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EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY

DEBATES

(MONTHLY HANSARD)

OFFICIAL REPORT

FIRST ASSEMBLY- THIRD SESSION- FIRST MEETING

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EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY

Official Report of the Proceedings of the East African Legislative Assembly

FIRST ASSEMBLY– THIRD SESSION– FIRST MEETING

Tuesday, 2 December 2003

The East African Legislative Assembly met at 2.30 p.m. at the Chamber of the Assembly, Ngorongoro Wing, Sixth Floor, AICC Complex, Arusha

PRAYERS

[The Speaker, Hon. Abdulrahman Kinana in the Chair]

The Assembly was called to Order.

**COMMUNICATION FROM THE
CHAIR**

The Speaker: Honourable Members, I would like to make the following communication regarding the time of our sittings of the Plenary today and other related matters concerning our work as an Assembly:

WHEREAS, Clause (1) of Article 55 of the Treaty provides that the Assembly shall be held at such times and places as the Assembly may appoint;

AND WHEREAS Sub-rule (1) of Rule 12 states that, "Sittings shall, unless the Speaker otherwise directs, ordinarily commence at 9.00 o'clock in the morning up to 1.00 o'clock in the afternoon, and resume at 4:00 o'clock in the evening and conclude at 6:00 o'clock in the evening; on Tuesday, Wednesday and Thursday;

NOW THEREFORE, the Speaker having taken cognisance of the foregoing and yet having regard to the nature of the business to be

transacted by the Assembly, has in the exercise of the mandate vested in the Speaker, pursuant to the provisions of sub-rule (8) of Rule 11, directed as follows: -

That the Assembly shall hold its plenary sittings today Tuesday, December 02, 2003 commencing at 2:30 p.m. in the afternoon and conclude when all the business appearing on the Order Paper has been disposed of.

2. DECISIONS OF THE HOUSE BUSINESS COMMITTEE

Honourable members, the House Business Committee held a sitting today Thursday, 27 November 2003. As previously agreed upon, I now wish to notify you of the major decisions taken in so far as the business of the House is concerned:

- (i) Honourable Members, I have no doubt that you are all aware that H.E. Benjamin Mkapa, President of the United Republic of Tanzania is currently unwell and hospitalised in Zurich. The House Business Committee decided that we formally send him our well wishes. May I, on your behalf, wish him the quickest recovery possible and continue to pray that the almighty gives the medical staff attending to him the wisdom they require while treating him.

In addition, I have also formally written him a letter informing him that the Assembly stands with him during this discomfoting time

and that we are confident in the treatment he is getting. We are therefore firm that he will soon be back home to continue to provide the people of the United Republic of Tanzania with his much cherished leadership.

- (ii) We have been informed that the Summit of EAC Heads of State will meet on 16 January 2003, here in Arusha to sign the Protocol on the East African Customs Union. This is an important event in our integration process. The House Business Committee resolved that the Assembly ought to be present to witness this remarkable achievement. When the details are finally worked out, the Clerk will issue you the notice and programme of activities. You should therefore be prepared to travel to Arusha around the 15th - 17th January 2004.

- (iii) Related to that, I asked the Secretary General to officially brief the Assembly on the outcome of the negotiations so far which would climax into the signing of the Protocol on the Customs the Union. The Secretary General has appointed Mr. Peter Kiguta (Economist) to brief us. I will accordingly suspend the proceedings of the House at 3:00 p.m. to allow Mr. Kiguta brief us. We will then resume the House immediately after his brief, to continue with the remaining items on our Order of Business. Thank you.

**BILL
FIRST READING**

THE EAST AFRICAN TRADE
NEGOTIATIONS BILL, 2003

*(Bill referred to the relevant
Committee of the House)*

QUESTION FOR ORAL ANSWER

QUESTION
NO.EALA/PQ/OA/021/2003

Mr Dan Ogalo (Uganda): Mr Speaker, sir, I beg to ask the Chairperson, Council of Ministers the following Question: -

“In March 2003, the Assembly led by the Hon. Speaker met H.E. President Yoweri Museveni in Gulu, Uganda who welcomed the intervention by the East African Legislative Assembly in the 17-year conflict in Northern Uganda.

In May 2003, the East African Legislative Assembly passed a resolution recommending that the Summit set up an East African Peace Committee for Uganda, and required that the Council of Ministers do report to the Assembly on the progress within one month from the date of passing this resolution etc. (copy of Resolution attached). The Resolution was forwarded to the Council of Ministers through the Secretary General but the Council has refused, failed and/or neglected to report to the Assembly as required.

Can the Hon. Minister inform this House: -

1. Why the Council thinks that the death and suffering of the people of Northern Uganda is not worthy of the attention of the Summit?
2. Why the Council has very low regard for Resolutions of the Assembly?

The Speaker: Any Member of the Council of Ministers here? I note that the Chairman of the Council of Ministers is not here and neither are the other two Members of the Council of Ministers.

I wish to express my disappointment on the continued absence of the Members of the Council of Ministers who have decided to boycott the activities of the Assembly on many occasions. I will bring this embarrassing situation to the attention of the Chairman of the Summit of the East African Community so that he may decide to take the necessary action.

With this disappointment, I suspend the House and we will reconvene here to get a briefing from Mr. Kiguta on what transpired during the negotiations on the Customs Union. After the end of the briefing, I will resume the House again.

*(The House was suspended at 2.45
p.m. and resumed at 4.30 p.m.)*

[The Speaker in the Chair]

MOTION**FOR THE RECOMMENDATION
FOR APPOINTMENT OF OFFICERS
OF THE ASSEMBLY**

Mrs. Beatrice Shellukindo (Tanzania): Mr. Speaker, on behalf of the House Business Committee, I beg to move: -

THAT this House:

PURSUANT to the provisions of Article 49(2)(f) of the Treaty do recommend to the Council of Ministers the appointment of Mr. Justine Nthiiri Bundi as Clerk of the Assembly.

Mr Speaker, Article 49(2)(f) of the Treaty states that: "The Assembly shall recommend to the Council of Ministers the appointment of the Clerk and other officers of the Assembly." It is in that respect that I make this proposal basing on the recommendation of the House Business Committee after it received and considered results of the interview panel from the Secretariat.

The advertisement for these posts was run in all major newspapers in East Africa between March and May 2003. Mr Speaker, people responded and there was a short-listing done by a Committee in the Secretariat. Further, there was an interview panel from the Secretariat with panellists from the three National Assemblies. Following the interview, the Secretariat made recommendations to the House Business Committee, which evaluated these recommendations and came up with a conclusion. I now, on behalf of the House Business Committee bring this recommendation for your approval. Mr Speaker and Hon. Members, may I now give you a little

background on whom Mr. Justin Bundi is.

Mr Justin Bundi is a 46-year old Kenyan national and currently employed as a Deputy Clerk in the National Assembly of Kenya. This is a post he has risen to after 10 years of successful service in the office of the Clerk.

Prior to that, Mr Bundi was employed in the office of the President as a District Officer (1983-1989) and later (1990-1993) promoted to the post of Senior Assistant Secretary, before joining the Parliamentary Service as a Senior Clerk Assistant.

He holds a Bachelor of Arts Degree from the University of Nairobi (1981). He also holds certificates in Advanced Public Administration, Human Resource Management (ESAMI), and in Ethics and Professional Standards in Public Services. Mr Bundi is widely travelled and has had a lot of training and attachment programmes to other Parliaments in the world.

Mr Speaker basing on his qualifications and the positions he has been holding, while weighing them against the requirements of his respective job, the House Business Committee strongly recommends that this Assembly do recommend to the Council of Ministers the appointment of Mr Justin Bundi as Clerk of the Assembly. Mr. Speaker, with those remarks, I beg to move.

Mr. Yonasani Kanyomozi (Uganda):

Mr. Speaker, sir, in seconding the Motion, I would like to give a more thorough attention to the qualifications, scope and role of Mr. Bundi in qualifying to give us the service as a qualified East African.

Mr Speaker, sir, Mr Bundi, as my colleague has already said, has had exposure that will be of great relevance to us. First, he has had training in ethics, which we really require at this critical time of our development. Further, he has served in various ad hoc and departmental Committees in the National Assembly of Kenya; for example, the Standing Committee on Defence and International Relations, Legal and Administration of Justice, Powers and Privileges and several others.

He has had attachments to relevant Commonwealth Countries, especially in Zambia, Ghana, Australia, Canada and Nigeria. In addition to that, he has been the co-ordinating officer for Commonwealth Parliamentary Association in the region. He is, therefore, well aware of the nature of things we are going to handle.

He is also still in his youthful age, as they say life starts at 40. He is exactly 46 years old. Therefore, he has the ability and style to handle the things that we require him to handle. With our able Principle Clerk Assistant, the job that will be done in this House will be great.

Mr Speaker, sir, in recommending him to the House, we have taken this into account and we think he will perform the duties of the Clerk's office ably, efficiently and to the best interest of East Africans. Thank you.

Mr Mabere Marando (Tanzania):

Mr Speaker, sir, I have the greatest respect for my honourable colleagues who have just spoken, and you know that. I also have the greatest respect for the entire House Business Committee. Before I cast my vote, I would like to know a few things.

These two individuals who were recommended to us by the interviewing panel had undergone very rigorous interviews and questions. Highly respected interview panellists in their very great wisdom made findings that one Ibrahim Mzee Ibrahim led the group. He scored the highest marks.

If it is a question of age, Ibrahim Mzee Ibrahim is even younger, having been born in 1966. The age is more robust and possibly, he would be able to serve longer than Mr Bundi. If it is a question of proficiency in languages, Ibrahim Mzee Ibrahim commands three international languages; English, Kiswahili and Portuguese. If it is the question of learning and high qualifications, it seems that Mr Ibrahim has a Masters of Philosophy in Public Administration. We really need those qualifications.

Mr Speaker, sir, may I know the criteria on which Mr. Bundi was taken other than taking the first person that led the group in the interviews? Thank you.

Mr Med Kaggwa (Uganda): Mr Speaker, sir, I just want to use the very words which my learned brother has used, that he has the highest respect for the panel that interviewed the persons whose curriculum vitae are before us, and that he has the highest regard for the House Business Committee. In that vein, I want to refer to the Motion on the Order Paper.

Mr Speaker, sir, while moving the Motion, Hon. Shellukindo was very categorical that she was, on behalf of the House Business Committee, recommending Mr. Justin Bundi as Clerk to the Assembly. I therefore, think that it will be improper and irregular to start holding another

interview here as to how a decision was reached.

Mr Speaker, sir, I request this august House to go ahead and support the appointment of Mr Justin Bundi as the Clerk of the Assembly, with the proviso that this time, the Speaker of this Assembly shall put it squarely to the Secretariat and the Secretary General that the new Clerk will be expected to do the work of the Assembly under the guidance of the Speaker as stipulated in the Treaty. With those remarks, I support the Motion.

Mrs. Mahfoudha Hamid (Tanzania):

Mr Speaker, sir, I just want to bring to the notice of the House that I am puzzled a little bit when I look at these documents. I find that Mr Justin Bundi has a Bachelor of Arts Degree, Second Class Honours, Lower Division and Ibrahim Mzee Ibrahim has a Bachelor of Arts Degree, Second Class Honours, Upper Division. I am puzzled as to the criterion that was adopted.

Mrs. Lydia Wanyoto Mutende (Uganda):

Mr Speaker, sir, first of all I would like to congratulate the Secretariat for having gone through this process of interviewing candidates for the post of the Clerk, which in my opinion has been overdue. This Assembly has been operating under very difficult circumstances in the absence of a substantive Clerk. I would also like to congratulate the House Business Committee for having taken it upon itself to put this appointment in the prime agenda of our business so that this House can have a Clerk.

Mr Speaker, sir, this is the first time, since we began approving staff in this House, to have had a full document like this to look at the other candidates who were before the panel. In the past

we entrusted this responsibility of getting the rightful candidate in the House Business Committee. I would like to support this Motion and thank the House Business Committee for having scrutinised the candidates and whatever documents were before them, and for having given us the candidate whom we are approving today for the post of Clerk. With those remarks, I support the Motion.

Mr. Jared Kangwana (Kangwana):

Mr Speaker, sir, I would like to thank the House Business Committee which, in its wisdom and in accordance with the responsibility that this House has charged it with, has recommended Mr Bundi to be appointed as the Clerk to this Assembly. All we are required is to recommend to the Council of Ministers that this gentleman be appointed to the post of the Clerk.

Mr Speaker, sir, I think it would be a serious omission on my part if I were to shy away from stating very categorically that it has always been the understanding of this House that the post of the Clerk belonged to Kenya. If there is any doubt about that, I am willing to debate. I think we have always had an understanding that in this Community, there has to be a balance. This is an international body supported by three Partner States. When it comes to employing people, there has always been an understanding that certain positions were reserved for certain countries. Those positions were negotiated outside the House. Mr Speaker, sir, in accordance with that understanding, the person who qualified is Mr Bundi.

If you look at the points, Mr Ibrahim is leading by 0.009, which is totally insignificant. I am sure the House Business Committee in its wisdom must have ignored this insignificant

fraction and taken into account the general understanding we have in moulding and building this Community on the basis of accommodating each other. I do not want to say anything about Mr. Ibrahim whose qualifications speak for them. He appears to be a very highly educated gentleman. But I am sure when the opportunity arises and my learned friend, Hon. Marando brings a suitable candidate I can assure him of our support. Thank you.

Mrs. Rose Waruhiu (Kenya): Mr Speaker, sir, I would like to celebrate that we are now moving towards having a Clerk for this Assembly. There are few Parliaments in this world that can survive in this world without a Clerk. The Clerk is the principal officer of the House. What has gone on for the last one year is very clear to us. Fortunately, we had in place an Acting Clerk who was able to steer this House.

Mr Speaker, sir, as we evolve as a House and create our own style and customs of doing things, we need to take professional advice occasionally. In other words, I was looking at the criteria for appointment and it occurred to me that points could only be one criteria. Besides my many other qualifications, one was being a human resource consultant for ten years. What people do is to sit down and every individual gives you points depending on their own perception. It is a very old-fashioned way and if it is still in operation within the Community - it is certainly very helpful as one criterion but in the end, the Clerk is a very senior person in his office. What should be concerning us is the ability to settle in that position.

We need to declare right from the beginning that the Clerk is very

welcome because this House has been without a Clerk. As we stated earlier this year, we should look into ways of preserving the autonomy of this Assembly and work more closely with our own officers to ensure that Parliament continues to get the space that is entitled to it within this Community.

Secondly, I do not want to be drawn into the so-called balancing but it is a fact of life that we cannot ignore our diversity, and it is clear that our own approach is to have a mix of all East Africans in this organisation. It has been whispered very loudly for the last one year that Kenya could wait, after all the position of the Clerk belonged to Kenya! Speaking as an East African from Kenya, I am very proud that we had such a long list of qualified East Africans who could have filled this position. It could have been a sad occasion if we did not have a qualified person to fill this position.

So, to me, this is a day to celebrate. We now have a chance to start again and run the Assembly with the autonomy it deserves. We hope that in Mr Bundi we shall find an officer who understands very clearly the separation of powers and he will arrive at his job with that understanding and with our co-operation. Thank you.

Mr. Calist Mwatela (Kenya): Mr Speaker, sir, I would like to thank the House Business Committee for its wisdom in choosing Mr. Bundi to be our Clerk. Mr Speaker, sir, I would like to appreciate your efforts as well as that of Mr Madete in trying to run this institution with such a big gap. I would like to request all the Members of this House, and those who are not in this House, to welcome the new Clerk and show him what to do. We do not have to start with hostility because

once beaten twice shy. I request that those who will come into contact with the new officers should give them the much-needed co-operation.

Maj. Gen. Mugisha Muntu (Uganda): Mr Speaker, sir, I rise in support of the Motion.

Mr Speaker, sir, in view of the circumstances that do prevail within the Assembly and the Community, I fully support the recommendation and confirmation of Mr. Justin Bundi as the Clerk to the Assembly. But I would also like to comment on an issue that was raised a year ago, with regard to the position of the Clerk to the Assembly.

Some of us believe that there are positions that are political in the East African Community, but there are also other positions that are professional and technical. On the political positions like the Secretary General and his Deputies, political considerations should take the upper hand but we should move away from politics when it comes to positions like that of the Clerk. We should start shifting away from using political considerations as the main criteria. I hope our future Parliaments will concentrate on looking for a professional and competent Clerk to serve this Assembly, and those should be made the main criteria rather looking at which country the individual will be coming from.

Mr Speaker, sir, we are really trying to accommodate Kenya since it was promised the position of the Clerk, but I am not contesting that at this particular time. What I am saying is that in future, we should not use this as the main consideration. There is going to be a time when a position like this

will not attract qualified people from particular countries.

We are fortunate now to have Mr Justin Bundi who has the experience and qualifications at the same time. But what I have heard informally is that a number of Kenyans who have this experience in the Kenyan Parliament and much more are not willing to leave their positions to come and serve in this Assembly. If Mr Bundi had not applied, our hands could easily have been tied, and we could have ended with someone who would be incompetent. That is one aspect of these matters. That is why I am saying we should not tie ourselves to political considerations. We are lucky that we got a suitable candidate based on these arrangements. In future, we should consider professionalism and competence with regard to positions like those ones.

Dr. Harrison Mwakyembe (Tanzania): Mr Speaker, sir, I do not doubt the wisdom of the House Business Committee, but I do also appreciate a much wider wisdom of this plenary. If we start to create a precedent here that once a matter has been discussed in the House Business Committee, nobody can ask a question here, then we will be negating the very reason for holding a plenary which constitutes all Members of this House. I believe this plenary is endowed with a much broader wisdom.

Mr Speaker, sir, the question raised by Hon. Marando is very important because the records of this House are public. But if something goes into the *Hansard* that a person who was number two was recommended for appointment instead of the person who was number one, without reasons, that would not reflect positively on this

House. That is what made Hon. Marando to ask that question.

Mr Speaker, sir, I did not want to contribute but there are two comments made by colleagues which prompted me to contribute. The question that this position was promised Kenya is unacceptable. That is not the kind of language that should go into the records of this House! We advertised this position that all East Africans should apply and it is wrong to say that this position was reserved for Kenyans. Why did we not invite applications from Kenya only? Why did we have to go for the second? This means that even a mediocre would have been recommended for this post because he comes from Kenya! I do not think this is the line of argument that we have to take – *(Interjection)*.

Mr. Kangwana: Mr Speaker, sir. Is Dr. Mwakyembe right in implying that those who spoke in favour of Mr. Bundi did so because he is Kenyan but not because he is qualified?

Dr. Mwakyembe: Mr Speaker, sir, the Hon. Member whom I respect so much has just missed the point. I am not talking about the presentations made by Members but about a principle. We advertised these position and 40 East Africans applied, and today we want them to feel cheated! There are expenses involved in sending applications and now we are playing tricks on them! We should not do that again because it is not proper – *(Interjection)*.

Mr. Kanyomozi: Mr Speaker, sir, the criteria followed in organisations like this one sometimes bend the strict rules for harmony and conscious confidence building, especially at the nascent stages of the formation of an

organisation. It is not only the points that are considered. We look at other factors in arriving at a decision that the marks are not the only thing that matters – *(Interjection)*.

Mr Marando: Mr Speaker, sir, is the Hon. Member in order to give a speech instead of giving information?

Mr Kanyomozi: Mr Speaker, sir, the reason why I went in detail is to clear the air. I am saying these things need to be taken in totality in making a decision until we have established ourselves firmly on the ground so as not to look at these matters.

Dr Mwakyembe: Mr Speaker, sir, maybe I should try as much as possible to conclude, otherwise – *(Interjection)*-

Mrs Waruhiu: Mr Speaker, sir, is the Hon. Member in order to say that the House was playing tricks on applications? Those words are unparliamentary and he should withdraw them.

Dr Mwakyembe: Mr Speaker, sir, I also understand that it is unparliamentary to misquote a fellow Member of Parliament!

Mr Speaker, sir, I simply said that if we are involved in such a delicate balancing act, then we should be clear in our advertisement that we need applications from Kenya alone. If we invite all East Africans to apply and yet we know that the position is preserved for Kenya, Tanzania or Uganda, then we are tricking East Africans!

Mr Speaker, sir, I want this House to note that Mr. Ibrahim Mzee Ibrahim is not only a Tanzanian but also a Zanzibari. I am saying this because we

in Tanzania are in a serious balancing act – (Interjection) -

Mr Kangwana: Mr Speaker, sir, is my learned friend and Hon. colleague right in implying that there is another Partner State outside the United Republic of Tanzania?

Dr Mwakyembe: Mr Speaker, sir, every Member is knowledgeable that two parts constitute Tanzania: Zanzibar and the mainland. What I am saying is that we in the United Republic of Tanzania are engaged in a delicate balancing act, and I had hoped that the House Business Committee would have taken that into account to give the best East African this job but not the politics of “now it is the turn of so and so.”

With these remarks, I do not support the Motion.

Mr. Haither Abdi (Kenya): Mr Speaker, sir, I would like to commend the House Business Committee for bringing this name. The person who brought this document to the House Business Committee was a mischievous one.

We have never had two names brought to the House Business Committee for consideration. I do not understand why this has been done in this case! The only reason why he brought two names to the House Business Committee is for us to have a fight here over this position. I would like to inform him that the politics of divide and rule is over. If we start questioning the decisions of the House Business Committee, we should also go back to all appointments of this Assembly and see how they were done. I request Hon. Marando to yield to the wishes of the House that the name brought here by

the House Business Committee be approved.

Mrs Kawamara Mishambi (Uganda): Mr Speaker, sir, I stand in opposition to what is being debated this afternoon because we have become too emotional. I feel that we are not listening to reason. I think what Dr. Mwakyembe and Maj. Gen. Muntu are trying to bring to this House is that we should listen to reason.

Mr Speaker, sir, when we appointed Murumba Werunga as the Clerk of the Assembly, we were seriously lobbied. Some of us had our misgivings about the former Clerk and we pointed this out. We were told to hold our horses because the post was reserved for Kenya, and the same reasons are being advanced. If we continue like that, what is going to happen? Next time a position will come up, we will say it is time for Ugandans! We are going back to the politics of eating! We are not appointing people because – (Interjection) -

Mr Kangwana: Mr Speaker, sir, if what Hon. Kawamara is saying is right about eating, then it is Uganda that has been eating!

Mrs. Kawamara Mishambi: Mr Speaker, sir that is very un-East African! But I think we are degenerating. The spirit of East Africa is slowly going down the drain, and I think that as leaders, we are promoting that. If the person they have shown us here scored highly, then who are we to change the results? I know that the House Business Committee is made up of men and women of integrity. We had a very capable interview panel that presented these results.

I was not intending to contribute to this Motion but when I was told privately

that we are approving a Kenyan, I asked why. I was informed that it had been decided. To me, that was very undemocratic. Somebody else scored highly during the interviews but we are recommending somebody else for the post because it is time for a Kenyan to be Clerk? I really feel that in the spirit of East Africa, we are being very unfair if we continue advertising posts and then rigging them.

Mr Speaker, sir, as long as we continue like that, fellow East Africans are going to lose confidence in this House because they will know that we do things behind their backs! We had the Secretary General and his Deputies sitting on a panel according to this Report. They interviewed some people, recommended to the House Business Committee and then we come here and say, in our wisdom as an Assembly, we shall take the second person simply because he is a Kenyan; I think that is not acceptable!

Mr Speaker, sir, I appeal to this House that in the interest of the East African Community, we should stop looking at ourselves as Ugandans, Kenyans and Tanzanians, trying to protect those petty interests which will not assist the East African federation. With those remarks, I will not support the appointment of Mr. Bundi as the Clerk of this Assembly, and the Motion before the House.

Mrs. Lydia Wanyoto Mutende (Uganda): Mr Speaker, sir, I think this House needs to know that the recruitment of staff does not end at the panel. Otherwise we would not be here to discuss the appointment of these officers. It is a process, and I think we would be shooting ourselves in the foot if we did not know this information. This is a process that will end with the Council of Ministers. So, the issue of

points and the line up of candidates does not arise. I think we are assuming too much power when we say who should be in the line-up of things. We should play our role and push it to the next organ to do their role. I would be very uncomfortable to leave this House and say we have approved so and so for employment because the same has not been signified to by the Council of Ministers.

Prof. Margaret Kamar (Kenya): Mr Speaker, sir, first of all, I would like to give information to Hon. Abdi who had wondered why two names were presented to us. We have always had more than two names, and this House has handled three cases; for instance, Mr. Werunga was second during the interview and the House approved his appointment; the Hansard Editor was fourth during the interview and the reason why we took her was because we were searching for a Ugandan.

I am giving this information to help us because we seem to forget very fast. Unfortunately at that time, this full document did not come to the House. I am the one who moved the Motion on the Hansard Editor and I elaborated on why we chose her. We saw her qualities and experiences against the person who was first during the interviews, who also happened to be Ugandan.

I am giving this information to help us not only in making this decision, but it will form a foundation for us in the decisions that we make so that we do not have different standards when dealing with different people.

Mr Speaker, sir, I would like to highlight that out of the two curriculum vitae the difference between the two people are self-explanatory. At the time when Ibrahim

Mzee Ibrahim was graduating in 1992, Mr Bundi who had graduated ten years in 1981 had been in Parliament. I imagine that the panel and those of us who sat in the House Business Committee saw an experience gap. When Ibrahim Mzee Ibrahim graduated in 1992, he went for a postgraduate Diploma and spent some time doing his Masters Degree up to 1998. That means the experience of this man is extremely low compared to the experience of Mr. Bundi. I am saying this so that our friends who have been named Zanzibaris can be comfortable. Mr. Bundi was significantly different from Mr. Ibrahim Mzee Ibrahim.

When I reported on the Hansard Editor last time, I showed quality difference on the person we are presenting here. I think it was in good faith that the House Business Committee analysed their curriculum vitae. We have done this before, we did it for the third time and the reason we are doing it for the time is because we are looking for quality. So, I do not believe that we have picked on this candidate simply because of being a Kenyan.

We have looked at the 0.009 as very insignificant in any experimental design. We have gone further to look at the reasons why the panel may have sat the way they sat and why they came up with that very small difference. When you look at the experience of Mr Bundi, it overweighs those of Mr Ibrahim. I hope Hon. Marando will be satisfied by the explanations I have given.

I am not saying this on behalf of the House Business Committee, Mr Speaker, sir, I just wanted to highlight the differences in quality out of the experiences which I believe came from the panel and the House Business

Committee. So, Dr. Mwakyembe should not be worried that we just picked a Kenyan. We looked at the quality of the person we are employing.

Mr Marando: Mr Speaker, sir, when I stood up, I sought that type of information. Such powerful information could have convinced me earlier, and I could not have said what I said!

Mr George Nangale (Tanzania): Mr Speaker, sir, reading through the two curriculum vitae presented to us, I am 100 per cent convinced that Mr Justin Bundi is more qualified than Mr. Ibrahim Mzee Ibrahim, but the notion that we are appointing somebody because he comes from a certain country gives us a very bad precedent. What will be the position of Mr Bundi come the year 2006 when we might have another Speaker, coming from Kenya? Will he resign? Those are questions that keep coming to me. We should withdraw the statement that we are recommending Mr Bundi for appointment because he is a Kenyan. He has been appointed because he qualifies.

The Speaker: Hon. Nangale, are you trying to imply that the current Speaker will not be returned?

Mr. Daniel Ogalo (Uganda): Mr Speaker, sir, there are certain things which are beyond the Assembly and which make us look the way we are being portrayed in this debate. This House does not know the issues of the gentleman's agreements that have been referred to, but we know that they were there. As ladies and gentlemen, we ought to honour those agreements until such a time that they are changed. I overheard Hon. Kate Kamba say that it was unfortunate that we have had to

debate this way. This has now been brought to the stage of country positions, which is very unfortunate. But these are things that we were not party to!

Mr Speaker, sir, the House Business Committee met in Kampala in January 2002 and the then Chairman of the Council of Ministers brought this to the attention of the House Business Committee. At that time, the name of Mr. Werunga was coming up as to whether to confirm him directly or whether the post should be advertised. The then Chairman of the Council informed the House Business Committee about this gentleman's agreement which was reached before we came into existence. The best we could do is to go the way Maj. Gen. Mugisha Muntu suggested that we now recommend to the Council of Ministers that that gentleman's agreement should be reviewed because it is causing us some problems!

Mr Speaker, sir, I would like to support the position taken by Hon. Abdi. In the past we have come to the Assembly with one name and that is the position. But the recommendations from the panel and the Secretary General were couched in such a way that we had no alternative but to bring the two names to this Assembly.

M. Speaker, sir, I think we are going too far when we start saying East Africans will see us as rigging and playing tricks on them. What we are doing here is a simple recommendation. We may send names to the Council of Ministers and it refuses to endorse. We are behaving here as if we are making the final decisions. We are not! We may send names there and they are rejected! So, in our debate we should not make this

a very big issue because it is a mere recommendation, which is not binding!

Lastly, in view of the comments that I overheard Hon. Kate Kamba make, I request that if the Speaker considers it prudent, he could invoke the provisions of Rule 25 of our Rules of Procedure that says: "The Speaker may direct any matter which in his or her opinion, is of a confidential nature to be excluded from the journals of the House and from the verbatim report of the proceedings of the House and to be the subject of a separate verbatim report, which shall be kept in the custody of the Clerk and made available only to Members and Clerks."

Mr Speaker, sir, the reason is that the way we have conducted this debate is such that it has really gone, in my humble view, a little below what East Africans could expect of us. For example, if you come up and say this House is rigging results and that it is a trickster that amounts to misleading the people of East Africa! If all those were said with justification, it would be worth it.

Dr. Mwakyembe: Mr Speaker, sir, what did the Hon. Member expect from us since the information coming from the House Business Committee was not complete and convincing? Most of us have become convinced after Prof. Kamar spoke!

Mr. Ogalo: Mr Speaker, sir that is the exact reason why you should not jump up and say the House is a trickster and it is rigging results before you get the information – (*Interjection*).

Mrs. Hamid: Mr Speaker, sir, the information given to this House by Prof. Kamar should have come from those who moved the Motion and all

the confusion would have been cleared!

The Speaker: That is not a point of information; it is a statement!

Mr Ogalo: Mr Speaker, sir, it is evident that we put the position of this House into disrepute by calling Members tricksters and fraudsters. In my view, I think a verbatim report of that is unfortunate. That is why I am appealing that if the Speaker feels in his wisdom that we should exclude this then we should exclude it. Mr Speaker, sir, the same people who are debating this Motion from the point of view of being East African are in fact being very un-East African. Thank you.

Mrs. Shellukindo: Mr Speaker, sir, I thank all those Members who contributed to this Motion. I would like to specifically thank Hon. Marando, Mahfoudha, Wanyoto, Kangwana, Waruhiu, Mwatela, Maj. Gen. Muntu, Dr. Mwakyembe, Abdi, Kawamara, Prof. Kamar, Nangale and Hon. Ogalo.

Mr Speaker, sir, as the mover of the Motion I would like to apologise that in moving the Motion I did not state the reasons that led to the hot debate in this House. However, I do thank Prof. Kamar for having responded to those concerns effectively.

Mr Speaker, sir, the position of the Clerk in this Assembly has given us many wounds. It has been highly politicised and the appointment of a Clerk will heal those wounds. I felt a bit uncomfortable that after moving this Motion, the debate degenerated to what we saw. I expected all of you to support this Motion with one voice so that the Clerk will enjoy his stay within the Assembly. I was worried that the Clerk might not enjoy his work, but after Prof. Kamar cleared the air, I am

convinced that all those who were against the Motion will support it.

Mr Speaker, sir, the other thing that I would like to say is that the general understanding within the East African Community and EALA had started long before but I would like to concur with some of the Members who said that we should maintain the general understanding within the political appointments but the technical posts should be filled on merit.

Mr Speaker, sir, within the Community, you can see that the Council to the Community comes from Uganda, the Registrar of the Court comes from Tanzania and it is only fair that the Clerk comes from Kenya!

Finally, I would like to say that the difference in points is very little. I would like to assure this House that the appointment of Mr. Bundi would not let this House down. He has the ability to handle the business of this House. With those remarks, I request all Members of this House to support the Motion. I beg to move.

The Speaker: Hon. Members, whereas the House Business Committee is full of eminent persons elected by you, all its recommendations must be debated and passed by the House.

(Question on the motion put and agreed to)

Mr Nangale: Mr Speaker, sir, now that we have appointed a new Clerk, I would like to thank Mr. Madete for his tireless efforts – *(Interruption)* -

The Speaker: Under what Rule of the House are you moving? However, Mr. Madete has heard you.

ADJOURNMENT

The Speaker: Hon. Members, that concludes the Business on the Order Paper. This House stands adjourned until tomorrow, 3 December 2003.

The House rose at 5.00 p.m.



EAST AFRICAN COMMUNITY

Official Report of the Proceedings of the East African Legislative Assembly

FIRST ASSEMBLY– THIRD SESSION – FIRST MEETING

Wednesday, 3 December 2003

The East African Legislative Assembly met at 2.30 p.m. at the Chamber of the Assembly, Ngorongoro Wing, Sixth Floor, AICC Complex, Arusha

PRAYERS

[The Speaker, Hon. Abdulrahman Kinana in the Chair]

The Assembly was called to Order.

MOTION

SEEKING TO RECOMMEND APPOINTMENT OF OFFICERS OF THE ASSEMBLY

Amb. Isaac Sepetu (Tanzania): Mr Speaker, I beg to move:

“THAT THIS ASSEMBLY pursuant to the provisions of Article 49(2) (f) of the Treaty do recommend to the Council of Ministers the appointment of Mr. Samuel Bwana as Research Officer of the Assembly.”

Mr Speaker, sir, Article 49(2)(f) states that the Assembly shall recommend the

appointment of the Clerk and other officers of the Assembly to the Council of Ministers for appointment. It is in that respect that I make this proposal, basing on the recommendations of the House Business Committee after it received and considered the results from the interview panel from the Secretariat.

The advertisement for this post was run in all major newspapers in East Africa early this year. Mr Speaker, sir, people responded and there was short-listing done by a Committee from the Secretariat. Further, there was an interview panel from the Secretariat with panellists from the three Partner States.

Following the interview, the Secretariat Business Committee, which evaluated these recommendations and concurred with them. I now, on behalf of the House Business Committee, bring these recommendations for your approval.

Mr Speaker, sir, I need to bring to the attention of the House the requirements of this job and why the House Business Committee made this particular decision. The duties and responsibilities of this job are: -

1. To support the Legislative Assembly to establish an effective research, documentation and information dissemination system.
2. To ensure on-going experiences and research findings are well documented and disseminated
3. To support staff and Members to build in-house research capacity
4. To research and write papers on a variety of subjects for the use of the Committee of the Assembly
5. To organise and catalogue the work and output of the Assembly
6. To develop research linkages with other Parliaments, both regional and international and other relevant institutions and organisations.
7. To service Committees of the Assembly, and when necessary, to co-ordinate development and implementation of the Assembly's research agenda that fosters a regional vision.

made recommendations to the House

Mr Speaker, sir, having given you details of what the job entails, may I now give you details on who Mr Bwana is and why we in the House Business Committee concurred with the interviewing panel that he should take the job.

Mr Samuel Bwana is a 36-year-old East African hailing from Kenya. The Kenya Anti-Corruption Authority currently employs him in the Department of Research, Information and Public Education as a Senior Research Officer. Between 1996 and 2000, the German Technical Co-operation (GTZ) employed Mr Bwana as a research officer. From 1993 to 1996, Mr Bwana was with Breldan Consultants in Nairobi as a Research Consultant.

He holds a Master of Arts Degree in Population Studies from the University of Nairobi and he also has a Bachelor of Arts degree from the same university. He further holds certificates on Fraud Prevention and Control from Excellence International, Cape Town, South Africa; Certificate in Geographic Information Systems (GIS) from the University of Nairobi and a catalogue of advanced computer skills including data analysis.

He has in the course of his employment lifespan done nothing else other than research in reputable organisations. In addition, Mr Bwana has to his credit over 15 research accomplishments in different fields of study. Basing on his qualifications and the posts he has been holding while weighing him against the requirements of his job, the House Business Committee had only one choice to make, that this Assembly

should recommend Mr Samuel Bwana as the research officer of the Assembly. With those remarks, I beg to move.

Prof. Margaret Kamar (Kenya): Mr Speaker, sir, in seconding the Motion, I would like to say that Mr Bwana has spent his life doing nothing but research. He has been moving from one project to the other. I wish to confirm that the House Business Committee went through what the mover of the Motion has said. Thank you.

(Question proposed)

Mrs. Kawamara: Mr Speaker, sir, the seconder of this Motion said Mr Bwana has been moving from one job to the other. How long is he going to be with us? I would prefer somebody more stable.

Prof. Kamar: Mr Speaker, sir, I did not mean to say he is a very mobile person. I meant that he had spent all his life as a research officer. He has a lot of exposure and a lot of experience. We will gain from his experience that he acquired from the various sectors.

Mr. Yonasani Kanyomozi (Uganda): Mr Speaker, sir, in supporting the appointment of Mr Bwana, given the time he has spent doing research, and notwithstanding the assignments of this nature which are normally on short term, people should not read too much on the frequent shifting from one job to another. The nature of the job in research establishments these days tend to be that way. I hope he will bring that experience and exposure to enable us to do the work that we require.

Mr. Speaker, sir, the only concerns that I want to stress here are the provisions of Article 9(5) of our Treaty, which implore us that in the appointment of staff and the composition of organs of the Community, gender balance should be taken into account. I hope more East African ladies will be availing themselves to the competition so that we are able to have a wider choice and have a balanced composition of staff. But looking at the CV of Mr Bwana, he will do the work that is expected of him and he will help us to get more out of him and be able to move as practically as possible. With those remarks, I support the Motion.

Amb. Isaac Sepetu (Tanzania): Mr. Speaker, sir, I would like to thank all the Hon. Members who participated in this debate, and all those who kept quiet as an expression of support for the Motion.

Mr. Speaker, Sir, I thank Hon. Prof. Kamar for seconding the Motion and Hon. Kawamara for inquiring as to how long Mr. Bwana is going to be with us. The challenge by Hon. Kanyomozi should be taken up by all of us, and we should take the issue of gender balance seriously. I therefore, move that this House approve this recommendation. Thank you.

(Question put and agreed to)

MOTION

“THAT THE REPORT OF THE STANDING COMMITTEE ON GENERAL PURPOSES ON THE ANNUAL REPORT OF THE EAST AFRICAN COMMUNITY FOR THE

PERIOD JULY 200 – JUNE 2001 BE ADOPTED.”

The Chairperson, General Purposes Committee (Mrs. Mahfoudha Hamid) (Tanzania): Mr Speaker, sir, I beg move: -

“THAT, the Report of the Committee on General Purposes on the Annual Report of the East African Community for period July 200 to July 2001 be adopted.”

Mr Speaker, sir, the Treaty for the Establishment of the East African Community vests, by provisions of Article 48(3), the authority and power to form Committees in the Assembly. The enabling provisions state as follows: -

“The Assembly shall have Committees which shall be constituted in the manner provided in the Rules of Procedure of the Assembly and shall perform the functions provided in respect thereof in the said Rules of Procedure”

The Provisions of Article 48(3) are further amplified and made focused for the carrying out of certain specified tasks or purposes in Article 49(2) (e) which states that:

“May for purposes of carrying out its functions, establish any committees for such purposes, as it deems necessary.”

The above quoted provisions specify the formation of Committees as one of the functions of the Assembly. Further, the allocation of purposes and duties and the

control of operations of the Committee process vests in the Assembly.

The functions of this Committee revolve around the oversight of the progress made in the implementation of those provisions of the Treaty, which address matters of general application on the EAC in relation to the role and functions of the EALA. In that regard, the Committee can initiate studies and investigations, call for and receive Reports of the work of bodies, programmes and projects on such matters.

It is within these functions and the reference made by you, Hon. Speaker on Thursday, 31 July 2003 when the Chairperson of the Council of Ministers laid before the Assembly the Annual Report of the East African Community for the period July 2000 – June 2001, that the Committee sat on 14 October 2003 and considered the said Report. Following are the observations, suggestions and recommendations of the Committee: -

The Committee commended the Report in terms of its style and structure as it covered broadly a number of areas such as economic performance of the three countries and other sectors like health, education, transport and communications, agriculture, tourism, manufacturing, energy, mining and many others.

The Committee observed that the Report (EAC Annual Report) is of great historical importance because it was written before the Assembly came into being. The document we are debating now relates to activities that were carried out in the period ending June 2001. The

problem is that we might be debating activities or programmes that have already been implemented, and perhaps their progresses reported in the 2001/2002 or 2002/2003 reports and no longer need to be discussed. However, the Committee noted that during this period the implementation of the Treaty seemed to proceed in accordance with an indicative programme of action, which used the sequence of domestication of the Treaty, formal establishment of the organs and institutions of the Community, establishment of a Customs Union, Common Market, Monetary Union and finally a Political Federation, and a number of annexes to the Treaty were concluded in the continuing process of operationalisation of the Treaty.

What surprises the Committee is that these annexes have never been availed to the Committee nor laid before the Assembly. The annexes in question are:

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- Rules of Procedure for the Summit of Heads of State;
- Rules of Procedure for the Council of Ministers;
- Protocol on Decision Making by the Council;
- Rules of Procedure for the Coordination Committee;
- Procedure for the Admission of New Members into the Community; and
- Procedure for Granting of observer status.

The East African Community Development Strategy 2001 – 2005 though, was availed to Members but has never been laid before the Assembly as required by Article 49(2)(d).

In another sector of education and culture, it is noted that during this period, an exchange of documents on curricula on primary, secondary and tertiary education took place. This was in preparation for the meeting of the East African Advisory Committee on Education, Research and Training, which would be held in the second quarter of 2002 to discuss issues of common interest on curricula, examination and certification of primary, secondary, tertiary education, training programmes and the revival of the East African Examination Council. Since we do not have current annual Reports, we do not know how far the discussion on these issues has gone. It is important to be informed periodically on these issues, especially when we talk about harmonization of our education system.

Likewise, in other sectors like tourism and wildlife management, there is no up to date information, for example, on the study of liberalization of tourism towards a single market in East Africa.

The Committee on General Purpose having read through the Report and discussed it had the following recommendations: -

1. All the protocols already signed should be formally brought before the Assembly so that the Assembly can legislate where appropriate.
2. The East Africa Community Annual Report for the year 2001/2002 should be tabled in the House in the next plenary and the Council of Ministers should tell the House when the Report

for the Financial Year 2002/2003 will be ready.

3. In future the Annual Report should be tabled in the House within six months after the end of the year that is by December of each calendar year the House should get the Annual Report of the preceding Financial Year.
4. The East African Community Development Strategy 2001 – 2005 should also be tabled in the House so that it can be debated.
5. All the annexes concluded so far should be brought to the notice of the House.
6. In future the Annual Reports should refer to the matrix in the EAC Development Strategy (2001-2005) so that Members can compare the two.

Mr Speaker, as we all know, there is no job description that sets out the work of a Member, and no specific daily routine is required. What we can say is that a Member is a spokesperson for his or her constituent's interest, a law maker, an examiner of the work of government - in our case the Community - and how it spends money raised from taxpayers, and he or she is also a contributor to debates on national, regional and international issues. But in order to carry out all these functions and others, a Member needs to be informed and the only way to be informed is by being supplied with information on time.

In that regard, we urge the Council of Ministers to supply us with information in time so that Members get enough time

to consider them and express their views, which may provide constructive input. The Council of Ministers must accept that the Assembly has a constructive role to play in scrutinizing the activities of the organs of the Community in seeking to improve them on a daily basis. It should also know that the Assembly exercises its oversight role by examining a large number of monthly or annual Reports that the Community is obliged to submit to it. Being well informed and up to date information are vital if a Member is to come to grips with a great range of legislations and other issues which are dealt with by the House.

Mr Speaker, lastly I would like to record the gratitude of the Committee and my own to you and the House for having found it appropriate that we should consider the EAC Annual Report. I beg to move. Thank you.

Mrs. Rose Waruhiu (Kenya): Mr Speaker, sir, in seconding this Motion, I would like to commend the Chairperson of the Standing Committee on General Purposes. She personally put in a lot of work, which made it possible for our Committee to complete its work on time. Hon. Members will also agree with me that the Report as presented by the Chair has not only made comments on the Report as it is, but has gone on to produce very worthwhile recommendations. Most of these sentiments have been expressed in this House before, maybe under other headings, but it is notable that for the first time, we did have official business tabled in the House by the Council of Ministers for the House to consider, and we have taken that opportunity to

reiterate the concerns that continue to hinder our work as an Assembly.

Mr Speaker, sir, this Report is a remarkable document and we hope that subsequent reports will be as thorough as this one. Despite the fact that this Report has come late, the way the topics have been selected and the kind of information that has been analysed is well prepared.

The only problem is that we are dealing with matters that are three years old and, therefore, we are dealing a lot with history. But this history is important because this was the year that the Community was inaugurated. So, we are actually discussing the Report covering the year when the East African Community was inaugurated and, secondly, the year when the Strategic Development Plan was launched in April 2001. That is why this Report should have contained the connection between that commitment to our development strategy and the way it was going to be financed and the actual commitment to raise money.

If you look at the forewords from both the minister and the Secretary General, there was a lot of hope. There was a lot of political will but if you look at the amounts of money spent in that particular year, you will then see that our Partner States are not putting their money where their mouths are, and this continues to be our concern.

Mr Speaker, sir, we note that there was great emphasis on what help we would expect from our development partners and so forth. But in future, the first commitment should be an indication by our own Partner States as to which

resources are going to be put aside to finance the development strategy. I hope members will take time to debate the issues raised by this Report.

If you look at the Treaty, the question that we need to ask ourselves is what was the purpose and intention of bringing these Reports to the Assembly? Are we actually supposed to wait until the document is over and has been printed in such nice glossy cover or the Report is part of our work programme? These are some of the issues that need to be answered early enough. That is why we are appealing that in future the Report should be brought to the House much earlier, preferably within months.

Although we are addressing these issues to the Executive arm of this Community, which is not represented here today, there should be another way through which the House can get a Report of the activities. In other words, this is a public document that is meant for wide circulation. Before it gets into this stage, there should be a way where a full Report is available to the Committee or to the House.

This Report does not answer many questions; it just tells you what has gone on. It therefore begs the question as to what the role of the House is; and what was the intention of saying the Secretary General will present a Report of activities of the Community to the House? It may well be that by getting this Report we will confirm our functions because this Report covers the years before the Assembly was inaugurated. It is up to us to really design a method through which we can get these reports of activities from the

Secretary General within a better timeframe.

Mr Speaker, sir, I would like to reiterate what was in the written Report of the Committee. I note that the matrix that covers the activities for the period 2001-2005 was launched the same time as the Community, so future reports should be a performance audit. It should show whether targets were met within the specified time in the Development Strategy Plan, and if not, what obstacles were met and challenges experienced. That way, it will help us to go deeper into these issues. So, we request that the annual reports should contain performance audits of the Development Strategy Plan.

Mr Speaker, sir, I have already stated that the budget provisions have continued to be low. If we are committed to the Development Strategy Plan as launched in April 2001, then we expect more significant financial commitment to be included. I hope Members will debate this Report in the context that although it is coming three years later, it has demonstrated that the Council of Ministers, when they are here, is determined to respond to our requests. And I would like to thank the minister for laying this Report in the House, and hope that Communication will go to the ministers that the other reports should be tabled in this House on time. With those remarks, I beg to second.

(Question proposed)

Mr Jared Kangwana (Kenya): Thank you, Mr Speaker, sir, for giving me the opportunity to contribute to this Motion.

Mr Speaker, sir, as a Member of the Standing Committee on General Purposes, I would like to thank the Chairperson for having worked extremely hard to bring this Report to the House. I think it is fair to give the devil its dues.

We have criticised the Council of Ministers for their absence from this House on many occasions. We have to acknowledge the fact that the Council of Ministers has done one thing: It has brought this Report to the House. We would like to recognise that and thank them. I would like to encourage them to bring more reports to the House and to also attend the plenary sessions of this House.

Mr Speaker, sir, yesterday, when we were receiving a brief on the Customs Union Protocol, we were informed that it has been agreed that the Customs Authority will be decentralised. I am against that kind of arrangement. The Community that preceded us had a centralised Customs Authority, which worked extremely well. At no time were collections that had been received by the Authority delayed in being disbursed to the Partner States. The money was always disbursed in good time. More importantly, and for the future of this Community, we should have a source of funding for the organs of the Community.

The arrangement we have in place at the moment is that Partner States make contributions to the Community and we know what those contributions have been. Some of it appears in this Annual Report. I think the first contributions were about USD2 million, and in 2001 when the Assembly and the Court were

inaugurated I think that amount was raised slightly to around USD5 million. That amount of money can never facilitate the growth of this Community. The Community needs more funding and USD5 million per year is a mere pittance!

Mr Speaker, sir, I know of no Ministry in any of the Partner States that is allocated less than USD5 million. This Community is much bigger than any Ministry in any of the Partner States. This Community is also bigger than any of the Partner States because it is a Community of over 80 million people! The organs that constitute this Community must, therefore, be properly funded.

The appropriate source of funding is a centrally collected fund from which this Community could fund its operations. It is my humble appeal, through you, to the Council of Ministers and to the higher powers that that issue be reconsidered. When the matter comes to this House, I hope we will address that issue and influence the Partner States to agree with the suggestion I am making that we have a centralised Customs Authority administered from Arusha.

Mr Speaker, sir, last week, honourable Members were expected to come to Arusha to celebrate with other East Africans the East African Community Day. In anticipation of that, about a month ago, I had set a process in Motion for enabling Members of this Assembly from Kenya to be here on or around 24 November 2003 as hosts to Members of Parliament from our three Partner States. I made many desperate calls to the Community. I informed those I managed to get that we needed to play host to the

Members of Parliament from our three Parliaments who had been invited to Arusha for the celebrations, but we were not invited. It would have been understandable if this House did not exist and Members of Parliament from our Partner States were invited to this place.

How do you invite politicians from our National Assemblies to Arusha and fail to invite the politicians who are based here? We are colleagues! Who were these Members of Parliament from our National Assemblies coming to play football with? Who was going to host them? We were the natural hosts! What opportunity we missed as an Assembly of the Community, not only to interact with the Members of our National Assemblies but also to create the linkages that we have been talking about! What criterion was used to omit the Members of this House from playing host to the Members of National Assemblies?

Mr Speaker, sir, I was speaking to a lady about this issue, and she looked at me in the eye with a glee on her face which did not amuse me. I asked her why she was looking at me like that, and she told me that women had been marginalized for a long time, and that in the celebrations of the East African Community, as an Assembly, we were marginalized and now I knew what it feels like to be marginalized! That has not only changed my attitude about women but I would like to say that we have been marginalized as a House in functions that involve our fellow politicians from the Partner States. I hope this is the last time this is happening.

Mr Speaker, sir, I would like to refer to Rule 84 of the Rules of this House. Rule 84(1) states: -

“Every Member shall, during the Session of the Assembly or any special sitting, attend the sittings of the House unless leave of absence has been granted to him or her by the Speaker.”

Rule 84(2) states: -

“Except with the permission of the Speaker in writing, a Member shall not absent himself or herself from seven consecutive sittings of the House during any period when the House is continuously sitting.”

Rule 84(3) states: -

“Where any Member is alleged to have infringed (2) above, the conduct of such Member shall be referred by the Speaker to the Committee on Legal, Rules and Privileges which shall consider the matter and Report to the House.”

Mr Speaker, sir, we have complained long enough about the absence of the Council of Ministers in this House. Initially we were denying the fact that they were absent. We eventually accepted that they are absent. We have begged them to be present but they have remained absent. I seek the indulgence of the Chair that this matter be referred to the appropriate Committee for appropriate action.

I know that the Committee and this House shall not shy away from

recommending the expulsion of any Member who has absented himself or herself from this House for seven consecutive days. In this case of Members of the Council of Ministers, it is not for seven consecutive days, it is not even seven consecutive months. It is for a whole year! With those remarks, I beg to support the Motion.

Mrs. Kawamara Mishambi (Uganda):

Mr Speaker, sir, I would like to congratulate the Committee that has presented to us a wonderful report, given the short time they had to look at it.

Mr Speaker, I am wondering what the purpose of this debate is this afternoon? Why are we debating this Report? Whom are we addressing? We did not write this Report; it is a Report by the Secretariat of the East African Community. I would have expected the Secretary General, the Counsel to the Community or the Deputy Secretaries General to be here so that we do not talk to ourselves! As far as I am concerned, I feel that it is improper that those officers from the Secretariat are not in this House. They should have been here to listen to our concerns.

Mr Speaker, sir, I do not know what the other Members of the Assembly felt when they read this Report. To me it felt like reading another World Bank Report. Half of this is not the work of the East African Community. I have seen similar statistics in Uganda. I am sure the Kenyans and Tanzanians have seen similar statistics about how our economies are performing. If this Community is really employing professional economists, we could get better statistics to reflect what is on the ground so that we are not busy trying to

look at what other people are telling us about the performance of our economies! I looked at the content of what I thought was from the Secretariat and I found the Report extremely shallow.

To an ordinary East African, this Report does not make sense. For example, on page 7 it states: -

“Activities were continued in the outstanding decisions of the Council of Ministers in such areas as issuing and popularising the East African Passport, harmonisation of labour policies and legislation and co-operation in handling of refugees and other aliens.”

To me that does not make sense. If I was not in the Assembly and I am reading such a report, it does not make sense. I appeal that the Secretariat should not compile a report for public relations. I feel that the report of the activities of the Community should be comprehensive and should reflect the interests and aspirations of the East African people. It should also take into account the objectives as to why this Community was set up, rather than producing a public relations document. I feel this is an abuse to the intelligence of the people of East Africa. I think East Africans deserve much more. If they spent a lot of money on the Secretariat, we deserve more information and not this shallow kind of reporting.

Mr Speaker, sir, I am concerned about the way the Secretariat continues to treat the Members of this Assembly. The Secretariat continues to demean us, not only to our members of staff, but also to

outsiders. Recently, some members of staff of the Secretariat were cited as saying that the Members of this Assembly simply come here to pick allowances and go back without doing anything. I feel that if that is the attitude - *(Interjection)* -

Mr Ochieng-Mbeo (Kenya): Mr Speaker, sir, you have just heard an insinuation in the House that some people from the Secretariat are saying that we only come here to collect our allowances and do nothing. Is the Hon. Member in order to insinuate such improper motives on such members of staff without really naming them and saying what happened exactly?

Mr Speaker: Hon. Kawamara, if you are not able to substantiate, do you wish to withdraw that remark?

Mrs. Kawamara Mishambi (Uganda): Mr Speaker, sir, I have the honour to substantiate what I said.

Mr Speaker, sir, I was recently having a discussion with some rural broadcasters and they told me that they were informed that we did not have anything to offer. They had a meeting with the Secretary General and he told them that we had nothing to offer as Members of this House. I feel that was an insult to this House, and in the interest of Sopa (I), we should have better relations between the Secretariat and the Assembly, and we should not be humiliated before the constituencies we represent. With those remarks, I support the Motion on the Floor.

Mr Med Kaggwa (Uganda): Mr Speaker, sir, like my colleagues who have spoken before me, I would like to

take this opportunity to express my gratitude to the Committee for having endeavoured to get something out of this Report and bring it here for debate. In the same breath, I would also like to thank the Council of Ministers, for whatever it is worth, for laying this Report before the House.

Mr Speaker, sir, I am greatly disturbed in that this House seems not to be taken very seriously. I am of the opinion that if the authorities were not ready for this House, they should not have put it in place! We all know the role of an Assembly in any given society. We are the people's representatives. The population out there expects a lot from us. Whenever we go back to our constituencies, the people of East Africa come to us, wanting to know what they have achieved in Arusha and we are hard put to say we do not know what goes on in Arusha. What a shame?

It would appear to me that there is a feeling in the Secretariat that we are competitors. We are not! We complement each other. We are duty bound to serve the people of East Africa together. There is no way anyone of the organs will achieve success without the joint effort of all the organs of this Community.

A Committee was set up in 1999 to draft the Protocol of the East African Customs Union. The Partner States had reached a consensus on most of the critical elements underlying the establishment of the Customs Union and these are the critical words: -

“It is now foreseeable that the Protocol on the Establishment of the Customs Union would be

concluded earlier than the Treaty Stipulated, the end of the year 2003.”

Mr Speaker, sir, I relate this to the informal brief we had yesterday at our initiation, and which was hurriedly put together because the Members of this Assembly had begged to be briefed on the embarrassments they faced when they came to Arusha for the signing of the Customs Union that had been anticipated to be completed sooner than the end of the year 2003, but only to find themselves in the dark. I request the Speaker to use his good office to impress it upon the Summit that they put us in place and we are here and we have a duty to do and we shall do it for the good of the Community. But they must also understand that they have a role to play if we are to perform our duty.

Mr Speaker, sir, in the Report before us, the Chairperson points out that various annexes regarding the various rules for the various bodies have not been availed to the Committee, nor have they been tabled in this House. You will recall that sometime when we were debating a report of one of the Select Committees that was set up, the issue of rules came up. I would want to believe that any meaningful business must have proper and known rules. How shall we exercise our role of oversight when we do not know the parameters in which these various organs operate? I think it is important that these rules be availed to this Assembly. This will enable us, if need arises, to apportion blame because we shall be talking from a point of knowledge, and we shall be talking authoritatively while knowing who has not done his or her part.

Mr Speaker, sir, the Report points out several other matters that were considered and possibly good progress was made. In this particular aspect, I want to go to the issue of Standards. During the public hearings conducted by the Standing Committee on Communications, Trade and Investment we were told that various items had been harmonised. To date, the Council of Ministers has not deemed it fit to bring the relevant law. I think it is only when the law is in place that operationalisation of activities regarding this matter will come into play. It is not enough for me to hear that the Council intends to bring a law on this and that. My role here is to legislate.

I am even saddened that even when an effort is made by the Assembly, and according to the Treaty through Private Members' Bills to try and create work, even this attempt seems to meet obstacles. So, I would want to request that the Council of Ministers be urged to bring all the relevant laws that need to be legislated upon so that we do what brought us here.

Mr Speaker, sir, on the issue of invitation of our voters for football matches minus ourselves, I would like to say that whether it was by omission or commission not to invite us or both, we were inaugurated and we are here. The sooner this goes into the minds of those who are concerned, the better. We cannot be wished away because we are here. I am sure this august House has ladies and gentlemen who are not ready to be made irrelevant or to be wished away.

Mr Speaker, sir, this Community is for all of us. The public out there at times

does not distinguish who is who. It just sees people and says those are Community people. If we do not deliver, no one will say I was not there. So, I request you to use your good office to let the Secretariat to bitterly swallow it and know that we have to work together.

Finally, I would want to express my appreciation for the Committee for enabling us to have this Report here so that we could say what we have said. Thank you.

Mrs. Lydia Wanyoto (Uganda): Mr Speaker, sir, I am a Member of the Standing Committee on General Purposes and I would like to make a few contributions in support of the Motion.

Mr Speaker, sir, I was hoping that the Secretariat that submitted this Report would be here to listen to our recommendations and comments for better reports in the future. It is my hope that they will be able to read the *Hansard* and follow what we have said.

Mr Speaker, sir, the statistical representation of charts beginning from page 37 which is segmented according to the three East African countries - in my opinion, a good report would show this by country, but I think we have a responsibility as East African Community to project regional statistics so that we can prepare our people. We should give them projections as to how we would look like as we integrate. This is possible now because we have computer software that does projections, and we are able to compute regional statistics.

While I was looking through the Report, I realised that there is a mailing list that I

am familiar with from the Uganda Bureau of Statistics. We have this software in Uganda and we are able to project, not only for East Africa but also for Africa. So, a report like this one should be taking up responsibility to show what is obtaining within Partner States as segmented or by district if we want, but we should go ahead to show how East Africa would be looking like three years from now as we move towards the integration of East Africa. This was glaringly missing in this report.

Mr Speaker, sir, a lot of this information looks so familiar. It is a replica of some of the annexes to our national budgets. Some of us work on these documents; we would like to read something more of an East African picture in Arusha than what I see back at home in Kampala. It is good to have it as a reference document but not to cut and paste something that I do back at home on my desk. If we want something from Kenya, Uganda and Tanzania, we can have it but let us go ahead and show an East African picture. In future reports, we expect to see more of regional statistics than just sectors by country or department, which is similar to what we do in the Background to the Budget when we are preparing them in our countries.

Mr Speaker, sir, I would like to join my colleagues who commented about the signing of the Customs Union. In the informal sitting of yesterday, I did not get one answer, which I would have wanted to get, and I would like you to help us to know what form the postponement took. That is very important to us because when we get back home, we are going to be asked whether it was a telephone conversation; was it a written communiqué that we can

have a copy of or was it a meeting whose minutes we can access and so on. This is a disturbing issue and we need to know what form this postponement took.

To me this is still a rumour because it is not clear. When I checked my pigeonhole, I found an invitation to go to Noveotel for a cocktail party but there was no communication to the effect that the function had been cancelled. I think that is an abuse of individual personalities of the Members of this Assembly.

All of us are busy people and we are eminent East Africans. We campaigned to come here and make positive contributions and we do not want to be joked around with. We have names, titles and status to protect. For us to be invited to a function and function is cancelled without informing us about the same amounts to an insult. We need answers to these issues before we get back home.

Mr Speaker, sir, in the same vein, I would like to comment on the forthcoming signing of the Customs Union Protocol in January. I think we should now plan to take charge as an Assembly because we cannot be wished away. We should get our Committees that would like to come here from our Partner States so that we can be seen, heard and felt.

Mr Speaker, sir, having said that, I would like to state that I have doubts as to whether the recommendations of Sopa (I) were adhered to. I think this Assembly cannot just wish Sopa (I) away. We need to move beyond Sopa (I) and see what we can do to see that the process of integration of the East African Community is not hijacked or abused.

I would like to suggest that we go beyond Sopa (I). We should have a meeting with the Council of Ministers and the Secretary General face to face so that we can discuss these issues that are recurring and undermine the Assembly and undermine Members. We need an urgent answer to end this type of working relations. If we cannot get answers from Members of the Council, I think we should move and meet the Summit. If we cannot meet the Summit Members formally, then we should hijack one of the Summit meetings to be heard, seen and felt! We cannot continue like this! We cannot keep on lamenting here! We have to move towards some action! We have enough documentation that we have tried to be formal and diplomatic. We should move to the next step so that we can be heard and be felt so that we can represent the people we speak for here effectively – *(Interjection)*.

Capt. Richard Ddudu (Uganda): Mr Speaker, sir, I would like to inform the Hon. Member that all the measures we have so far undertaken are inadequate and it will be proper now for this Assembly to put its grievances against the person of the Secretary General to the Summit or the appointing authority so that he can show cause as to why Members of the Assembly should be exposed continuously to insults and belittling by the Secretary General.

Ms. Wanyoto: I thank the Hon. Member for that information. With those remarks, I beg to support the Motion. Thank you.

Mrs. Irene Ovonji-Odida (Uganda): Mr Speaker, sir, I would also like to join those who have shown appreciation to

the General Purpose Committee for this report and for showing the way in dealing with the Annual Report.

Mr Speaker, sir, I must express disappointment at the Report by the Secretariat. My concern is that when you look through the document and its substance, it seems to reflect some ideological or conceptual confusion.

We have in our Treaty objectives, fundamental principles and operational principles that are meant to guide and underpin our co-operation. One of the key phrases that stick in my mind is that ours is supposed to be a people-centred co-operation. In fact Article 5 states that one of the main objectives is to have a people centred mutual development. In fact, there is some mention about mainstreaming of gender. But when I look at this Report, one of the provisions is the part that talks about agriculture and food security.

The concept of food security is very broad and fundamental for us in East Africa. In the situation that we are in today, where a lot of farmers are losing their livelihoods because of policies and natural hazards, it is important and imperative that agriculture be placed at the centre of any development agenda in East Africa.

It is pity that in this Report, agriculture and food security are interpreted as freeing trade on agricultural products, having a mechanism and some reaction to market disturbances. What does this mean? Are we going to wait for there to be a problem in the markets and then react to that as a purely economic issue? Is there no space for governments or Community intervention and

Community policies to ensure that the people of the East African Community have food security and access to food so that their basic needs are met?

We have so many areas of conflict going on in this Community. We have areas affected by natural hazards and disturbances that have had an impact on the people to the extent that they do not have food. Are those social issues going to be sorted out by the market? Where does that leave the objectives and principles that this is the Community that is people-centred?

Mr Speaker, sir, it is important that the Secretariat refocuses itself. If it is currently much focussed on the leadership or donor driven, it needs to take a step back for a moment and ask itself who its constituency is. For me as an elected Member of this Assembly, my constituency are the citizens of East Africa and I would like to see this reflected in the Report of the East African Community.

Secondly, I hope future reports that will come out of the Secretariat on the Activities of the East African Community will reflect activities in all the organs of the Community. As other colleagues have said, EALA is an integral part of the East African Community and it is one of the key organs and it must be treated as such. So all reports covering the period we have been in existence must reflect that.

Mr Speaker, sir, the Secretariat should not take these comments as if we are trying to derogate from the Principles of Sopa (I). The comments we are making are being made in good faith and in the interest of the East African Community,

which is not one of the organs of the East African Community. The organs are mere governance organs. The Community is the people of East Africa.

It is our responsibility, as the General Purpose Committee has said, to carry out those roles expected from Members of Parliament. Those roles include oversight. Indeed, we have seen Members of this Assembly demonstrate the meaning of oversight and the meaning of representation, not only within the Assembly but also outside. We have colleagues like Dr. Mwakyembe who have gone out of their way to talk about issues affecting Tanzanians in the banking sector. That is a clear demonstration of leadership in the interest of citizens. That is what is expected of us as Members of Parliament. So, the East African Community Secretariat should know that it is our role as legislators to audit and carry out monitoring of activities. I think time has come for us as an Assembly to think about a monitoring mechanism for the organs of the East African Community, if we are going to carry out these oversight functions effectively.

Mr Speaker, sir, in this report there is something about the harmonisation of legislation on Fisheries. I hope that when this issue will be discussed in the East African Community, the relevant Committees of this Assembly will be taken into account so that matters requiring legislation will be forwarded to the Assembly through the relevant Committee for them to legislate. As you all know, there are issues of fish disputes in the Lake Basin and through the Speaker's effort we had Committees that have worked on that. So, the Secretariat

should forward any matters requiring legislation to this House.

Mr Speaker, sir, all these issues that are going on between the different organs are matters to do with institutional development but they are also matters to do with personality and attitude. This Report talks about the need for information sharing in so many areas. Information will be shared when there is a mechanism to do so but also when the people in charge of those mechanisms have the dispositions to share that information.

We need all the organs of the Community to look broadly to know that we are working for one common objective, and to know that we are not competing. Each of the organs has its specific role to play and these roles complement each other. Given the lack of capacity in the Secretariat, it would be really unwise for it to imagine that it can continue to work without involving us as an organ, and without ceding power in those areas that fall under our mandate as a legislature. With those remarks, I beg to support.

Mr. Yonasani Kanyomozi (Uganda): Thank you very much, Mr Speaker, sir, for giving me the opportunity to make comments on the Report and to thank the Standing Committee on General Purpose for a job well-done despite the fact that we are reading a report which is three years behind schedule.

Mr Speaker, sir, I have been looking at this report and reflecting on the purpose of producing a report to an Assembly. I would like to congratulate the Council of Ministers for giving us this Report, however late it is. We would like to

encourage them that now that our Committee has set the time, within which the Annual Report of the Community must be received, there will be no further delays.

Mr Speaker, sir, looking at the format of this report, I tend to agree with Hon. Wanyoto that the Report does not seem to be intended for East Africa because there is a lot of cutting, copying and pasting. In fact it has ended with the problem of having it badly edited. There are a lot of spelling mistakes! You know with cutting, copying and pasting, things get misplaced!

Secondly the Report should reflect East Africa and project something for the future and be able to give us the way forward which we can see with the statistics matched in such a way that they are East African in content so that we can make projections that are meaningful. But it is a nice attempt and I am grateful for it.

Mr Speaker, sir, I would like to relate this Report to the matrix in the Development Strategy. There were so many things proposed but we are going to forget them. In the First Development Strategy Plan, there was a proposal that we were going to have a single currency by July 2000. But as of now, we have not gone even to the stage of introducing monetary zones. But since it is not in this Report, I do not want to dwell on it. I would like to dwell on what is in the Second Development Strategy Plan, 2001-2005.

Mr Speaker, sir, if you look at Annex 1 of the Development Strategy Plan, 2001-2005, policy No.2 states: "Establish a credit rating for all financial institutions

and instruments.” This was supposed to be in place by January 2001. I would like any Hon. Member to tell us whether this has been done?

Policy No.3 states: “Free movement of capital should be completed by June, 2001.” Policy No.5 states that: “Completion and implementation of agricultural and rural development strategy, harmonisation and adoption of a common agricultural policy that focus on food self-sufficiency in the Community should have been finished between June 2001 and June 2002.” Development of areas of common interest including putting in place regional co-ordinating structures responsible for organisation of key actors on Lake Victoria and its basin should have been completed at the same time. We have had skirmishes on Lake Victoria. That has not been done. Completion of a comprehensive strategy for Lake Victoria Basin should have been finished by June 2002 but it has just been completed.

The authors of the Report should have looked at these issues and tried to explain what went missing and why they did not do so. It would have been helpful if these officials were in this House to listen to this debate. One can go on to discuss the catalogue of omissions which are either intentional, or reflect inability or incompetence.

Mr Speaker, sir, if you gave a child some pocket money and every end of the term he returns ten shillings, you would know that you were giving him or her excess. You will realise that every year this Community does not put into maximum use the money we are given. That means that either we have no capacity or the

resources are misused or we have no ability to handle the things we need to handle. I would like to pose a question: Where do these surpluses go? Are they returned to the Partner States or are they kept here for use in the next year. Could we access that money for the activities of the Assembly? Here we need affirmative action at least in funding. These surpluses should be made available to us so that we can move with the mandate assigned to us by the Community.

Mr Speaker, sir, I would like to urge the Council of Ministers to continue with this endeavour since this House is ready and willing to give them every support to do the work that East Africans require them to do.

Mr. Ochieng-Mbeo (Kenya): Mr Speaker, sir, I would like to thank the Committee on General Purpose for giving us an enabling environment to discuss many other issues pertaining to the Annual Report and others.

Mr Speaker, sir, honourable members have dwelt on certain specific issues that indicate very clearly that in my corner I am receiving a lot of converts. Obviously we started this on a very good tone when we were inaugurated, but some of us saw the shortcomings way back, and it is now proving to be a reality that the spirit of the so-called Sopa (I) did not get to where it was supposed to get to. Some of the questions that are being asked are rather current and need answers.

Mr Speaker, sir, I would like to comment on the facilitation of the movement of persons. Every time we travel when we are visiting our

constituencies we always talk about free movement of persons. In fact it is beginning to become a singsong from this Assembly. We have been promising East Africans that sooner or later, they will be crossing those borders, going for employment from one country to another and that the immigration laws and procedures would be enhanced to enable them to have them move freely.

We are also told the East African Passport would be upgraded to the level of being used internationally and we have been promising our people this. I am happy that it was captured in the Annual Report of 2000-2001, but nothing has changed! Our people are being harassed at the borders. The passport itself is like gold. You cannot find it anywhere. Our people who go from one country to another looking for jobs cannot even get work permits even if qualified for the job and yet we are talking about working for East Africans! I find this wanting, and I would like the Council of Ministers, through those numerous Committees that come to Arusha to collect their allowances and go back, to look at it seriously and come up with proper requirements as desired by East Africans.

I am saying this because most of the time we come up with these questions demanding answers but we are always told food is being cooked in the kitchen and we cannot go to the kitchen; we have to stay in the living room. We are no longer visitors in our own houses! A time has come that we must go into that kitchen and find out what is cooking in it and bring it to the living room so that we can eat it. It is time for us to wash our own clothes! I am not going to sit there and wait for it to be washed by

somebody else because I might never wear clean clothes. That is what it is.

With regard to political affairs the Report states as follows:

“The Council, with a view of actualising a people-centred and a people-driven integration process adopted a mechanism to enhance political co-operation. These include programmes for inter-parliamentary co-operation among the Partner States’ national assemblies and for the implementation of the memorandum of understanding on Foreign Policy Co-ordination.”

I know that this Report was written in 2001-2002 but the Treaty was already in existence. The Treaty obviously had stages of integration spelt out clearly. You can see that this Community does not mean well here.

To prove that some people do not mean this Community well, I would like to state that the Committee on Regional Affairs and Conflict Resolution brought a Resolution to this House on Political Federation and steps towards that were clearly spelt out and adopted in this Assembly but there is a document which was supposed to have been presented to the Summit on 30 November 2003.

I have that document here which is entitled “*Meeting of the Task Force of Experts on the Formulation of a Comprehensive Programme of Action on Political Co-operation.*” I will even tell you who the experts are. That is why I always say the left hand does not know what the right hand is holding! On that

list, there are six experts. There are two experts from Kenya and two experts from Tanzania. Unfortunately there are no experts from Uganda. I assume that they do not have any experts in this field. From Kenya we have the following – (*Interjection*).

Mrs. Kawamara Mishambi (Uganda): Mr Speaker, sir, is it in order for the Hon. Member to imply that there are no experts in Uganda?

The Speaker: I am sure the Hon. Member knows that there are a lot of experts except that he is sympathising with them.

Mr. Ochieng-Mbeo: That is correct, Mr Speaker, sir. I only assumed because they are not listed here. Those experts included the following:

Kenya

- Mr. Justin Bundi – who is going to be your Clerk,
- Ms. Irene Muraguri – Chief Finance Officer, National Assembly of Kenya

Tanzania

- Mr. Japheth Sagasii – Director, Table Office Department
- Mr. Angukwiki Lamach Nguavi – Clerk Assistant

EALA

- Mr. Alphaxad Lugola – Sergeant –at-Arms

EAC Secretariat

- Mr. Wilbert Kaahwa – Counsel to the Community

These are the so-called experts who have drawn a document to be presented to the

Summit of the Heads of State. This Report has got the matrices all the way to the year 2010 and they have started their meetings towards the year 2010. From 11-13 February 2004, this group is meeting in Nairobi to consider the Draft Implementation Programme and prepare a report for the Inter-Parliamentary Committee for East Africa. From 16-19 February 2004, the Ministers responsible for Foreign Affairs are meeting here in Arusha to consider, among other things, political federation. I do not know where they are going to get the document because these fellows are now getting ready to present their Report to the Inter-Parliamentary Committee for East Africa. As if that is not all, on March 17th next year, the Inter-Parliamentary Committee for East Africa will be meeting to consider the Report of this sub-committee.

You can see that something is obviously wrong here. The Report that they are going to present is lifted from the Munanka Report. This is a plagiarism of what was presented before this House by the Standing Committee on Regional Affairs and Conflict Resolution. This is wrong! I hope somebody will take this up and let the spirit of Sopa (I) prevail, that this House exists.

Mr Speaker, sir, I would like to move to tourism and wildlife management – (*Interjection*).

Mr Jared Kangwana (Kenya): Mr Speaker, sir, would the Hon. Member like to lay the document he has referred to on the table so that we can own that document as a House?

(Mr Mbeo laid the document on the Table)

Mr. Ochieng-Mbeo: Mr Speaker, sir, tourism and wildlife management is the cornerstone of economic activities in East Africa as of now. As much as we feel that a lot of work is being done, the matrix will prove that we have not even moved towards the standardisation of hotels in East Africa. We have not even moved an inch in bringing East Africa as a single tourist destination. Nothing is working. In other words, whatever we are doing in our Partner States is not harmonised. But some nice words are being put in the Annual Report here. What is happening in the matrix is not really what is happening in reality.

So, I would request that the Council of Ministers, if they can hear through any other source, should note that East Africans are concerned that we have not come up with a programme to have East Africa as a single tourist destination. It is very saddening. You should see what is happening when tourists land in our respective airports and when they cross our respective borders to Serengeti and Maasai Mara. It is not fun!

Mr Speaker, sir, when you go to international fairs, you will find Tanzania, Kenya and Uganda will have different stands with different personnel pretending to be selling East Africa as a single tourist destination.

Mr Speaker, sir, at the bottom of this report I see that there is some activity on HIV/AIDS. We have not moved towards having a Committee on the same within this Assembly. That is what other Parliaments within this region have done.

I do not want to belabour what has happened in the Customs Union. Members have spoken about it but I would like to say that we came in good faith to come and witness the signing of the Customs Union Protocol, but we were told that it would be done on 16 January 2004. We will take them for their word but we will be here as Members of this Assembly. Obviously that is not part of our Budget but the Members must get here! Otherwise, what is being rumoured that we are not even considered as part of the East African Community will be a reality.

I therefore beseech the Chair to touch base and touch the hearts of the Council of Ministers to ensure that a supplementary budget is drawn from those surpluses to ensure that the Members come here to witness the signing of the Protocol. During that time, we should have a special occasion to invite the entire Summit to this Assembly to discuss certain things.

Mr Speaker, sir, on the East African road network, we are told good things have happened. The Community has moved towards securing funds. We thank the Council of Ministers for having worked so hard to secure grants and loans for the major highways within East Africa. The proper networks have been done and soon, according to the document we have here, the road engineers and designers will be revising their designs which are going to be approved for road construction. We thank them that something is being done to bring us together, but I am worried so much when I consider the energy sector.

We know that we are struggling to have proper linkages between the three

Partner States with regard to power. We should be tapping this power from Uganda but do you know that we have formed a grid that is coming all the way from South Africa, and that is what we are going to be on? And slowly, it is going to be entering through Tanzania into Kenya and Uganda. But we have our own Owen Falls, which can generate as much power as we want for East Africa and even for export but we have not touched it! I feel that we are cheating East Africans.

Mr Speaker, sir, on Lake Victoria Development Programme, we agree that a lot of money has gone into this programme within the East African Community. I commend the good work that has gone into it. A lot of money is floating around here, some of it doing exactly what we have done as Members of the Assembly. As I am speaking now, the entire Lake Victoria Programme officers are back in Kisumu, repeating exactly what we did with the mayors in Kisumu because they must spend that money!

I feel very sad that a lot of money has been pumped into the Lake Victoria Development Programme, some of it for capacity building but not a penny has been spent on the Members of EALA for capacity building. The money is being spent on educating the mayors and councillors by bringing them to Arusha to study Lake Victoria Development Programme. That is because they must spend that money elsewhere but not at the EALA level. I believe that this is not right. I would like the Speaker to touch their hearts and impress upon them that we cannot operate in isolation!

Last week the Protocol for a Sustainable Programme for Lake Victoria was signed. We did not have a chance to see that protocol in Kisumu but now it has been signed, and we thank them for that but it would have been nice if that document were circulated to the Members of EALA so that they could study it and see what is contained in it. We have read it in the newspapers but we do not have the actual document. I request your good office to ensure that we have it.

Mr Speaker, sir, I have swallowed some of the things which I wanted to say because the Council of Ministers is not represented here and also the Secretary General and the Counsel to the Community are not here. I wish the Counsel to the Community were here so that I could tell him a few things about the Task Force he is leading on Political Federation. I am the Chairperson of the Standing Committee on Regional Affairs and Conflict Resolution, I will get in touch with him so that these issues could be cleared and we start owning that document so that the programmes we started progressing accordingly as we had drawn it and that the House will approve the financial implications that we put on it to help bring this issue into reality by revising the matrix and also when they will be presenting the document at the Inter-Parliamentary Committee Meeting for East Africa.

With these remarks, I beg to support.

Mr. Mohammed Zubedi (Kenya): Mr Speaker, sir, I would like to join my colleagues in thanking the Council of Ministers for laying on Table the Annual Report. I would also like to congratulate

the Standing Committee on General Purpose for the good report.

Mr Speaker, sir, we should not debate this Report so much because it belongs to 2000-2001 financial year. We should be dwelling on what future reports should look like. We should be discussing how we should debate them and offer our inputs on what should be done in East Africa. It is very important for all of us to know that the Community and ourselves are in place in order to speed up the process of integration so that East Africa becomes one nation.

Mr Speaker, sir, we would like to see what measures have been put in place to make the region more competitive and investment friendly. We would also like to see what has been done to improve infrastructure, cheap supply of electricity, water and telecommunications. Hopefully by 16 January 2004 the Protocol on the Customs Union will be signed and very soon we shall have a Common Market and the East African region will be one state economically.

It is very important that when these annual reports are tabled and we debate them, we should know exactly what has been agreed upon so that we can report to our people what has been implemented and what has not been implemented. The whole idea of integration in East Africa is that the Common person should be told clearly what they stand to benefit from this economic union. There is no point for us to debate these reports when the common person in East Africa does not really know what is directly flowing to him or her.

When we read this Report, there is a policy on agriculture, capital markets and so on. It is very important to know what has been done to make available at affordable rates to the small and middle-sized enterprises capital. People would like to know how they are going to benefit from one monetary union in East Africa. These are the important issues that this Report should detail rather than just statements about what is being done or what is supposed to be done. Even if we made this Annual Report available to the common *mwanainchi* in East Africa, they would never understand what is happening in East Africa.

Mr Speaker, sir, the political federation which we are talking about is like the final coat of paint on a house, but before that, for the people of East Africa to be convinced that we need an East African federation, they will need to see tangible results. They will need to know whether food is available on the table for every East African. That is what this Report should be talking about and that is what we should be debating and offering our inputs on so that we can enhance that process.

Mr Speaker, sir, we have begged our three Partner States through the Council of Ministers that this Report should be available to us so that we debate it and pass the same information to our people.

With those remarks, I support the Motion.

Mr. George Nangale (Tanzania): Mr Speaker, sir, I would like to commend the Committee on General Purpose for bringing this Report, although it has come a bit late. But I think it is an

important document and we need to discuss it.

Mr Speaker, sir, on page 12 the Report informs on the Lake Victoria Development Programme, and more specifically, I would like to mention the agreement on strategic partnership between the East African Community and the five development partners. I would like to take this opportunity to thank the governments of Sweden, France, Norway, the World Bank and the EADB for being the first development partners to participate in this Partnership Fund. I hope other countries and other international organisations and agencies will join in these efforts for the benefit of the over 30 million people living around the Lake Victoria Basin.

Mr Speaker, sir, honourable Members have talked about the involvement of EALA in various aspects of the EAC issues. I would like to see the EALA being fully involved in this important programme through the various Committees and individual Members of the Assembly. I would like to see that all of us are involved in the development of this particular programme.

Mr Speaker, sir, I would also like to take this opportunity to wish a speedy recovery to the President of Tanzania, Member of the Summit of EAC and the Chairman of *Chama Cha Mapinduzi*, His Excellency Benjamin Mkapa so that we can see him sign the Customs Union on 16 January 2004.

With those remarks, I support the Motion.

Mr. Calist Mwatela (Kenya): Mr Speaker, sir, I would like to thank the

Committee on General Purpose for preparing this Report for debate in the House. I also thank the Council of Ministers for laying the Annual Report in the House, though belatedly.

Mr Speaker, sir, I concur with my colleagues on most of the things which they have said, but I would like to say that the Customs Union which is supposed to be signed on 16 January 2004 will be a still baby if we do not have a centralised administration. I say so because we will invite what we already see as problems. People will not work together while we know very well that the system of centralised administration worked very well. What must be refined is the fair distribution of the proceeds from the Customs Union but not to split the administration. If we split the administration, that will definitely lead to problems rather than solutions.

Mr Speaker, sir, I would like to add to what has already been said by my colleagues about the EAC day which was celebrated on November 30 this year, and which happened to be my birthday. I fully agree with what has been said by my colleagues but we also need to mention the fact that we were very disappointed with the way we were summoned by phone, and on arrival, we were told that matters had been postponed. We do not seem to have got satisfactory explanations as to why things happened the way they did, but we beg that this may not occur again. It is as if there was a real emergency and we did not seem to see the emergency. People had to leave their families, more particularly our Muslim brothers and sisters who had to leave their families to celebrate the Ramadhan Holiday alone

and rush to Arusha only to be told that there was no business until two or three days later. I think that was a bit unfair to the Members.

Mr Speaker, sir, there is one thing that has become apparent here. Some people are trying to outdo others at any cost. I say this because of what Hon. Mbeo alluded to. If you may recall, when we had a session in Uganda, Maj. Gen. Muntu raised the issue of political federation and the Chair referred it to our Committee and the Committee worked on it and presented a report to the House and someone else is now trying to do something else from the sides and that person happens to be a Member of this House.

Mr Speaker, sir, you will also recall that we had a workshop on the sustainable use of Lake Victoria and immediately after that, another meeting was convened to do the same thing. I am informed that there is a Committee that is working on joint negotiations of the East African Community and that was immediately after a Bill was introduced in this House. I think that is a very big waste of resources. I do not think we will progress properly if our main intention is to compete against other people. These organs of the Community are complementary but not competing against one another!

Mr Speaker, sir, it is not long since we held a meeting at Sopa Lodge and we thought we were then removing all suspicions against one another. We thought things were going to move very well. There were promises made and we were promised that at any time when the House is sitting there would at least be a representative from the Secretariat. But

do we have any representative now from the Secretariat sitting here today? There is none! The Secretariat needs to take the Assembly seriously as the Assembly takes the Secretariat seriously.

Mr Speaker, sir, I am concerned about the lack of any mention at all of the identity cards for Ugandans and Tanzanians in the Annual Report. Before we started talking about the free movement of persons, that was a key item and nothing has been cited in the Annual Report as to what has stopped these things from being done. It would be very honourable for anyone who thinks he is not working for East Africans to take his time and write his resignation letter.

With those remarks, I support the Motion.

Mr. Daniel Ogalo (Uganda): Mr Speaker, sir, I thank the Committee on General Purpose for having produced this Report under very difficult conditions.

Mr Speaker, sir, I wish to mention that the Report which was being considered is about 12 pages and I will limit myself to that, although the book shows that it has 48 pages. On that note, I would like to draw the attention of hon. Members to Article 49 (2)(c) which states as follows:

“The Assembly shall consider Annual Reports on the activities of the Community.”

So, we expect that what is prepared and brought before us is on the activities of the Community. The activities of the Community in this booklet are covered

between pages 5 and 16 of the Report. The other matters on the remaining pages are not activities of the Community. The Community is defined and the organs are known. The overview of the performance of the economy of Uganda does not arise here because Uganda is not an organ of the Community.

Mr Speaker, sir, Hon. Members like Hon. Kangwana have been very generous in thanking the Council of Ministers for having tabled this Report in the House. We should thank where something is done, but also we should mention the fact that sometime ago a question was asked to the Council of Ministers here in this House as to when the Annual Report will ever be tabled. The Chairman of the Council said it was going to be tabled very soon. So, it was actually because of pressure from the House that this Report was tabled. So, as we thank them, it should not be wholeheartedly. They laid this Report in the House under duress – (*Interjection*).

Mr. Kangwana: Mr Speaker, sir, is the Hon. Member implying that I was overgenerous in thanking the Council of Ministers?

Mr. Ogalo: What I am saying is that those thanks should not have been couched as if something big has been done because the beginning of it was the House.

Mr Speaker, sir, the Committee has pointed out on page 6 of its Report that the Council of Ministers must accept that the Assembly has a constructive role to play in scrutinising the activities of the organs of the Community in seeking to improve them on a daily basis. These are

oversight functions, and the period we want the Committee to deal with is a whole year, but we give it one day and we want them to exercise oversight functions on the activities that took place during a whole year!

I think we are putting our committees in very difficult positions because this work cannot be done in one day. The Committee would need to interview some stakeholders in these programmes and policies. It would need to review some literature and make some visits to the cities where it is alleged that some things have been done. If you look at page 12 for example, it states under (ii) as follows: -

“142 micro projects have been initiated with 54 already completed. These are in the areas of health, education, sanitation, water supply, fisheries and afforestation.”

That is being stated here but “oversight” means that we should have confirmation that this is true. We should be able to confirm that these 54 projects have been completed. How can we be expected to sit here and say this is true? Supposing that all the officials who were supposed to put these projects in place have embezzled all the money?

It is also stated on the same page under (iii) that the Community participated in planting 6.7 million trees in the Lake Basin. I would like to know how much money was used to do that planting. Where were they planted? In order for the Committee to assist this Assembly and the people of East Africa, it will be necessary for the Committee to make on-spot checks on some of these projects.

If we are to have a proper oversight, we should facilitate our Committees so that the people of East Africa can have value for the money that is being used. Once we adopt the Report of the Committee, then we shall be legalising what is in the Annual Report of the Community.

Mr Speaker, sir, we keep saying that there is no money for certain activities in this Community but I am given to understand that there is over USD2 million in an account of unutilised funds. That money is just lying somewhere. The reason why you will give our Committee one day to consider this Report is because we do not have money but if this money is there and this Assembly appropriates money, how can we be the first one to say there is no money? (*Interjection*)

Mr. Ochieng-Mbeo: Mr Speaker, sir, you have heard Hon. Ogalo talk very strongly about the USD2 million kept in some account. Could he substantiate or withdraw his remarks?

Mr. Ogalo: Mr Speaker, sir, I am not going to withdraw those remarks. In fact I am going to emphasise them. When money is contributed from Partner States and it is not utilised at the end of the financial year, that money is not sent back. It is called "unutilised funds". On the contrary, I want to challenge the Standing Committee on Accounts to bring a Bill to this House to appropriate some of that money for use by the House. For us to be able to do justice to the people of East Africa, it is necessary that we fund our Committees so that "oversight" may make sense.

Mr Speaker, sir, the second point that I want to comment on was raised by Hon. Kawamara. How should we handle these debates on the Annual Report? What is the purpose? I would expect that the Committee, having done oversight and found out either some errors in reviewing the programmes, we then advise the Council of Ministers on the problems of running these programmes and policies. We then expect that the Ministers would be there taking note of what we are saying because we are representing the people of East Africa. It is a shame that we are here addressing three empty chairs.

One would expect that they would take these as the views of the people of East Africa being put into the programmes initiated by the Executive as a method of improvement but here we are, addressing empty chairs and nobody is taking any notes! So, even if we point out errors, it means nothing will be done about it.

The Committee has, for instance, recommended here that the next Annual Report should be given within six months. But nobody has heard the Committee in that regard! So, the Annual Report will not be available within six months. Who is going to take that action to make sure that it becomes ready within six months? So, this issue on the procedure on how we handle this is crucial.

I think it comes to what was stated earlier that maybe time has come for us to address the Summit directly. Maybe it is now too late to continue these lamentations about the Council of Ministers. Under the Treaty it is stated that the Summit is the one that will give impetus to the Community. If we find

that we cannot move forward because there is a roadblock in between, then we must address the Summit directly. If we do not, we will continue addressing these empty chairs, and after five years, the people of East Africa will say we did nothing and they will have a point. But we are supposed to carry out oversight functions on the activities of the Executive with a view to improving its performance.

Mr Speaker, sir, the reference to you by Hon. Kangwana about Members of the Assembly who do not keep to the rules of the game is very important, and I hope you will give it serious consideration so that somebody somewhere may know that we are not just lamenting but we can take action. The House will debate the conduct of any Member and a decision will be taken.

Mr Speaker, sir, you will recall that some time ago we had a workshop at which Members of Parliament from our Partner States' Public Accounts Committees came to address us. They told us the hopelessness of debating post mortems. This is a post mortem! We are being told at the end of 2003 that there was a project that was done in 2000. Even if you went there and found nothing, you would be told that the trees died! It is really wrong to bring a report on the activities of 2000 and you want us to deal with it in 2003. It no longer serves any purpose. There have been interventions and these interventions changed the whole thing. So, they should bring the Annual Report for 2003/2004 and we will deal with that.

Mr Speaker, sir, the Committee on page 4 details some annexes that were not

availed to the Committee nor laid before the Assembly. These include the Protocol on Standardisation, Quality Assurance, Meteorology and Testing, and the Protocol on Combating Illicit Drug Trafficking. This means that by June 2001, the countries had agreed on these two areas. In other words, they should now be operational. Three years down the road, we do not have any law and yet they already agreed! What do we tell our constituents when there has been an agreement and yet there is nothing on Standardisation, Quality Assurance, Meteorology and Testing? (*Interjection*)

Mr. Ochieng-Mbeo: Mr Speaker, sir, whereas I do not want to interfere with the free flow of information that is coming from the Hon. Member, I would like to inform Hon. Ogalo that on the Draft Calendar of Activities of the East African Community for the period up to June 2004, from 17-21 May 2004, the Secretariat here in Arusha is having a meeting of the East African Standards Committee to, among other things, consider harmonised East African Standards. So you can see that as much as a protocol had been signed, the Secretariat has seen that it is only good to bring this in May next year for discussion!

Mr. Ogalo: I thank the Member for that information. It really goes to show that we have a very big problem. If the Partner States have already agreed on something which is supposed to be implemented and in April next year, some people are going to start meeting on how to start implementing this, it really shows that we have a very big problem. I was expecting that by now they would have started developing those items that have got to be tested

under quality assurance. We should be moving towards the end of it but we are just beginning! When we speak here we are branded noisemakers. It is not good that for four years we have done nothing as a Community. That is not fair to the people of East Africa!

Mr Speaker, sir, we have to give serious consideration to what Capt. Ddudu raised. It is true that the Secretariat, right from the Secretary General are civil servants and we should not be bothering with them. It is like a Member of Parliament in a Partner State bothering with a Permanent Secretary. A Member in a Partner State bothers with the Minister. I think we are just causing problems by knocking our heads with the Secretariat. I think we should now knock our heads with the Council of Ministers. Since they are not there, we should now take on the matter of addressing this issue to the Summit and forget about the Secretariat. We are not going to get any far with this kind of approach. We thought that Sopa I was the way forward but from what we have heard from Hon. Members, especially from the East African Community Day, it appears as if we need Sopa II. It seems as if during every session of this Community we must have a Sopa! On 16 January 2004 we must have Sopa II. When we come for the Budget in May, we must have Sopa III, so that we can be able to work. So, let us now deal with politicians since we are politicians and we should not bother with civil servants.

Mr Speaker, sir, let me thank the Committee on General Purpose for working under very difficult conditions but still managing to produce this Report, and request the House that we should work hard and give our

Committees the necessary facilitation to do a good job.

Mrs. Beatrice Shellukindo (Tanzania): Mr. Speaker, sir, I would like to thank the Committee on General Purpose for producing this Report under difficult conditions. Secondly, I would like to comment the Chair and the Clerk for leading this Assembly under hostile circumstances as the case has been up to now. I think it is through your wise leadership and tolerance that all these have happened.

Mr Speaker, sir, I would like to congratulate the then Chairman of the Council and the Secretariat for the attractive Report. Seeing it without reading it, you get a very high impression of the progress of work in the East African Community. You will excuse me for this, but I want to use a very practical example. It is like my colleague, Hon. Mbeo putting on a very posh suit but inside the clothing, there is very dirty underwear!

The document has just copied statistics from our Partner States and I could bring you some of the extracts from our own national statistics here in Tanzania, which were extracted and pasted here. There is nothing much in this Report. There is need to use the minimal funds that we get from the very difficult sources for better use rather than these kind of Reports, which are really meaningless.

Mr Speaker, sir, to the common East African, this Report is nothing, so who are we addressing? As others have said, this is a people centred Community, and if we want the people to get the information, is this what we are going to

give them? For example, on Page 8 we read of a Committee on Gender and Community Development that was established but we have never heard of it and I am sure it has never existed!

Mr Speaker, sir, we also know of the numerous studies that have been going on. I recall that there was a time when a study was done and after some few months, another study to check whether the previous study was practical was carried out. It is a continuous way of squandering the money of this Community!

Mr Speaker, sir, I thank the previous Council of Ministers headed by Hon. Biwott, Hon. Kikwete and Wapakhabulo for the efforts they put in place to come and attend meetings of the Community, but I am not sure whether the present Members of the Council of Ministers are also aware that there is an Assembly in place and that they need to bring it on board in their schedule of activities. I think they are all Members of Parliament in their countries and they know what a Parliament is and what it entails to be a parliamentarian. But I am also surprised that they know all the constraints that we are facing in this House and yet they are still in the manner that they are acting! We should not be talking about the Secretariat in these matters; we should be addressing the Council of Ministers in all aspects.

They were here discussing the Customs Union issues and we interacted with them over a cocktail. Was that enough to tell us about the Customs Union? Since they are Members of this Assembly, I thought courtesy demanded that even one of them would have remained behind to explain to us what transpired!

But they all left to their respective countries. So, I am even starting to question the Ministers themselves. Are they really committed to the work of this Assembly? Do we really need to depend on them? We have questions for oral answer but nobody is here to answer them!

I really find it difficult to believe what the ministers are doing. I do not know whether they are not being misled that a document will be prepared for circulation by the Secretariat. They know our situation but they are not bothered. Maybe they do not know why we are here. They even said they could do with us as they have just been doing. Allegations about Members coming to collect money and going home should be ignored. Those are issues to disorganise us so that we cannot work according to our agenda. We have a minimal time and we have to account for what we have done for the period that we are going to be here. We should not waste more time complaining about this. We should take an about turn and think of how to move forward – *(Interjection)*.

Mr. Ochieng-Mbeo: Mr Speaker, sir, I would like to inform Hon. Members that on from 16 – 19 February 2004, the Ministers for Foreign Affairs will be meeting in Arusha to, among other things, discuss the proposals made by the EALA on the appointment of Ministers responsible for East African Community – *(Interjection)*

Mrs. Waruhiu: Mr Speaker, sir, one of our colleagues seems to have access to a lot of information and he is making reference to a written document. I think he should be required to table that document.

(Mr. Mbeo laid the document on the Table)

Mrs. Shellukindo: Mr Speaker, sir, the way the EAC Day celebrations were carried out was not transparent. East Africans should have been allowed to celebrate this in their own way. However, we had agreed that we were going to celebrate this year by signing the Customs Union Protocol. But when the signing of the Protocol was postponed to January, even the celebrations were postponed. East Africans are asking why the celebrations were postponed? Does it mean that when there is no event, EAC Day will not be there?

I remember you requested me on that particular day to go and officiate in a cultural festival, which you were supposed to go and officiate, but because of other responsibilities you had to leave. I was there with other Members of the Assembly who included Hon. Mbeo, Abdi and Hon. Ddudu. The complaints we got while there were very embarrassing.

They complained that they had never received support from the EAC for almost four years. They said they were informed of an officer in the EAC who deals with such matters as Mary Makoffu but they have never seen her. We visited their pavilion and there were a number of photos and each one of them had the picture of the Secretary General with the Presidents stuck on the wall and they did not know what they represented that they were given by the

Information and Public Relations Officer.

There was a cabinet with East African passports and when I asked them about the East African passports, they did not know a thing about them. We expected that somebody from the Community would have been there to explain to them. There were a number of brochures but they did not know what to do with them. They even asked for the National Anthems of the three Partner States but they were not availed that. They also asked for the EAC Anthem but it is not even there! That was the third day of the festival and there was nobody from the East African Community who had gone to see what was happening there. I think when it was whispered that I was to officiate instead of the Speaker, immediately I saw nine staff of the Secretariat rushing to the venue.

What I want to say is that East Africans want the Community but maybe some people here do not want it because of personal reasons. East Africans want the Community and they have put us here to talk on their behalf and we are going to do it. We are not going to be stopped.

There is a saying in Kiswahili which that: "*ukimzoea umbwa, atakufuata msikitini*" It means if you get used to a dog so much, it will follow you to the mosque. I think it is wrong for a dog to go to the mosque. I wanted to say that when you get too close to your subordinates they could take you for anything. What I am trying to say is that we are coming too close to the Secretariat. Even that Sopa I was unnecessary because it even caused more problems.

Whenever I hear somebody talking about Sopa II, I feel like grinding my teeth. These people will enjoy taking us there to go and drink and dance. There was a band playing there for three consecutive days. But the situation is now worse than it was before! Let us be firm now and be ourselves. We should now deal with the ministers and leave these people alone. If the Ministers are not there, we go to the Summit, as others have said.

Finally, I would like to suggest – you can see that we do not have the media here – but I would like to commend Hon. Wanyoto for bringing us Mr. Mukasa and Mr. Kizito, the two journalists from Uganda. I would not be surprised about the absence of journalists from Kenya because they are a bit far but I am shocked that the Tanzanian media is not here! I think it is because they were told that we do nothing and that they should not waste their time coming here. But I suggest that immediately we leave here, each one of us individually or in groups must call press conferences and let East Africans know what we are going through and tell them what the East African Community is all about and what they are expected to do. Let us call workshops and public debates to talk about the Community. Let it be voiced everywhere. As it is now, we are talking to ourselves. Thank you.

Mrs. Mahfoudha Hamid: Mr Speaker, sir, I would like to thank you and the House for allowing my Committee to table this Report which turned out to be a platform and the name of the Standing Committee on General Purposes lived up to its name. The Committee on General Purpose is really general. It

encompassed each and everything and gave us the chance to lighten our chests, which were extra heavy to the point that we were stooping.

On that note, I would like to pay my sincere gratitude to the following Members who contributed to the Motion: Hon. Waruhiu, Kangwana, Kawamara, Kaggwa, Wanyoto, Ovonji-Odida, Kanyomozi, Mbeo, Zubedi, Nangale, Mwatela, Ogalo and Shellukindo.

Mr Speaker, sir, the Council of Ministers and the Secretariat have been conspicuously absent from this House, and for a reason. I remember that during the Budget session this year, I particularly welcomed Hon. Kalonzo Musyoka and told him that I expected to see him opposite me every session and not only on the Budget Day. But my fears were confirmed and I was proved right. A lot of our questions and lamentations will remain unanswered. I doubt if the Council of Ministers and the Secretariat will have time to go through the *Hansard* if they do not have time to come to this House and be with us.

On that note, I would like to add that the Sopa Lodge spirit is no spirit at all. Maybe it was too much of alcohol! We can have ten Sopa Lodges and the trend will be the same. As Hon. Shellukindo has said, this was a sort of a bribe to us to soften us. But we were told that we were good at nothing but drinking and dancing. If we do not do as Hon. Ogalo suggested and take the buffalo by the horns and go to the Summit without having to pass through the Council of Ministers, we are just going to lament day in, day out.

We were told that we should not go to the kitchen while food is being cooked, but if the master or mistress of the house does not supply commodities, what will be in the kitchen to cook? There will be nothing in the dining room to be served! If it were not for the diligence of the Speaker and the ability of this House to initiate Private Members' Bills, there would have been nothing for us to discuss here.

The Hon. Speaker has been a Speaker cum messenger, taking our Bills to and from each country to ensure that they are assented to. So, they do not have the right to tell us not to go to the kitchen when they do not provide what should be cooked in the kitchen.

Mr Speaker, sir, this House has been elected by 83 million East Africans but the Secretariat and the Council of Ministers have been nominated and we are the ones who are answerable to the 83 million East Africans and not them. It is time we did our work seriously lest we are left in the dark in the next three years. With those remarks, I beg to move.

(Question on the motion put and agreed to)

The Speaker: Honourable Members, we are all disappointed because the attendance of Assembly Sessions by the Council of Ministers is very poor. I wrote to the Chairman of the Council of Ministers last year in November. First I had a meeting with him, expressing the disappointment of the House on the absence of the Ministers. He told me to write to him so that he would take action. So, I wrote to him and he

promised to take action. Unfortunately there was no action. In June this year, I met the three Ministers and I told them of the need for them to attend to the matters of this Assembly as Members of the Council and also as Members of the Assembly. They did promise me that they will make an effort to attend, or if they cannot attend, at least one of them will be available to the House.

That did not happen. So, I went to see President Museveni, who is the Chairman of the Summit, last month in Kampala and I brought this issue to his attention and told him about the problem we are facing and proposed to him an alternative method where we would have ministers responsible for Community affairs who would be available every time the House sits. Such ministers would also attend Committee meetings so that they would provide information guidance and share that information with the Members.

The President expressed his support and said he would take up that issue. He instructed me to write to him which I did and copied the letter to the other two heads of State, Presidents Mkapa and Kibaki. I had the impression that he would take this issue to the Summit in November this year. Unfortunately, the Summit did not take place. But I still believe that this issue will be taken up by the Summit in January when they meet.

I will take with all seriousness the statements you have made regarding the absence of ministers, and I will make an attempt to meet the three Heads of State collectively or separately and bring this issue to their attention so that they take it up in their next Summit meeting and find a lasting solution to this problem.

Hon. Members that brings us to the end of our business during this Session. There will be no more business for the House tomorrow, but I had sent for one Mr. Irungu from Oxfam in Nairobi who is an expert on regional Parliaments. He has been briefing SADC and other Parliaments on the coming African Union. I believe some of you will be leaving tomorrow so I would like to know how many of you will be leaving tomorrow so that I know how many will be available.

We would like this House to participate in the African Union Parliament. I have personally written to the Speakers of ECOWAS and SADC Parliaments to ask them so that we could strategise in order to see how the regional Parliaments could be represented in the AU Parliament. I have also written to the Chairperson of the Steering Committee, the Speaker of the South African Parliament on our involvement on the AU Parliament. So we will have that meeting with Mr. Irungu at 2.00 p.m.

ADJOURNEMENT

The Speaker: That brings us to the end of our business. This House is, therefore, adjourned *sine die*.

The House rose at 5.55 p.m.