

The East African Community

EAC IRC Repository

<http://repository.eac.int>

4. East African Legislative Assembly (EALA)

Hansards

2002-05-03

Official Report of the Proceedings of the East African Legislative Assembly (Hansard)

EALA

EALA

<http://hdl.handle.net/11671/2033>

Downloaded from EAC IRC Repository, East African Community's institutional repository



EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY

Official Report of the Proceedings of the East African Legislative Assembly

8TH SITTING – FIRST ASSEMBLY: THIRD MEETING - FIRST SESSION

Friday, 3 May 2002

The East African Legislative Assembly met at 9.00 a.m. in Kololo Hall of the AICC Complex in Arusha

PRAYER

(The Speaker, Hon. Abdulrahman Kinana, in the Chair)

The Assembly was called to order.

COMMITTEE OF WAYS AND MEANS

The Financial Statement and the Estimates of Expenditure and Income of the East African Community for the fiscal year 2002/2003

The Speaker: Honourable Members, I have a list of speakers for this morning: we will start with hon. Kaggwa, followed by hon. Marando, Mwakyembe, hon. Nangale and hon. Waruhiu.

Mr Sozi Kiwanuka Med Kaggwa (Uganda): Hon Speaker, I stand here to support the motion, but first of all, I wish to commend the Summit for its continued effort to have the Community take off. I also want to thank the Minister for presenting the budget. However, before I go specifically to the Budget Speech itself, I want to make one or two general remarks.

First and foremost, Mr Speaker, sir, I am disappointed that when the budget was being read for the first time, the three ministers were not all here. I am equally disappointed, Mr Speaker because even this morning when we are debating this budget, I would say “on-debate” because now we are talking to ourselves, Mr Speaker! The minister responsible is not here. How is he going to respond to the issues raised? I don't think, Mr Speaker, this carries well with putting squarely the responsibility of seeing this Community go to the Assembly as it is in his speech - *(Applause)*.

Hon. Speaker, sir, I am not very well versed in financial matters, so I will talk with caution. But my little knowledge tells me, and at least I am informed, and I think well informed that ordinarily there should be a Background to the Budget. There is no background to this budget, so one

cannot tell how this budget was arrived at! (*Applause*)

Hon. Speaker, sir, that would mean that we might ask silly questions, which otherwise we wouldn't if there had been a background to the budget. I would request that in future the budget has a background to it. Because one wonders how some of the figures were arrived at! May be if one had a chance to know how there were arrived at, one would not question them.

Mr Speaker, sir, I also note that in this budget there is no capital development at all. Yesterday the minister said that this Community, unlike the other Community, is about facilitating. But, Mr Speaker, sir, we were told here, and I give this as an example, that the government of the United Republic of Tanzania gave East African Community a plot of land. How is it going to be developed if there is no development budget? If we are unable to do so at this material time, we should have a token vote so that we give the matter life! (*Applause*)

Hon. Speaker, sir, I note that there was a strategic plan which has come to an end and new one has been made. I would want to see an evaluation of that strategic plan. And I will request that a report be availed to this House to let us know what has been achieved, what hasn't been achieved and the reasons pertaining thereto.

Mr Speaker, I am equally disappointed, and I may perhaps forgive the Council and the Secretariat this time, this being the first budget, but effort has not been made to involve Parliament in the budgetary process! I know that Articles 132 and 49 of the Treaty do specifically indicate who is to make the budget, but I know that a lot can be achieved in a non-formal setting. So,

Mr Speaker, even if the Treaty does not formally give us participation, I think it would have been desirable to have informal discussions with the Members of Parliament! (*Applause*)

Hon. Speaker, sir, I now turn to the Budget Speech itself. I First of all want to join the minister, to thank the three members of the East African Community, Ambassador Muthaura, Ambassador Kazaura and Dr Nahamya for the good work they did. They deserve a pat on the back.

Hon. Speaker, sir, in his speech the minister was apologetic about involving the spirits of the dead when he referred to the collapse of the former East African Community. I don't want him to feel apologetic. It is my humble view that those who ignore our history cannot foretell the future. It should be a lesson so that we do not repeat the mistakes that were made at that time. I would also want to agree with him, and this was confirmed during our tour here in Tanzania and by what we heard in Uganda that the people of East Africa are very anxious to see this thing move on. And indeed it is a challenge to us, and I pray that the Summit and the Council of Ministers do enable us, the legislative arm of the Community to do our part.

Mr Speaker, it is good the minister noted that we needed to carefully work out adequate compensatory mechanisms. I think this is important in view of the fact that there is unequal development in the three countries, and as mentioned, it was one of the problems.

I would also, Mr Speaker, sir, want to express my disappointment about the remittances of the Partner States. The minister pointed this out but I am sure that if the remittances don't come on

time - in the first place they are small, but not to come on time is even worse. I would urge the Partner States to endeavour, despite the entire problem they face, to remit the necessary funds so that the Community is not incapacitated. I would hate to be used as a scapegoat; that Parliament has not done its part, when actually nobody will go to explain that the Parliament was not facilitated - (*Applause*).

Hon. Speaker, the minister talked about peoples' participation and in particular, he mentions the private sector and the civil society. How do you want to see more being done to involve the public? When we moved about, Mr Speaker, the public has been demanding to see something tangible. To that an end, I would argue that we do look at those things that can be attained without much ado so that the peoples of East Africa can say yes, the dead Community is erected.

Hon. Speaker, sir, the minister - and I will quote his words - said: "The responsibility lies squarely in the hands of the people of East Africa, including the leadership among whom the distinguished East African Parliamentarians are an integral part." Mr Speaker, however good a technician is, without the tools, there is nothing that technician can do - (*Applause*).

Hon. Speaker, we had to amend to suspend rules here in order to debate this budget, and as one member said, and I concur with him, I think this should be the last time we amend the rules, and all in the face of lack of finances. Mr Speaker, we either have finances and do the job or we amend the rules and fit within our jacket, but it would be very absurd for the public every time we sit to suspend this rule because the finances are not there! I

think we shall look awkward and the public will not take us very seriously, Mr Speaker.

I am happy, however, that in his speech the minister informed us that now they co-operate in foreign matters and have directed our respective embassies to co-operate. I just want to add on that we should also start lobbying for international jobs together. I can't speak for Tanzania and Kenya, but I can speak for Uganda and say that we have not been very keen on lobbying for international jobs, and I think there is lot we lose. If I may ask; for instance the ICTR is here in Arusha, how many Tanzanians at high level are working here? We may not find any or they are very few, yet the thing is in your country! Surely we should lobby and get these international jobs! (*Applause*)

Hon. Speaker, the minister said, and I was proud of it, that East African Community is now a household name with the international community. There is a proverb that you hit the nail when it is still hot. Let us use this goodwill for the benefit of the East African peoples. Otherwise, if we delay the goodwill may go away.

I will come to the infrastructure, Mr Speaker. I note that in his speech, the minister talks about good quality infrastructure like roads and air transport. Mr Speaker, while road agencies have been formed in the respective countries, I did not hear in his Budget Speech any coordinating body and neither did I see any provision of it in the budget. I am wondering; how are we going to ensure that the standards are the same? I would have loved to see a budget for the coordinating body, not only for this, but indeed for so many other things, provided for in the Budget, and

this would help to have similar standards and policies.

Hon. Speaker, when it comes to air transport, I note that when I have to come to Arusha I suffer a lot. I have to disembark at Nairobi, come by Matatu or daladala. If I decide to come by air Tanzania, I will not come directly. I will have to spend a night in Dar es Salaam or Mombasa, for a journey that takes an hour. I would want to request that consideration of having flights coming into Arusha be considered. If there are other any inhibitors, let them be sorted out, but let us be seen to be enabling the free movement of persons in East Africa - *(Applause)*.

Hon. Speaker, the minister said that cooperation in tourism is growing steadily. I am happy that East African Tourist Council was made, but I am disappointed in one aspect. This seems to be more on paper than in practice.

Hon. Speaker, I was lucky that during the tour of Tanzania we visited Mweka Wildlife College, and when I looked at the brochures, the fees structure for the Tanzanian people was different from those from Kenya and Uganda. And in my view, Mr Speaker, I don't think this is the steadily growing tourism cooperation. I would call upon the Council of Ministers to go back to the olden days when the school fees structure or the tuition was the same in all the three East African countries.

Hon. Speaker, when it comes to agriculture, the governments of the Partner States are concerned, I would very much want to see an improvement in agriculture. I expected to hear from the minister a strategy that will help the peoples of East Africa in the face of the falling prices of commodities. Our people are each day getting poorer and poorer because their main cash

crops have totally collapsed, and I am yet to be told what they are going to do in order to keep a float.

I want to commend the regional effort on the water hyacinth, but I wish to call, like I said earlier on in other aspects, for coordination. Tanzania is fighting this water hyacinth, Uganda is fighting the water hyacinth, and Kenya is doing the same, and yet we are all united by one common factor, Lake Victoria. Lets have a coordinating body, and I know this will reduce on the costs as well - *(Applause)*.

Mr Mabere Nyauchó Marando (Tanzania): Hon. Speaker, sir, I hope that there will be some kind of warning system so that we can adjust ourselves - *(Laughter)*.

Honourable Speaker, sir, I also recommend the heads of State and the Council of Ministers for the good work they have done so far, and I wish to state very early that I stand here to support the motion, subject to a few recommendations that I am going to make. Honourable Speaker, sir, I will proceed straight to the points as the time we have is very short.

What I note in the Budget Speech, Hon. Speaker, is that it is mainly a budget of salaries and emoluments. Where is the budget for development, Mr Speaker, sir? For the past 40 years, Mr Speaker sir, East Africans were overloaded with bureaucracy. I do not wish to put again another weight of stone on the heavy load that already lies on the back of the East Africans as part of the bureaucracy. We would wish to see more of the developmental aspects in the budgets to come.

Hon. Speaker, sir, let us look at the infrastructure. On page 60 of the Treaty, from Articles 89 to Articles

101, there is emphasis in the Treaty on the development of infrastructure in East Africa for the benefit of East Africans. But very little of that is touched on in the minister's speech. Look at paragraph 24: the Minister said:

"In this regard, our organisation has made infrastructure development a priority matter. A number of programmes and projects have been initiated and implementation is at different stages of development. On the whole there is good progress on the roads, civil aviation, energy and telecommunications, posts and inland waterways transport."

That's all he said. Honourable Speaker sir, supposing I was invited to Shimo la Tewa where my good honourable friends comes from, to address students, am I supposed to claim that and tell them that is all that is being done in the aspect of development of infrastructure in East Africa? It is just quite inadequate! Supposing I was addressing the University of Dar es Salaam and briefing them on what we have done so far in the development of infrastructure, do I have to claim and quote that; will it be sufficient for them to understand? It is quite inadequate, Mr Speaker sir. We think there is more effort to be put on the aspect of development - *(Applause)*.

Hon. Speaker, now I move to movement of peoples. Paragraph 34 of the honourable minister's speech discusses passport encounters at entry points. If you look at that paragraph, Mr Speaker, sir, it mainly refers to us, what the East Africans call "the big people" but we have visited Busia, we have visited Kapchorwa, and some of us have been to Mtukula. The ordinary

people also move across the borders, how do we cater for that?

There is nothing in the speech that will give these people some inspiration that at least the revival of the East African Community is for them. I once boarded a bus from Dar es Salaam to my home district, which is Tarime in Mara region. When I crossed between Bisirnamia and Sirari, all boxes were opened and checked by the Customs Officers. When I was traveling back to Dar es Salaam, again I crossed from Kenya into Namanga on the side of Tanzania, again the Customs Officers checked small parcels and boxes. What are they looking for; and these are the ordinary people?

Hon. Speaker, you can serve the big people at counters, give them preferential treatment when they land at the airport at Nairobi or Dar es Salaam or Arusha, fine, but these little people with their boxes, getting their parcels opened up by the Customs Officers, what are they looking for? What have we stolen? What have we imported from Kenya into Tanzania in small boxes for inspection? *(Laughter)*

These are the small things, Mr Speaker, sir, which I am hoping the Council of Ministers may now note, and these can be taken care of very quickly. They don't need deep deliberations. They need to be handled quickly so that the common man in East Africa can see what the benefits are of the revival of the Community. These are little things that can assist us in sensitising them. When you go to address a primary school somewhere, tell them that since we started, you see you can now travel to Kenya without your little box being inspected! That they will see that there is a new East Africa. Mr Speaker, sir, when you go to these little things that bother our

people across the borders, we need to address that.

Maybe the honourable minister wanted to have a short speech, but let him know he should give a speech that can assist us also in addressing the people in a manner that will convince them and attract them to support the Community. So, Mr Speaker sir, once we support this motion today, in future we expect as long a speech as possible to give us quotations that this is what the Council stands for, and not just a simple one like we got this time. Mr Speaker, sir.

Another thing, Mr Speaker, my honourable friend Mr Kagwa, has touched on the contributions of the Partner States, I just want to comment. First I commend the Kenyan Government for the good work they have done. At least they have done some serious job. With regard to the others, my country and Uganda, I think there is lacking some political will; we can do better - (*Applause*).

Now, hon. Speaker, sir, I move to a very important aspect of the speech, which is very important for me, and I think some of us here are very qualified to discuss this, and this is the Court of Justice. At paragraph 54 of the speech, Mr Speaker, sir, the Council states the key areas of implementation and states the key strategy of implementation. And the first is the effective operationalisation of the Legislative Assembly and the Court of Justice. I will leave the Assembly deal with the Court of Justice only. I will deal with the Assembly later.

Hon. Speaker, sir, we are in the process of putting the Court of Justice into place so that it can work and work effectively. What does a Court of Law

need to work effectively? Mr Speaker, sir, I happen to be a practicing advocate, fortunately. One thing I know, the most important tools of work for any lawyer, and more particularly for judges, is a library with books and facilities to read. A court library in East Africa today, for example, must be stocked with law reports and basic literature.

Not only that, Hon. Speaker sir, a single judge's chambers must also contain basic law reports. Now, Mr Speaker, not only that in the twenty first century, according to the standard I know, in Dar es Salaam, our High Court, is now equipped with computers in the library and CD-ROMs containing all law reports, Husbandry Law Reports, Indian High Court and Supreme Court digests. These are all necessary. A Judge goes to library, presses the button and there is a law for him to help in a jurisdiction. For this particular Court, Hon. Speaker sir, we only need a library that contains decisions of the European Court of Justice so that our judges may properly interpret issues relating to matters of integration, and that is what we expect. Mr Speaker sir, these are basic tools.

Hon. Speaker, paragraph 55 of the honourable minister's speech deals with some assumptions. For the Court it assumes and Budgets for the maximum number of 30 sitting days. Appendix B of the Budget, Honourable Speaker, is a summary of the Court of Justice, we find a Court of Justice – (*Interjection*) -

A Hon. Member: Hon. Speaker, I have tried so hard to find paragraph 55 in this speech, it looks like I will withdraw my point.

Mr Marando: I am grateful, Mr Speaker, sir. For record purposes, Hon.

Speaker, sir, there is assumption of 30 sitting days, and in Appendix B of the Budget Summary for the Court, we find a pathetic situation, Hon. Speaker, sir. Item (vi) refers to capital expenditure. There we find books and periodicals, and the allocation is only US\$ 5,000. Only US\$ 5,000 for books, periodicals, etc. in it!

Hon. Speaker, as we stand here today, one set of Husbandry Laws of England is US\$ 2,000. So what we are saying is that for this year we may be able to buy only one set of reference books. It is very pathetic! There is no provision for computers and computer accessories in the Court of Justice budgetary allocation; there is no provision for a librarian or training of a librarian for a law library, which is different from other libraries. The law librarian must have basic legal qualifications and must know the requirements of certain books that a judge needs at a certain particular time. There is no provision for that.

On the stationery part on page 8, Hon. Speaker sir, there is no provision for computer software for any law library. If we move back to Appendix I on the Secretariat, on item (vi) Capital Expenditure, there is also very little provision for law books. I assume that is for the office of the learned Counsel to the Community. Sometimes I feel that the office of the Secretary General as the secretary to the Council should also be fairly stocked, but I do not rationalise why my learned friend's office should have an allocation of US\$ 10,000 for books while the High Court Judges and the Registrar and the rest have only US\$ 5,000 for books and periodicals.

The Office of the Council have US\$ 10,000 plus another US\$ 5,000 a total of US\$ 15,000 while the whole Court,

gathering all advocates both local and foreign who may appear before it in a few years time, have only US\$ 5,000. That is pathetic! Maybe it is not very prudent to reduce the allocation for the office of the Council to the Community, but maybe in this budget what I see is what appears to be what the honourable minister mentioned to be supplementary budgetary allocations. This is one area to consider very, very seriously, Hon. Speaker, sir - *(Applause)*.

On Appendix B, may I conclude by saying, Hon. Speaker sir, that I thank you for warning me this time? I believe that the next supplementary budget allocations may be seriously made. Apart from salaries, benefits, etc, there is also the stocking of the High Court Library, and I can also see somewhere there is no allocation at all given for the travelling expenses of the President of the Court and the Registrar to meet and discuss.

The Rules of the Court, Hon. Speaker sir, need deliberation clause by clause, considering even the sided authorities so that the Rules of the Court may be properly done and made. So far they haven't done a good job on that, and we believe that they should get money for the Judges to sit and deliberate and come up with a good set of rules of practice and record. Thank you, Honourable Speaker, sir - *(Applause)*.

The Speaker: I want to request the honourable Members of the Assembly, now that we are discussing the Budget, to clearly budget their time themselves. Unfortunately we don't have any bell, but just use the watch that you are having with you. I now call upon Dr. Harrison Mwakyembe.

Dr. Harrison Mwakyembe (Tanzania): Thank you, Honourable

Speaker. Mr Speaker sir, I begin by thanking our Chairman of the Council of Ministers for presenting a maiden Budget to this House for the Financial Estimates for 2002/2003. Honourable Speaker, I want to say from the outset that I do not and I don't intend to support this motion unless the mover will adequately tackle a number of issues I raise – (*Applause*).

Honourable Speaker, I am looking at the US\$5.2 Budget within a broad context. First of all that the mandate of the East African Community has tremendously expanded since last November when two important organs of the Community, this House and the Court were called into existence.

Secondly, that a good number of measures agreed upon by the three Partner States and which are well documented here in the East African Community Development Strategy 2001 -2005, which were scheduled for implementation since last June, some this year and others by June next year are yet to be concluded, and some are yet even to be impactable.

The third point is that the people of East Africa have been patiently and eagerly waiting for more than two years now since the signing of the Treaty, to see the tangible benefits of regional integration.

Honourable Speaker sir, it is within this context and on account of the fact that I have just explained, that I find the budget presented to us of US\$ 5.2 million not only inadequate, but I think it is insensitive to the broad objective of the Community and the aspiration of the people of East Africa.

Honourable Speaker, sir, the Treaty speaks for itself. We have already been quoting it from time to time, the

preamble especially, which worries us that if we do not guard against certain tendencies that killed the old Community, then this Community will also die.

Honourable Speaker the preamble - we quote it quite often, let us quote it even for a hundred times as long as it helps. It says that one of the main factors was lack of strong political will. I am afraid, Honourable Speaker; we are yet to overcome that measure. I can still see lack of strong political will, and there is ample evidence to that effect. Why I am saying this?

Honourable Speaker, the budget of the Community since the year 2000 amounts to a very minor fraction of the national budgets of the Partner States, yet as several of my colleagues pointed out, like hon. Kaggwa, remittance of the contributions is by bits; it is erratic. And what is the result? The result is that implementation of Community programmes is delayed, and we do not meet our dead line.

Honourable Speaker, I am reminded of very suggestive remarks made by a European resource person, at a ministerial seminar here on regional integration in March 1999, and the Chairman of the Council of Ministers was there and I think he made opening remarks. I beg to quote him. He said:

"Keeping two deadlines helps the credibility of the integration process. As the one stage becomes a habit, it is used as another unexpected dividend. Regional organisations elsewhere, including Africa, have difficulty keeping the deadlines."

Of course that resource person was just being polite, because in Africa we

haven't had many regional organisations, but he was simply speaking prophetically. This organisation, because an African never keeps appointments, you will definitely never meet your deadlines. And Honourable Speaker, this doesn't augur well for the future of the Community.

With the measure we are experiencing right now, a burning question arises: what will happen when the customs union is already in place. And a customs union, honourable Speaker, means expanded human resources, expanded manpower; it means an expanded body of Community institutions. It also means the larger budget may be up to US\$ 100,000,000. If we cannot even meet the US\$4,000,000, right now, how are we going to meet a budget of US\$ 100,000,000 or so? Honourable Speaker, this is very disturbing!

It is an undeniable fact that we are poor, that our economies are typified by a predominately agricultural sector based on small hold subsistence farming. My colleague, hon. Ogalo, considers subsistence farming really not as an economic undertaking as such. He says it is simply an act of disturbing the soil; and really I agree with him.

Honourable Speaker, we need, therefore, as poor nations, to put our priorities correctly. Is the East African Community to us a priority - we should think about it - or is it the SADC or is it COMESA or is it IGAD or is it the ITU, the UPU, the Indian Ocean - what ever regional co-operation, what is our priority?

Honourable Speaker, to all these organisations we pay annual subscriptions that amount to even more than what we are committing to the

Community right now, taken in total in East Africa. Our abilities to shoulder our responsibilities within the Community has to become seriously compromised, seriously fragmented because of our membership to various organisations in the sense of whether we should cut this out right now or we should just go on this mantling fragmenting our ability to shoulder our responsibility.

I have said elsewhere, Honourable Speaker, that I do not belittle the importance of other regional organisations to which we are members; they are important but they can never be an alternative to the East African Community - *(Applause)*.

Honourable Speaker, I am saying so because the three countries constituting an East African Community share a common history, common languages, common culture and they share even family size, especially across borders. And these, Hon. Speaker, are perquisites, attributes or preconditions for a rapid regional social economic development. Other organisations do not have such attributes.

Honourable Speaker, if we decide today or we become decisive and pull out of these organisations and rejoin them as East Africa, we shall cut down costs. We shall do away with duplications and we shall have enough money to put in the East African Community, but not US\$ 5.2 million for a regional body - *(Applause)*.

Honourable Speaker, since we need every penny remitted to us, we must act rationally to avoid wasteful expenses. I am sorry to say that but one of the examples of wasteful expenses, in my opinion, is the East African Passport project. It is wasteful because, Honourable Speaker, it is a totally

unfair way to ease free movement of the people of East Africa.

It is my humble opinion and humble knowledge that a passport is an official document identifying the holder in a foreign country that that holder is a *bona fide* citizen or *bona fide* resident of that country issuing the passport. But the East African passport we have does not help the East African to identify him outside the country that he is East African. It does not even help the East African here that he is East African. It continues emphasising that that East African is Tanzanian! This is why you are checked at the boarder. If it is emphasising that one is Kenyan and one is thoroughly checked, then what is the use? (*Applause*) Honourable Speaker, I think it was premature to introduce these passports. I wish that money were spent elsewhere!

Honourable Speaker, lastly - I don't want the Speaker to stop me. When I went through the budget summary, the immediately impression I got was that the proposed budget before us is only US\$ 5.2 million; this is the impression I got. But on further scrutiny, I realised that there is more than that. If you look at Appendix B, there is a further one million US Dollars here in donor money to fund a range of important Community activities, our activities. I am totally surprised as to why these one million US Dollars, Honourable Speaker, is not part of the budget for our approval here. I am saying so seriously because these one million US Dollars, if it is not part of this budget then it won't be a subject of accountability by this House. It must be part of the budget so that its expenditure is scrutinised by this House - (*Applause*).

Honourable Speaker, I am not an expert in budgetary matters but I need to be educated as to whether it is fair for important Community matters not to be budgeted in the main budget but to be looked at by donors, and the funds coming in are not even subject to scrutiny by this House. And we are just given here an annex totally outside the US\$ 5.2 million. I don't accept that, Honourable Speaker and that's why I am saying I reserve my approval of this budget until such a time that this House gets a proper explanation as to why this one million US Dollars is outside the main budget. Honourable Speaker, I thank you - (*Applause*).

Mr George Francis Nangale (Tanzania): Mr Speaker, I thank you. First of all I would like to commend the Council of Ministers and the Secretariat for the budget, which was tabled yesterday. Honourable Speaker, the budget presented reflected partly and apparently the current status of our newly born co-operation.

Honourable Speaker, the Treaty stipulates that this Community is going to be people centred, and the approach of integration will be based on market drive and people-centredness. During our tour in Uganda and Tanzania, one of the things we realised is that many people from the grassroots work places and students are not very much aware of EAC, of our cooperation or our endeavour. Therefore, the need for sensitisation of this venture cannot be over emphasised.

Honourable Speaker, running to the general elections in all our three countries, a lot of money is poured in voter education. For example in Tanzania, if I mention the election of the year 2000, Western donor countries formulated the basket of funds to support dissemination of civic

education so that people should be aware why they are voting and what democracy is about.

My colleague, hon. Mwakyembe has just put it that this East African Community is a very serious endeavour. I expected that the budget would have included a basket fund of our own to sensitise the people of East Africa so that they participate in the integration.

Honourable Speaker, I would like also to talk about ICT, the information and communication technology. We are living in the economic knowledge era, and that survival of any institution, any country and society will depend on how they employ and nurture ICT.

When His Excellency President Mkapa was opening our seminar at Lake Manyara last year, he said:

"During these early days you may not have much to do. I would like to suggest therefore that you use this time to learn from the experiences of others, including other forms of regional co-operation and integration in Africa, Asia and Europe, through study and on the spot."

Honourable Speaker, to me this meant building human capacity to address the emerging issues and the changes in the world today in relation to our Cooperation, and this definitely needs funding.

Honourable Speaker, if you go through the budget you will find that the money allocated for training is only US\$ 25,000. The Secretariat has been allocated US\$ 10,000, the Court of Justice has US\$ 5,000, and the Legislative Assembly has US\$ 5,000 for the Members and US\$ 5,000 for the

Staff totalling is US\$ 25,000. This is only 0.5% of the entire budget and this is not adequate.

Honourable Speaker, I was shocked and I did not believe when I realised that the Accounting system of our Community is not yet computerised. Taking the size and the workload involved, I think we are not doing justice to the Staff of the Accounts Department - (*Applause*). Honourable Speaker unless we address this issues and adequately finance so that we modernise our activities, all the big talk will not deliver.

Honourable Speaker, you have heard my benefit of doubt. Anyhow, I support the motion. Thank you very much - (*Applause*).

The Speaker: Before hon. Kaahwa starts speaking, I would want the Members of the Assembly wishing to participate in the debate this morning to forward their names to me. Please, if you don't forward your request - because for this morning session on the list I have, the last speaker will be hon. Kaahwa unless anyone of you is ready to participate.

The Counsel to the Community (Mr Wilbert Kaahwa) (Ex-Officio): Thank you, Honourable Speaker sir. I would like to join all those members who have already contributed to this motion by supporting it. And in my case, I overwhelmingly support the motion - (*Applause and Laughter*)

Honourable Speaker sir, I would like to join issue with those members who have thanked the honourable minister for the presentation of this maiden speech on the Budget of the Community - (*Applause*)

In my case I notice three very important preliminary points, but the speech was an elaborate review of regional co-operation from the point of revival to the present stage of expected delivery of benefits to the people of East Africa.

Secondly, it was a thorough erudition of the mission, vision and strategic pursuits of the Community as it progresses; and thirdly, the minister, to me, articulated the preparation of the budgetary estimates very adequately. *Kwa hivyo, Nfsheshimiwa Spika, naomba kutoa shukrani zangu za dhati kwa Mheshimiwa – (Interjection) -*

A Hon. Member: The only language of the Community is English!

The Speaker: Why don't you allow him to finish first?

Mr Kaahwa: Thank you, Honourable Speaker, for coming to my rescue. *Narudia tena. Naomba kutoa shukrani zangu za dhati kwa Mheshimiwa Mwenyekiti wa Baraza la Mawaziri – (Laughter and Applause).* What I want to say in ordinary language of the Community is that I want to sufficiently thank the honourable minister for this very able presentation of the maiden Budget Speech.

Honourable Speaker sir, I have got three very important reasons why I overwhelmingly support the motion. First of all, this budget is in my own view humble; it is fully reflective of the vision of the Community. That is the vision as pursued under the Treaty for establishment of the Community, and also under the East African Community Development Strategy. This Budget is not only reflective; it is also in fulfilment of the functions as spelled out under Articles 14 (3) and Article 132.

Honourable Speaker sir, and I speak this with emphasis. This Budget fits the bill of the resolution made by this august House at its second meeting during this session. And with your permission, let me read out the resolution for the avoidance of doubt:

"The Assembly being appreciative of the efforts, work and resources so far raised by East Africans of all standing under this co-operation and the forward looking leadership of the three Presidents of the Partner States, which has an honest spirit and desire to nurture a conducive environment for socio-economic and political integration in the form of the Community, resolved to urge the Summit, the Council of Ministers and all organs of the Community to spare no efforts in working with and mobilizing the East Africans towards the realisation of the terms and objectives and goals of the proposed co-operation as signed in the Treaty."

When I look at this Budget Speech, I find that it fully fits the bill of the resolution of this House made at its last sitting. Secondly, I look at this Budget Speech and its contents from a functional point of view. Honourable Speaker sir, the budget must be considered against the objectives of the Community vis-à-vis the challenges. I don't have to elaborate on the objectives of the Community. They are well spelt out in Article 5 of the Treaty, but allow me to indicate the challenges. We should be looking at the challenges which we face vis-à-vis the objectives and see how far we can

accomplish them before we come to take apart this budget.

Honourable Speaker, what are the current challenges? Again, for the avoidance of doubt, let me read them out, with your permission, hon. Speaker sir. The current challenges according to me are effective facilitation of the different organs and institutions of the Community including this august Assembly and all the others leading from the Summit downwards to the institutions; the formulation of a programme for the effective involvement of the private sector and civil society; the immutable sustenance of the momentum of co-operation; ensuring comparatively adequate terms and conditions of service for staff of the secretariat and all other organs; guarding against pitfalls marauding around the integration processes like hon. Mwakymbe has pointed out and, at this point in time, the establishment of the Customs Union, which is dynamic with hope to our partnership levels and; mechanisms for the effective distribution of costs and benefits in trade liberalisation. Lastly, is the involvement of a viable mechanism for the financing of the Community, which is part of the debate today - *(Applause)*. Honourable Speaker, the preparation and nature of this budget as read out yesterday is, to me, an exercise to address those challenges.

The third point why I support this motion is that it is of great importance with regard to financial support. When you consider the building up of the Community, you will find that you need a lot of resources: human resources, technical resources, knowledge and so on, and even moral support. But the most important resource should be financial support. To me money is like existence without

which the other services have become useless. Therefore, I want to join issue with the rest of the members that it is very important to adequately give financial support to the Community in all its endeavours. We should also reflect and see whether the budget as it is now has got sufficient muscle to cater for the Community at this point in time.

Honourable Speaker, let me emphasise that we are still in the formative stages of the Community. We may say co-operation was revived five years ago, but to me we are still in the formative stages, and there are some realities we have to accept.

Lastly, Hon. Speaker let me come to the adequacy or sufficiency of the provisions of the Budget Speech itself and the budget. The question is of course as to whether these provisions are adequate or sufficient for the projections. Members have been agreed to the fact that there should be a reflection of the full commitment of the Partner States towards the building of the Community, and we have to guard against that. I highly agree with them, but will not be ready for a stage where, for example, you ask whether the Partner States are actually committed, whether there is political goodwill. Political goodwill, I think, is still sustained. Political goodwill exists. We shouldn't come to a stage where in my language we say that - in one of the languages in Uganda they say "*Atalina manyi tagwa ddalu*". Honourable Speaker, this means that if you are not strong enough you cannot afford to run mad. Some people have argued in different fora that if the Partner States do not make enough financial contributions in time, then they are not really committed. That is a different interpretation of the situation.

When you are talking about budgeting for the Community in the formative stages, you have to address the sources of funding of the contribution. The sources of funding of the budget are spelt out in paragraph (4) of Article 132. Maybe at the stage when we have revisited the sources of funding, when we have even maybe amended the Treaty in its article on budgeting, then we can talk about commitment and so on. But I am very happy that in his speech the honourable minister reminded the Partner States about the timely remittance of contributions and about the need to pay all outstanding arrears in time. I am also happy to note that the minister in his speech gave note to this House that there will be a time when they will come in this House with a request for supplementary budgets and additions to this budget.

Honourable Speaker sir, I am a stickler for the rules of this House and wouldn't want to be warned. I therefore support the motion and encourage all the members to support it. I don't have a vote myself, being an ex-officio member, but I encourage the entire House to consider this budget within the circumstances of our limitations and overwhelmingly support it - *(Applause)*. Thank you, Honourable Speaker.

Ms Sheila Kawamara Mishambi (Uganda): Thank you very much Mr Speaker sir. First of all, I would like to thank the Council of Ministers and the Secretariat for preparing the Budget and presenting it to the Members of the Legislative Assembly.

Honourable Speaker, I have a double heart, like hon. Mwakyembe, in supporting the motion before the House and the budget. First of all, Mr Speaker, we have had cross interaction amongst ourselves and also as we

moved around with the people of East Africa. We know the people's aspirations, we know why we are Members of the Legislative Assembly, and we know what the people expect of us. Looking at the budget, Mr Speaker sir, it is five million US Dollars, slightly about that.

Honourable Speaker, I think to some of us who have worked with the civil society that is a very small budget. When you compare the work and mandate of the East African Community, it is similar to the budget that some NGOs in Uganda, for example, have used to monitor presidential elections. That is, in about a span of a few months, we use such amount of money. So, when I look at such a budget, I wonder, are we serious? Are we really committed to the East African Community, and does it have a future? Anyway, if small NGOs can use five billion and the whole East African Community, which we hope to take maybe into political federation, is using the same amount? *(Applause)*

Honourable Speaker, during our consultations we came across some information and if you could allow me to read a part of it, it says:

"The budget approved is normally inadequate to carry out the programmed activities and the many functions of the Secretariat as mandated by the Treaty."

So what are we talking about of five million US Dollars? Already that is what has been approved by the Council of Ministers and it is inadequate and we know it and yet we are going ahead to pass a budget!

I also look at what kind of commitment our governments are really giving to the East African Community. Much as we continuously play on the goodwill, I don't think the goodwill exists and we're simply sitting here and working East Africans that there is a job being done and that we still have reservations.

The ministers told us that one of the things that caused the demise of our former Community was the lack of people's control, ownership and strong voice in the organisation, which left too much authority in the hands of government bureaucrats and political leadership within the Partner States. Mr Speaker, sir, this has not changed. In my opinion it is simply being strengthened.

We are told that the bureaucrats who came to draft this budget still have a lot of power in their hands. And Mr Speaker, I believe if we do not address the strong bureaucrats and our strong governments, we are not going to do much in this Assembly. I therefore propose that a mechanism should be put in place by the Community to ensure that people take control and ownership of the East African Community. As it currently stands, the people are not there and we are just deciding for them. I believe that.

Allow me, Mr Speaker, to quote. There is a quotation in this book which is entitled, "Reviving democracy: Citizens as the heads of governance" and they say:

"The African people feel frustrated by failed programmes and attributed such failure to the fact that policies and programmes have not been grounded in peoples' own perceptions of the

problems, priorities and solutions."

When I look at this budget, I wonder where the people are; have they been asked their problems? Have they been asked the solutions to their problems? How do they perceive their own problems and how do they want them to be addressed? What I see here is our technocrats as usual going out and saying, "I think the East Africans want this and this is what we shall give them." And hence, when you look at the document that was made to facilitate the free movement of people, as the previous honourable member had pointed out, it continues simply to put us in our positions; you are Ugandans, you are Kenyans, you are Tanzanians! We need a free inter-state pass, or possibly an identity card, to identify us as East Africans, and we don't need passports to cross from one country to another - *(Applause)*.

Honourable Speaker sir, again in relation to the budget, I would like to point out that we are told that the number of staff of the East African Community has increased due to the tremendous work the members of staff are undertaking. Mr Speaker sir, again in our consultations, we came across crucial information about the staffing of the East African Community, and I think this Community is going to work.

There was some quotation somewhere that because the staffs are overstretched, it is therefore overworked. I think this is a fact, and because of this situation, it has led to instances whereby one staff member got a stroke and is completely incapacitated, and two have had mental breakdowns. Mr Speaker sir, if we are serious that this is a people centred Community, then let us address the issues, and let us have a Community

that is well staffed, well remunerated and ready to work. We don't want to pollute people. We should not have situations where members of staff are going to be incapacitated as the carriers of the Community - *(Applause)*.

Honourable Speaker sir, with those reservations, I still have, I think I do not yet support the motion, but I am yet to get answers to those. Thank you very much, Mr Speaker - *(Applause)*.

The Speaker: Is there any Member of the Assembly wishing to participate? Earlier from the floor that we give back the floor to those who have already spoken but did not have enough time. I now adjourn the House until 4.00 this afternoon.

(The Assembly was Suspended at 10.115 a.m. and resumed at 4. 00 p.m.)

(On Resumption_)

(The Speaker, Mr Kinana, in the Chair)

The Speaker: Honourable Members, in my list I have the following Members of the Assembly who will participate this afternoon in the debate: hon. Lydia Wanyoto Mutende, hon. Maxwell Shamala, hon. Gilbert Ochieng-Mbeo and hon. Mahfoudha Alley Hamid. For those wishing to participate there is still time - and yes, hon. Irene Ovonji Odida, would you like to participate? Did I get the impression correctly that you wanted to participate'?

Mrs Irene Ovonji Odida: Yes!

Ms Lydia Wanyoto Mutende (Uganda): Thank you, Honourable Speaker, for this opportunity to make a contribution in the House. I would like

to start my contribution by saying that I support the motion before the House. Hon. Speaker, in my opinion the motion before the House is an appropriate signal towards the implementation of the Treaty, It also shows that there is goodwill to move towards the vision of the integration of the East African community. For the Assembly to debate and pass the budget as one of its first activities is, to me, the fundamental signal for us to start work, but also to bring force our efforts to ensure that the integration is a reality rather than just a vision of hope - *(Applause.)*

Honourable Speaker sir, allow me now to make a few contributions towards the budget as was presented to us yesterday by the Chairman of Council of Ministers for the East African Community. And in so doing I would like to thank hon. Kikwete for his presentation yesterday, and also to thank the Secretariat for their tireless efforts to ensure that they are able to be on course for us to debate this budget for the next financial year.

Honourable Speaker sir, I would like to be on record for supplementing other members who have talked before me that indeed, much as we are moving towards the vision of the integration of East African Community, the budget reflects still needed efforts of the commitments from our Partner States. I am saying this because, Honourable Speaker, we have been moving around, at least since January. We were in Uganda and we have been in Tanzania, and a lot of our people have very high expectations from the East African Community integration under the programmes that we are talking about.

While in Zanzibar we were informed that the port needs rehabilitation and the business community there told us -

and of course we also met His Excellency Amani Abeid Amani Karume - that the rehabilitation of that port would require US\$ 30 million. Now the budget of the East African Community is US\$ 5.2 million. To me this is very big, and for us to move forward and keep the expectations of our people and their aspirations, we need to ensure that we work tirelessly and ensure that we meet the expectations of our people.

These are requests coming in from the private sector and from the business community who are one of the pillars of the Treaty. We are saying the Treaty is private sectors driven and people oriented. We have moved around and we have heard the peoples' expectations and their aspirants. We are far back beyond the US\$ 5.2 million that we are budgeting. So, it looks like they are ahead of the leaders of the Community so then I think that we need to work very hard.

I am emphasising this, Honourable Speaker sir, because personally I believe that where there is a will there is a way. I have seen our political leaders and governors mobilising money, real money, for things that they are interested in for example, political campaigns. You will see that money comes in, programmes are moving, people are moving up and down. Why is it that when it comes to real issues of serving the people we don't have money? Where does money come from when you are running political campaigns and manifestos and we cannot look for money to service the problems of the eighty million people for whom we are here? *(Applause)*

Honourable Speaker sir, I think we need to work very hard, rather behind our political leaders, and make

everybody a part of the vision to build the Community.

This Budget is important because it goes or passes forward. One, for those of us who have been here for the last few days, I think we all agree that the Secretariat is badly understaffed badly, if I may use that word. Many of the members of staff here are overworked. Since we have been here, we have seen that they work long hours and sometimes the work is too much for them. Some of the sectors are managed by one technical staff, which is humanly impossible. And thirdly, because of course we cannot afford to employ more than we would like.

So, to me, I think we need to think again about this budget, look for money like we were living the last day, like it was a political campaign because I have seen it happen, and improve the East African Community Budget and then we meet the aspirations of our people. Because, if we were voted by the people of Zanzibar who want US\$ 20 million to rehabilitate the port, that is part of our trade, then we are telling them that the East African Community budget is US\$ 5.2 million! They are certainly a part of us and I don't think we would be good leaders if we didn't think at the same level or even ahead of them to struggle and think for the future.

Having made comments about the meagre budget, I would like to move the question to the issue that we are in a formative stage. Honourable Speaker, I would like to disassociate myself from this thinking and attitude. A lot of times when we are at fora, 30 years, ten years after a programme is signed, the tendency has been to think that we are just starting. We cannot start after five years! We should have been running! And Honourable

Speaker, I would like to emphasise the following point that, for example, in Uganda our life expectancy is 42 years. I am told in Tanzania it is about 47 years, Kenya is ahead of us, they live a little longer, and they live for 55 years. Now if you are going to draw a programme, Honourable Speaker, that is going to be felt by the people of East Africa after 20 to 30 years, are we planning for our children or for our grandchildren?

I think we should plan for today and tomorrow. If we have a Community that we began five years ago, we should work like it was our last day, and not to talk as if the people who are alive today will also be alive tomorrow. And I would like to say that it is a question of attitude really. If we want the Community to move, it should have moved yesterday. We should not begin speaking because it is ten years or it is twenty years. It is still in a formative stage; we are still learning. We should have learned yesterday, East Africa was independent over 30 years ago. To me it is an unacceptable attitude and it should change! And I would like to be put on record to call upon everybody that we should work and change the thinking that we have a lot of time in this world. We don't have a lot of time in this world, we should work while we are still alive and after two years we should get off the stage and others come and do their bit - *(Applause)*.

Honourable Speaker, I would like to emphasise that the people of East Africa are more eager to see the benefits that their Community brings. Otherwise, we shall run into the danger of being told that this is just another elitist kind of forum for which people are getting jobs or political appointments. I am emphasizing this because if we do not look for money to

ensure that programmes of gender are not channelled to the last woman in East Africa, to the last child in East Africa, to the last business person in East Africa, to the last person in the Community crossing the borders, then Honourable Speaker, we have a problem to convince the people of East Africa that we have revived the Community. We must ensure that we look for money day and night so that programmes of this Community move forward, and that the staff of the East African Secretariat work like those in any other normal organ.

Having said that, Hon. Speaker, I would like to thank you, for this opportunity and I say, I support the motion. Thank you very much - *(Applause)*.

Mr Maxwell Shamala (Kenya): Thank you, Honourable Speaker, for according me this time to make a contribution on this inaugural debate on the East African Community Budget for the year 2002/2003.

First, I would like to congratulate Honourable Jakaya Kikwete for the manner in which he presented the budget yesterday to this House. He was eloquent, brilliant and his narrative of the historical biography of the Community was very satisfying - *(Applause)*. I would also like to congratulate the Secretary General, for preparing the budget in time - *(Applause)*.

After that, I would also like to congratulate the Ambassadors Muthaura and Kazaura and Dr. Nahamya for conducting the activities and resurrecting the Community from the old Community which perished in 1977 - *(Applause)*. Above all, I would like to thank our presidents for their continued support and involvement in

matters of the Community -
(*Applause*).

The House has had the benefit of meeting their Excellencies President William Benjamin Mkapa and President Yoweri Museveni. They contributed a lot when we were with them and they encouraged us. They are committed to the Community and I wish to thank them very much for their commitment.

Now, I would like to come to the budget. The Budget is normally prepared with a view in mind. You prepare a budget for the tasks ahead of you. You look at the resources available when making that budget. We have a budget before us that I think does not measure to the work ahead of the Community.

All of us in East Africa are looking forward to the Community to enhance the economic livelihoods of our people, and we must have adequate inputs for us to realise those economic benefits. The Budget is normally prepared according to the Treaty by the Secretary General. I do not know whether his hands were tied or the budget was reduced by the Council of Ministers.

To me a budget of US\$ 5.2 million for the Community is too small. I say it is too small because I happen to know that in Kenya we collect taxes to the tune of 200 billion shillings in a year. This translates to approximately US\$ 2.5 billion. I do not know the figures for Tanzania; I do not know the figures for Uganda, but I would like to imagine that at the very worst these two countries, Tanzania and Uganda, will collect approximately US\$ 3 billion, US\$ 1.5 billion each. For that matter, the total collection in East Africa would come to approximately

US\$ 5 billion. This Community belongs to us; I do not see how we could have given the Community US\$ 5.2 million if we are serious! US\$ 5.2 million translates to approximately point one of a percent. Point one of a percent cannot – fine, do the calculation, it is that small. This money cannot carry out the activities of the Community. We must be serious!

I want to say that all is not lost because in the minister's speech on page 34, he said there might be a supplementary budget, in which case the Secretary General needs time to review this budget and come up with figures that will support the activities of the Community.

First of all, like my predecessor has just said, I want to think that this office is totally inadequately staffed. Because, while he is here, I suspect there is hardly anybody else in that office. The Legal Officer is here; I don't know whether there is anybody else in that office now. When you walk around you will find that there is an economist here, there is one person here and this person here. We need to have a pattern of economists; we need to have scientists to support the activities of the Community. Without the pattern of the human resources, we shall not make any headway -
(*Applause*).

Hon. Jakaya Mrisho Kikwete said that the Treaty that we have today was subjected to the people of East Africa to scrutinise it, and that when it came back it was a totally different document from the initial one. I want to tell him here and now that the budget he presented today, if it were subjected to the people of East Africa, it would come out totally different. It would come out totally different in the sense that I would like to think that

may be has put in only one percent of our total, and maybe two percent of our total tax collection in East Africa. And this would have been something in the neighbourhood of maybe 20 or 30 million dollars if not 50 dollars. Now with 50 million dollars you can start talking, you can even advise - (*Applause*) - but to go to someone when you are actually, from your own resources, taking out only 0.0% of total collections, you are not serious. It is my view that you are not serious with yourself. Whom do you think is going to finance this Community if not ourselves?

Honourable Speaker sir, the second then is, if indeed we have phased in the outcome of the Community, we think it is going to enlarge our market, which is in terms of population, it is going to be one place that can attract investors. And if we don't improve that Community, no one is going to come to our aid.

There are certain things that I believe in the budget speech. The hon. minister said that we have had improvements in security and defence. Hon. Minister, I would like to agree with you that it is absolutely correct. I feel secure in East Africa today, and if you are convinced, check with our Generals here - (*Applause*). The thing that I am not satisfied with is the infrastructure. I am afraid, hon. Minister, very little has been done. And if anything has been done, certainly Kenya is not feeling it yet. We have no roads to talk of, we have lots of maize in Kitale, and you cannot move it to Tanzania as quickly as you would like because the roads are not there. We need to do a lot on our infrastructure - (*Applause*). The studies that are taking place, I think someone should speed out those studies so that we can have donor funding, where necessary, to get some

of these roads constructed as quickly as possible.

There is one thing that we need to do hon. Minister, Chairman of the Council of Ministers, that is the movement of people. I know the earlier contributors have talked about this subject, but I need to revisit it. The reason for revisiting it is that we can enable the people of East Africa to move as freely as they would like without having to subject them to the need for a passport - (*Applause*).

These people who are here have had, maybe their third passports, and what they are holding now might be the forth. And these are the people we are saying can also have an East African passport. They don't need them! The people, who need documents to move across for the purposes of identification, are the ordinary *wananchi* of Tanzania, Kenya and Uganda.

These are people who want to walk across into Kenya and find out what is happening. There are people in Tanzania who want to walk into Uganda and find out what is happening. There are people in Kenya who like to come to Tanzania to find out what is happening. Actually we are creating a big market, so for whom are we creating the market if we don't want the small people to move? They might carry something that will help them! The market is theirs; it is not yours and mine alone. That market is for the ordinary people of East Africa.

One of us here, Major General Muntu Oyera Mugisha, made a suggestion to His Excellency President Benjamin William Mkapa, that why don't we have identity cards? You flash an identity card anywhere along the boarder and you cross. Why do you

need a passport? Our people do not have places to keep these passports - *(Laughter)*.

Someone said in the morning that the passport does not help these persons. It is assuming it belongs to this republic A, B, C, and D. We don't want people of Tanzania walking into Kenya to be held; they are in their own country - *(Applause)*!

And lastly but not the least, Honourable Speaker, on page 34 of the ministers Budget Speech, he said that two areas of implementation during the Financial Year 2002/2003 include the following: The effective operationalisation of the Legislative Assembly and the Court of Justice. If we are operationalised and yet we will only be here for sixty days, is this effective operationalisation? I don't think that we are being serious with ourselves! Sixty days is too little time for an effective Parliament to legislate - *(Applause)*.

The other thing is the Court of Justice. Why did you overview the Court of Justice? People of East Africa are thinking about the Court of Appeal; the people are ahead of us! They want the Court of Appeal. Those who are frustrated in Kenya, by reasons imaginary or real, they would like to go to that Court. If there are people of Tanzania, by imaginary reasons or real, they want to go to that Court and accuse someone in Kenya, accuse someone in Tanzania, accuse someone in Uganda! So, give them the Court of Justice for the work, whose jurisdiction is needed for matters of the Community. I think we need to think very seriously about that. And like my friend said, to give this Court US\$ 364,000 is a joke!

Honourable Speaker, I would like to wind up my speech by saying, much as we criticise the budget, hopefully, because this is the first one may be the next one might be a lot better than this one here. I beg to support the motion. Thank you, Honourable Speaker - *(Applause)*.

Mr Gilbert Ochieng Mbeo (Kenya):

Thank you, honourable Speaker. I would like to assure everybody that you are all safe - *(Laughter)*. Honourable Speaker, everybody has thanked the minister and I might also feel very un-safe if I didn't do that. They have also thanked the Secretary General, they have thanked the Heads of States, and they have thanked the predecessors who at least made this Secretariat move up to this level. I must also do the same.

Honourable Speaker, mine will be directed towards recommendations and posing of a few questions. The recommendations start off by requesting that we have in place the Budget Bill. This one will help us elevate a lot of activities that take place. Like what has happened to ensure that none of these members participated in advance to bring this budget into show.

Honourable Speaker, there is no way we can do the statistical studies into the completion as we have already heard from our colleagues, the staff are not there – and even these nice things we talk about in the strategic plan.

Honourable Speaker it is so unfortunate that there are also good plans for us but nothing will happen for us if there will be no money. Secondly, if there will be no personnel to see them completed. But at the end of the day, we will sit here and complain and fire the Secretariat. So

really, I think the Secretary General needs to come out straight and tell them that he needs more staff because we are now telling them that you need more staff, we are with you - *(Applause)*.

In the same way, Honourable Speaker, it is very embarrassing to see the Clerk of the Legislative Assembly carrying the mace, coming inside yet we have provisions for the Sergeant-at-Arms. We have provisions for nine members to compliment activities of the East African Legislative Assembly, which right now is composed of the Clerk, the Secretary and the driver. That's all! *(Applause)*

It is very shameful, Mr Speaker, I would not want to add too much on that. This is just to let you know that things need to be done. And let us get away from the big fish syndrome where we have all the big fish in a small pond. That is what we are trying to do here.

Honourable Speaker, we have had very adequate discussions and talks on the budget. I believe Honourable Kikwete knows it well, but his hands are tied. He was only reading what his heart does not believe in – *(Applause)*.

Honourable Speaker, we are talking here about money, and we find that remittances for the previous years from Partner States have been wanting. Take a leaf from the Kenyan Government. I refer you to Annex III, Mr Speaker, which shows you. I believe there was a lot of time left on the other side, Mr Speaker, that you could at least squeeze a little bit in so that we continue with this. You can see, Honourable Speaker, that the Kenyan Government and the Legislative Assembly and the Court of Justice have actually done a 100%. What they

didn't pay was maybe something that was missing, which was not presented to them on time. But you can see they meant well.

Honourable Speaker, there is always a very simple recommendation here. I would like the Tanzania and the Uganda government to follow the budget for the National Assembly straight up to the Parliamentary Services Commission to be remitted straight here - *(Applause)*.

Likewise, the budget for the Court of Justice was remitted to the Court and straight to the Secretariat. There you can see what happened when the others went elsewhere. Mr Speaker, let me add that it has been filling up certain gaps in the Ministry of Foreign Affairs or other places, because the Court was not fully funded. So they grabbed what was belonging to the Community and it remained home. I request and I plead with other governments to follow suite and ensure that things like this do not happen again. Let us use the Kenyan example. I would request, Mr Speaker, that we go to the consolidated funds to be able to finance this Secretariat - *(Applause)*.

Honourable Speaker, up to now we are like chicken, breeding. The mother is the Ministry of Foreign Affairs or any other relevant Ministry, the funds are directed straight there and of course nothing comes in to the Secretariat. I would recommend that the Chairman of Council of Ministers pass this fund so that our next budget funds should all come as it is in total to the Secretariat because it is needed here through the Consolidated Fund - *(Applause)*.

Honourable Speaker, it is shocking that we are talking about regional integration, but this Budget for the National Assembly doesn't even talk

about regional integration. None of my colleagues will ever travel to meet their colleagues elsewhere within the region to try and integrate some activities like going to SADC or the WTO where we say that several Committees should go there to also deliberate on our behalf to bring about regionalisation. We are member of WTO in which I believe Kenya, Uganda and Tanzania can work together. But this is our time now, we are the ones supposed to do this. How will we do it, Mr Speaker, if funds are not even given to us to take us anywhere? *(Applause)*

You know, it is really shocking, Mr Speaker. We talk about what are now globalisation shocks. Now everybody is talking about globalisation except the East African Community. We suffer from some crazy sickness of money, Mr Speaker, and when we talk like this, at the end of the day it is going to be misconstrued that that is all we talk about. I read in one of the papers today, Mr Speaker, that what we are doing is talking about our salaries. We are not talking about salaries here, Mr Speaker. Nobody has talked about salaries. We are talking about the well being of the 80 million people within our region. That is what we are concerned about - *(Applause)*.

Honourable Speaker, nothing is so dear to my heart than Lake Victoria. So abused, so abused honourable Speaker! The minister touched something about it, he mentioned something about it, but truthfully speaking, it is the lifeline of the East Africans. That is why we are here. East African Lake Victoria brings us together. But things are happening here, Mr Speaker.

We have the Treaty on River Nile but nobody seems to want to talk about stopping others from using our goldmine. What are we doing about it?

We are supposed to be talking about these serious things like this, Mr Speaker, but we don't have money, what do you do'? You sit, you dream and think. What is the truth of that Mr Speaker? I believe that it is showing very clearly that there is a lot we really need to do. Small things are happening on Lake Victoria that maybe are just between us partners. I come from an Island Mr Speaker, which right now is partly invaded by our colleagues, the Ugandans - *(Laughter and interjection)*

Mrs Kawamara Mishambi: Mr Speaker, is it in order for the honourable Member on the floor to talk about Ugandans as if we are not all citizens of one East African Community? *(Applause)*

Mr Ochieng Mbeo: Mr Speaker, I think for the time being - *(Interruption)-*

The Speaker: I call upon the speaker to provide evidence of the invention, if you don't have any evidence, please withdraw your statement.

Mr Ochieng Mbeo: Honourable Speaker, I believe there is enough evidence for this and we will be talking about it later when we meet in our Committee of the House Business.

Hon. Members: No! No!

Mr Ochieng Mbeo: Honourable Speaker, it is common knowledge that Roba Islands, which is in Kenya, is being controlled and patrolled by the security forces from Uganda. They are even taxing the people from that area and taking everything back to Uganda. It is a known fact. Mr Speaker, those are the kinds of things I was talking about that we need to harmonise. We belong together, and I am glad honourable Member, come up with us,

because I would like to request that we open borders of the Lake - *(Applause)*.

Honourable Speaker, right now Kenya only has sixty per cent protectorate but look at all the business; all are from the Kenyan side. I hope she looks from the other side because we will be on the other side of the boundary. Some documents go together - *(Laughter)*

Mr Mabere Marando (Tanzania): *Sawa sawa!*

Mr Ochieng-Mbeo: Honourable Speaker, the minister talked about supplementary budget, and I believe what he really meant was an addition fund because supplementary budget means that we will only talk about it when we have declared all the funds. As now I know we are in a hurry to talk, to give back the other additional funds so that we can pass it here for the use of the Community and for the other two arms of this Community. So, I hope that even God did not specify when this would come about. We will take from his words that as a gentleman, what he has said is that this will come as soon as possible to ensure the smooth running of the Secretariat - *(Applause)*.

Honourable Speaker, I know that I am just about to run out of time, but let me get into the political union. To get nearer home, the President of Kenya, President Daniel arap Moi, is retiring at the end of this year Mr Speaker. Now, I am urging this Assembly to use experts like these to help us promote the political union that we are looking for. We would even give him something more important. And maybe through him we can now solicit for funds properly so that money comes in here. Let him come and be with us as the active president of the federation so

that we can at least start grouping them with one another. They are needed here, each of them, to talk to each other and bring one East Africa so that we can agree to satisfy the 82 million people - *(Laughter)*.

Honourable Speaker, the Assembly obviously needs its own ministers, it is evident. I am not cutting down the fact that honourable Kikwete is with us but you can see that instead of being in here always, he is only here because he is the Chairman of the Council of Ministers, and also because he comes from Tanzania and we are here. Mr Speaker, a time is coming, I think it is come, that if we cannot have dedicated - forgive me honourable minister Kikwete, I do not mean you, you are a very dedicated man and I can see it. We need to consult on a daily basis with our ministers, because a lot of work has to be done, for the 82 million East Africans. Therefore, I believe the time is here that the Treaty should reorganise itself and confirm that we have our East African ministers in place. Thank you very much. I support the motion - *(Applause)*.

Mrs Mahfoudha Alley Hamid (Tanzania): Thank you very much honourable Speaker. I would like to also thank the honourable minister for his speech, and the entire Secretariat for the preparation of the budget, which was read yesterday. I have gone thoroughly through the speech of the honourable minister, and I am glad to say that I have noted in the speech that he was very optimistic of reviving the regional integration and co-operation of the East African people to reach the point or to start at the point that it was in, in the 1970s up to the 2000s.

I also am glad to note that in his speech the honourable minister pleaded that great care will be taken to see that we don't repeat the old mistakes which

brought the old Community to disintegration. Thank you Honourable Minister - *(Applause)*.

Honourable Speaker sir, I am afraid that optimistic as we might be, it is very, very difficult and it will be extremely impossible for us to achieve that if we don't adhere to the Bibles of the East African Community; the Treaty and the East African Community Development Strategy. I am saying that these are the holy books because there is a time frame for all the programmes that have been planned. I am afraid that in his speech the honourable minister recognised or acknowledged the importance of making East Africa a tourism destination, and that it is one of the objectives of the East African Community - *(Applause)*.

Honourable Speaker sir, if I may quote from the speech of the honourable minister, paragraph 28 and 29, the paragraph reads:

"Making East Africa one of the investment and tourism destinations is one of the important objectives of the East African Community. An East African Association of Investment Promotion Agencies has been established to co-ordinate investment promotion in the region. Our three countries have been doing a lot of joint investment promotion. Work on harmonisation of investment policies and incentives are underway. Co-operation in tourism is growing steadily. East African Tourist Council has already been established. There is close co-operation and co-ordination in training personnel for the tourism

industry. Given the potential for the growth and important contribution to national development by tourism, a study on the development of regional tourism in East Africa was commissioned. The first phase of the study has been finalised" - *(Applause)*.

Now if this is the case, can the honourable minister tell us why the Budget for the panel of experts on standardisation and classification of hotels, restaurants and other facilities, in order to complete its work of developing an East African criteria for the classification of accommodation establishments and restaurants, to improve the regions competitiveness as a tourist destination, was removed from the Budget after it was approved by the Council? *(Applause)*

To me it makes no sense at all, not to abide by the matrix and ignore what our priorities are. It seems that we don't know what our priorities are. If this has been approved by the Council? We wonder why it has been removed, and where has it been allocated to. And under what mandate has it been removed if it was approved? *(Applause)*

Honourable Speaker sir, I think that we in this honourable House have taken the oath of allegiance to the people of East Africa, and that we are going to serve them. If we are to go by the time frame of this strategy, the classification, harmonisation of all the tourist class hotels is to expire in July 2002. We have only one month before that expiry date. I request the honourable minister that I am thinking twice about supporting the motion - *(Applause)*. However, I agree on what my colleagues have said about the budget and how meagre it is.

It is quite a small amount for a big thing like the East African Community. I feel personally that if our individual countries can support individual budgets, millions and millions of shillings, billions of shillings, trillions of shillings, how can we three East African states, if we are really serious to see that this thing runs through, not meet a mere five point two million dollars? I just can't thrive on that. However, the minister has drawn his acts that in the near future there is going to be a supplementary budget, and I request, Honourable Speaker, that the question of harmonisation of tourist hotels and the budget that was removed for the professionals to do their work in order to see these things through be reinstated. And on that note, I beg to support the motion and thank you very much - (*Applause*).

Prof. Margaret Jepkoech Kamar (Kenya): Thank you, honourable Speaker sir. I would first like to join everybody else in thanking the Chairman of the Council of Ministers for the speech, which captures a number of issues. They have been outlined in our East African Community Development Strategic Plan 2001-2005.

Honourable Speaker sir, I would like to support the motion, and in supporting the motion, I would like to raise a few issues. The first one, Mr Speaker sir, is what many people have raised; the issue of money. Many have talked about the shortages that we have, that the budget doesn't reflect the steam with which we started this Community. It doesn't reflect the steam with which the Treaty was established because we see a lot of activities that have been put in the strategic plan, which don't seem to be coming out clearly.

Mr Speaker sir, I read the budget alongside the policy/action matrix for the Community 2001-2005, and I thought that those are things that had been done, only to find a number of things that have been outlined, which necessarily have been given prominence in the budget, were not actually done by the deadlines of the year 2001.

Hon. Speaker, there are quite a number of things, actions, that were supposed to be undertaken before June 2001, which were not done by 2001 December. And, Mr Speaker, I am rendered to really support what hon. Mbeo said that the minister may have been put in a position to read what he is reading, which he doesn't wish to read - (*Applause*). Honourable Speaker, this must be looked into. It has to be looked into because we are startled by such a system and in the face of such a high expectation by the people of East Africa. They are really looking forward to hearing what has come out of this session, even today.

Mr Speaker sir, the minister in his opening remarks rightfully stated that the reading of the budget is a historic moment for us in the evolution and revival of the East African Community. At this very stage, therefore, Mr Speaker, it is my considered opinion that we should start thinking about the sustainability of the East African Community.

Honourable Speaker, I say this because no project can start without sustainability in mind. It is true, hon. Speaker that we have a lot of structures in place, but a lot of them seem to be supported by activities that are external to the East African Community. We need to start thinking sustainability. I was hoping to read something in the

speech of the minister on the way forward; how we are going to be sustained beyond this year. And I hope the budget speeches in future will address this issue - (*Applause*). Honourable Sir, sustainability to me is a backbone of any institution.

Beyond the annual contributions of the Partner States and the donors, contributions that have been outlined, what else do we have? Mr Speaker, the minister in his speech referred to a number of factors that may have caused the death of the former East African Community. One of them, in fact the first one that I outlined was the structural problem of maligning the common services.

He went further to state that in reviving the new co-operation, great care was taken to avoid the mistakes of the past, and in that spirit there are now common service owned jointly by the Partner States, something that we know. This to me was a very disturbing statement, Mr Speaker. It is very disturbing because in the Treaty it is very clear that the new Community is a people-centred, private sector driven Community. I am starting to worry about "people-centred" because it looks like it comes out clearly from very many documents that what you call "people-centred" is the private sector and the civil society, which to me is not true - (*Applause*).

The people of East Africa cannot be classified into just the private sector and the civil society in fact that ninety percent of them are outside that group, and that is the group that we need to be addressing - (*Applause*).

Also, we travelled in Uganda and Tanzania - because we have not gone to Kenya - and the people of East Africa are looking forward to seeing

what we will do. And one of the main things that they talked about, Mr Speaker sir, are common services. If we had problems of structure in the former Community as far as the common services were concerned, are we going to throw away the baby with the dirty water, or we are going to make sure that the baby survives and we throw away the water? What was the issue in discussing our common services by that time? Is it possible to identify those issues and remove them and remain with the few common services? I say that, Mr Speaker, because everybody is waiting to see the East African Railways up! Maybe we will never have an East African Airways, but people are looking forward to that.

People of East Africa are talking of infrastructure, the ones which are common. They want roads that are developed by the Community. It is very easy, Mr Speaker sir, to say that we want privatisation to take over every thing, and we know what is going on currently in our different countries. I know in Kenya privatisation is going on, and also in Tanzania. How many East Africans are investing in the privatisation we are talking about, Honourable Speaker - (*Applause*).

If by privatisation we are opening up to globalisation, maybe we need to be very careful because the first slavery was forced on us; we may be inviting one officially. Honourable Speaker, we don't want to go down in history that the second phase of the East African Community come to enslave the East Africans to be labourers in their own land. If we are talking of the private sector, we need to be very clear in planning how to go towards the private sector to ensure that our people benefit. But if we are going to open up and

reduce our people to labourers, I think that is going to be a very sad affair - *(Applause)*.

Honourable Speaker, I am not against privatisation, I believe in it, but I am saying we need to look at it very carefully because, how much can our states gain from them, how much can our people gain from them? Our people are talking about boarders; they are talking about selling small goods across boarders, opening boarders for them and allowing them to do their little businesses! I think those are some of the things that we need to be addressing.

It is with this in mind, Honourable Speaker, that I am saying that the issue of the shared facilities, the common services, must be looked at again, and in the next budgets, let us look at the way in which sustainability can be accepted in the Community. And that sustainability must be tied to what the Community itself can produce. It is good to have donors today, but when they leave, what happens, Mr Speaker?

Most of our major projects that we have, like the Lake Victoria Project and the rest, are donor funded. Again, we need a sustainability plan for those projects. And it is with that in mind that, Mr Speaker, I support a former member who said that even that Annex from the donors must be scrutinised by this House so that we can look at the performance of the funds, which are coming from the donors.

This is very important because unless we build in sustainability, even for the projects that we have, the time the donors pull out, the project will also go. We know that donor funding is something that comes as a wave; today we are talking about privatisation, environment got lost in the 80's! We

went to gender but it is dying. Now it is privatisation. Are we going to move with them, Mr Speaker, or are we going to think about ourselves? I am therefore urging this House, hon. Speaker that we should always think as East Africans. We have to think about doing things that will be sustained so that we can live beyond tomorrow, and beyond this budget. Honourable Speaker, with that remark, I support the motion - *(Applause)*.

The Speaker: Hon. Members, Prof Kamar is the last speaker on my list. I would like to pose a question; is there any member of the Assembly who wishes to make a statement? Honourable Members, I see there is no one.

Now, I have one announcement to make. The Tanzania National Parks (TANAPA) is inviting the Members of the East African Legislative Assembly (EALA) for dinner this evening at Impala Hotel at 8.00 o'clock. And the dress is 'casual smart'. The dinner is hosted by TANAPA - *(Applause)*. Honourable Members, I now adjourn this House until tomorrow morning, at 9.00 o'clock.

(The Assembly rose at 5.00 p.m. and adjourned until Saturday, 4 May 2002 at 9.00 a.m.)