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Report of the committee on communication, trade and investment on the East African Community Statistics Bill,2017

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**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**



**REPORT OF THE COMMITTEE ON COMMUNICATION, TRADE
AND INVESTMENT ON THE EAST AFRICAN COMMUNITY
STATISTICS BUREAU BILL, 2017**

L A I D O N T A B L E O N
02/10/2018

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CLERK'S CHAMBERS
EAC HEADQUARTERS
EALA WING, 3RD FLOOR
ARUSHA – TANZANIA

October 2018

1.0 INTRODUCTION

Rt. Hon. Speaker,

Article 21(c) of the Protocol on the Establishment of the East African Community Monetary Union provides for the Summit, on the recommendation of the Council of Ministers, to establish an institution responsible for statistics as one of the institutions of the Community to support the East African Community Monetary Union established by the Protocol.

In accordance with the provisions of Article 59 of the Treaty for the Establishment of the East African Community, Rules 61, 65 and 66 of the Rules of Procedure of the Assembly, the Chairperson Council of Ministers introduced in the House and read for the first time, The East African Community Statistics Bill, 2017 during the Second Meeting of the First Session of the Fourth Assembly held in Kampala, Uganda on the 8th of February, 2018. Pursuant to Rule 66(4) of the same Rules of Procedure, the Rt. Hon. Speaker referred the Bill to the Committee on Communication, Trade and Investment for consideration.

2.0 OBJECT OF THE BILL

The object of the Bill is:

- a) to establish the East African Community Statistics Bureau as an institute of the East African Community under Article 9 of the Treaty, in accordance with the Protocol on the Establishment of the East African Community Monetary Union;
- b) to provide for the functions, powers, governance and funding for the Bureau; and
- c) to provide for other related matters.

The East African Community Statistics Bureau will be responsible for the development, production and dissemination of Community statistics in order to support the establishment of the African Community Monetary Union.

3.0 METHODOGY

During the consideration of the Bill, the Committee:

- a) analysed literature regarding the subject matter of the Bill;
- b) Reviewed the Protocol on the Establishment of the East African Community Monetary Union;

- c) Interacted with the Chairperson Council of Ministers and his technical team;
- d) Communicated to and requested for views on the Bill from:
 - i) All the National Bureaus of Statistics of the EAC Partner States;
 - ii) The Kenya Institute for Public Policy Research and Analysis;
 - iii) The Economic Policy Research Centre, Makerere University, Kampala;
 - iv) East Africa Statistical Training Centre, Dar es Salaam; and
 - v) Southern and Eastern Trade Information and Negotiations Institute (SEATIN).
- e) Received and considered Memoranda on the Bill from:
 - i) National Bureau of Statistics, Republic of South Sudan;
 - ii) The Economic Policy Research Centre, Makerere University, Kampala; and
 - iii) East Africa Statistical Training Centre, Dar es Salaam.

4.0 OBSERVATIONS

The Committee made the following observations:

- i. While the Bill was printed and published in the Gazette in the year 2017, it could not be brought to the House for the First Reading until February 2018 because of the delayed inauguration of the 4th Assembly.
- ii. The Committee commends the Summit and the Council of Ministers for introducing the Bill to establish the East African Community Statistics Bureau as one of the institutions of the Community to support the East African Community Monetary Union. However, the mandate of the Bureau like the mandates of other Organs and Institutions of the EAC may not be effectively executed in the absence of an alternative sustainable funding mechanism. ***The Committee therefore, urges the Council of Ministers to expedite the finalization and implementation of the Alternative Sustainable Funding Mechanism for the EAC.***
- iii. Whereas the Protocol for the Establishment of the East African Community Monetary Union had set 2018 as the timeline for the establishment of the EAC Statistics Bureau, this could not be realized due to, among others, the delay by the Council of Ministers to table the Bill before the House. ***Nonetheless, the Committee urges the Council of Ministers to expedite the inauguration of the Board of the EAC Statistics Bureau immediately after the commencement of this Act.***

- iv. It was observed that there is duplication in paragraph (g) and paragraph (j) of clause 4(1). Paragraph (g) and paragraph (j) provide for similar matters. The standards referred to in paragraph (g) are part of the Statistics Framework for which a similar mechanism is provided for by paragraph (j) which is broader than paragraph (g).
- v. It was noted that one of the qualifications for the appointment of members of the Board, and the Director General of the Statistics Bureau in clauses **8(1) (b)** and **14(3) (b)** respectively is, "*a fit and proper person of recognized standing in a Partner State*". This requirement is ambiguous, subjective and therefore, untenable.
- vi. **Clause 9(f) (ii)** disqualifies employees of the national statistics office from appointment to the Board. This is a departure from a precedent whereby employees of the national Civil Aviation Authorities and the Governors of the National Central Banks of the Partner States were appointed or will be appointed as members of the Civil Aviation Safety and Security Oversight Agency (CASSOA) Board and the Governing Council of the EAC Monetary Institute respectively.
- vii. It was noted that the rationale for the appointment of Heads of Civil Aviation Authorities and Governors of National Central Banks to the respective Boards of EAC Institutions was to among others, tap into their professional experience and technical expertise, create synergies and ease the implementation of decisions made at that level in their respective Partner States. Apparently, CASSOA is ranked the second best in the aviation industry in the world. ***Therefore the Committee recommends that Executive Directors of the National Statistics Bureaus should be members of the Board envisaged in clause 7(2) (a).***
- viii. It was further noted that the appointment of the Director General as a member and secretary to the Board may cause conflict of interest since he/she will be answerable to the Board. ***Therefore, the Director General of the EAC Statistics Bureau should be an ex-officio member and secretary to the Board, not a full member with voting rights as envisaged in clause 7 (2) (b).***
- ix. It was noted that the publication of the report on the assessment of the quality of any national statistics office outside the Community Statistics framework as envisaged in clause 19(3) is not necessary since clause 19(2) provides for remedial measures where the quality of statistics of a national statistics office does not conform to the standards developed by the Bureau.

5.0 RECOMMENDATIONS

The Committee recommends that the Assembly:

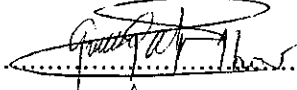
- i. Adopts the report of the Committee together with the schedule of amendments; and
- ii. Pass the East African Community Statistics Bureau Bill, 2017.

REPORT OF THE COMMITTEE ON COMMUNICATION, TRADE AND INVESTMENTS ON THE EAST AFRICAN COMMUNITY STATISTIC BUREAU BILL, 2017.

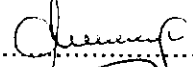
1. Hon. Gai William Deng Nhail



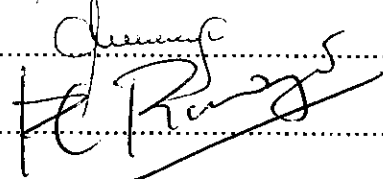
2. Hon. Thoar Gatpan Gideon



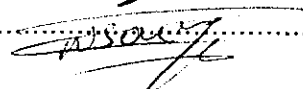
3. Hon. Burikukiye Marie Claire



4. Hon. Rurakamvye Pierre Claver



5. Hon. Nsavyimana Sophie



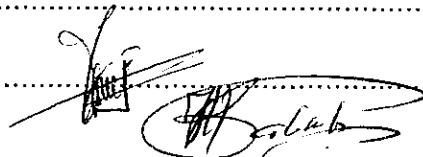
6. Hon. Fred Mbidde Mukasa

7. Hon. Aburi Mpuru Lawrence

8. Hon. Sergon Jematiah Florence

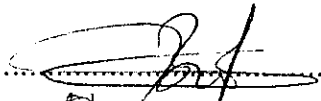
9. Hon. Mbuga Nganga Simon

10. Hon. Rutazana Francine

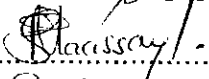


11. Hon. Bahati Alex


12. Hon. Barimuyabo Jean Claude



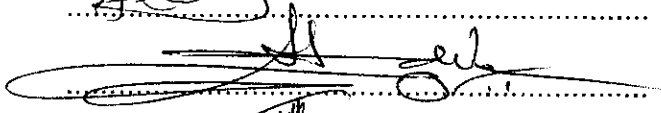
13. Hon. Eng. Maassay Pamela Simon



14. Hon. Lugiko Happiness Elias



15. Hon. Eng. Mnyaa Mohammed Habib

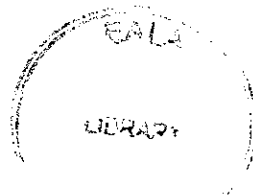
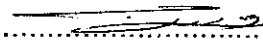


16. Hon. Kasamba Mathias



17. Hon. Musamali Mwasa Paul

18. Hon. Dr. Woda Odok Jeremiah



SCHEDULE

AMENDMENTS PROPOSED TO THE EAST AFRICAN COMMUNITY STATISTICS BILL, 2017 BY THE COMMITTEE ON COMMUNICATION, TRADE AND INVESTMENT.

1. Clause 2, pg. 5.

In the definition of “national statistics office” **INSERT** the word “official” immediately before the word “statistics”

JUSTIFICATION

To accurately reflect that the national statistics offices are responsible for official statistics of a Partner State and not any other statistics.

2. Clause 4(1), pg. 7

Delete paragraph (g)

JUSTIFICATION

To remove the duplication in paragraph (g) and paragraph (j). Paragraph (g) and paragraph (j) provide for similar matters. The standards referred to in paragraph (g) are part of the Statistics Framework for which a similar mechanism is provided for by paragraph (j) which is broader than paragraph (g).

3. Clause 7(2), page 9

(a) **DELETE** subclause (2) and **SUBSTITUTE** the following:

“(2) The Board shall consist of -

(a) the heads of the national statistics office of each Partner State; and

(b) the Director General, who shall be the secretary, without a right to vote on any matter requiring a decision of the Board.”

JUSTIFICATION

1. To provide for the Heads of the national Statistics offices in each Partner State to constitute the Board of the Bureau.

2. The Bill provides for a Community Statistics System (clause 16) which consists of the Bureau and the national statistics offices working together. The national statistics offices are responsible for collecting and transmitting the statistics which the Bureau will produce, authenticate and disseminate as Community statistics. The heads of the national statistics offices already have the expertise and experience in the field of statistics and are therefore in a good position to give direction on the common standards and principles that the Community needs to adopt in statistics. Clause 12 (3) of the Bill was providing for the head of national statistics offices to be invited to attend meetings of the Board in order to tap into this broad experience and expertise.
3. The practice of using heads of relevant institutions to constitute the Board of an institution of the Community has already been applied with the East African Community Civil Aviation Safety and Security Oversight Agency (CASSOA).
4. To reduce on the financial implications of having other persons as members of the Board and the heads of the national statistics offices attending the same meetings.

(b) **DELETE** subclause (6), (7) and (8)

JUSTIFICATION

Consequential amendment. The provisions are made redundant by the amendment proposed to subclause (2).

4. Clause 8, pg.10

Delete clause 8.

JUSTIFICATION

Consequential amendment. The provision is made redundant by the amendment proposed to clause 7(2)

5. Clause 9, page 11

Delete clause 9.

JUSTIFICATION

Consequential amendment. The provision is made redundant by the amendment proposed to clause 7(2)

6. Clause 11, pg. 13

Delete clause 11.

JUSTIFICATION

Consequential amendment. The provision is made redundant by the amendment proposed to clause 7(2)

7. Clause 12, pg. 13

(a) Subclause (3)

Delete the words "the heads of national statistics offices or"

JUSTIFICATION

Consequential amendment. The words are made redundant by the amendment proposed to clause 7(2) since the heads of national statistics offices will already be part of the Board.

(b) Subclause (4)

DELETE subclause (4) and INSERT the following -

"(4) A person invited to attend a meeting of the Board shall not participate in decision making."

JUSTIFICATION

Consequential amendment. To remove the reference to the heads of national statistics offices from the provision.

8. Clause 14, pg.14

(a) Subclause 3(b) Delete the words "a fit and proper person"

JUSTIFICATION

A qualification criterion should be objective and easily applicable to every person. The requirement is very subjective and ambiguous.

(b) **Delete** subclause 8, pg. 15

JUSTIFICATION

Consequential amendment. The provision is made redundant by the amendment proposed to clause 7(2).

9. **Clause 19, pg. 18**

- (a) Subclause (2) immediately after the word standards, **Delete** the word "determined" and **INSERT** "developed"

JUSTIFICATION

To make the provision consistent with clause 4(1) which provides for development of the Community Statistics Framework in accordance with internationally accepted standards.

(b) **Delete** subclause (3)

JUSTIFICATION

The assessment of quality of statistics of any national statistics office should not be published outside the Community Statistics Framework. Subclause (2) already provides for remedial measures where the quality of statistics of a national statistics office does not conform to the standards developed by the Bureau.

10. **Clause 20(1), pg. 18**

- DELETE** the word "statistics" and **INSERT** the word "data"

JUSTIFICATION

1. To make the provision consistent with the principle of confidentiality in statistics as provided by clause 17 (1)(i) and the definition of confidential data in clause 2.
2. What is protected is the confidential data and not the statistics arising out of that data.

11. Clause 22(1)(d), pg. 19

DELETE the word “adequate” and **INSERT** the word “proper”

JUSTIFICATION

Controlling assets of the Community requires establishing measures that are suitable to the protection of the assets and strict adherence to established protocols and procedures. It is not enough that the controls are adequate, they should also be proper controls.

12. Insertion of new clause 14A

Immediately after clause 14, **INSERT** a new clause as follows:

“14A. Resignation and removal of Director General”

- (1) The Director General may resign from office by notice to the Council.
- (2) The Council may remove the Director General from office where he or she -
 - (a) is convicted of an offence involving dishonesty, fraud, or moral turpitude under any law in force in a Partner State;
 - (b) is declared bankrupt;
 - (c) is disqualified or suspended from participating in a profession on ground of misconduct;
 - (d) is incapable of carrying out the duties of Director General due to physical or mental impairment; or
 - (e) commits serious misconduct.”

JUSTIFICATION

To provide for the resignation and removal of the Director General