

Laid on Table
on 6th Sept. 2012.



**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

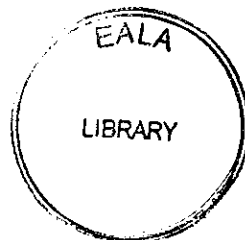


REPORT ON

**THE CAPACITY BUILDING WORKSHOP FOR MEMBERS OF THE COMMITTEE
ON GENERAL PURPOSE OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY**

25TH – 28TH JULY 2012

KAMPALA, UGANDA



Clerks Chambers
AICC Complex
Ngorongoro Wing, 5th Floor
Arusha
UNITED REPUBLIC OF TANZANIA

6TH SEPTEMBER 2012

1. INTRODUCTION

Hon. Speaker,

The Committee on General Purpose is one of the Committees of the East African Legislative Assembly. In order to fulfill its mandate of legislative, representative oversight and budgeting functions, the Committee on General Purpose carried out a two day workshop to enable members fulfill their mandate.

2. OBJECTIVES

Hon. Speaker,

The main objective of the workshop was to build capacity of members of the committee to fulfill their mandate in terms of the legislative, oversight, representation and budgeting functions. The specific objectives of the workshop included among others:

- (i) building the capacity of Members to fulfill their mandate as per the Treaty ;
- (ii) building the capacity of members of the Committee and familiarizing them with the Rules of Procedure of the House to enable sharpen the skills of debate ; and
- (iii) giving Members of the Committee opportunity to interact, ask questions, and raise issues on matters and aspects of their mandate, procedures and proceedings of the House as the need may arise.

3. METHODOLOGY

Hon. Speaker,

The workshop was interactive with presenters and participants sharing freely with illustrative and experience illustrations from the facilitators. Questions and answer sessions chaired by a member were carried through at the end of the presentations.

At the end of the workshop, the Committee held a press conference at the Parliament of Uganda which dwelt on the Committee's mandate, future outlook and recent events in the Community.

4. PARTICIPANTS

Participants included the fifteen members of the Committee and Resources persons including the former Chairperson of the Committee Hon. Lydia Wanyoto- Mutende and Hon. Safina Kwekwe Tsungu a former member of the Committee both being members with significant knowledge and skills with regard to the Committee's mandate as well as Rules, procedures and proceeding of the Assembly.

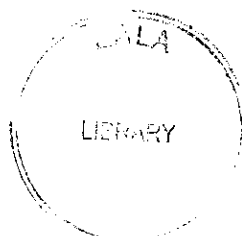
5. PROVISIONS OF THE TREATY ESTABLISHING THE EAST AFRICAN COMMUNITY

In the presentation by Hon. Lydia Wanyoto – Mutende, the participants were taken through general provisions of the Treaty that they need to internalize as they carry out their functions; these included key provisions in the Treaty. These provisions provide specific tools for the General Purpose Committee to carry out its functions; these address Articles 5, 6, 7, 8, 102,103,117, 118,119 and 120 of the Treaty.

The Members' attention was drawn to **Article 5: Objectives of the Community** which target development of policies and programmes aimed at widening and deepening co-operation among the Partner States in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs, for their mutual benefit. The provision also addresses the establishment amongst Partner States and in accordance with the provisions of this Treaty, a Customs Union, a Common Market, subsequently a Monetary Union and ultimately a Political Federation.

Reference was made to **Article 6**, looking at the **Fundamental Principles of the Community** which governs the achievement of the objectives of the Community by the Partner States through mutual trust, political will and sovereign equality; peaceful co-existence and good neighbourliness; among others.

The members were taken through **Article 7** which addressed the **Operational Principles of the Community** which is people-centered and market-driven co-operation and of an adequate and appropriate enabling environment, such as conducive policies and basic infrastructure provision by partner states such as the establishment



of, to mention a few an export oriented economy for the Partner States for free movement of goods, persons, labour, services, capital, information and technology.

Article 8 addressing **the general undertaking as to implementation** states that partner states shall plan and direct their policies and resources with a view to creating conditions favourable for the development and achievement of the objectives of the Community and the implementation of the provisions of this Treaty. It was important to note that this article also addresses itself to the Community Organs, Institutions and laws which take precedence over similar national ones on matters pertaining to the implementation of this Treaty. It further highlights that in pursuance of the provisions of paragraph 4 of this Article, the Partner States undertake to make the necessary legal instruments to confer precedence of Community Organs, Institutions and Laws over similar national ones.

6. MANDATE OF THE ASSEMBLY

Hon. Speaker,

The Members were informed that all EALA Committees draw their mandate from the Treaty for the Establishment of the EAC and the Rules of Procedure of the Assembly. The presentation addressed itself to Article 49 of the Treaty which spells out the functions of the Assembly pointing out that the Assembly is the legislative organ of the Community and liaises with the National Assemblies of the Partner States on matters relating to the Community.

6.1 MANDATE OF THE GENERAL PURPOSE COMMITTEE

The presentation indicated that at each phase of the EAC integration, the Committee should scrutinize how Articles 5, 49, 59, 102, 103, 117, 118, 119, 120, 121, 122, 133 of the Treaty are operationalised (through legislation, oversight of the Community & projects and programmes on areas of cooperation and representation of the interests of East African citizens) by the EAC Organs and Institutions and within Partner States. The presenter specifically indicated that the Committee is mandated under rule 79 & annex V of the rules of procedure to oversee the operationalisation of Articles 102, 103, 117, 118, 119, 120, 121, 122 together with Articles 132 & 133 of the Treaty on determining

& approval of the Budget and other resources of the Community.

Under Article 132 of the Treaty, the Committee examines, discusses and makes recommendations on all Bills laid before the Assembly. The Committee may initiate any bill within its mandate; it may also assess and evaluate activities of the Community. The Committee is also mandated to carry out research in its respective mandate, examine policy matters within its subject areas and initiate or evaluate action programmes under those subject areas and make appropriate recommendations thereon. The mandate extends to examination of the Community's current and capital budget estimates. And it subsequently reports to the Assembly on its functions.

6.1.1 LEGISLATIVE FUNCTION

Hon. Safina K. Tsungu informed the participants that a member can under rule 64 to come up with a *Private Members' Bill* and Members of Parliament use this time to initiate laws and question the Executive. The mover of the private members' bill has a right to technical support from the Office of the Counsel to the Community who affords the Member moving the Private Members' Bill professional assistance in the drafting of the Bill under Rule 64 (3) in line with Article 59 (1) of the Treaty.

6.1.2 THE REPRESENTATIVE ROLE OF MEMBERS OF PARLIAMENT

The presentation touched on representation as a wider interest of the public and people as their elected leaders unpack the four phases of integration and place people's interests at the top of the agendas of the region and national programmes. The presentation also highlighted the fact that it provides for the checks and balances with the Executive and other stakeholders.

Of great importance is the need for branding and profiling the space and role of EALA in the Legislative agenda in building collaborative Networks and partnerships with Members of National Parliaments and Ministers (East African Community) to enhance and progress the deepening and widening of the EAC integration through outreach programmes and mass mobilization for EAC integration. Areas of focus could be the popularisation of the integration through

for example student exchange and members of EALA getting involved in social activities in their communities, networking with national leadership.

The presenter cited the Uganda Parliament which had established a committee to handle East African Affairs specifically and created a forum where the Uganda Assembly Members present reports and related matters before the House and the East African Affairs Committee.

6.1.3 OVERSIGHT ROLE

The presentation highlighted the importance of interrogating public policies and funds earmarked for projects and programs to ensure efficacy, efficiency and effectiveness. The presenter encouraged members to make maximum use of committee oversight activities and the Floor of the House to raise issues and ask questions.

6.1.4 THE PRE- BUDGET ROLE, BUDGET OVERSIGHT AND APPROPRIATION

Hon. Speaker,

The indicators to budget oversight and appropriation **include assessing the status of utilized funds, questioning the delay in the release of funds and procedural limitations in the planning and approval; harmonising the budget cycle with existing legislations and reviewing the time frame for the budget implementation and approval.** Similarly, the Committee addresses the issues of funding lump sum expenditures; dealing with emergency eventualities, harmonisation and linkages in the financial documents and assessing the value for money.

The Committee **has to deal with the technicalities in the EAC budget Framework and positioning the budget in the broader East African strategic plan.** It should also **work at reducing public expenditures vis-à-vis increasing expenditure on service delivery while addressing the different priorities attached to the EAC Budget.** The Committee should also provide a yardstick for Sectoral allocations in the budget and efficacy of running a cash Budget. The Committee should be mindful of national interest vis-à-vis EAC integration interests as tools for budget approval.

The presenters observed that the budget function is a critical tool used by the Assembly to ensure appropriate allocation according to the Strategic Plan. She noted that funds are needed for work to be realised and **emphasis should be on analysis of the documents submitted ensuring that the members understand value for money in the budget and relating the EALA/EAC budget to the broader East African Strategic plan** while at the same time being mindful of the national interest which should however not totally eclipse the interests of Regional Integration.

The members were encouraged to be patient, vigilant and firm on budget issues much as it involves reading huge volumes of materials submitted by the Council of ministers. The members were informed that over 70% of the EAC budget is donor funded, noting that donor funding restricts re-allocation of funds and encouraged members to ensure that EALA is in the know of all the negotiations with donors to inform the budget process.

7. SPECIFIC SECTORS

7.1 EDUCATION AND TRAINING

In her presentation Hon. Safina K. Tsungu addressed herself to *Article 102: Education and Training* which touches on the Partner States obligation to foster co-operation in education and training within the Community, co-ordinate their human resource development policies and programmes; strengthening existing and where necessary establish new common research and training institutions.

The presenter urged members to work towards fostering cooperation and standardisation in education within the Community, establish and strengthen common research and training as well as develop common programmes for basic, intermediary, tertiary and adult education to allow for equal opportunity within the Community by standardising education for free movement of labour. She cited the current challenge of Lawyers not practicing freely within the Community.

7.2 SCIENCE AND TECHNOLOGY SECTOR

The presentation also addressed itself to **Article 103** which touches on **Science and Technology** sector. In this regard the members were informed that this Article addresses itself to promote co-operation in the development of science and technology within the Community that can be achieved through the joint establishment and support of scientific and technological research and of institutions in the various disciplines of science and technology; creation of a conducive environment for the promotion of science and technology within the Community; encouragement of the use and development of indigenous science and technologies; and mobilisation of technical and financial support from local and foreign sources and from international organisations or agencies for the development of science and technology in the Community.

7.3. HEALTH, SOCIAL AND CULTURAL ACTIVITIES OF THE COMMUNITY

The presenter referred members to chapter Twenty One of the Treaty which addresses the Health, Social and Cultural activities of the Community. Article 117 under this chapter addresses the scope of cooperation. In pursuit of the objectives of the Community as set out in Article 5 of the Treaty, the Partner States are obliged to co-operate in health, cultural and sports and social welfare activities within the Community.

7.3.1 HEALTH

According to Article 118 of the Treaty, member states must take joint action towards the prevention and control of communicable and non-communicable diseases and to control pandemics and epidemics of communicable and vector borne diseases that might endanger the health and welfare of the residents of the Partner States, and to co-operate in facilitating mass immunization and other public health community campaigns. Promote the management of health delivery systems and better planning mechanisms to enhance efficiency of health care services within the Partner States; develop a common drug policy which would include establishing quality control capacities and good procurement practices among others. In fulfillment of the above, the Committee has through the East African Community Inter-Parliamentary Forum on Health, Population and Development carried out several activities.

7.4 CULTURE AND SPORTS

The presentation also touched on Article 119 of the Treaty which addresses issues of Culture and Sports. These provisions of the Treaty promote close co-operation amongst partner states in culture and sports, with respect to promotion and enhancement of diverse sports activities, the development of mass media programmes on matters that promote the development of culture and sports within the Community; promotion of cultural activities, including the fine arts, literature, music, the performing arts and other artistic creations, and the conservation, safeguarding and development of the cultural heritage of the Partner States including, historical materials and antiquities and the development and promotion of indigenous languages especially Kiswahili as a lingua franca. It was emphasized that culture is core to promote solidarity and oneness of mindset and the Committee should put emphasis on this sector.

7.5 SOCIAL WELFARE

Article 120 of the Treaty which deals with social welfare urges partner states to closely co-operate amongst themselves in the field with respect to employment, poverty alleviation programmes and working conditions. The presenter urged members to address this stating that in the wake of the East African Common Market, the Committee needs to ensure that work is done to iron out issues of minimum wage; at-work-programmes like workplace safety, workplace HIV/AIDS prevention, care and support; worker insurance schemes; the right to self organise at work; social protection schemes like pensions and retirement benefits etc all become paramount.

7.6 ENHANCING THE ROLE OF WOMEN IN SOCIO-ECONOMIC DEVELOPMENT

The presentation by Hon. Safina K.Tsungu covered Chapter Twenty two of the Treaty which addresses the role of Women in Socio-economic Development and the Role of Women in Business enhanced under Articles 121 &122 of the Treaty. Under the Treaty, through appropriate legislative and other measures partner states are encouraged to promote the empowerment and effective integration and participation of women at all levels of socio-economic development especially in decision-making, abolish legislation and discourage customs that are discriminatory against women; promote effective

education awareness programmes aimed at changing negative attitudes towards women among others.

8. RULES OF PROCEDURE OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY

Hon. Speaker,

The presentation by Hon. Lydia Wanyoto - Mutende covered the practices and procedures of the Assembly, providing insight on how business in the House should be conducted, with emphasis on the standards that shape the process and outcomes of constructive debate. It emphasized that the Assembly works as a properly instituted and collective entity, stating that individual Members are the life blood and light of this Institution. In essence therefore, the collective nature is a mantle of unity and people look at the Assembly as a reflection of their aspirations. The presenter explained that of utmost importance was internalizing rules governing debate in the House including the framing of questions, moving of motions, procedure for introducing and debating bills and the language and dignity of debate in the House.

The presenter emphasised the powers of the Speaker (stipulated under Article 53 of the Treaty) range from enabling Members to access the Floor, to dismissing a Member from the Chamber for inappropriate conduct. She pointed out that **at the very core of parliamentary work are the principles of dignity and tolerance within and outside Parliament.** To this end, the presentation urged **members to protect the institution of Parliament with honor, dignity, civility and collective responsibility regardless of the nature of dissenting views.**

The presentation pointed out the relevance of motions, the language for debate and the manner of framing questions, as avenues through which the powers of legislature, representation and oversight are exercised. The members were informed that **it is essential that they emulate the twin values of constructive speech and the art of listening and additionally they should learn how to manage the issues of partner state loyalty, interests and effective representation of regional concerns.**

The presenter pointed out the fact that opportunities exist to move motions and Members could use the following avenues to exercise their oversight and legislative function:

- **Questions on the Floor of Parliament;** the presenter informed participants that Members of Parliament use this time to demand explanations from the Executive on various issues of concern. The question should be worded meticulously so as to require a specific answer from the Minister.
- On '**Point of Order**' the presenter informed participants that this provides a subtle avenue for one to detract the member taking the floor and raise issues. However its efficacy is dependent on the MPs ability to understand and utilize the Rules in their favour. Members were cautioned not to misuse this Rule.
- **Participation in the Committee Meetings;** Parliamentary Committees provide opportunity for MPs to express their views on issues of oversight and the scrutiny of legislation. Views may also be incorporated in the process of drafting the Committee's report.
- **Speaking to and interacting with the Media;** Members of Parliament may express their views to millions of East Africans through interviews with the media. The Members were equally encouraged to make themselves and the committee relevant by speaking to the people of East Africa through the media on the East African Community and integration matters particularly addressing issues that touch the lives of the peoples of East Africa.

The members were finally encouraged to read and internalize the Rules to facilitate orderly participation in the debates in the House in Committees Meetings.

It was highlighted that it was within the mandate of each Assembly to amend the Rules of Procedure if they felt the need to do so.

9. ISSUES RAISED BY PARTICIPANTS AND RESPONSES TO THE ISSUES

The participants wanted to know how to improve the budgeting process to enable citizen participation in the whole exercise given that the budgets of the Partner States are positioned within the National Development Plans without a unified national development plan for the region. The response indicated that this was possible because the dates of reading of the budgets had been harmonized but more importantly, the

members had a role to play in the pre budget conference where priorities are set with all stakeholders. During the budget session, the Assembly could ensure that the same priorities are featured in the budget proposals for the financial year.

On a question whether it was possible for the Assembly to engage with the Council of Ministers outside Committee interactions for proper functioning of the system and encourage information sharing; the facilitators said that interaction with the Council of Ministers was possible during all sessions in Committees but depends on availability of resources to facilitate it particularly outside plenary sessions since the Council was an entity and not a particular Minister for EAC. On this note, the presenters also encouraged the Members to interact more via the social networks such as Facebook and Twitter for the East Africans to appreciate and get involved in Community issues online.

On a question on the process involved in establishing a Committee on East African Community Affairs in Member States, the facilitators informed the Committee that such initiatives come from the Assembly Membership and National Parliaments, noting that Uganda amended its Rules of Procedure to establish such a committee. The facilitator further emphasised that a good working relationship between the two Legislatures and legislators is very important for this to be realised.

10. CONCLUSION OF THE WORKSHOP

The Committee expressed appreciation for the enriching workshop and in particular thanked the facilitators for generously sharing their experiences with the Committee. The workshop concluded with a press conference explaining to the media the Committees mandate followed by questions which featured among others, recent bills enacted by the Assembly and cooperation between the Partner States in specific areas such as HIV and AIDS, Education, Research and the role of the media in the integration process. The Committee urged the media to support the EAC and report extensively on the Community to enhance visibility and understanding of the process by all the peoples of the region and undertook to enhance collaboration with the media to this end.

11. RECOMMENDATIONS

- (i) The Committee recommends that the Rules of Procedure of the East African Community be amended to the current circumstances and pace of the integration process;
- (ii) The Committee recommends that in each National Parliament there be established a Committee for East African Community Affairs as has been established in the Parliament of Uganda to give due focus to the matters of the Community;
- (iii) The Committee recommends that in view of the wide scope of the Committee, increased funding be availed to give particular consideration to vulnerable groups, women, People living with disabilities, the youth and culture which up to now have not received adequate attention;
- (iv) The Committee recommended that the Secretariat needs to fully brief the Committee on negotiations and funding for projects and programmes as and when they commence, progress and are concluded.

12. ACKNOWLEDGEMENT

The Committee on General Purpose of the East African Legislative Assembly would like to acknowledge and express its appreciation to the office of the Rt. Hon. Speaker of the East African Legislative Assembly and office of the Clerk for facilitating the workshop. Secondly, to Hon. Lydia Wanyoto- Mutende and Hon. Safina K. Tsungu for ably facilitating the workshop; the EALA Uganda Chapter for the special arrangements and warm hospitality. AWEPA for the financial support, the Parliament of Uganda for availing facilities for interaction with the press and finally to the Committee staff, Ms. Elizabeth Barinda and Ms. Elizabeth Gitonga.

Hon. Speaker, I beg to move.

**REPORT THE CAPACITY BUILDING WORKSHOP FOR MEMBERS OF THE
COMMITTEE ON GENERAL PURPOSE OF THE EAST AFRICAN LEGISLATIVE
ASSEMBLY**

26TH – 27TH JULY 2012, KAMPALA, UGANDA

1. Hon. Dr. Martin Nduwimana
2. Hon. Dr. James Ndahiro
3. Hon. Dr. Odette Nyiramilimo
4. Hon. Valerie Nyirahabineza
5. Hon. Hafsa Mossi
6. Hon. Emerence Bucumi
7. Hon. Susan Nakawuki
8. Hon. Nusura O. Tiperu
9. Hon. Bernard Mulengani
10. Hon. Dr. Nderakindo P. Kessy
11. Hon. Maryam Ussi Yahya
12. Hon. Shy Rose S. Bhanji
13. Hon. Nancy Abisai
14. Hon. Abubakar Zein Abubakar
15. Hon. Sara T. Bonaya
16. Hon. Abubakar Ogle Abdi



