGNATURE:
Signed

DATE:
11th November, 1998

**MINUTES OF THE SECOND SITTING OF THE COMMITTEE ON DEFENCE
AND FOREIGN RELATIONS HELD IN COMMITTEE ROOM NO. 7,
PARLIAMENT BUILDINGS ON WEDNESDAY 11TH NOVEMBER, 1998 AT
10.00 A.M.**

PRESENT:

The following Members of the Committee were present:-

1. Hon. Yusuf M. Haji, M.P. - (Chairman)
2. Hon. M.H. Hashim, M.P.
3. Hon. Paul Kihara, M.P.
4. Hon. Samwel L. Poghisio, M.P.
5. Hon. Sammy P. Leshore, M.P.
6. Hon. David Mwenje, M.P.
7. Hon. Odeny Ngure, M.P.
8. Dr. the Hon. Mukhisa Kituyi, M.P.
9. Hon. P.K. Muiruri, M.P.

ABSENT WITH APOLOGY:

Hon. David M. Musila, M.P.

ABSENT WITHOUT APOLOGY:

Hon. Mark Too, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mrs. C.W. Munga	-	Senior Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.7/98

CONFIRMATION OF THE MINUTES

Minutes of the previous Sitting held on 23rd July, 1998 were approved by the Members present and signed by the Chairman

Proposed by Hon. S.L. Poghisio, M.P. and Seconded by Hon. D. Mwenje, M.P.

MINUTE NO.8/98

MATTERS ARISING

Under Minute No. 4/98, the Committee resolved that it will discuss the Draft Treaty before it embarks on a trip to Arusha and Kampala around the third week of February, 1999.

The Members proposed to spend a week in Tanzania and three days in Uganda.

MINUTE NO.9/98

CONSIDERATION OF THE DRAFT TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY

- (i) The Committee was in agreement that it will meet continuously on a daily basis from Monday 18th January, 1999 for a period of three weeks as follows:-
 - (a) Two weeks for the consideration of the Draft Treaty.
 - (b) One week for the consideration of the East African Co-operation aspects not covered by the Treaty.
- (ii) The Committee resolved to go through the Treaty Article by Article.
- (iii) The Committee directed the Secretariat to write to the minister for East African and Regional Co-operation asking him to give the Committee a resource person to assist in its deliberations on the Draft Treaty.

MINUTE NO.10/98

ANY OTHER BUSINESS

- (i) Hon. Kituyi expressed concern that it has taken too long for a meeting of the Committee to be called after the election of the Chairman. The Chairman explained that there has been no agenda for which a meeting could be called
- (ii) Hon. Ngure was concerned that no report has been presented to the Committee on the deliberations which went on in Arusha which led to the Draft Treaty and on the workshop which was called after the Arusha meeting.
- (iii) Hon. Poghiso expressed the view that the Committee on Foreign Affairs should be upgraded to the same level as its counterparts in Uganda and Tanzania. The Members suggested that the Committee should be provided with the following:-
 - (a) Permanent Clerks
 - (b) A specific Committee Room

- (c) A well equipped office
- (iv) The Committee resolved to visit the Ministries of Foreign Affairs and East African and Regional Co-operation at a later date but agreed to set an agenda for the same before then.

MINUTE NO.11/98

ADJOURNMENT

And there being no Any Other Business, and the time being thirty minutes past Eleven O'clock, the Chairman adjourned the Meeting until Tuesday 17th November, 1998 at 10.00 a.m.

CONFIRMED: **Hon. M.Y. Haji, M.P.**

SIGNATURE: **Signed**

DATE: **17th November, 1998**

MINUTES OF THE THIRD SITTING OF THE COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD IN COMMITTEE ROOM NO. 7, PARLIAMENT BUILDINGS ON TUESDAY 17TH NOVEMBER, 1998 AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:-

1. Hon. Yusuf M. Haji, M.P. (Chairman)
2. Hon. Sammy P. Leshore, M.P.
3. Dr. the Hon. Mukhisa Kituyi, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. Mark Too, M.P.
2. Hon. David M. Musila, M.P.
3. Hon. M.H. Hashim, M.P.
4. Hon. Paul Kihara, M.P.
5. Hon. Samwel L. Poghisio, M.P.
6. Hon. David Mwenje, M.P.
7. Hon. Odeny Ngure, M.P.
8. Hon. P.K. Muiruri, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mrs. C.W. Munga	-	Senior Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.12/98

CONFIRMATION OF THE MINUTES

Minutes of the Second sitting held on 11th November, 1998 were approved by the Members present and signed by the Chairman.

Proposed by Hon. S.P. Leshore and seconded by Dr. the Hon. Mukhisa Kituyi, M.P.

MINUTE NO.13/98

MATTERS ARISING

Under Minute No. 10/98 (iv), the Committee agreed to postpone its meetings with the Ministers for Foreign Affairs and East African and Regional Co-operation to January and February, 1999 respectively.

MINUTE NO.14/98

CONSIDERATION OF THE DRAFT TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY

The Committee resolved to summon the following Ministers and scheduled the meetings as follows:-

- (i) The Minister for Foreign Affairs, on Monday 25th January 1999, to expound on Kenya's foreign policy especially the Great Lakes region and how it relates to the proposed East African Community particularly the emerging conflicts in the area.
- (ii) The Minister for East African and Regional Co-operation, on Monday 1st February 1999 to explain the following:-
 - (a) Why the Government of Kenya acceded to the Draft Treaty.
 - (b) Whether there are recent developments especially in the great lakes region which could affect the Treaty.

MINUTE NO.15/98

ANY OTHER BUSINESS

- (i) The Committee resolved that it will go to Tanzania and Uganda the second week of February and mandated Dr. the Hon. Mukhisa Kituyi, M.P. to prepare a draft programme for the proposed trips.
- (ii) The Members expressed concern that there has been laxity in the attendance of Committee sittings.
- (iii) The Committee directed the Secretariat to avail a copy of the Treaty which established the defunct East African Community.

MINUTE NO.16/98

ADJOURNMENT

And there being no Any Other Business, and the time being thirty minutes past Eleven O'clock, the Chairman adjourned the Meeting until Monday 23rd November, 1998 at 10.00 a.m.

CONFIRMED:
Hon. M.Y. Haji, M.P.

SIGNATURE:
Signed

DATE:
23rd November, 1998

MINUTES OF THE FOURTH SITTING OF THE COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD IN COMMITTEE ROOM NO. 7, PARLIAMENT BUILDINGS ON MONDAY 23RD NOVEMBER, 1998 AT 10.00 A.M.

PRESENT:

The following Members of the Committee were present:-

1. Hon. Yusuf M. Haji, M.P. - (Chairman)
2. Hon. Sammy P. Leshore, M.P.
3. Dr. the Hon. Mukhisa Kituyi, M.P.
4. Hon. Mark Too, M.P.
5. Hon. David Mwenje, M.P.
6. Hon. Odeny Ngure, M.P.
7. Hon. P.K. Muiruri, M.P.

ABSENT WITHOUT APOLOGY

1. Hon. David M. Musila, M.P.
2. Hon. Paul Kihara, M.P.
3. Hon. Samwel L. Poghisio, M.P.
4. Hon. M.H. Hashim, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mrs. C.W. Munga	-	Senior Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.17/98

CONFIRMATION OF THE MINUTES

Minutes of the Third sitting held on 17th November, 1998 were approved by the Members present and signed by the Chairman.

Proposed by Dr. the Hon. Mukhisa Kituyi, M.P. and Seconded by Hon. S.P. Leshore, M.P.

MINUTE NO.18/98

MATTERS ARISING

- (i) Under Minute No. 14/98, the Committee agreed to postpone the resumption of its sittings from Monday 18th January, 1999 to Monday 25th January 1999 due to staff annual leave.

Consequently, the meeting with the Minister for Foreign Affairs will take place on Wednesday 27th January, 1999.

- (ii) Under minute No.15/98, the Committee set the tentative dates for the trips to Tanzania and Uganda

and further added Rwanda to the itinerary as below:-

- (a) Tanzania & Zanzibar, 15th - 21st February, 1999
- (b) Uganda, 22nd - 24th February, 1999
- (c) Rwanda, 25th to 28th February, 1999

MINUTE NO.19/98

CONSIDERATION OF THE DRAFT TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY

PREAMBLE

The Committee deliberated on and adopted the Preamble with one amendment proposed by Dr. the Hon. Mukhisa Kituyi, M.P.

The Committee directed the Secretariat to avail a copy of the East African Co-operation Development strategy for the period 1997 -2000.

MINUTE NO.20/98

ANY OTHER BUSINESS

- (i) The Committee resolved to summon the following at a later date to assist it in its deliberations:-
 - (a) The Minister for Trade
 - (b) The Governor of Central Bank of Kenya.
- (ii) Dr. the Hon. Mukhisa Kituyi, M.P. volunteered to carry out a comparative analysis on the Treaty for East African Co-operation Act, 1967 and the Draft Treaty for the Establishment of the East African Community.
- (iii) Hon. Mark Too, M.P. proposed that the Committee should involve the Minister for Foreign Affairs and the Minister for East African and Regional Co-operation a lot more in its deliberations than the mere proposed appearance of the two Ministers. This proposal was accepted by all the Members present.

Hon. Mark Too, M.P. further undertook to bring some relevant documents from neighbouring countries for use by the Committee.

- (iv) Hon. P.K. Muiruri, M.P. reiterated the significance of the Committee on Defence and Foreign Relations especially in mapping out and influencing Kenya's foreign policy particularly in the Central African region because there appears to be a vacuum.
- (v) The Committee agreed to summon the Minister incharge of defence to give information on clashes between the Sudanese People's Liberation Army (SPLA) factions in Nairobi.
- (vi) The Committee further directed the Secretariat to avail the following documents:-
 - (a) Minutes of the meeting held at Ruaraka to discuss the Draft Treaty, organised by the Ministry of East African and Regional Co-operation.
 - (b) Agreements signed between the Governments of Tanzania and Uganda with COMESA and SADCC.
 - (c) Minutes of the meeting of Members of Parliament from Kenya, Uganda and Tanzania on the Draft Treaty held in Arusha.

MINUTE NO.21/98

ADJOURNMENT

And there being no Any Other Business, and the time being thirty minutes past Twelve O'clock, the Acting Chairman (Hon. Leshore, M.P.) adjourned the Meeting until Monday 30th November, 1998 at 10.00 a.m.

Hon. M.Y. Haji, M.P.

CONFIRMED:

Signed

SIGNATURE:

2nd February, 1999

DATE:

MINUTES OF THE FIFTH SITTING OF THE COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD IN MR. OMOLLO'S OFFICE, PARLIAMENT BUILDING ON MONDAY 18TH JANUARY, 1999 AT 11.00 A.M.

PRESENT:

The following members of the Committee were present:-

Hon. Yusuf M. Haji, M.P. - **(Chairman)**

Hon. Sammy P. Leshore, M.P.

Dr. the Hon. Mukhisa Kituyi, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mr. P.C. Owino Omolo - Deputy Clerk

MINUTE NO. 22/99

MATTERS ARISING

- (i) **Under Minute No.18/98 (i)**, the Committee postponed the resumption of its meetings from Monday 25th January, 1999 to Tuesday 2nd February, 1999.

Consequently, the meeting with the Minister for Foreign Affairs was postponed to a later date.

- (ii) **Under Minute No. 14/98 (ii)**, the Committee postponed the meeting with the Minister for East African and Regional Co-operation to a later date.

MINUTE NO.23/99

ADJOURNMENT

And there being no Any Other Business, and the time being thirty minutes past Eleven O'clock, the Chairman adjourned the meeting until Tuesday 2nd February, 1999 at 10.00 a.m.

CONFIRMED:
Hon. M.Y. Haji, M.P.

SIGNED
SIGNATURE:

3rd February, 1999
DATE:

MINUTES OF THE SIXTH SITTING OF THE COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD IN 2ND FLOOR - COMMITTEE ROOM, COUNTY HALL, ON TUESDAY 2ND FEBRUARY, 1999 AT 10.00 A.M.

PRESENT:

The following Members of the Committee were present:-

1. Hon. Yusuf M. Haji, M.P. - (Chairman)
2. Hon. Sammy P. Leshore, M.P.
3. Dr. the Hon. Mukhisa Kituyi, M.P.
4. Hon. Odeny Ngure, M.P.
5. Hon. David M. Musila, M.P.
6. Hon. Paul Kihara, M.P.

ABSENT WITH APOLOGY: Hon. P.K. Muiruri, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. M.H. Hashim, M.P.
2. Hon. Samuel L. Poghio, M.P.
3. Hon. D. Mwenje, M.P.
4. Hon. Mark Too, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mr. S. Njenga - Third Clerk Assistant

MINUTE NO.24/99

CONFIRMATION OF THE MINUTES

Minutes of the Fourth sitting held on 23rd November, 1998 were approved by the members present and signed by the Chairman.

Proposed by Dr. the Hon. Mukhisa Kituyi, M.P. and seconded by Hon. S.P. Leshore, M.P.

MINUTE NO.25/99

MATTERS ARISING

- (i) **Under Minute No. 18/98 (ii)**, the Committee rescheduled the tentative dates for the trips to Tanzania, Uganda and Rwanda as below:-
 - (a) Tanzania and Zanzibar, 15th - 21st March, 1999.
 - (b) Uganda, 6th - 8th April, 1999.
 - (c) Rwanda, 8th - 9th April, 1999.

- (ii) **Under Minute No. 20/98 (i)**, the committee resolved to meet the following Ministers in the week ending Friday 12th February, 1999 and directed the Secretariat to slot them in the programme, as appropriate.
1. Hon. J.J. Kamotho (Minister for Trade).
 2. Hon. K.N.K. Biwott (Minister for East African and Regional Co-operation).
 3. Hon. W. Ntimama (Minister for Transport and Communications).
 4. The Minister Incharge of Defence
- (iii) **Under Minute No. 20/98 (ii)**, Dr. the Hon. Mukhisa Kituyi, M.P. undertook to present the comparative analysis on the Treaty for East African Co-operation Act, 1967 and the Draft Treaty for the Establishment of the East African Community on Friday 5th February, 1999.
- (iv) **Under Minute No. 20/98 (v)**, it was unanimously agreed that the agenda of the meeting with the Minister incharge of Defence also include the Oromo crisis in Moyale.

MINUTE NO.26/99

ANY OTHER BUSINESS

The following members undertook to prepare draft check lists for the meetings with the Ministers as indicated below:-

- (i) Dr. the Hon. Mukhisa Kituyi, M.P. for the Hon. K.N.K. Biwott meeting.
- (ii) Hon. Paul Kihara, M.P. for the Hon. J.J. Kamotho and Hon. W. Ntimama meetings.

MINUTE NO.27/99

ADJOURNMENT

And there being no Any Other Business, and the time being forty minutes past Eleven O'clock, the Chairman adjournment the meeting until Wednesday, 3rd February, 1999 at 9.00 a.m.

CONFIRMED: **Hon. M.Y. Haji, M.P.**
.....

SIGNATURE: **Signed**
.....

DATE: **3rd February, 1999**
.....

MINUTES OF THE SEVENTH SITTING OF THE COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON 2ND FLOOR - COMMITTEE ROOM, COUNTY HALL, ON WEDNESDAY 3RD FEBRUARY, 1999 AT 9.00 A.M.

PRESENT:

The following Members of the Committee were present:-

1. Hon. Yusuf M. Haji, M.P. - (Chairman)
2. Hon. Sammy P. Leshore, M.P.
3. Dr. the Hon. Mukhisa Kituyi, M.P.
4. Hon. Odeny Ngure, M.P.
5. Hon. David M. Musila, M.P.
6. Hon. Paul Kihara, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. M.H. Hashim, M.P.
2. Hon. Samuel L. Poghio, M.P.
3. Hon. Mark Too, M.P.
4. Hon. David Mwenje, M.P.
5. Hon. P.K. Muiruri, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mr. P.C. Owino Omolo - Deputy Clerk
Mr. S. Njenga - Third Clerk Assistant

MINUTE NO.28/99

CONFIRMATION OF THE MINUTES

Minutes of the Fifth and Sixth sittings held on 18th January, 1999 and 2nd February, 1999 respectively were approved by the Members present and signed by the Chairman.

Both proposed by Dr. the Hon. Mukhisa Kituyi, M.P. and seconded by Hon. S.P. Leshore, M.P.

MINUTE NO.29/99

CONSIDERATION OF THE DRAFT TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY

The Committee deliberated on Articles 1 - 9 in Chapters One to Four as follows:

(a) **CHAPTER ONE - INTERPRETATION**

Article 1 - Interpretation.

The Committee considered and adopted this Article.

(b) **CHAPTER TWO - ESTABLISHMENT AND PRINCIPLES OF THE COMMUNITY**

Article 2 - Establishment and membership of the Community.

The Committee deliberated on and adopted this Article subject to the following recommendation.

That no state should be admitted into the Community under paragraph 5 until the Council provided for in paragraph 8 is legally constituted.

Article 3 - Legal capacity of the Community

The Committee deliberated on and adopted this Article.

Article 4 - Objectives of the Community

The Committee deliberated on and adopted this Article with the following amendments.

- (i) Under 4 (1) the words "research and technology" be inserted immediately after the word "economic" on the third line.
- (ii) Under 4(3), a new sub-paragraph (h) be inserted to read as follows.

"the promotion of a common education curriculum, research and human resource development"

Article 5 - Fundamental principles of the Community

The Committee deliberated on and adopted this Article.

Article 6 - Operational principles

The Committee deliberated on and adopted this Article.

Article 7 - General undertaking as to implementation

The Committee deliberated on and adopted this Article but noted that no legislation has been enacted to give effect to the implementation of the Treaty.

(c) **CHAPTER THREE - ESTABLISHMENT OF THE INSTITUTIONS OF THE COMMUNITY**

Article 8 - Establishment of the institutions

The Committee considered and adopted this Article.

(d) **CHAPTER FOUR - THE SUMMIT**

Article 9 - Composition of the Summit

The Committee considered and adopted this Article

MINUTE 30/99

ADJOURNMENT

And there being no Any Other Business, and the time being forty minutes past Eleven O'clock, the Chairman adjourned the meeting until Thursday, 4th February, 1999 at 9.30 a.m.

CONFIRMED:	Hon. M. Y. Haji, M.P.
SIGNATURE:	Signed
DATE:	4th February, 1999

MINUTES OF THE EIGHTH SITTING OF THE COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON 2ND FLOOR - COMMITTEE ROOM, COUNTY HALL, ON THURSDAY 4TH FEBRUARY, 1999 AT 9.30 A.M.

PRESENT:

The following Members of the Committee were present:-

1. Hon. Yusuf M. Haji, M.P. - (Chairman)
2. Hon. Sammy P. Leshore, M.P.
3. Dr. the Hon. Mukhisa Kituyi, M.P.
4. Hon. Odeny Ngure, M.P.
5. Hon. David M. Musila, M.P.
6. Hon. Paul Kihara, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. M.H. Hashim, M.P.
2. Hon. Samuel L. Poghisio, M.P.
3. Hon. Mark Too, M.P.
4. Hon. David Mwenje, M.P.
5. Hon. P.K. Muiruri, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mr. P.C. Owino Omolo - Deputy Clerk
Mr. A.M. Mwendwa - Second Clerk Assistant

MINUTE NO.31/99

CONFIRMATION OF THE MINUTES

Minutes of the Seventh sitting held on 3rd February, 1999 were approved by the Members present and signed by the Chairman.

Proposed by Dr. the Hon. Mukhisa Kituyi, M.P. and seconded by Hon. S.P. Leshore, M.P.

MINUTE NO.32/99

MATTERS ARISING

- (1) The Committee tentatively scheduled the meetings with the following Ministers as follows:
 - (i) Hon. Gedion Ndambuki, Minister in charge of Defence, on 16th February, 1999 at 12 noon - 1.00 p.m.
 - (ii) Hon. Joseph Kamotho, Minister for Trade, on 9th February, 1999 at 12 noon - 1.00 p.m.

- (iii) Hon. Nicholas Biwott, Minister for East African and Regional Co-operation, on 10th February, 1999 at 12 noon - 1.00 p.m.
 - (iv) Hon. William Ole Ntimama, Minister for Transport and Communications, on 11th February, 1999 at 12 noon - 1.00 p.m.
- (2) **Under Minute, No. 29/99, Article 7 - General Undertaking as to Implementation,** the Committee recommended that an Act be enacted by the Parliament for Legislative effect of the provisions of this Article.

MINUTE NO.33/99

CONSIDERATION OF THE DRAFT TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY

The Committee deliberated on Articles 9 - 16 in Chapter four to six as follows:-

(a) **CHAPTER FOUR**

Article 9 - Composition of the Summit

The Committee once again deliberated on the issue of composition of the Summit and recommended that the summit should consist of the Heads of State and Government.

Article 10 - Functions of the Summit

The Committee deliberated on and adopted this Article with the following amendment.

Under 10 (8), the paragraph be amended to read as follows.

" Any Member of the Summit may record his objection to a proposal submitted for the decision of the Summit and if any such objection is recorded, the summit shall proceed with the proposal provided that the majority vote is obtained and provided that such proposal does not involve the admission of a new member, or the proposal does not have a direct bearing on the dissenting Member, then for which a unanimous decision will be mandatory".

(b) **CHAPTER FIVE**

Article 11 - Composition of the Council

The Committee deliberated on and resolved to defer making any amendments on the Article until further discussions with the Minister are held.

Article 12 - Functions of the Council

The Committee deliberated on and adopted the Articles with the following amendment.

- (i) Under (2), a new sub-paragraph (m) to be inserted and to read as follows.

" Shall prescribe procedures for the accreditation of observer status for inter-governmental organisations and foreign countries".

- (ii) The numbering from 4 - 11 to change and read as from 3 - 10.

The committee also recommended that the contradiction between Article 12 paragraph 8 and 9 on decision making be considered further and appropriately amended.

Article 13 - Effects of regulations, directives, decisions and recommendations of the Council.

The Committee deliberated on and adopted this Article, with the recommendations that an Act be enacted to give the provisions of this Article Legislative effect.

(c) **CHAPTER SIX AND CHAPTER NINE**

Article 14 - Composition of the Co-ordination Committee

The Committee deliberated on and recommended that the Minister give further clarification on the Article.

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Article 15, 16 - 17 and 63 - Functions of the Co-ordination Committee; Sectoral Committees - Establishment and composition; Functions of the Sectoral Committees; the Secretariat and its offices.

The Committee considered and resolved that more clarification is required from the Secretariat, on the duties of the Sectoral Committees vis-a-vis the Secretariat duties.

MINUTE NO. 34/99

ADJOURNMENT

And there being no Any Other Business, and the time being twelve O'clock, the Chairman adjourned the meeting until Friday, 5th February, 1999 at 9.30 a.m.

CONFIRMED:	Hon. M.Y. Haji, M.P.
SIGNATURE:	Signed
DATE:	5th February, 1999

MINUTES OF THE NINTH SITTING OF THE COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON 2ND FLOOR - COMMITTEE ROOM, COUNTY HALL, ON FRIDAY 5TH FEBRUARY, 1999 AT 9.30 A.M.

PRESENT:

The following Members of the Committee were present:-

1. Hon. Yusuf M. Haji, M.P. - (Chairman)
2. Hon. Sammy P. Leshore, M.P.
3. Dr. the Hon. Mukhisa Kituyi, M.P.
4. Hon. Paul Kihara, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. M.H. Hashim, M.P.
2. Hon. Samuel L. Poghio, M.P.
3. Hon. Mark Too, M.P.
4. Hon. David Mwenje, M.P.
5. Hon. P.K. Muiruri, M.P.
6. Hon. Odeny Ngure, M.P.
7. Hon. David Musila, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mr. A. M. Mwendwa - Second Clerk Assistant
Mr. S. Njenga - Third Clerk Assistant

MINUTE NO.35/99

CONFIRMATION OF THE MINUTES

Minutes of the Eighth sitting held on 4th February, 1999 were approved by the Members present and signed by the Chairman.

Proposed by Hon. P. Kihara, M.P. and seconded by Hon. S.P. Leshore, M.P.

MINUTE NO.36/99

MATTERS ARISING

Under Minute No. 25/99 (iii), the Committee allowed Dr. the Hon. Mukhisa Kituyi, M.P. to present the comparative analysis on the Treaty for East African Co-operation Act, 1967 and the Draft Treaty for the Establishment of the East African Community on Tuesday 9th February, 1999.

MINUTE NO.37/99

**CONSIDERATION OF THE DRAFT TREATY FOR THE
ESTABLISHMENT OF THE EAST AFRICAN
COMMUNITY**

The Committee deliberated on and adopted Articles 18 - 43 in Chapter Seven subject to the following:-

CHAPTER SEVEN

THE EAST AFRICAN COMMUNITY COURT

Article 20 - Tenure of Office of Judges

The Committee recommended that the judges should serve a single term of seven years.

MINUTE 38/99

ADJOURNMENT

And there being no Any Other Business, and the time being forty minutes past Ten O'clock, the Chairman adjourned the meeting until Tuesday, 9th February, 1999 at 9.30 a.m.

CONFIRMED:

Hon. M.Y. Haji, M.P.

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SIGNATURE:

Signed

.....

DATE:

9th February, 1999

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MINUTES OF THE TENTH SITTING OF THE COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON 2ND FLOOR - COMMITTEE ROOM, COUNTY HALL, TUESDAY 9TH FEBRUARY, 1999 AT 9.30 A.M.

PRESENT: The following Members of the Committee were present:-

1. Hon. Yusuf M. Haji, M.P. - (Chairman)
2. Hon. M.H. Hashim, M.P.
3. Hon. David M. Musila, M.P.
4. Hon. Sammy P. Leshore, M.P.
5. Hon. Mark Too, M.P.
6. Hon. Paul Kihara, M.P.
7. Hon. Odeny Ngure, M.P.
8. Dr. the Hon. Mukhisa Kituyi, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. Samuel L. Poghisio, M.P.
2. Hon. David Mwenje, M.P.
3. Hon. P.K. Muiruri, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mr. P.C. Owino-Omollo	-	Deputy Clerk
Mrs C.W. Munga	-	Senior Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.39/99

CONFIRMATION OF THE MINUTES

Minutes of the Ninth sitting held on 5th February, 1999 were approved by the Members present and signed by the Chairman.

Proposed by Hon. P. Kihara, M.P. and seconded by Hon. S.P. Leshore, M.P.

MINUTE NO.40/99

MATTERS ARISING

The Committee considered the draft check list presented by Hon. P. Kihara, M.P. for the meeting with the Minister for Trade and approved it with minor amendments.

MINUTE NO.41/99

CONSIDERATION OF THE DRAFT TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY

The Committee deliberated on and adopted Articles 44 - 52 in Chapter Eight subject to the following:-

CHAPTER EIGHT

THE EAST AFRICAN COMMUNITY ASSEMBLY

The Committee agreed with the proposal advanced by the East African Co-operation meeting of Speakers of the National Assemblies in Arusha, 1998;

That the Assembly be called the "East African Legislative Assembly" instead of the "East African Community Assembly"

Accordingly, the name should be changed in Chapters Three, Eight and wherever it appears in the draft Treaty.

Article 44 - Composition of the East African Legislative Assembly

The Committee agreed with the proposal advanced by the East African Co-operation Meeting of Speakers of the National Assemblies in Arusha, 1998;

- (i) 44 (1) (a), That the membership of the Assembly be revised from twenty seven elected members to forty five.
- (ii) 44(4), That the words "on the recommendation of the Assembly" be inserted immediately after the word "shall" in the first line.

Article 45 - Functions of the Assembly

The Committee agreed with the proposal advanced by the East African Co-operation meeting of Speakers of the National Assemblies in Arusha, 1998 that;

Paragraphs 1 and 2 be deleted and be replaced by the following 3 paragraphs.

- 1. "Subject to the provisions of this Treaty, the community may through its Assembly, enact measures to which legislative effect may be given in the Partner States with respect to such matters as the Summit may from time to time, determine.
- 2. The Assembly may discuss any matter pertaining to the Community.

3. The Assembly shall liaise with the legislatures of the Partner States on matters pertaining to the Community."

Consequently, **Article 57** should be deleted.

Article 46 - Election of members of the Assembly

The Committee agreed with the proposal by the East African Co-operation meeting of Speakers of the National Assemblies in Arusha, 1998, that;

- (i) Paragraph 1 be rephrased to read as follows.

"The National Assembly of each Partner State shall elect fifteen members for the Assembly, who shall represent as much as it is feasible, the various political parties and shades of opinion represented in the National Assembly, gender and other special interest groups in that Partner State, in accordance with such procedure as the National Assembly of each Partner State may determine."

- (ii) Paragraph 2 be amended to succinctly provide for the qualification for membership of the Assembly as follows.

"A person shall be qualified to be elected a member of the National assembly of a Partner State if he:-

- (a) is a citizen of that Partner State;
- (b) has proven experience or interest in advancing the objectives of the community;
- (c) is qualified to be elected a member of the legislature of Partner State under its electoral law;
- (d) is not a member of the National Assembly of that Partner State;
- (e) is not holding a political post as a Minister or Deputy Minister in that Partner State; and
- (f) is not an officer in the service of the Community or a servant of the East African

Development Bank or of the other surviving institutions of the former East African Community."

- (iii) In view of the all-embracing provisions of Article 47 (2), paragraphs 3 and 4 of Article 46 should be deleted.

Article 47 - Tenure of office of elected Members

The Committee deliberated on this Article and deferred it pending consultations with the legislators of the other Partner States and the Secretariat of the Permanent Tripartite Commission.

Article 48 - Questions as to membership of the Assembly.

The Committee agreed with the proposal by the East African Co-operation meeting of Speakers of the National Assemblies in Arusha, 1998 that;

- (i) Paragraph 1 be amended to read as follows:

"Any question that may arise whether any person is an elected member of the Assembly shall be determined by the National Assembly of the Partner State responsible for the election in question and shall be communicated to the Clerk of the Assembly under certificate of the Clerk of that National Assembly for further action."

- (ii) Paragraph 2 be deleted and be replaced by the following new Paragraph

"Any question that may arise touching on the membership of the Assembly including the cessation of membership by any elected member thereof under the provisions of Article 47 of this Treaty shall be communicated by the Clerk of the Assembly to the National Assembly concerned."

Article 49 - Speaker of the Assembly

The Committee agreed with the proposal by the East

African Co-operation meeting of Speakers of the National Assemblies in Arusha, 1998 that;

- (i) The name of the Chairperson should be "Speaker".

Accordingly, the term "Chairman of the Assembly" should, wherever it appears, be deleted and be replaced with the term "Speaker".

- (ii) Paragraph 1 should be amended to read as follows:-

"The Speaker of the Assembly shall be elected by the elected members of the Assembly from among themselves to serve for a period of five years."

- (iii) A new sub-paragraph (b) should be inserted to be worded as follows:-

"A member of the Assembly elected to the office of Speaker of the Assembly shall automatically cease to be a member."

- (iv) Paragraph 2(a) should be amended to expressly provide for a five year tenure of office.

Article 50 - Invitation of persons to assist the Assembly

The Committee agreed with the proposal by the East African Co-operation meeting of Speakers of the National Assemblies in Arusha, 1998 that the word "Informal" in Paragraph 2 be deleted.

Article 51 - Meetings of the Assembly

The Committee agreed with the proposal by the East African Co-operation meeting of Speakers of the National Assemblies in Arusha, 1998 that the word "Council" in both Paragraph 1 and 2 should be deleted for appropriate replacement with the word "Assembly".

Article 52 - Presiding in the Assembly

The Committee considered and adopted this Article.

MINUTE NO.42/99

MEETING WITH THE MINISTER FOR TRADE - HON. J.J. KAMOTHO

The Minister for Trade accompanied by Messrs:-
L.M. Ndeeri, Director of External Trade; G.M. Kionano,
Assistant Director of Trade; K.W. Kihara, Personal Assistant
to the Minister;

The Minister assisted the Committee in the exposition of
Articles in the Draft Treaty that relates to the Ministry of
Trade.

The following Articles were highlighted:-

CHAPTER ELEVEN

Article 88 (2)(g)(i), (iii) and 3 (b) (iii)

The members expressed concern that the apparent grey areas
created by the Paragraphs could be exploited to the
detriment of the community.

The Minister promised to review the wording to seal any
loopholes.

CHAPTER TWELVE

Article 89 (1)

The Committee recommended that in order to curtail
dumping and tax evasion, duty should be levied at the port
of entry or at source and reimbursed later upon certification
that the goods were actually exported.

The Minister proposed that this matter be raised with the
Minister for Finance who deals with revenue.

CHAPTER THIRTEEN

The Committee recommended that the number of trade
documentation and national bodies required to handle the
documentation be reduced.

The Minister undertook to take this proposal on board.

CHAPTER FOURTEEN

Article 95

The Committee recommended that Paragraph 2 be amended by inserting a new sub-paragraph (f) to provide for avoidance of double taxation so that a person who is taxed in any Partner State outside his country is not taxed at home.

Article 96

The Committee recommended that the Partner States should work towards a return to a common currency as was the case during the defunct East African Currency Board.

The Minister pointed out that the initial objective of the Community was to harmonise policies within the Partner States before establishing common services unions.

CONCLUSION

The Minister emphasized that there is political will within the leadership of the Partner States and is totally committed to the creation of a lasting co-operation.

MINUTE 43/99

ADJOURNMENT

And there being no Any Other Business, and the time being forty minutes past One O'clock, the Chairman adjourned the meeting until Wednesday 10th February, 1999 at 9.30 a.m.

CONFIRMED: **Hon. D. Musila, M.P.**

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SIGNATURE: **Signed**

.....

DATE: **10th Febuary, 1999**

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MINUTES OF THE ELEVENTH SITTING OF THE COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON 2ND FLOOR - COMMITTEE ROOM, COUNTY HALL, WEDNESDAY 10TH FEBRUARY, 1999 AT 9.30 A.M.

PRESENT:

The following Members of the Committee were present:-

1. Hon. Yusuf M. Haji, M.P. - (Chairman)
2. Hon. M.H. Hashim, M.P.
3. Hon. David M. Musila, M.P.
4. Hon. Saimmy P. Leshore, M.P.
5. Hon. Mark Too, M.P.
6. Hon. Paul Kihara, M.P.
7. Hon. Odeny Ngure, M.P.
8. Dr. the Hon. Mukhisa Kituyi, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mrs C.W. Munga - Senior Clerk Assistant
Mr. S. Njenga - Third Clerk Assistant

MINUTE NO.44/99

CONFIRMATION OF THE MINUTES

Minutes of the Tenth sitting held on 9th February, 1999 were approved by the Members present and signed by the Acting Chairman (Hon. D. Musila, M.P.).

Proposed by Hon. S.P. Leshore, M.P. and seconded by Hon. O. Ngure, M.P.

MINUTE NO.45/99

MATTERS ARISING

Under Minute No. 32/99(1), (iii), the Committee was informed that the Minister for East African and Regional Co-operation (Hon. K.N.K. Biwott) had requested that his meeting with the Committee scheduled for this afternoon be postponed to a later date and that he should be allowed to appear with staff from the Ministries of Transport and Communications as well as Public Works and Housing during the rescheduled meeting. The Committee obliged to this request.

MINUTE NO.46/99

CONSIDERATION OF THE DRAFT TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY

The Committee deliberated on Articles 53 - 62 and 140 as follows:-

CHAPTER EIGHT

Article 53 - Quorum and vacancies in the Assembly

The Committee considered and adopted this Article.

Article 54 - Voting in the Assembly

The Committee agreed with the proposal by the East African Co-operation meeting of Speakers of the National Assemblies in Arusha, 1998 that;

54(1) be amended by deleting all the words after the word "voting" in the second line.

Article 55 - Bills and motions in the Assembly

The Committee agreed with the proposal by the East African Co-operation meeting of Speakers of the National Assemblies in Arusha, 1998 that;

55(2) be amended by deleting the opening words "Except as otherwise provided in the rules of procedure of the Assembly", so that the paragraph opens with the words, "The Assembly shall not".

Article 56 - Rules of procedure of the Assembly

The Committee considered and adopted this Article.

Article 57 - Legislative functions of the Assembly

The Committee agreed with the proposal by the East African Co-operation meeting of Speakers of the National Assemblies in Arusha, 1998 that;

In view of the specific recommendation to amend Article 45 in the manner stipulated, this Article be deleted.

Consequently, the Articles should be renumbered.

Article 58 - Immunity of the members of the Assembly

The Committee considered and adopted this Article.

Article 59 - Acts of the Community

The Committee considered and adopted this Article

Article 60 - Assent to Bills

The Committee considered and adopted this Article

Article 61 - Publication of the Acts of the Community

The Committee considered and adopted this Article

Article 62 - Relations between the Assembly and the National Assemblies of the partner states

The Committee considered and adopted this Article

CHAPTER THIRTY

FINANCIAL PROVISIONS

Article 140 - Budget

The Committee agreed with the proposals by the East African Co-operation meeting of Speakers of the National Assemblies in Arusha, 1998 that;

- (i) 140 (2) be amended to read as follows:-
"Subject to this Treaty, a draft budget for the Community for each financial year shall be prepared by the Secretary General for consideration by the Assembly and approval by the Council".
- (ii) 140 (4) be amended to read as follows:-
"Subject to the provisions of Article 141 of this Treaty, the resources of the budget shall be derived from contributions by the partner states and such other sources as shall be determined by the Council".

MINUTE NO.47/99

ANY OTHER BUSINESS

The Committee considered and adopted the draft check list for the meeting with the Minister for East African and Regional Co-operation (Hon. K.N.K. Biwott) presented by Dr. the Hon. Kituyi, M.P.

MINUTE NO.48/99

ADJOURNMENT

And there being no Any Other Business, and the time being twenty minutes past Twelve O'clock, the Acting Chairman (Hon. D. Musila, M.P.) adjourned the meeting until Thursday 11th February, 1999 at 10.00 a.m.

CONFIRMED:
Hon. D. Musila, M.P.

SIGNATURE:
Signed

DATE:
11th February, 1999

**MINUTES OF THE TWELFTH SITTING OF THE COMMITTEE ON DEFENCE
AND FOREIGN RELATIONS HELD ON 2ND FLOOR - COMMITTEE ROOM,
COUNTY HALL, THURSDAY 11TH FEBRUARY, 1999 AT 10.00 A.M.**

PRESENT:

The following Members of the Committee were present:-

1. Hon. David M. Musila, M.P. (Ag. Chairman)
2. Hon. M.H. Hashim, M.P.
3. Hon. Sammy P. Leshore, M.P.
4. Hon. Paul Kihara, M.P.
5. Hon. Odeny Ngure, M.P.
6. Dr. the Hon. Mukhisa Kituyi, M.P.
7. Hon. P.K. Muiruri, M.P.

ABSENT WITH APOLOGY:

Hon. Yusuf M. Haji, M.P. (Chairman)

ABSENT WITHOUT APOLOGY:

1. Hon. Samuel L. Poghisio, M.P.
2. Hon. Mark Too, M.P.
3. Hon. David Mwenje, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mrs C.W. Munga	-	Senior Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.49/99

CONFIRMATION OF THE MINUTES

Minutes of the Eleventh sitting held on 10th February, 1999 were approved by the Members present and signed by the Acting Chairman (Hon. D. Musila, M.P.). Proposed by Dr. the Hon. Kituyi, M.P. and seconded by Hon. P. Kihara, M.P.

MINUTE NO.50/99

**CONSIDERATION OF THE DRAFT TREATY FOR THE
ESTABLISHMENT OF THE EAST AFRICAN
COMMUNITY**

The Committee deliberated on Articles 63 - 66 and 103 - 116 in Chapters Nine and Fifteen respectively as follows:-

CHAPTER NINE

THE SECRETARIAT AND STAFF OF THE COMMUNITY

Article 63 - The Secretariat and its offices

The Committee considered and deferred this Article pending further clarification by the Secretariat.

Article 64 - Functions of the Secretariat

The Committee proposed the following:-

- (i) That 64 1(j) be amended to give the Assembly some role in the budgetary process in line with Article 140, as amended.
- (ii) That 64 (4), be amended by deleting the words, "entitled to" in the third line.

The Committee deferred further consideration of this Article pending more clarification by the Secretariat.

Article 65 - Relationship between the Secretariat and the Partner States.

The Committee considered and adopted this Article.

Article 66 - Immunities

The Committee considered and adopted this Article.

CHAPTER FIFTEEN

CO-OPERATION IN INFRASTRUCTURE AND SERVICES

Article 103 - Common transport and communications policies

The Committee considered and adopted this Article subject to the following:-

That 103 (d) be deleted.

Article 104 - Roads and road transport

The Committee considered and adopted this Article subject to the following:

That 104 (q) be amended by inserting the words "and standards" immediately after the word "policies."

Article 105 - Railways and rail transport

The Committee considered and adopted this Article.

Article 106 - Air transport

The Committee considered and adopted this Article subject to the following:-

That, 106 (1)(2) and (3)(i) be deleted in the light of the present privatisation realities

Article 107 - Maritime transport and ports

The Committee considered and adopted this Article subject to the following:-

That 107 (q) be deleted

Article 108 - Inland Waterways transport

The Committee considered and adopted this Article

Article 109 - Multimodal transport

The Committee considered and adopted this Article

Article 110 - Freight booking centres

The Committee considered and deferred this Article pending clarification by the Minister for Transport and Communications.

Article 111 - Freight forwarders, customs clearing agents and shipping agents

The Committee considered and deferred this Article pending clarification by the Minister for Transport and Communications.

Article 112 - Postal Services

The Committee considered and adopted this Article subject to the following amendments:-

- (i) That a semi-colon be inserted immediately after the word "Community".
- (ii) That the word "including" in the fifth line be deleted and the words "and adopt compatible policies in", be inserted in place thereof.

Article 113 - Telecommunications

The Committee considered and adopted this Article subject to the following:

That, 113(c) be amended by deleting the word "shall" in the second line.

Article 114 - Common provisions - transport and communications.

The Committee considered and adopted this Article.

Article 115 - Meteorological services

The Committee considered and adopted this Article.

Article 116 - Energy

The Committee considered and adopted this Article.

MINUTE NO.51/99

ANY OTHER BUSINESS

The Committee considered and adopted, with amendments, the draft checklist for the meeting with the Minister for Transport and Communications (Hon. William Ole Ntimama, M.P.) presented by Hon. P. Kihara, M.P.

MINUTE NO.52/99

ADJOURNMENT

And there being no Any Other Business, and the time being forty - five minutes past Twelve O'clock, the Acting Chairman (Hon. D. Musila, M.P.) adjourned the meeting until Friday 12th February, 1999 at 10.00 a.m.

Hon. M.Y. Haji, M.P.

CONFIRMED:

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Signed

SIGNATURE:

.....

12th February, 1999

DATE:

.....

MINUTES OF THE THIRTEENTH SITTING OF THE COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON 2ND FLOOR - COMMITTEE ROOM, COUNTY HALL, FRIDAY 12TH FEBRUARY, 1999 AT 10.00 A.M.

PRESENT:

The following Members of the Committee were present:-

1. Hon. Yusuf M. Haji, M.P. (Chairman)
2. Hon. Sammy P. Leshore, M.P.
3. Hon. Paul Kihara, M.P.
4. Hon. Odeny Ngure, M.P.
5. Dr. the Hon. Mukhisa Kituyi, M.P.
6. Hon. David M. Musila, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. M.H. Hashim, M.P.
2. Hon. Samuel L. Poghio, M.P.
3. Hon. Mark Too, M.P.
4. Hon. David Mwenje, M.P.
5. Hon. P.K. Muiruri, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mrs C.W. Munga	-	Senior Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.53/99

CONFIRMATION OF THE MINUTES

Minutes of the Twelfth sitting held on 11th February, 1999 were approved by the Members present and signed by the Chairman. Proposed by Dr. the Hon. Kituyi, M.P. and seconded by Hon. D. Musila, M.P.

MINUTE NO.54/99

CONSIDERATION OF THE DRAFT TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY

CHAPTER TEN

CO-OPERATION IN TRADE LIBERALIZATION AND DEVELOPMENT

Article 67 - Establishment of a Common Market and Customs Union

The Committee considered and adopted this Article

Article 68 - Customs Union

The Committee considered and deferred this Article pending further clarification from the Minister for East African and Regional Co-operation.

Article 69 - Internal tariff

The Committee considered and adopted this Article with the following reservations:-

- (i) In 69(1), the period provided is not realistic.
- (ii) In 69(2), the question of enforcement is pertinent.

Article 70 - Common External tariff

The Committee considered and adopted this Article.

Article 71 - Rules of Origin

The Committee considered and adopted this Article

Article 72 - Non-tariff barriers

The Committee considered and adopted this Article

Article 73 - Security and other restrictions to trade

The Committee considered and deferred this Article pending consultations with the Secretariat.

Article 74 - Dumping

The Committee considered and deferred this Article pending further clarification by the Minister for East African and Regional Co-operation.

Article 75 - Subsidies granted by Partner States and excise duties

The Committee considered and adopted this Article.

Article 76 - Exceptions to levying of countervailing duty

The Committee considered and adopted this Article.

**Article 77 - Co-operation in the investigation of
dumping and subsidies.**

The Committee considered and adopted this Article.

MINUTE NO.55/99

ADJOURNMENT

And there being no Any Other Business, and the time being
Twelve O'clock, the Chairman adjourned the meeting until
Tuesday 16th February, 1999 at 10.00 a.m.

	Hon. M.Y. Haji, M.P.
CONFIRMED:	
	Signed
SIGNATURE:	
	16th February, 1999
DATE:	

**MINUTES OF THE FOURTEENTH SITTING OF THE COMMITTEE ON
DEFENCE AND FOREIGN RELATIONS HELD ON 2ND FLOOR - COMMITTEE
ROOM, COUNTY HALL, TUESDAY, 16TH FEBRUARY, 1999 AT 10.00 A.M.**

PRESENT:

The following Members of the Committee were present:-

1. Hon. Yusuf M. Haji, M.P. (Chairman)
2. Hon. Paul Kihara, M.P.
3. Hon. Odeny Ngure, M.P.
4. Hon. David M. Musila, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. M.H. Hashim, M.P.
2. Hon. Samuel L. Poghisio, M.P.
3. Hon. Sammy P. Leshore, M.P.
4. Dr. the Hon. Mukhisa Kituyi, M.P.
5. Hon. Mark Too, M.P.
6. Hon. David Mwenje, M.P.
7. Hon. P.K. Muiruri, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mrs C.W. Munga	-	Senior Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.56/99

CONFIRMATION OF THE MINUTES

Minutes of the Thirteenth sitting held on 12th February, 1999 were approved by the Members present and signed by the Chairman. Proposed by Hon. P. Kihara and seconded by Hon. O. Ngure, M.P.

MINUTE NO.57/99

**CONSIDERATION OF THE DRAFT TREATY FOR THE
ESTABLISHMENT OF THE EAST AFRICAN
COMMUNITY**

CHAPTER TEN

**CO-OPERATION IN TRADE LIBERALIZATION AND
DEVELOPMENT**

Article 78 - Competition

The Committee considered and adopted this Article

Article 79 - Most favoured nation treatment

The Committee considered and adopted this Article.

Article 80 - Internal treatment

The Committee considered and adopted this Article.

Article 81 - Customs administration

The Committee considered and adopted this Article.

Article 82 - Duty drawback

The Committee agreed with the proposal by the Workshop held at the Kenya School of Monetary Studies, Ruaraka in 1998 that:-

The concept of duty drawback be defined more explicitly to avoid ambiguity in interpretation.

Article 83 - Measures to address imbalances arising from the application of the provisions for the establishment of a Common Market and a Customs Union

The Committee considered and adopted this Article

Article 84 - Safeguard clause

The Committee considered and adopted this Article.

MINUTE NO. 58/99

ANY OTHER BUSINESS

1. The Committee noted that despite having confirmed attendance, the Minister in charge of Defence failed to appear for the scheduled meeting.
2. The Committee resolved to apportion responsibility of steering its consideration of the remaining part of the Draft Treaty to various members in order to expeditiously conclude the exercise as below:-
 - (a) Hon. O. Ngure, M.P. - Chapters 11,14,16,17 and 18.
 - (b) Hon. P. Kihara,M.P. - Chapters 12,13,

19,23, 24 and 25.

(c) Hon. D. Musila, M.P. - Chapters 20,21 and 22.

(d) Hon. S. Leshore, M.P. - Chapters 28,29,30 and 31.

(e) Hon. Y. Haji, M.P. - Chapters 26 and 27

MINUTE NO.59/99

ADJOURNMENT

And there being no Any Other Business, and the time being fifty minutes past Twelve O'clock, the Chairman adjourned the meeting until Wednesday 17th February, 1999 at 10.00 a.m.

Hon. M.Y. Haji, M.P.

CONFIRMED:

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Signed

SIGNATURE:

.....

17th February, 1999

DATE:

.....

MINUTES OF THE FIFTEENTH SITTING OF THE COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON 2ND FLOOR - COMMITTEE ROOM, COUNTY HALL, WEDNESDAY, 17TH FEBRUARY, 1999 AT 10.00 A.M.

PRESENT:

The following Members of the Committee were present:-

1. Hon. Yusuf M. Haji, M.P. (Chairman)
2. Hon. M.H. Hashim, M.P.
3. Hon. Paul Kihara, M.P.
4. Hon. Odeny Ngure, M.P.
5. Hon. David M. Musila, M.P.

ABSENT WITH APOLOGY:

Dr. the Hon. Mukhisa Kituyi, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. Samuel L. Poghisio, M.P.
2. Hon. Sammy P. Leshore, M.P.
3. Hon. Mark Too, M.P.
4. Hon. David Mwenje, M.P.
5. Hon. P.K. Muiruri, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mrs C.W. Munga	-	Senior Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.60/99

CONFIRMATION OF THE MINUTES

Minutes of the Fourteenth sitting held on 16th February, 1999 were approved by the Members present and signed by the Chairman. Proposed by Hon. P. Kihara and seconded by Hon. D. Musila, M.P.

MINUTE NO.61/99

CONSIDERATION OF THE DRAFT TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY

(a) **CHAPTER ELEVEN**

CUSTOMS CO-OPERATION

Article 85 - Scope of Customs Co-operation

The Committee considered and adopted this Article

Article 86 - Community tariff treatment

The Committee considered and adopted this Article.

Article 87 - Communication of Customs information

The Committee considered and adopted this Article.

Article 88 - Prevention, investigation and suppression of customs offences

The Committee considered and adopted this Article.

(b) **CHAPTER TWELVE - RE-EXPORTATION OF GOODS**

Article 89 - General Provisions

The Committee considered and adopted this Article subject to the following recommendation:-
that a limit should be placed on administrative and service charges to avoid them being used as a replacement for import duty.

Article 90 - Refund and remission of duties and taxes

The Committee considered and adopted this Article.

(c) **CHAPTER THIRTEEN - SIMPLIFICATION AND HARMONIZATION OF TRADE DOCUMENTATION AND PROCEDURES**

Article 91 - Trade documentation and procedures

The Committee considered and adopted this Article and recommended that the number of trade documentation and national bodies required to handle the documentation be reduced.

Article 92 - Trade facilitation

The Committee considered and adopted this Article and recommended that police road blocks should be reduced to a bare minimum and for security purposes only.

Article 93 - Standardization of trade documentation and information

The Committee considered and adopted this Article.

(d) **CHAPTER FOURTEEN - MONETARY AND FINANCIAL CO-OPERATION**

Article 94 - Scope of a Co-operation

The Committee considered and adopted this Article.

Article 95 - Monetary and fiscal policy harmonization

The Committee considered and adopted this Article subject to the following recommendation:-

that 95(2) be amended by inserting a new sub-paragraph (f) to provide for avoidance of double taxation so that a person who is taxed in any Partner State outside his country is not taxed at home.

Article 96 - Currency convertibility

The Committee considered and adopted this Article and recommended that the Partner States should work towards a return to a common currency as was the case during the defunct East African Currency Board.

Article 97 - Unit of account

The Committee considered and adopted this Article.

Article 98 - Macro-economic co-ordination within the community

The Committee considered and adopted this Article.

Article 99 - Banking and Capital Market development

The Committee considered this Article and agreed with the proposal by the workshop held at the Kenya School of Monetary Studies, Ruaraka in 1998 that the following two new sub-paragraphs be inserted to be worded as below:-

- (i) 99(e), harmonisation of the Banking Acts, procedures and supervision.
- (ii) 99(f), measures to prevent money laundering

activities.

Article 100 - Movement of Capital

The Committee considered and adopted this Article.

Article 101 - Joint Project financing

The Committee considered and adopted this Article.

Article 102 - Safeguard measures

The Committee considered this Article and agreed with the proposal by the Workshop held at the Kenya School of Monetary Studies, Ruaraka in 1998 that:-

- (i) this Article be placed at the very end of the Treaty to address adverse effects emanating from the implementation of the Treaty.
- (ii) the Article be harmonised with any other safeguard measures provided in the Treaty.

MINUTE NO.62/99

ADJOURNMENT

And there being no Any Other Business, and the time being twenty five minutes past Twelve O'clock, the Chairman adjourned the meeting until Thursday, 18th February, 1999 at 10.00 a.m.

Hon. M.Y. Haji, M.P.

CONFIRMED:

Signed

SIGNATURE:

18th February, 1999

DATE:

**MINUTES OF THE SIXTEENTH SITTING OF THE COMMITTEE ON DEFENCE
AND FOREIGN RELATIONS HELD ON 2ND FLOOR - COMMITTEE ROOM,
COUNTY HALL, THURSDAY, 18TH FEBRUARY, 1999 AT 10.00 A.M.**

PRESENT:

The following Members of the Committee were present:-

1. Hon. Yusuf M. Haji, M.P. (Chairman)
2. Hon. Paul Kihara, M.P.
3. Hon. Odeny Ngure, M.P.
4. Hon. David M. Musila, M.P.
5. Hon. D. Mwenje, M.P.

ABSENT WITH APOLOGY:

Dr. the Hon. Mukhisa Kituyi, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. M.H. Hashim, M.P.
2. Hon. S.L. Poghisio, M.P.
3. Hon. S.P. Leshore, M.P.
4. Hon. M. Too, M.P.
5. Hon. P.K. Muiruri, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mrs C.W. Munga	-	Senior Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.63/99

CONFIRMATION OF THE MINUTES

The Minutes of the Fifteenth sitting held on 17th February, 1999 were approved by the Members present and signed by the Chairman. Proposed by Hon. D. Musila, M.P., and seconded by Hon. P. Kihara, M.P.

MINUTE NO.64/99

**CONSIDERATION OF THE DRAFT TREATY FOR THE
ESTABLISHMENT OF THE EAST AFRICAN
COMMUNITY**

(a) **CHAPTER NINETEEN**

**CO-OPERATION IN ENVIRONMENT AND
NATURAL RESOURCES**

**Article 120 - Environmental issues and natural
resources**

The Committee considered this Article and agreed with the proposal by the workshop held at the Kenya School of Monetary Studies, Ruaraka in 1998 that:-

- (i) 120 (6)(b) be amended to read:
"The Partner States undertake to co-operate and adopt common policies for sustainable development and management of Lake Victoria Water Resources."
- (ii) 120 (6)(c) be amended to read:
"The Partner States undertake to jointly set up institutional mechanisms to deal with the use and management of toxic chemical wastes and establishment of the requisite legal and regulatory structures for sustainable development and utilization of the regional natural resources. Towards this a protocol on the shared use and management of the resources will be formulated".
- (iii) 120 (6)(d) be amended to read:
"The Partner States undertake to jointly develop and adopt water resource conservation and management policies that ensure sustenance of purified ecosystem."

Article 121 - Management of the environment

The Committee considered and adopted this Article.

Article 122 - Prevention of illegal trade and movement in toxic chemicals, substances and hazardous wastes

The Committee considered this Article and agreed with the proposal by the workshop held at the Kenya School of Monetary Studies, Ruaraka in 1998 that:-

122(3) be amended to read:

"The Partner States undertake to accede and ratify international environmental conventions that are designed to conserve the environment and improve environmental policies and management".

Article 123 - Management of natural resources

The Committee considered this Article and agreed with the proposal by the workshop held at the Kenya School of

Monetary Studies, Ruaraka in 1998 that:-

- (i) 123 (2) (a)(i) be amended to read:-
"Harmonisation of management, conservation and utilisation practices on forest reserves."
- (ii) 123 (2) (b)(iv) be amended to read:-
"Joint development and promotion of agriculture systems for food and economic empowerment of the people of the region."
- (iii) A new sub-paragraph 123 (2)(b)(v) be inserted to read:-
"Identification of potential threats and adoption of measures to mitigate against these threats."
- (iv) A new sub-paragraph 123 (2)(b)(vi) be inserted to read:-
"Establish common rules of origin for fish and fishery products."
- (v) A new sub-paragraph 123 (2)(c)(vii) be inserted to read:-
"To establish common mining regulations to ensure that the activity is conducted in an environmentally friendly manner and use sound mining practices."
- (vi) A new paragraph 123 (2)(d) be inserted to read:-
"Promote and adopt programmes for development and upgrading of their capacities to manage natural resources in a sustainable manner."

(b) **CHAPTER TWENTY - CO-OPERATION IN TOURISM AND WILDLIFE MANAGEMENT**

Article 124 - Tourism and Wildlife Management

The Committee considered and adopted this Article subject to the following:

- (i) That 124 (1) be amended by deleting all the words immediately after the word "ensure" in the sixth line

and inserting the words "free flow of tourists within the Partner States" in place thereof

- (ii) That 124 (3)(e) be amended in line with the proposal by the workshop held at the Kenya School of Monetary Studies, Ruaraka in 1998 to read as below:-

"take measures to ratify and accede to, and, implement relevant international conventions, and"

MINUTE NO.65/99

ADJOURNMENT

And the time being ten minutes past Twelve O'clock, the Chairman adjourned the meeting until Friday, 19th February, 1999 at 10.00 a.m.

CONFIRMED:	Hon. M.Y. Haji, M.P.
SIGNATURE:	Signed
DATE:	19th February, 1999

**MINUTES OF THE SEVENTEENTH SITTING OF THE COMMITTEE ON
DEFENCE AND FOREIGN RELATIONS HELD ON 2ND FLOOR - COMMITTEE
ROOM, COUNTY HALL, ON FRIDAY 19TH FEBRUARY, 1999 AT 10.00 A.M.**

PRESENT:

The following Members of the Committee were present:-

1. Hon. Yusuf M. Haji, M.P. (Chairman)
2. Hon. M.H. Hashim, M.P.
3. Hon. David M. Musila, M.P.
4. Hon. Paul Kihara, M.P.

ABSENT WITH APOLOGY:

Dr. the Hon. Mukhisa Kituyi, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. Samuel L. Poghio, M.P.
2. Hon. Mark Too, M.P.
3. Hon. Sammy P. Leshore, M.P.
4. Hon. David Mwenje, M.P.
5. Hon. Odeny Ngure, M.P.
6. Hon. P.K. Muiruri, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mrs C.W. Munga	-	Senior Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.66/99

CONFIRMATION OF THE MINUTES

Minutes of the Sixteenth sitting held on 18th February, 1999 were approved by the Members present and signed by the Chairman.

Proposed by Hon. D. Musila, M.P., and seconded by Hon. P. Kihara, M.P.

MINUTE NO.67/99

**CONSIDERATION OF THE DRAFT TREATY FOR THE
ESTABLISHMENT OF THE EAST AFRICAN
COMMUNITY**

(A) CHAPTER TWENTY ONE

**CO-OPERATION IN HEALTH, SOCIAL AND
CULTURAL ACTIVITIES**

Article 125 - Health, social and cultural activities

The Committee considered this Article and agreed with the proposal by the workshop held at the Kenya School of Monetary Studies, Ruaraka in 1998 that:-

- (i) 125 (2)(a) to (i) be deleted and be replaced with the following:-
 - (a) "take joint action towards the prevention and control of communicable and non-communicable diseases that might endanger the health and welfare of the citizens of the partner states and to co-operate and facilitate agreed public health interventions for disease prevention and control.
 - (b) promote the efficiency and quality of health services including the quality of pharmaceutical and medical equipment within the partner states.
 - (c) harmonize national health policies and regulations so as to achieve good control of health care and pharmaceutical standards without obstructing the movement and access of health care and pharmaceutical products within the community.
 - (d) co-operate in the promotion of health research in areas of common interest like the development of traditional, alternative and herbal medicine.
 - (e) co-operate in the promotion of health training.
 - (f) co-operate in the promotion of production of pharmaceuticals and medical equipments.
 - (g) co-operate in the promotion of women's health and access to health care.
 - (h) co-operate in the promotion of adolescent health and access to health care.
 - (i) co-operate in the promotion of development of good nutritional standards and the popularization of indigenous foods.

- (i) develop a common approach to address the trafficking and consumption of illicit and banned drugs.
- (ii) In 125(3)(a), a comma be inserted after the word "employment".

(B) CHAPTER TWENTY TWO

ENHANCING THE ROLE OF WOMEN IN SOCIO-ECONOMIC DEVELOPMENT

Article 126 - The role of women in socio-economic development

The Committee considered and adopted this Article subject to the following:-

- (i) that the word "agree" in the first line be deleted and the word "recognize" be inserted in place thereof.
- (ii) that 126 (a) be amended to read:

"promote the empowerment and effective integration and participation of women at all levels of development especially in decision-making."

Article 127 - Role of women in business

The Committee considered and adopted this Article with the following amendments:-

- (i) that 127 (a) be amended by inserting the words "formulation and implementation" immediately after the word "policy".
- (ii) that 127 (c) be amended to read:-
"promote special programmes for women in small, medium and large size enterprises".
- (iii) that 127 (d) be amended to read:-
"eliminate such laws, regulations and practices that hinder women's access to credit".

(C) CHAPTER TWENTY THREE

CO-OPERATION IN INVESTMENT AND INDUSTRIAL DEVELOPMENT

Article 128 - Industrial development

The Committee considered and adopted this Article subject to the following:-

that 128 (1) (a) be deleted.

Article 129 - Strategy and priority areas

The Committee considered and adopted this Article subject to the following:-

that 129 (1) (e) be amended by inserting the words "and establishment" immediately after the word "promotion" and that the word "and" in the first line be deleted and the word "facility" be inserted in place thereof.

The Committee further recommended that deliberate action should be taken to make the provisions of this Article workable.

(D) CHAPTER TWENTY FOUR

CO-OPERATION IN STANDARDIZATION AND QUALITY ASSURANCE

Article 130 - Standardization and quality assurance

The Committee considered this Article and agreed with the proposal by the Workshop held at the Kenya School of Monetary Studies, Ruaraka in 1998 that the amendments recommended by the three Bureaux of Standards of Kenya, Uganda and Tanzania during their sectoral meeting in May, 1998, be adopted.

MINUTE NO. 68/99

ANY OTHER BUSINESS

The Committee considered and adopted the programme for the proposed trip to Tanzania and Zanzibar.

MINUTE NO. 69/99

ADJOURNMENT

And there being no Any Other Business, and the time being forty five minutes past Eleven O'clock, the Chairman adjourned the meeting until Tuesday, 23rd February, 1999 at 10.00 a.m.

Hon. D. Musila, M.P.

CONFIRMED:

Signed

SIGNATURE:

23rd February, 1999

DATE:

MINUTES OF THE EIGHTEENTH SITTING OF THE COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON 2ND FLOOR - COMMITTEE ROOM, COUNTY HALL, ON TUESDAY 23RD FEBRUARY, 1999 AT 10.00 A.M.

PRESENT:

The following Members of the Committee were present:-

1. Hon. David M. Musila, M.P. (Ag. Chairman)
2. Hon. M.H. Hashim, M.P.
3. Hon. Paul Kihara, M.P.
4. Hon. S.P. Leshore, M.P.

ABSENT WITH APOLOGY:

Dr. the Hon. Mukhisa Kituyi, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. Samuel L. Poghisio, M.P.
2. Hon. Mark Too, M.P.
3. Hon. David Mwenje, M.P.
4. Hon. Odeny Ngure, M.P.
5. Hon. P.K. Muiruri, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mrs C.W. Munga	-	Senior Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.70/99

CONFIRMATION OF THE MINUTES

Minutes of the Seventeenth sitting held on 19th February, 1999 were approved by the Members present and signed by the Acting Chairman (Hon. D.Musila, M.P.) Proposed by Hon. P. Kihara, M.P., and seconded by Hon. S. P. Leshore, M.P.

MINUTE NO.71/99

CONSIDERATION OF THE DRAFT TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY

(A) CHAPTER TWENTY SIX

LEGAL AND JUDICIAL AFFAIRS

Article 134 - Scope of co-operation

The Committee considered and adopted this Article.

(B) CHAPTER TWENTY SEVEN

CO-OPERATION IN OTHER FIELDS

Article 135 - Other fields

The Committee considered and adopted this Article.

MINUTE NO. 72/99

ANY OTHER BUSINESS

The Committee noted that Hon. Yusuf Haji, M.P. had ceased to be a member and Chairman of the Committee on 22nd February, 1999 upon appointment as an Assistant Minister, Office of the President.

Consequently, the Committee appointed Hon. D. Musila, M.P. to be the Acting Chairman of the Committee until a new Chairman is elected.

MINUTE NO. 73/99

ADJOURNMENT

And there being no Any Other Business, and the time being ten minutes past Twelve O'clock, the Acting Chairman (Hon. D. Musila, M.P.) adjourned the meeting until Wednesday 24th February, 1999 at 10:00 a.m.

CONFIRMED: **Hon. D. Musila, M.P.**

SIGNATURE: **Signed**

DATE: **24th February, 1999**

MINUTES OF THE NINETEENTH SITTING OF THE COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON 2ND FLOOR - COMMITTEE ROOM, COUNTY HALL, ON WEDNESDAY 24TH FEBRUARY, 1999 AT 10.00 A.M.

PRESENT:

The following Members of the Committee were present:-

1. Hon. David M. Musila, M.P. (Ag. Chairman)
2. Hon. M.H. Hashim, M.P.
3. Hon. Paul Kihara, M.P.
4. Hon. S.P. Leshore, M.P.
5. Hon. Odeny Ngure, M.P.

ABSENT WITH APOLOGY:

Dr. the Hon. Mukhisa Kituyi, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. Samuel L. Poghio, M.P.
2. Hon. Mark Too, M.P.
3. Hon. David Mwenje, M.P.
4. Hon. P.K. Muiruri, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mrs C.W. Munga	-	Senior Clerk Assistant
Mr. Andrew Mwendwa	-	Second Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.74/99

CONFIRMATION OF THE MINUTES

Minutes of the Eighteenth sitting held on 23rd February, 1999 were approved by the Members present and signed by the Acting Chairman (Hon. D. Musila, M.P.). Proposed by Hon. P. Kihara, M.P., and seconded by Hon. S. P. Leshore, M.P.

MINUTE NO.75/99

CONSIDERATION OF THE DRAFT TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY

(A) CHAPTER TWENTY FIVE

CO-OPERATION IN POLITICAL MATTERS

Article 131 - Political affairs

The Committee considered and adopted this Article subject to the following:

That 131 (7) be amended by deleting the word "may" and inserting the word "shall" in place thereof.

The Committee further recommended under 131(3)(f) that the Partner States should clearly map out the route to political federation.

Article 132 - Regional peace and security

The Committee considered and adopted this Article subject to the following:-

That 132 be amended by inserting a new paragraph (5) to read:-

"Partner States undertake to co-operate in reviewing the region's security particularly on the threat of terrorism and formulate security strategies and measures to combat terrorism."

Article 133 - Defence

The Committee considered and adopted this Article subject to the following:-

That 133 (2) (b) be amended by inserting the word "of" immediately after the word "fields".

(B) CHAPTER TWENTY EIGHT

THE PRIVATE SECTOR AND THE CIVIL SOCIETY

Article 136 - Creation of an enabling environment for the private sector

The Committee considered this Article and agreed with the proposal by the workshop held at the Kenya School of Monetary Studies, Ruaraka in 1998 that:-

136 (2) (b) be amended to read:-
"Stimulate market development through infrastructural linkages and the removal of

unnecessary barriers and constraints to market development;".

Article 137 - Strengthening the private sector.

The Committee considered and adopted this Article subject to the following:-

(i) That 137 (2) (a) be amended to read:

"encourage the efficient use of scarce resources and to promote the development of private sector organisations which are engaged in all types of economic activity such as the chambers of commerce, confederations and associations of industry, agriculture, manufacturers, farmers, those engaged in external trade in commodities and services and professional development groups;".

(ii) Agreed with the proposal by the workshop held at the Kenya School of Monetary Studies, Ruaraka in 1998 that:-

137 (2) (c) be amended to read:

"establish a quality information system which will allow collection, harmonised processing and timely dissemination of data and information."

Article 138 - Co-operation among business organisations and professional bodies

The Committee considered and adopted this Article.

(C) CHAPTER TWENTY NINE

RELATIONS WITH OTHER REGIONAL AND INTERNATIONAL ORGANISATIONS AND DEVELOPMENT PARTNERS

Article 139 - International organisations and development partners

The Committee considered and adopted this Chapter and Article.

The Committee agreed with the proposal by the workshop held at the Kenya School of Monetary Studies, Ruaraka in 1998 that this Chapter should be "**Chapter 27**" and Chapter 27 on **co-operation in other fields** becomes "**Chapter 29.**"

(D) CHAPTER THIRTY

FINANCIAL PROVISIONS

Article 141 - Other sources

The Committee considered and adopted this Article.

Article 142 - Audit of accounts

The Committee considered and adopted this Article subject to the following:-

that 142 (3) be amended to read:

"The Audit Commission shall submit its reports under paragraph 2 of this Article to the Council within six (6) months after the end of each financial year, which shall cause the same to be laid before the Assembly and for such other consideration and action as the Council may deem necessary."

Article 143 - Financial Rules and Regulations.

The Committee considered and adopted this Article.

(E) CHAPTER THIRTY ONE

GENERAL, TRANSITIONAL AND FINAL PROVISIONS

Article 144 - Headquarters of the Community

The Committee considered and adopted this Article.

Article 145 - Official Language

The Committee considered and adopted this Article.

Article 146 - Status, privileges and immunities

The Committee considered and adopted this Article.

MINUTE NO. 76/99

ANY OTHER BUSINESS

- (i) Hon. Y. Haji, M.P. handed over the Chairmanship of the Committee to the Acting Chairman (Hon. D. Musila, M.P.) and thanked the members for their co-operation during his tenure.

The Committee congratulated the outgoing Chairman and wished him well in his new appointment.

- (ii) The Committee deferred all meetings with the Ministers until a further date to be set, upon conclusion of the consideration of the Draft Treaty.

MINUTE NO. 77/99

ADJOURNMENT

And there being no Any Other Business, and the time being five minutes past Twelve O'clock, the Acting Chairman (Hon. D. Musila, M.P.) adjourned the meeting until Thursday, 25th February, 1999 at 10.00 a.m.

CONFIRMED:

Hon. D. Musila, M.P.

.....

SIGNATURE:

Signed

.....

DATE:

25th February, 1999

.....

MINUTES OF THE TWENTIETH SITTING OF THE COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON 2ND FLOOR - COMMITTEE ROOM, COUNTY HALL, ON THURSDAY 25TH FEBRUARY, 1999 AT 10.00 A.M.

PRESENT:

The following Members of the Committee were present:-

1. Hon. David M. Musila, M.P. (Ag. Chairman)
2. Hon. M.H. Hashim, M.P.
3. Hon. Paul Kihara, M.P.
4. Hon. S.P. Leshore, M.P.
5. Hon. Odeny Ngure, M.P.

ABSENT WITH APOLOGY:

Dr. the Hon. Mukhisa Kituyi, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. Samuel L. Poghisio, M.P.
2. Hon. Mark Too, M.P.
3. Hon. David Mwenje, M.P.
4. Hon. P.K. Muiruri, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mrs C.W. Munga	-	Senior Clerk Assistant
Mr. Andrew Mwendwa	-	Second Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.78/99

CONFIRMATION OF THE MINUTES

Minutes of the Nineteenth sitting held on 24th February, 1999 were approved by the Members present and signed by an Acting Chairman (Hon. S.P. Leshore, M.P.). Proposed by Hon. P. Kihara, M.P., and seconded by Hon. O. Ngure, M.P.

MINUTE NO.79/99

CONSIDERATION OF THE DRAFT TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY

(A) CHAPTER THIRTY ONE

GENERAL, TRANSITIONAL AND FINAL PROVISIONS

Article 147 -	Dissolution of the Permanent Tripartite Commission and its Secretariat
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The Committee considered and adopted this Article.

Article 148 - Transitional provisions

The Committee considered and adopted this Article.

Article 149 - Transfer of assets and liabilities

The Committee considered and adopted this Article.

Article 150 - Sanctions

The Committee considered and adopted this Article.

Article 151 - Duration of the Treaty

The Committee considered and adopted this Article.

Article 152 - Modification of the Treaty

The Committee considered and adopted this Article.

Article 153 - Annexes and Protocols to the Treaty

The Committee considered and adopted this Article.

Article 154 - Entry into force

The Committee considered and adopted this Article.

Article 155 - Depositary and Registration

The Committee considered and adopted this Article.

(B) CHAPTER SIXTEEN

**CO-OPERATION IN THE DEVELOPMENT OF
HUMAN RESOURCES, SCIENCE AND
TECHNOLOGY**

**Article 117 - Development of human
resources, science and
technology**

The Committee considered and adopted this Article.

(C) CHAPTER SEVENTEEN

**FREE MOVEMENT OF PERSONS, LABOUR,
SERVICES, RIGHT OF ESTABLISHMENT AND
RESIDENCE**

Article 118 - Scope of co-operation

The Committee considered and adopted this Article.

The Committee further noted and concurred with the proposal by the workshop held at the Kenya School of Monetary Studies, Ruaraka in 1998 that the possibility of establishing an East African Industrial Court should be explored.

(D) CHAPTER EIGHTEEN

AGRICULTURE AND FOOD SECURITY

Article 119 - Agriculture and food security

The Committee considered this Article and agreed with the principles proposed by the workshop held at the Kenya School of Monetary Studies, Ruaraka in 1998 and resolved as follows:-

(i) that 119 (1) (c) be amended to read:

"an increase in the productivity and efficiency in storage of crops, livestock, fisheries and forest products for domestic consumption, exports within and outside the community and as inputs to agro-based industries within the Community."

(ii) that 119 (2) (e) be amended to read:

"standardisation in the manufacture of food products to meet internationally accepted quality standards."

MINUTE NO. 80/99

ANY OTHER BUSINESS

The Committee expressed concern that the Minister for East African and Regional Co-operation has not availed himself to the Committee.

MINUTE NO. 81/99

ADJOURNMENT

And there being no Any Other Business, and the time being ten minutes past Twelve O'clock, the Acting Chairman (Hon. Musila, M.P.) adjourned the meeting until Friday, 26th February, 1999 at 10.00 a.m.

Hon. D. Musila, M.P.

CONFIRMED:

Signed

SIGNATURE:

26th February, 1999

DATE:

**MINUTES OF THE TWENTY-FIRST SITTING OF THE COMMITTEE ON
DEFENCE AND FOREIGN RELATIONS HELD ON 2ND FLOOR - COMMITTEE
ROOM, COUNTY HALL, ON FRIDAY 26TH FEBRUARY, 1999 AT 10.00 A.M.**

PRESENT:

The following Members of the Committee were present:-

1. Hon. David M. Musila, M.P. (Ag. Chairman)
2. Hon. Paul Kihara, M.P.
3. Hon. S.P. Leshore, M.P.
4. Hon. Odeny Ngunjiri, M.P.

ABSENT WITH APOLOGY:

Dr. the Hon. Mukhisa Kituyi, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. M.H. Hashim, M.P.
2. Hon. Samuel L. Poghio, M.P.
3. Hon. Mark Too, M.P.
4. Hon. David Mwenje, M.P.
5. Hon. P.K. Muiruri, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mr. M. Werunga	-	Deputy Clerk
Mrs C.W. Munga	-	Senior Clerk Assistant
Mr. Andrew Mwendwa	-	Second Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.82/99

CONFIRMATION OF THE MINUTES

Minutes of the Twentieth sitting held on 25th February, 1999 were approved by the Members present and signed by the Acting Chairman (Hon. D. Musila, M.P.). Proposed by Hon. P. Kihara, M.P., and seconded by Hon. S. P. Leshore, M.P.

MINUTE NO.83/99

ANY OTHER BUSINESS

The Committee was informed that consultations were underway to determine whether or not the proposed trip to Tanzania and Zanzibar would be undertaken.

The Committee directed the Secretariat to communicate the resultant conclusion to Members by Tuesday 2nd March, 1999.

MINUTE NO. 84/99

ADJOURNMENT

And there being no Any Other Business, and the time being thirty minutes past Eleven O'clock, the Acting Chairman (Hon. D. Musila M.P.), adjourned the meeting until a later date.

Hon. D. Musila, M.P.

CONFIRMED:

.....

Signed

SIGNATURE:

.....

1st April, 1999

DATE:

.....

**MINUTES OF THE TWENTY-SECOND SITTING OF THE COMMITTEE ON
DEFENCE AND FOREIGN RELATIONS HELD ON 2ND FLOOR - COMMITTEE
ROOM, COUNTY HALL, ON THURSDAY 1ST APRIL, 1999 AT 10.00 A.M.**

PRESENT:

The following Members of the Committee were present:-

1. Hon. David M. Musila, M.P. (Ag. Chairman)
2. Hon. M.H. Hashim, M.P.
3. Hon. S.P. Leshore, M.P.
4. Hon. Odeny Ngure, M.P.
5. Dr. the Hon. Mukhisa Kituyi, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. Samuel L. Poghisio, M.P.
2. Hon. Mark Too, M.P.
3. Hon. Paul Kihara, M.P.
4. Hon. David Mwenje, M.P.
5. Hon. P.K. Muiruri, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mr. M. Werunga	-	Deputy Clerk
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.84/99

CONFIRMATION OF THE MINUTES

Minutes of the Twenty First sitting held on 26th February, 1999 were approved by the Members present and signed by the Acting Chairman. Proposed by Hon. S.P. Leshore, M.P., and seconded by Hon. D. Musila, M.P.

MINUTE NO.85/99

MATTERS ARISING

- (i) Under Minute No.83/99, the Deputy Clerk (Committees, Research and Library Services) informed the Committee that the proposed trips to Tanzania, Uganda and Rwanda could not be undertaken due to budgetary constraints.
- (ii) The Committee reiterated its earlier affirmation that there was a very strong need for the Committee to undertake the trips as proposed before the Treaty is ratified in July.
- (iii) The Deputy Clerk then undertook to convey the sentiments of the Committee to both the Chairman of the Liaison Committee and the Accounting Officer.

MINUTE NO.86/99

**CONSIDERATION OF THE REPORT ON THE DRAFT
TREATY FOR THE ESTABLISHMENT OF THE EAST
AFRICAN COMMUNITY**

The Committee considered and approved the preface of the report with several amendments.

MINUTE NO.87/99

ANY OTHER BUSINESS

1. The Committee regretted the inability of the Minister for East African and Regional Co-operation to meet with the Committee as earlier expected, and hoped that the Minister will be available for the next meeting scheduled for Monday, 12th April, 1999.

The Committee subsequently resolved to meet the following Ministers as indicated below:-

- (i) Monday 12th April, 1999 at 10.00 a.m. - The Minister for East African and Regional Co-operation.
 - (ii) Thursday 15th April, 1999 at 10.00 a.m. - The Minister for Transport and Communications.
 - (iii) Friday 16th April, 1999 at 10.00 a.m. - The Minister for Foreign Affairs.
 - (iv) Monday 19th April, 1999 at 10.00 a.m. - The Minister incharge of defence.
2. The Committee unanimously agreed to conduct any future communications with the Ministers through writing.

MINUTE NO.88/99

ADJOURNMENT

And there being no Any Other Business, and the time being Twelve O'clock, the Acting Chairman adjourned the meeting until Monday 12th April, 1999 at 10.00 a.m.

Dr. the Hon. M. Kituyi, M.P.

CONFIRMED:

Signed

SIGNATURE:

12th April, 1999

DATE:

MINUTES OF THE TWENTY-THIRD SITTING OF THE COMMITTEE ON DEFENCE AND FOREIGN RELATIONS HELD ON 2ND FLOOR - COMMITTEE ROOM, COUNTY HALL, ON MONDAY 12TH APRIL, 1999 AT 10.00 A.M.

PRESENT: The following Members of the Committee were present:-

1. Dr. the Hon. Mukhisa Kituyi, M.P. (Ag. Chairman)
2. Hon. Paul Kihara, M.P.
3. Hon. David Mwenje, M.P.
4. Hon. S.P. Leshore, M.P.
5. Hon. Odeny Ngure, M.P.
6. Hon. P.K. Muiruri, M.P.

ABSENT WITH APOLOGY: Hon. David M. Musila, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. Samuel L. Poghio, M.P.
2. Hon. Mark Too, M.P.
3. Hon. M. H. Hashim, M.P.

IN ATTENDANCE: **NATIONAL ASSEMBLY**

Mr. M. Werunga	-	Deputy Clerk
Mrs. C.W. Munga	-	Senior Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.89/99 **CONFIRMATION OF THE MINUTES**

Minutes of the Twenty Second sitting held on 1st April, 1999 were approved by the Members present and signed by the Acting Chairman. Proposed by Hon. S.P. Leshore, M.P., and seconded by Dr. the Hon. Mukhisa Kituyi, M.P.

MINUTE NO.90/99 **MATTERS ARISING**

1. Under Minute No.85/99 (iii), the Deputy Clerk appraised the Committee on the programmes for Departmental Committees in general.
2. Further, the Deputy Clerk explained to the Committee why the meetings with Ministers as set under Minute No.87/99 (1) were rescheduled.
3. The Committee expressed concern that the meetings were rescheduled without reverting back to the Committee.

4. A new schedule of meetings with Ministers was agreed as below:-

- (i) Tuesday 13th April, 1999 at 10.00 a.m. - The Minister for Foreign Affairs.
- (ii) Thursday 15th April, 1999 at 10.00 a.m. - The Minister for East African and Regional Co-operation.
- (iii) Friday 30th April, 1999 at 10.00 a.m. - The Minister for Transport and Communications.
- (iv) Monday 3rd May, 1999 at 10.00 a.m. - The Minister incharge of defence.

MINUTE NO.91/99

CONSIDERATION OF THE REPORT ON THE DRAFT TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY

- 1. The Committee considered and approved the recommendation on the preamble, with amendments.
- 2. The Committee considered and approved the recommendation on **Article 2**, with amendments.

MINUTE NO.92/99

ADJOURNMENT

And there being no Any Other Business, and the time being forty five minutes past Twelve O'clock, the Acting Chairman adjourned the meeting until Tuesday 13th April, 1999 at 10.00 a.m.

CONFIRMED: **Dr. the Hon. M. Kituyi, M.P.**

SIGNATURE: **Signed**

DATE: **13th April, 1999**

MINUTES OF THE TWENTY-FOURTH SITTING OF THE DEPARTMENTAL COMMITTEE NO. H ON DEFENCE AND FOREIGN RELATIONS HELD IN THE COMMITTEE ROOM, ON SECOND FLOOR, COUNTY HALL, ON TUESDAY, 13TH APRIL, 1999 AT 10.00 A.M.

PRESENT:

The following Members of the Committee were present:-

1. Dr. the Hon. Mukhisa Kituyi, M.P. (Ag. Chairman)
2. Hon. Paul Kihara, M.P.
3. Hon. David Mwenje, M.P.
4. Hon. S.P. Leshore, M.P.
5. Hon. Odeny Nguni, M.P.

ABSENT WITH APOLOGY:

Hon. David M. Musila, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. Samuel L. Poghio, M.P.
2. Hon. Mark Too, M.P.
3. Hon. M. H. Hashim, M.P.
4. Hon. David Mwenje, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mr. Murumba Werunga	-	Deputy Clerk
Mr. M.R. Sialai	-	First Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.93/99

CONFIRMATION OF THE MINUTES

Minutes of the Twenty-Third sitting held on 12th April, 1999 were approved by the Members present and signed by the Acting Chairman. Proposed by Hon. P. Kihara, M.P., and seconded by Hon. O. Nguni, M.P.

MINUTE NO.94/99

MEETING WITH THE MINISTER FOR FOREIGN AFFAIRS - DR. THE HON. B.A. GODANA, E.G.H., M.P.

The Minister for Foreign Affairs, accompanied by Messrs:- P.R.O. Owade, Head, Legal Division and E.M. Barine, Assistant Secretary/Americas Division, appraised the Committee on the varied aspects of the Ministry and in particular expounded on the following:-

- (i) An outline in general terms of the foreign policy in relation to international community and particularly the Great Lakes Region and the Horn of Africa.

- (ii) The functions of his Ministry which include the following:-
 - (a) Managing the Kenya's foreign affairs;
 - (b) Articulating national interests;
- (iii) The policy relating to the proposed establishment of the East African Community.
- (iv) The Minister then responded to questions from the Committee covering a wide range of issues, falling within the ambit of his Ministry.

MINUTE NO.95/99

ADJOURNMENT

And there being no Any Other Business, and the time being forty minutes past Twelve O'clock, the Acting Chairman adjourned the sitting until Thursday 15th April, 1999 at 10.00 a.m.

CONFIRMED: **Dr. the Hon. M. Kituyi, M.P.**

SIGNATURE: **Signed**

DATE: **15th April, 1999**

MINUTES OF THE TWENTY-FIFTH SITTING OF THE DEPARTMENTAL COMMITTEE NO. H ON DEFENCE AND FOREIGN RELATIONS HELD IN THE COMMITTEE ROOM, ON SECOND FLOOR, COUNTY HALL, ON THURSDAY, 15TH APRIL, 1999 AT 10.00 A.M.

PRESENT:

The following Members of the Committee were present:-

1. Dr. the Hon. Mukhisa Kituyi, M.P. (Ag. Chairman)
2. Hon. M.H. Hashim, M.P.
3. Hon. Samuel L. Poghisio, M.P.
4. Hon. S.P. Leshore, M.P.
5. Hon. Mark Too, M.P.
6. Hon. Paul Kihara, M.P.
7. Hon. Odeny Ngure, M.P.

ABSENT WITH APOLOGY: Hon. David M. Musila, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. David Mwenje, M.P.
2. Hon. P.K. Muiruri, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mr. Murumba Werunga	-	Deputy Clerk
Mr. A.M. Mwendwa	-	Second Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.96/99

CONFIRMATION OF THE MINUTES

The Minutes of the Twenty Fourth sitting held on 13th April, 1999 were approved by the Members present and signed by the Acting Chairman. Proposed by Hon. P. Kihara, M.P., and seconded by Hon. S.P. Leshore, M.P.

MINUTE NO.97/99

MEETING WITH THE MINISTER FOR EAST AFRICAN AND REGIONAL CO-OPERATION HON. K.N.K. BIWOTT, M.P.

The Minister for East African and Regional Co-operation accompanied by: Hon. S. Ole Ntutu, M.P. Assistant Minister; Hon. J. Lotodo, M.P. Assistant Minister; Mr. S.Z. Ambuka, M.P. Permanent Secretary; Mr. Z.N. Mwaura, Economist

1. The Minister outlined the background of the current initiative to establish the East African Community.

2. The Minister further expounded on the principles of the proposed community and the impediments facing the regional effort.
3. The Minister then fielded questions from the Committee Members on wide ranging issues which fall under the purview of his Ministry and especially the Draft Treaty for the Establishment of the East African Community.
4. The Committee expressed concern that its input has completely been ignored by the Government in the treaty making exercise which has been conducted through various forums convened within and outside the county.

The Minister promised to involve the Committee in future efforts relating not only to the Draft Treaty but also to his Ministry's mandate.

MINUTE NO.98/99

ADJOURNMENT

And there being no Any Other Business, and the time being fifteen minutes past Twelve O'clock, the Acting Chairman adjourned the sitting until Tuesday 20th April, 1999 at 10.00 a.m.

CONFIRMED:	Dr. the Hon. M. Kituyi, M.P.
SIGNED:	Signed
DATE:	20th April, 1999

MINUTES OF THE TWENTY-SIXTH SITTING OF THE DEPARTMENTAL COMMITTEE NO. H ON DEFENCE AND FOREIGN RELATIONS HELD IN THE COMMITTEE ROOM, ON SECOND FLOOR, COUNTY HALL, ON TUESDAY, 20TH APRIL, 1999 AT 10.00 A.M.

PRESENT:

The following Members of the Committee were present:-

1. Dr. the Hon. Mukhisa Kituyi, M.P. (Ag. Chairman)
2. Hon. M.H. Hashim, M.P.
3. Hon. Samuel L. Poghisio, M.P.
4. Hon. S.P. Leshore, M.P.
5. Hon. Paul Kihara, M.P.
6. Hon. Odeny Ngure, M.P.
7. Hon. P.K. Muiruri, M.P.
8. Hon. David M. Musila, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. Mark Too, M.P.
2. Hon. David Mwenje, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mr. Murumba Werunga	-	Deputy Clerk
Mr. A.M. Mwendwa	-	Second Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.99/99

CONFIRMATION OF THE MINUTES

Minutes of the Twenty Fifth sitting held on 15th April, 1999 were approved by the Members present and signed by the Acting Chairman. Proposed by Hon. S.P. Leshore, M.P., and seconded by Hon. M.H. Hashim, M.P.

MINUTE NO.100/99

MEETING WITH THE MINISTER FOR EAST AFRICAN AND REGIONAL CO-OPERATION THE HON. K.N.K. BIWOTT, EGH., M.P.

The Minister for East African and Regional Co-operation accompanied by; Hon. Stephen ole Ntutu, M.P., Assistant Minister; Hon. J. Lotodo, M.P., Assistant Minister; Mr. S.Z. Ambuka, Permanent Secretary and Mr. S.N. Karanja, Senior Economist, appeared before the Committee and gave detailed brief on the queries raised by Members under the following Chapters and Articles of the Draft Treaty of the East African Community:-

- (i) Chapter Two - Articles 3,5 and 6;
- (ii) Chapter Four;
- (iii) Chapter Five;

- (iv) Chapter Seven;
- (v) Chapter Eight;
- (vi) Chapter Ten; and
- (vii) Chapter Eleven

The Minister further extended an invitation to the Members of the Committee to attend, as observers, the 12th Permanent Tripartite Commission meeting to be held in Arusha, Tanzania on 30th April, 1999.

MINUTE NO.101/99

ELECTION OF THE CHAIRMAN

The Secretariat conducted the proceedings for the election of the Chairman. Dr. the Hon. Mukhisa Kituyi, M.P. was proposed and seconded by Hon. P.K. Muiruri, M.P. and Hon. P. Kihara, M.P. respectively. Hon. D. Musila, M.P. was likewise proposed by Hon. S. Poghisio, M.P. and seconded by Hon. S.P. Leshore, M.P.

Secret voting results were as follows:-

Hon. D. Musila, M.P.	- 5
Dr. the Hon. Mukhisa Kituyi, M.P.	- 3

Thereupon, the Secretariat declared that, the Hon. D. Musila, M.P. had been validly elected Chairman of the Committee. Thereupon the Chairman assumed the Chair.

MINUTE NO. 102/99

CHAIRMAN'S REMARKS

The Chairman expressed gratitude to his colleagues for bestowing in him the honour of chairing the Committee and asked them for their co-operation in fulfilling the mandate for which the Committee was established.

MINUTE NO. 103/99

ANY OTHER BUSINESS

The Committee directed the Secretariat to follow-up on the Minister's invitation and convey the details of the trip to the Committee at the earliest opportune time.

MINUTE NO. 104/99 ADJOURNMENT

And there being no Any Other Business, and the time being fifteen minutes past Twelve O'clock, the Chairman adjourned the meeting until Friday, 30th April, 1999 at 10.00 a.m.

Hon. D. Musila, M.P.

CONFIRMED:

Signed

SIGNATURE:

30th April, 1999

DATE:

MINUTES OF THE TWENTY-SEVENTH SITTING OF THE DEPARTMENTAL COMMITTEE NO. H ON DEFENCE AND FOREIGN RELATIONS HELD IN THE COMMITTEE ROOM, ON SECOND FLOOR, COUNTY HALL, ON FRIDAY, 30TH APRIL, 1999 AT 10.00 A.M.

PRESENT:

The following Members of the Committee were present:-

1. Hon. David M. Musila, M.P. (Chairman)
2. Dr. the Hon. Mukhisa Kituyi, M.P.
3. Hon. Samuel L. Poghio, M.P.
4. Hon. Paul Kihara, M.P.
5. Hon. Odeny Ngure, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. J. N. Angwenyi, M.P.
2. Hon. Mark Too, M.P.
3. Hon. Sammy P. Leshore, M.P.
4. Hon. David Mwenje, M.P.
5. Hon. Zipporah K. Kittony, M.P.
6. Hon. P.K. Muiruri, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mrs C.W. Munga	-	Senior Clerk Assistant
Mr. A.M. Mwendwa	-	Second Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.105/99

CONFIRMATION OF THE MINUTES

Minutes of the Twenty Sixth sitting held on 20th April, 1999 were approved by the Members present and signed by the Chairman. Proposed by Hon. P. Kihara, M.P., and seconded by Hon. O. Ngure, M.P.

MINUTE NO.106/99

MATTERS ARISING

Under Minute No.103/99, the Committee was informed that the Minister's invitation to the Committee to attend the 12th Permanent Tripartite Commission meeting in Arusha could not be honoured because the Ministry, contrary to earlier expectations, required the National Assembly to bear the resultant cost.

MINUTE NO. 107/99

ANY OTHER BUSINESS

- (i) The Committee noted with concern that the Minister for Transport and Communications had for the second time failed to meet the Committee despite the fact that he had been summoned to do so.

The Committee then directed the Clerk to convey the sentiments of the Committee to the Minister and subsequently arrange for his appearance at a later date.

- (ii) The Committee was informed that the Speaker is leading a delegation to Arusha for the Speakers of the East African Parliaments meeting between 18th and 19th May, 1999 and that five slots have been reserved for the Committee Members.

Consequently, the following five Members were nominated for the trip:-

- (a) Hon. S.P. Leshore, M.P.
- (b) Dr. the Hon. Mukhisa Kituyi, M.P.
- (c) Hon. P. Kihara, M.P.
- (d) Hon. O. Ngure, M.P.
- (e) Hon. S.L. Poghisio, M.P.

MINUTE NO. 108/99 ADJOURNMENT

And there being no Any Other Business, and the time being forty five minutes past Eleven O'clock, the Chairman adjourned the meeting until a later date.

Hon. D. Musila, M.P.

CONFIRMED:

Signed

SIGNATURE:

14th June, 1999

DATE:

MINUTES OF THE TWENTY-EIGHTH SITTING OF THE DEPARTMENTAL COMMITTEE NO. H ON DEFENCE AND FOREIGN RELATIONS HELD IN THE COMMITTEE ROOM, NO. 7 PARLIAMENT BUILDINGS ON MONDAY, 14TH JUNE, 1999 AT 10.00 A.M.

PRESENT:

The following Members of the Committee were present:-

1. Hon. David M. Musila, M.P. (Chairman)
2. Dr. the Hon. Mukhisa Kituyi, M.P.
3. Hon. Paul Kihara, M.P.
4. Hon. Odeny Nguni, M.P.

ABSENT WITH APOLOGY: Hon. Z.K. Kitony, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. J. N. Angwenyi, M.P.
2. Hon. Samuel L. Poghio, M.P.
3. Hon. Mark Too, M.P.
4. Hon. Sammy P. Leshore, M.P.
5. Hon. David Mwenje, M.P.
6. Hon. P. K. Muiruri, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mrs C.W. Munga	-	Senior Clerk Assistant
Mr. A.M. Mwendwa	-	Second Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.109/99

CONFIRMATION OF THE MINUTES

The Minutes of the Twenty Seventh sitting held on 30th April, 1999 were approved by the Members present and signed by the Chairman. Proposed by Dr.the Hon. Mukhisa Kituyi, M.P. and seconded by Hon. O. Nguni, M.P.

MINUTE NO.110/99

MATTERS ARISING

Under Minute No.107/99 (i), the Committee was informed that its sentiments regarding the failure of the Minister for Transport and Communications to meet the Committee had been conveyed by the Clerk.

The Committee reiterated its concern on the matter and further directed the Clerk to put its reservations to the Minister in writing for the Minister's similar response.

**CONSIDERATION OF THE DRAFT TREATY FOR THE
ESTABLISHMENT OF THE EAST AFRICAN
COMMUNITY**

The Committee considered Articles in Chapters Five to Fourteen which had been deferred and reconsidered others as below:-

(A) CHAPTER FIVE - THE COUNCIL

Article 11 - Composition of the Council

The Committee considered and adopted this Article.

**(B) CHAPTER SIX - THE CO-ORDINATION
COMMITTEE**

**(i) Article 14 - The Composition of the
Co-ordination Committee**

The Committee considered and adopted this Article.

**(ii) Article 15 - Functions of the
Co-ordination Committee**

The Committee considered and adopted this Article and recommended that a clear separation of roles be established between the Co-ordination Committee and the Secretariat particularly the harmonisation of Article 15(1)(d) with Article 64(1)(K) which appears to be in conflict.

**(iii) Article 16 - Sectoral Committees -
Establishment and Composition**

The Committee considered and adopted this Article.

**(iv) Article 17 - Functions of the Sectoral
Committees**

The Committee considered and adopted this Article.

(C) **CHAPTER SEVEN - THE EAST AFRICAN COMMUNITY COURT**

Article 18 - Role of the East African Community Court

The Committee reconsidered and adopted this Article and recommended that the Partner States should work towards the re-establishment of the East African Court of Appeal separate from the East African Community Court.

(D) **CHAPTER EIGHT - THE EAST AFRICAN COMMUNITY ASSEMBLY**

(i) **Article 47 - Tenure of Office of elected members**

The Committee considered and adopted this Article.

(ii) **Article 50 - Invitation of persons to assist the Assembly**

The Committee reconsidered and adopted this Article without amendment.

(iii) **Article 55 - Bills and Motions in the Assembly**

The Committee reconsidered and adopted this Article without amendment.

(E) **CHAPTER NINE - THE SECRETARIAT AND STAFF OF THE COMMUNITY**

(i) **Article 63 - The Secretariat and its offices**

The Committee considered and adopted this Article.

(ii) **Article 64 - Functions of the Secretariat**

The Committee considered and adopted this Article and recommended that a clear separation of roles be established between the Co-ordination Committee and the Secretariat particularly the harmonisation of Article 15(1)(d) with Article 64(1)(K) which appears to be in conflict.

(F) **CHAPTER TEN - CO-OPERATION IN TRADE
LIBERALIZATION AND DEVELOPMENT**

(i) **Article 68 - Customs Union**

The Committee considered and adopted this Article.

(ii) **Article 73 - Security and other restrictions to trade**

The Committee considered and adopted this Article.

(iii) **Article 74 - Dumping**

The Committee considered and adopted this Article and recommended that besides protocol detailing anti-dumping measures, institutional mechanisms to strengthen the Partner States capacity to stop dumping be established.

MINUTE NO. 112/99 **CONSIDERATION OF THE REPORT ON THE DRAFT
TREATY FOR THE ESTABLISHMENT OF THE EAST
AFRICAN COMMUNITY**

The Committee considered and approved the recommendations on the following Articles in Chapters Two to Fourteen as below:-

- (i) Chapter Two - Article 4
- (ii) Chapter Four - Articles 9 and 10
- (iii) Chapter Five - Article 12
- (iv) Chapter Six - Article 15
- (v) Chapter Seven - Articles 18 and 20
- (vi) Chapter Eight - Articles 44,45,46,48,49,51,54 and 57
- (vii) Chapter Nine - Article 64
- (viii) Chapter Ten - Articles 69,74 and 82
- (ix) Chapter Twelve - Article 89
- (x) Chapter Thirteen - Articles 91 and 92
- (xi) Chapter Fourteen - Articles 95,96,99 and 102

MINUTE NO. 113/99 **ANY OTHER BUSINESS**

- (1) Dr. the Hon. Mukhisa Kituyi presented a brief report on the East African Co-operation Meeting of Speakers of the National Assemblies held in Arusha between

MINUTES OF THE TWENTY-NINTH SITTING OF THE DEPARTMENTAL COMMITTEE NO. H ON DEFENCE AND FOREIGN RELATIONS HELD IN THE COMMITTEE ROOM, NO. 9 PARLIAMENT BUILDINGS ON FRIDAY, 25TH JUNE, 1999 AT 9.30 A.M.

PRESENT: The following Members of the Committee were present:-

1. Hon. David M. Musila, M.P. (Chairman)
2. Hon. Jimmy N. Angwenyi, M.P.
3. Hon. Samuel L. Poghio, M.P.
4. Hon. Sammy P. Leshore, M.P.
5. Hon. Zipporah K. Kittony, M.P.
6. Hon. Paul Kihara, M.P.
7. Hon. David Mwenje, M.P.
8. Hon. Odeny Ngure, M.P.
9. Hon. P.K. Muiruri, M.P.

ABSENT WITH APOLOGY: Dr. the Hon. Mukhisa Kituyi, M.P.

ABSENT WITHOUT APOLOGY: Hon. Mark Too, M.P.

IN ATTENDANCE: **NATIONAL ASSEMBLY**

Mr. M. Werunga	-	Deputy Clerk
Mrs C.W. Munga	-	Senior Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.115/99 **CONFIRMATION OF THE MINUTES**

The Minutes of the Twenty Eighth sitting held on 14th June, 1999 were approved by the Members present and signed by the Chairman. Proposed by Hon. Paul Kihara, M.P. and seconded by Hon. O. Ngure, M.P.

MINUTE NO.116/99 **MATTERS ARISING**

1. The Committee was dismayed that the Minister for Transport and Communications had, for the fourth time, failed to appear before it despite having confirmed that he would do so.

The Committee noted that the Minister was not helpful to the Committee during its deliberations on the Draft Treaty and directed the Clerk to write to the Minister to express its resentment of his contemptuous attitude towards the Committee.

2. The Committee was informed that the Minister incharge of Defence had requested that his meeting with the Committee be postponed.

The Committee agreed to the request and decided to conclude the consideration of the report on the Draft Treaty before summoning the Minister.

MINUTE NO.117/99

CONSIDERATION OF THE DRAFT TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY

The Committee considered the following Articles in Chapter Fifteen which had been deferred and reconsidered others as below:-

(i) Article 103 - Common transport and communications policies

The Committee reconsidered and adopted this Article with the following recommendations:-

- (a) That 103 (d) be deleted
- (b) That the Article be reworded to reflect the intended privatisation of some of these services.

(ii) Article 104 - Roads and road transport

The Committee reconsidered and adopted this Article with the recommendations that:-

- (a) 104 (q) be amended by inserting the words "and standards" immediately after the word "policies" in the first line.
- (b) Rather than harmonizing policies, the Partner States should establish an East African Roads Authority to look after existing cross-border roads and establish new ones where necessary.

(iii) Article 105 - Railways and rail transport

The Committee reconsidered and adopted this Article with the recommendation that the possibility of single entities taking over the privatised system should be explored.

(iv) **Article 106 - Air transport**

The Committee reconsidered and adopted this Article with the recommendation that 106(1), (2) (3)(b) and (i) be deleted in the light of the present privatisation realities.

(v) **Article 107 - Maritime transport and ports**

The Committee reconsidered adopted this Article with the recommendation that 107(q) be deleted.

(vi) **Article 108 - Inland waterways transport**

The Committee reconsidered and adopted this Article with the recommendation that in view of the proposed privatisation, the Article should be reviewed.

(vii) **Article 110 - Freight booking centres**

The Committee considered this Article and recommended that it should be deleted.

(viii) **Article 111 - Freight forwarders, customs clearing agents and shipping agents**

The Committee considered and adopted this Article subject to the following:-

(a) That 111(1) be rephrased to read:-

The Partner States shall allow any person to register, and be licensed, as a freight forwarder, customs clearing agent and shipping agent, provided that, that person fulfils the harmonized legal requirements of the Partner States.

(b) That in view of the stipulated amendment to Article 112, Article 111(2) be deleted.

(ix) **Article 112 - Postal services**

The Committee reconsidered and adopted this Article subject to the following:-

(a) That a semi-colon be inserted immediately after the word "Community" in the fifth line.

- (b) That the word "including" in the fifth line be deleted and the words "and adopt compatible policies regarding" be inserted in place thereof.

(x) **Article 113 - Telecommunications**

The Committee reconsidered and adopted this Article subject to the following:-

- (a) That 113(a) be amended by inserting the words "including the privatisation of telecommunications" at the end of the paragraph.
- (b) That 113(c) be amended by deleting the word "shall" in the second line.

MINUTE NO.118/99

**PROJECTION OF THE COMMITTEE ACTIVITIES
FROM JUNE, 1999 TO JUNE, 2000**

The Secretariat informed the Committee that the Liaison Committee required all Committees to present their projected programmes for the period 1999/2000 for easier co-ordination and funding purposes.

Subsequently, the Committee tentatively scheduled to participate in the following activities:-

- (i) Reinstated the earlier abandoned trip to Tanzania to be undertaken in August, followed by another to Uganda.
- (ii) The United Nations General Assembly in September.
- (iii) Familiarization tour of the European Parliament.
- (iv) The Organisation of African Unity Summit.
- (v) The Commonwealth Summit.
- (vi) The Commonwealth Parliamentary Association seminar on good governance and parliamentary democracy to be held in October in Arusha.
- (vii) Visiting border areas experiencing security problems.
- (viii) Visiting a number of Kenya Missions abroad.

MINUTE NO.119/99

ANY OTHER BUSINESS

1. The Committee expressed the need to meet the Secretary General of the Secretariat of the Permanent Tripartite Commission for East African Co-operation.
2. The Committee resolved to consider the budget allocations of the Ministries and Departments that fall under its purview after the conclusion of its report on the Draft Treaty.

MINUTE NO.120/99

ADJOURNMENT

And there being no Any Other Business, and the time being ten minutes past Twelve O'clock, the Chairman adjourned the meeting until Thursday, 1st July, 1999 at 10.30 a.m.

CONFIRMED: **Hon. D. Musila, M.P.**

SIGNATURE: **Signed**

DATE: 1st July, 1999

**MINUTES OF THE THIRTIETH SITTING OF THE DEPARTMENTAL
COMMITTEE NO. H ON DEFENCE AND FOREIGN RELATIONS HELD IN THE
COMMITTEE ROOM, NO. 9 PARLIAMENT BUILDINGS ON THURSDAY, 1ST
JULY, 1999 AT 10.30 A.M.**

PRESENT: The following Members of the Committee were present:-

1. Hon. David M. Musila, M.P. (Chairman)
2. Hon. Jimmy N. Angwenyi, M.P.
3. Hon. Samuel L. Poghisio, M.P.
4. Hon. Sammy P. Leshore, M.P.
5. Hon. Paul Kihara, M.P.
6. Hon. Odeny Ngure, M.P.
7. Dr. the Hon. Mukhisa Kituyi, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. Mark Too, M.P.
2. Hon. David Mwenje, M.P.
3. Hon. Zipporah K. Kittony, M.P.
4. Hon. P.K. Muiruri, M.P.

IN ATTENDANCE:

NATIONAL ASSEMBLY

Mr. A.M. Mwendwa	-	Second Clerk Assistant
Mr. S. Njenga	-	Third Clerk Assistant

MINUTE NO.121/99

CONFIRMATION OF THE MINUTES

The Minutes of the Twenty Ninth sitting held on 25th June, 1999 were approved by the Members present and signed by the Chairman. Proposed by Hon. J.N. Angwenyi, M.P. and seconded by Hon. P. Kihara, M.P.

MINUTE NO.122/99

MATTERS ARISING

Under Minute No. 118/99, the Committee resolved that the projection of the Committee activities cover the period June, 1999 to June 2000.

Subsequently, the Committee agreed that another item, namely, visiting a number of Kenya Missions abroad, be included in the programme.

MINUTE NO.123/99

**CONSIDERATION OF THE DRAFT TREATY FOR THE
ESTABLISHMENT OF THE EAST AFRICAN
COMMUNITY**

Article 121 - Management of the environment

The Committee reconsidered and adopted this Article with the following recommendation:-

That 121(2)(n) be amended to read;

"adopt common policies and regulations governing the use and management of genetic resources."

MINUTE NO.124/99

**CONSIDERATION OF THE REPORT ON THE DRAFT
TREATY FOR THE ESTABLISHMENT OF THE EAST
AFRICAN COMMUNITY**

The Committee considered the recommendations on Articles 188-125 in Chapters Seventeen to Twenty One and resolved as follows:-

(i) Article 118 - Scope of Co-operation

The Committee considered and approved the recommendation.

(ii) Article 119 - Agriculture and food security

The Committee considered and approved the recommendations with the following amendment:-

That 119(2) (e) be amended by inserting the words "and environmental" immediately after the word "quality".

**(iii) Article 120 - Environmental issues
and natural resources**

The Committee considered and approved the recommendations with the following amendments:-

(a) That all the words in 120(6) (b) be deleted and be replaced with the words;

"to jointly enhance the institutional capacity to manage toxic waste; and"

(b) That all the words in 120 (6) (c) be deleted and be replaced with the words;

"to ensure sustainable utilization of natural resources within the diverse ecosystems such as lakes, wetlands, forests and range lands".

- (c) That 120 (6) (d) be reworded to read;

"to jointly develop and adopt sustainable water resource use, management and conservation policies".

(iv) **Article 121 - Management of the environment**

The Committee considered and approved the recommendation.

(v) **Article 122 - Prevention of illegal trade and movement in toxic chemicals, substances and hazardous wastes.**

The Committee considered and approved the recommendation with the following amendments:-

- (a) That the heading be reworded to read;

"Prevention of illegal trade in and movement of toxic chemicals, substances and hazardous wastes"

- (b) That 122(3) be amended by inserting that word "to" immediately after the word "accede".

(vi) **Article 123 - Management of natural resources**

That Committee considered and revoked its recommendations on this Article thereby adopting the Article as it appears in the Draft Treaty.

(vii) **Article 124 - Tourism and wildlife management**

The Committee considered and approved the recommendation with the following amendments:-

- (a) That part (i) of the report be deleted.

- (b) That 124(3) (e) be rephrased to read;

"take measures to accede to and ratify, and, implement relevant international conventions, and".

(viii) **Article 125 - Health, Social and cultural activities**

The Committee considered and revoked its recommendations on this Article to be replaced with the following:-

- (a) That 125 (2) (a) be amended to read;
"take joint action on agreed public health interventions for disease prevention and control".
- (b) That 125 (2) be amended by inserting the following new sub-paragraphs to be listed and worded as below;
 - "(j) co-operate in the promotion of maternal and child health and access to health care.
 - (k) co-operate in the promotion of adolescent health and access to health care.
 - (l) co-operate in the development and promotion of access to health care for the aged."

MINUTE NO.125/99 **ADJOURNMENT**

And there being no Any Other Business, and the time being twenty five minutes past Twelve O'clock, the Chairman adjourned the meeting until Tuesday, 6th July, 1999 at 10.30 a.m.

Hon. D. Musila, M.P.

CONFIRMED:

Signed

SIGNATURE:

6th July, 1999

DATE:

MINUTES OF THE THIRTY-FIRST SITTING OF THE DEPARTMENTAL COMMITTEE NO. H ON DEFENCE AND FOREIGN RELATIONS HELD IN COMMITTEE ROOM NO. 7 PARLIAMENT BUILDINGS ON TUESDAY, 6TH JULY, 1999 AT 10.30 A.M.

PRESENT:

The following Members of the Committee were present:-

1. Hon. David M. Musila, M.P. (Chairman)
2. Hon. Jimmy N. Angwenyi, M.P.
3. Hon. Paul Kihara, M.P.
4. Dr. the Hon. Mukhisa Kituyi, M.P.
5. Hon. Odeny Ngure, M.P.

ABSENT WITH APOLOGY:

1. Hon. Sammy P. Leshore, M.P.

ABSENT WITHOUT APOLOGY:

1. Hon. Samuel L. Poghisio, M.P.
2. Hon. Mark Too, M.P.
3. Hon. Zipporah K. Kittony, M.P.
4. Hon. David Mwenje, M.P.
5. Hon. P.K. Muiruri, M.P.

IN ATTENDANCE

NATIONAL ASSEMBLY

Mr. D.K. Ziah - Second Clerk Assistant
Mr. S. Njenga - Third Clerk Assistant

MINUTE NO. 126/99

CONFIRMATION OF THE MINUTES

Minutes of the Thirtieth sitting held on 1st July, 1999 were approved by the Members present and signed by the Chairman. Proposed by Hon. Paul Kihara, M.P. and seconded by Hon. J.N. Angwenyi, M.P.

MINUTE NO. 127/99

CONSIDERATION OF THE DRAFT TREATY FOR THE ESTABLISHMENT OF THE EAST AFRICAN COMMUNITY

(i) Article 129 - Strategy and priority areas

The Committee reconsidered and adopted this Article with the following recommendation:-

That 129 (1)(e) be rephrased to read;

"the establishment and promotion of industrial research facility development, the transfer, acquisition, adaptation and the development of modern technology, training, management and consultancy services through the establishment of joint industrial institutions and other infrastructural facilities;" .

(ii) **Article 137 - Strengthening the private sector**

The Committee reconsidered and adopted this Article with the following recommendation:-

That 137 (2)(a) be rephrased to read;

"encourage the efficient use of scarce resources and to promote the development of private sector organisations which are engaged in all types of economic activity such as, the chambers of commerce, confederations and associations of industry, agriculture, manufacturers, farmers and professional development groups;"

(iii) **Article 140 - Budget**

The Committee reconsidered and adopted this Article with the following recommendation:-

That 140(6) be amended by inserting the words "Secretariat of the Community, the" immediately before the word "surviving" in second line.

(iv) **Article 142 - Audit of accounts**

The Committee reconsidered and adopted this Article with the following recommendation:-

That 142(1) be rephrased to read;

"There shall be an East African Audit Commission made up of the Auditors General of Partner States whose functions will be to audit the account of the Community."

(v) **Article 145 - Official Language**

The Committee reconsidered and adopted this Article with the recommendation that the official languages of the Community be English and Kiswahili.

MINUTE NO. 128/99

**CONSIDERATION OF THE REPORT ON THE DRAFT
TREATY FOR THE ESTABLISHMENT OF THE EAST
AFRICAN COMMUNITY**

The Committee considered the recommendations on Articles 126 - 145 in Chapters Twenty Two to Thirty One and agreed as follows:-

(i) Article 126 - The role of women in socio-economic development

The Committee considered and approved the recommendation.

(ii) Article 127 - Role of women in business

The Committee considered and approved the recommendation.

(iii) Article 128 - Industrial development

The Committee considered and approved the recommendation.

(iv) Article 129 - Strategy and priority areas

The Committee considered and approved the recommendation.

(v) Article 130 - Standardization and quality assurance.

(vi) Article 131 - Political affairs

The Committee considered and revoked its recommendations on this Article thereby adopting the Article as it appears in the Draft Treaty.

(vii) Article 132 - Regional peace and security

The Committee considered and approved the recommendation.

(viii) Article 133 - Defence

The Committee considered and approved the recommendation.

(ix) **Article 135 - Other fields**

The Committee considered and approved the recommendation.

(x) **Article 136 - Creation of an enabling environment for the private sector.**

The Committee considered and approved the recommendation.

(xi) **Article 137 - Strengthening the private sector**

The Committee considered and approved the recommendation.

(xii) **Article 139 - International organisations and development partners**

The Committee considered and approved the recommendation

(xiii) **Article 140 - Budget**

The Committee considered and approved the recommendations with the following amendment:-

The Committee revoked its recommendation on 140 (4) thereby adopting the paragraph as it appears in the Draft Treaty.

(xiv) **Article 142 - Audit of accounts**

The Committee considered and approved the recommendations.

(xv) **Article 145 - Official Language**

The Committee considered and approved the recommendation.

MINUTE NO. 129/99 ANY OTHER BUSINESS

1. Dr. the Hon. Mukhisa Kituyi, M.P. undertook to carry out a comparative analysis on Kenya's amendment proposals on the Draft Treaty and the Committee's report.

2. The Committee resolved to include in its report an overview on the Draft Treaty and the principle of East African integration.

MINUTE NO. 130/99 ADJOURNMENT

And there being no Any Other Business, and the time being ten minutes past Twelve O'clock, the Chairman adjourned the meeting until Tuesday, 13th July, 1999 at 10.30 a.m.

CONFIRMED:
Hon. D. Musila, M.P.

SIGNED:
Signed

DATE:
13th July, 1999

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DIVISION OF THE PHYSICAL SCIENCES
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