



EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

Official Report of the Proceedings of the East African Legislative Assembly 19TH SITTING – THIRDED ASSEMBLY: FIFTH MEETING – FIRST SESSION

Wednesday, 17 April 2013

*The East African Legislative Assembly met at 2.30p.m. in the Rwanda Chamber of Deputies,
Kigali, Rwanda.*

PRAYER

(The Speaker, Rt. Hon. Margaret Nantongo Zziwa in the Chair)

The Assembly was called to order.

COMMUNICATION FROM THE CHAIR

The Speaker: Hon. Members, I welcome you to the sitting today. I want to thank you for participating in the events that preceded the Assembly here in Kigali namely the commemoration events and the visits to the specific industrial sectors in Rwanda and for a successful plenary session of the official opening of the EALA session by His Excellency Paul Kagame.

Hon. Members, with deep sorrow I announce the demise of Rt. hon. Eriya Kategaya in this House, the first Deputy Prime Minister and Chair of Council of EAL Ministers and Minister of EAC Uganda Affairs which occurred on 2nd March 2013 and burial took place on 7th March 2013 in Itojo, in Ntungamo district.

We thank all of you Members who joined the Government of Uganda and the family of late hon. Eriya Kategaya to give him a befitting send off as a member of the EAC family.

We congratulate the people of Kenya for their triumph through the March 2013 presidential, parliamentary, and county elections. They exhibited democratic maturity when they exercised the free, fair and peaceful elections. We laud the institutions like the IEBC for the job well done. In the same breath, we congratulate the President of the Republic of Kenya, His Excellency Uhuru Kenyatta and the Vice President, His Excellency William Ruto upon their deserving election. *(Applause)*

We welcome President Uhuru Kenyatta to the EAC family as a member of the EAC Summit of Heads of State, we look forward to his guidance, and stewardship on the EAC matters during his tenure.

Our heartfelt congratulations also go to the Rt. hon. Speaker Justin Muturi for his election to this important office of the Speaker of Kenya National Assembly in the dispensation of democracy and we look forward to working together both in the pursuance of Article 48(2) and Article 65 of the Treaty. I also take this opportunity to welcome him to the Bureau of Speakers of EAC.

We also extend our congratulations to Rt. hon. Ekwe Ethuro, the Speaker of the Senate for his election to that important office, making him the first Speaker of the First Senate of the Republic of Kenya. (*Applause*)

We also congratulate the leaders who were part of the EAC family and who have now been elected to various offices namely, we congratulate hon. Christopher Nakuleu. He was a former member of EALA and now was elected as the MP for Turkana. We also congratulate hon. Peter Munya, assistant Minister of EAC Affairs of Kenya who was elected the Governor of Meru County, Eastern Kenya. We also congratulate Mr William Kamket, a former staff of EALA working with the *Hansard* department. He is now the Speaker of Baringo County. We salute all these members and we are certain that amongst them we have ambassadors for the EAC integration.

Hon. Members, I wish to inform you that hon. Nusura Tiperu is sick in hospital in China where she underwent an operation on one of her legs. We pray that God grants her a quick recovery.

Also on condolences, hon. Peter Muthuki has lost his mother in law, the late Veronica Kirunja. We extend our condolences to him and his family and pray to the Almighty to grant the family comfort and peace that surpasses understanding at this time of grief. Thank you very much, hon. Members.

BILLS'

FIRST READING

The East African Community Disaster Risk Reduction and Management Bill, 2013

Ms Patricia Hajabakiga (Rwanda): Thank you, Rt. hon. Speaker for giving me this opportunity and I beg to move that the East African Community Disaster Risk Reduction and Management Bill, 2013 be read for the First Time. I beg to move.

The Speaker: The Bill is referred to the Committee on Agriculture, Tourism, and Natural Resources. Thank you.

BILLS'**FIRST READING****The East African Community Holidays Bill, 2013**

Mr. Zein Abubakar (Kenya): Thank you Rt hon. Speaker. I would like to move the motion that the East African Community Holidays Bill, 2013 be read for the First Time.

The Speaker: The Bill is referred to the relevant committee.

QUESTIONS FOR ORAL ANSWERS**QUESTION: EALA/PQ/OA/3/O1/2013**

Mr. Zein Abubakar (Kenya): Thank you, Madam Speaker. I beg to ask the question on the Order Paper (i) to the Chairperson, Council of Ministers: *Based on the challenges of coordinating the construction of the Arusha – Namanga – Athi River Road, including delays and the lack of maintaining same standards of road constructions:*

Could the Chairperson of the Council inform this August House:

- (a) What measures have been put in place to ensure that the Arusha – Holili/Taveta Voi project does not suffer the same challenges and consequent delays?*
- (b) When will the planned construction of the Arusha – Holili/Taveta Voi project begin?*
- (c) What measures have been put in place to ensure the local communities benefit directly during the construction of the project?*
- (d) Whether the request made by the Lumo Community Wildlife Sanctuary to the East African Community concerning the implementation of this project has been considered?*
- (e) Is there any funding gap for this project?*

The Minister of State for EAC Affairs, Uganda, and Chairperson EAC Council of Ministers (Mr. Shem Bageine)(Ex-Officio): Madam Speaker, the Council of Ministers agrees that the implementation of the Arusha – Namanga – Athi River Road Project faced a number of challenges and delays during its implementation phase. Some of these delays related to design revisions, procurement issues, delayed replacement of contractor staff who resigned during construction (due to work permit issues) and delayed approvals for change of construction methodologies where required, resettlements among others. These challenges were pronounced at the commencement of the Project because this was the first infrastructure project of a multinational nature for the Community. As the implementation progressed and the regional capacities were enhanced, the challenges became minimal.

Fortunately, all the issues relating to the Arusha – Namanga – Athi River Road project implementation were not only captured in the reports of the project's Supervision and Resident

Engineers but were also considered by the Project's Steering Committee (chaired by the Secretary General and comprising the Permanent Secretaries of Roads/Works, Finance and the EAC Affairs of the two Partner States and the Chief Executive Officers of the Tanzania National Roads Agency and the Kenya National Highways Authorities) and all the steps and measures taken to address them are documented. The Secretariat has the custody of these documents, which will be used as reference points during the implementation of the Arusha – Holili/Taveta - Voi road project to quickly resolve similar challenges if they occur.

Madam Speaker, the Steering Committee of the Arusha – Holili / Taveta – Voi Road Project has ensured that the design consultants for the road project have addressed all the design issues to minimize the need for design reviews during the construction phase. On the issues of resettlements, a Resettlement Action Plan of the project has already been prepared and agreed upon by the Governments of Kenya and Tanzania and the project affected persons and households. It is, therefore, not envisaged that resettlement will be an issue at project commencement stage.

Madam Speaker, the Community is at an advanced stage of harmonizing various standards in roads development. As you are aware, an EAC Vehicle Load Control Bill, 2012 is already in the House. Once enacted, the harmonized axle loading will become a common basis for EAC roads pavement design. Further, the Community is considering the final report on the EAC Transport Facilitation, which among others contains recommendations on harmonization of road and bridge designs and construction and roads maintenance standards; and the optimal locations for weighbridges in the EAC road corridors. All these developments will lead to the harmonization of roads design, construction and development standards.

The involvement of the Ministries Coordinating EAC Affairs in regional project implementation has added a very important capacity in resolving many of the challenges that otherwise these projects would face. The new multinational road projects will benefit from this capacity.

Madam Speaker, regarding the second part of the Question, I wish to inform this august House that works for some of the components of this road project have already commenced. The reconstruction of Voi – Mwatate road section, 24.7 km commenced on 12th April 2011 under Government of Kenya financing and 10.8 km of the reconstructed road is complete and opened to traffic. The One - Stop – Border – Post at Holili/Taveta is under construction with grant funding from World Bank/Trade Mark East Africa (TMEA).

The design works for the major component of the road project comprising the Arusha City Bypass, the dualing of the Sakina – Tengeru section (18km) of the road from Arusha – Kilimanjaro Airport junction, the reconstruction of the road section from Tengeru to Holili and upgrading of Taveta – Mwatate road section have been completed and the negotiations for works financing are ongoing between the two Partner States and the African Development Bank. The two Partner States have requested for advance contracting of works and services ahead of other processes. The negotiations with African Development Bank were successfully completed in March 2013. The ADB Board of Directors is expected to consider the funding of the project during April 2013. It is expected that construction will commence by end of July 2013

Madam Speaker, on measures put in place to ensure the local communities benefit directly during the construction of the project, I wish to inform this august House that the development of this road project has been inclusive through extensive stakeholder consultations. Out of these consultations, the Resettlement Action Plan (RAP), the Environmental and Social Impact Analysis, the Economic Feasibility Study Reports have been prepared. The foregoing reports have detailed, among others, benefits enhancement measures to be implemented during the construction phase of the project. These measures take into account youth employment (targeting also gender issues), rehabilitation of construction materials, borrow pits to be used as water collection pans during the rainy seasons, sensitization and outreach on HIV/Aids and other project related health issues, reconstruction of churches and Mosques affected by the constructions and access to boreholes that will be left after the construction among others. The implementation of these benefit enhancement measures will be one of the key responsibilities of the Supervision Engineers.

Madam Speaker, regarding the request made by the Lumo Community Wildlife Sanctuary to the East African Community concerning the implementation of the project, I wish to inform this august House that groups of stakeholders that have been extensively consulted during the development of this project and in particular in coming up with environmental impacts mitigation measures and animal rights protection measures were the sanctuaries, wildlife services, environmental conservation agencies, and animal rights protection groups. All these bodies and agencies agreed on measures they would like to see taken on board during the implementation phase of the project. The measures contained in the project's Environmental and Social Impact Assessment Reports are subject to approval by the National bodies responsible for environmental management and conservation. These measures are further subject to public scrutiny upon official publication (usually running for 90 days) by the African Development Bank.

The benchmarks for the mitigation measures that the consultants and stakeholders agreed upon in terms of animal and vehicular conflicts are those obtaining for the Mikumi National Park in Tanzania, which is traversed by a major highway. The parties have substantively agreed to the measures proposed for the Arusha – Voi road.

Within the measures agreed by the respective wildlife and environmental stakeholders consulted, the issues raised by the Lumo Community Wildlife Sanctuary are fully addressed.

Madam Speaker, on the last part of this question allow me to inform this august House that there is a funding gap on the Tanzanian side of the project of approximately US\$ 100 Million dollars for which the Government and the Community are trying to plug. In the meantime, in order not to delay the commencement of the project because of this financing shortfall, the project in Tanzania will be apportioned into Lot I to commence first and Lot II to commence upon confirmation of the additional resources.

Lot I will cover the Arusha bypass and the dualing of the Sakina – Tengeru road section while Lot II will cover the reconstruction of the road section between Tengeru and Holili at the border with Kenya. I thank you Madam Speaker.

The Speaker: Thank you very much, Chairperson of the Council of Ministers. I wish to invite hon. Zein for a supplementary question.

Mr. Zein: Thank you very much, Madam Speaker. I would like first of all to thank very much the Chairperson of Council of Ministers for his detailed answers but only share the following concerns that I have on two aspects. One, on the petition that was submitted to the Community by the LUMO Community, I take his word that it will be addressed within the framework of the agreed upon mechanism. However, I also would like to request that just leaving this matter to the environmental agencies of Partner States might not be enough so I request that the East African Community is able to follow up and find out what the individual Partner State agencies position is.

Secondly, I also appreciate the efforts you are making to plug the US 100 million difference on the part of funding the side of Tanzania but I would like to say that these efforts need to be sustained because it is good efforts not to interfere and delay the project but what concrete actions have they taken to plug this US 100 million? What are the concrete actions that have been taken? I thank you, Madam and I thank the Chairperson, Council of Ministers.

Mr. Bageine: Thank you very much, hon. Speaker. I appreciate the hon. Member's concurrence with the undertaking of ensuring that the petition sent by the Lumo Community is going to be addressed and I want to assure the Member that the Community, through the Secretariat will ensure that if need be, pressure is brought on the Partner States to ensure that these rights are protected.

On the issue of the US 100 million financing gap, the Secretariat together with the government of the Republic of Tanzania have been negotiating with financiers. They are not yet through but negotiations are underway and I am confident that soon this funding gap will be plugged so that the construction continues. I thank you.

The Speaker: Any supplementary question? Thank you very much, I can see none. We can proceed.

QUESTION: EALA/PQ/OA/3/03/2013

Mr. Abdul Karim Harelimana (Rwanda): Thank you, Rt. hon. Speaker. I would like to ask the honourable Minister Question reference EALA/PQ/OA/3/03/2013: *You are well aware that in the past three years, the negotiations on the conclusion of the EAC Protocol on Good Governance were on an advanced stage. You may recall that during the 17th Meeting of the Sectoral Council of Ministers responsible for East African Community (EAC) Affairs and Planning among others: "(m) agreed that the Republics of Burundi, Kenya, Uganda and Rwanda should proceed with the conclusion of the Protocol on Good Governance and referred the matter to the 26th Meeting of the Council (in Nairobi, Kenya - Nov. 2012) to allow the four Partner States to proceed";*

Can the Council of Ministers update this august House:

- (a) *On the current status of the negotiations prior to the conclusion of the EAC Protocol on Good Governance?*
- (b) *On the existing challenges working against the Community to have the Protocol on Good Governance in place?*

Madam Speaker, I beg to move.

The Minister of State for EAC Affairs, Uganda, and Chairperson EAC Council of Ministers (Mr. Shem Bageine)(Ex-Officio): Thank you very much, Rt. hon. Speaker. The negotiation of the Protocol on good governance dates back to 2006. Its development was based on various decisions of the Council, anchored on Articles 6, 7, 123 and 151(1) of the Treaty. The negotiation of the protocol was unanimous by all Partner States. In November 2012, a team of experts was convened to address issues of Corporate and Economic governance that had initially been left out of the Protocol. The Team came up with some divergences and reservations that were considered by the 17th Meeting of the Sectoral Council for Ministers responsible for EAC Affairs and Planning. It is at this meeting that the Sectoral Council of Ministers Responsible for EAC and Planning decided on the issue of the 4 Partner States (Burundi, Kenya, Rwanda and Uganda) proceeding to conclude the Protocol if The United Republic of Tanzania was non-committal.

Madam Speaker, the United Republic of Tanzania maintained that the protocol does not meet the requirements of the Treaty stating that the articles of the Treaty quoted in support, do not warrant conclusion of a protocol. Moreover, that Tanzania was in the process of constitutional reform and the protocol on good governance would only be viable if the national constitutions are harmonized. The Republics of Burundi, Kenya, Rwanda and Uganda, committed to the conclusion of the Protocol argued that all Partner States had negotiated the protocol to its present form. They added that the protocol is paramount to consolidating the other strategies of integration and reiterated that the articles of the Treaty highlighted above are enabling enough for its conclusion.

Madam Speaker, at its 26th Meeting, the Council considered the divergent positions and had the options. Either to seek for an advisory opinion from the East African Court of Justice on the legality of concluding protocols on matters other than those spelt out as areas of cooperation; or refer the matter to the sectoral Council on Legal and Judicial Affairs for advice. The second option was taken. It was decided that the matter be referred to the Sectoral Council on Legal and Judicial Affairs to advise on the legality of concluding the protocol on good governance. The issue is reserved on the agenda of the next Meeting of the Sectoral Council on Legal and Judicial Affairs which is scheduled for July 2013.

Madam Speaker, the third option was based on principle of variable geometry proposing that the 4 willing Partner States could conclude the Protocol. The Counsel to the East African Community, citing an Advisory Opinion made by the East African Court of Justice in 2010, advised that the principle could only be applied in the implementation and not negotiation of the Protocol. Thus, the fact that the protocol has not yet been concluded renders the option invalid

unless the United Republic of Tanzania agreed to conclude the protocol but register a reservation on its implementation until such a time that they were ready to implement.

Madam Speaker, a number of challenges present themselves in working against the conclusion of the protocol. First, the main objective of the Protocol is to establish regional standards and benchmarks on sensitive political governance issues such as promotion of democracy, anti-corruption, human rights, rule of law, constitutionalism, conflict management etc.

With the EAC vision of attaining a political federation as the ultimate goal of its integration agenda, the protocol on good governance is paramount in laying a firm foundation. This calls for deliberate resolve and concerted efforts by the Partner States' political leaders and technocrats to advocate and engage, purposively. There is no doubt that good governance is a crosscutting issue that will promote a peaceful and stable region, which would consequently complement successful economic integration. Madam Speaker, I thank you.

The Speaker: Thank you very much, Chairperson of the Council. Hon. Abdul Karim, a supplementary question?

Mr. Harelimana: Madam Speaker, thank you. Unless my colleagues have supplementary questions, for me I am satisfied. Thank you, Madam Speaker.

Mr. Zein: Thank you, Madam Speaker, and I thank you, Chairperson, Council of Ministers. Given the fact that all Partner States have painstakingly participated in developing this Protocol, could the Council of Ministers consider expanding the scope and meaning of the Principal of Variable Geometry through an amendment of the Treaty?

Mr. Bageine: Thank you, Madam Speaker. The Principle of Variable Geometry is already a principle enshrined in the Treaty. The authors of the Treaty took pains to look at every aspect of how we would manage the affairs of the Community including agreements and negotiations on various protocols. I do not think that it will be necessary to amend the Treaty in order to advance on this protocol. Rather, what I think is necessary and this would be the best course of action is continue with dialogue with the United Republic of Tanzania so that we can come to an understanding and agreement and finally have the protocol signed. I thank you.

The Speaker: Thank you very much, Chairperson of the Council. Any other supplementary questions? We can proceed.

QUESTION: EALA/PQ/OA/3/04/2013

Mr. Abdul Karim Harelimana (Rwanda): Thank you, Rt. hon. Speaker. I would like to ask the hon. minister question reference EALA/PQ/OA/3/04/2013: *The EAC Protocol on Peace and Security is crucial for our integration process as well as the peace and security architecture of our region. Aware that the EAC Heads of State have already pronounced themselves on this very important protocol which, has also been signed by the EAC Partner States;*

Could the Chairperson of the Council Ministers inform this August House the status of ratifications and how the Council intends to operationalise it.

Madam Speaker, I beg to move.

The Minister of State for EAC Affairs, Uganda, and Chairperson EAC Council of Ministers (Mr. Shem Bageine)(Ex-Officio): Madam Speaker, the Fifth Joint Meeting of Sectoral Council on cooperation in defence, interstate security, and foreign policy coordination directed the Partner States to ratify the East African Community Protocol on Peace and Security by 28th February 2014. Council intervention will therefore only be necessary in the event that the deadline given is not met. So far, no Partner State has concluded the ratification process of the protocol. Let me add however, those elements of the protocol are already under implementation through direct mandate provided under Article 124 of the Treaty and the regional strategy for peace and security as adopted by the 13th Meeting of the Council of Ministers in order to facilitate full operationalization of this provision.

The strategy of regional peace and security and its implementation plan was reviewed at an expert's meeting held on 12-15 March 2013 to ensure consistency with the Protocol and upon adoption by the 26th Meeting of the Council of Ministers will form the operational basis for the protocol.

Two, subject to the conclusion of the on-going institutional review, a directorate responsible for peace and security may be established to undertake overall sectoral coordination and implementation of the Protocol on Peace and Security. I thank you, Madam Speaker.

The Speaker: Thank you, Chairperson of the Council. Hon. Harelimana, any supplementary questions?

Mr. Harelimana: Thank you, Madam Speaker for giving me this opportunity and I thank the hon. minister for the good answer he has given me. I think my colleagues also are satisfied but there is only one small question. You are talking about peace and security, which is the backbone of development and progress in our countries. This document has, as the minister has mentioned, taken long, even the Heads of State themselves talked about it, they are supporting it, and today I think it is in their hands. What does the Council of Ministers think for it to be brought back as a document, which we can work on, and use instead of using those small things, which are being used by different departments? We want to see it full and able to be used. I thank you, Madam Speaker.

Mr. Bageine: Thank you very much, Madam Speaker. As I stated in the answer, the deadline for ratification has been given. However, this does not mean that we will sit back and wait for the time to expire before we act. Therefore, the Council of Ministers, together with the Secretariat will follow up the issue of ratification of this very important protocol so that it is done early and as the hon. Member pointed out, we stop using little provisions- what we call little elements- and we use the protocol itself when it comes into force. Therefore, we shall follow up the ratification process. I thank you.

The Speaker: Thank you very much, Chairperson of the Council. Any other supplementary question? Okay, none. Let us proceed. You can first move the motion meanwhile the CTC can

help you with your papers. I can appreciate that you have been having a lot of them before you. Just move it as it is on the Order Paper.

MOTION

FOR A RESOLUTION OF THE ASSEMBLY TO PAY TRIBUTE TO THE LATE RT. HON. ERIYA KATEGAYA, FIRST DEPUTY PRIME MINISTER AND MINISTER FOR EAC AFFAIRS OF THE REPUBLIC OF UGANDA AND CHAIRPERSON OF THE EAC COUNCIL OF MINISTERS

The Chairperson, Council of Ministers (Mr. Shem Bageine): My apologies, Madam Speaker. I wish to move that this Assembly, having received with shock the news-

The Speaker: Hon. Chairperson of the Council, move the motion as it is on the Order Paper.

Mr. Bageine: Madam Speaker, I move that the Assembly do resolve to pay tribute to the late Rt hon. Eriya Kategaya, First Deputy Prime Minister and Minister for East African Affairs of the Republic of Uganda and Chairperson of the East African Community Council of Ministers. Madam Speaker, I beg to move.

The Speaker: Secunder? Hon. Saadalla, hon. Sebalu, hon. Nakawuki. Proceed, hon. Chairperson of the Council of ministers.

Mr. Bageine: Madam Speaker, I move that this Assembly,

“HAVING RECEIVED WITH SHOCK the news of the passing away of Rt hon. Eriya Kategaya, First Deputy Prime Minister and Minister of East African Community Affairs of the Republic of Uganda and the Chairperson of the East African Community Council of Ministers,

NOTING that hon. Eriya Kategaya was at the realm and a key actor in the reestablishment of the East African Community and exhibited strong commitment and faith in East African,

RECOGNISING his amiable and very strong character and style of leadership as First deputy Prime Minister of the Republic of Uganda and Chairperson of the Council of Ministers

RECALLING the active role he played in the political struggles to liberate the people of Uganda from the shackles of dictatorship

NOW THEREFORE this House do hereby:

- 1. Express its heartfelt condolences to the family, government, the people of Uganda and the entire East African fraternity on the loss of the gallant son of East Africa.*
- 2. Pay tribute to the late Rt. hon. Eriya Tukahirwa Kategaya for the outstanding selfless service to the people of Uganda and the East African Community.”*

The Speaker: Hon. Members, the motion on the floor is that this Assembly do resolve to pay tribute to the late Rt. hon. Eriya Kategaya, First Deputy Prime Minister and Minister of EAC

Affairs of the republic of Uganda and Chairperson of the East African Community Council of Ministers. Debate is open.

Mr. Mike Sebalu (Uganda): Thank you very much, Madam Speaker. I rise to second and support the motion as ably moved by the hon. minister Shem Bageine.

Madam Speaker, I want to first of all state that I was unfortunate not to attend the burial of the Rt. hon. Eriya Kategaya because I was on duty in Isiolo, Kenya undertaking the election observation. That is the time that the Rt. hon. Eriya Kategaya passed on and we received this news with a lot of shock and sorrow.

In that respect, I wish to take this opportunity to express my heartfelt condolences to the family, the government and the people of Uganda as well as the entire East African fraternity on the loss of the gallant son of East Africa. I particularly want to express this to the Head of State of the republic of Uganda who was a childhood friend with the late, having gone through the same schools right from primary, secondary and to the university and served Uganda and the region in various capacities together.

I would also like to pay tribute to the late hon. Eriya Kategaya for his outstanding selfless service to the people of Uganda and the East African Community in general as well as the African continent as the world at large, having served in various capacities that made him available to serve in these respective phases. He was a Minister of Foreign Affairs and that made him available to serve the continent, the region and the world at large. He was also a National Political Commissar where he did a lot in developing and sharpening the ideological orientation of the country where pan Africanism and integration were at the centre stage.

I just want to say that the late Rt. hon. Eriya Kategaya was a revolutionary leader and in this respect, he made a significant contribution in the liberation activities that were undertaken within the region. He was someone who was convinced that all Africans must be liberated, all East Africans must be liberated and he was always available to play his part in that respect.

He was an accomplished diplomat and while serving as a Minister for Foreign Affairs in Uganda, he oversaw the processes that led to the re-ignition of the East African Community and besides, he played his role with diligence.

Apart from being a Minister for Foreign Affairs, he was a natural diplomat in the way he carried himself and the way he managed himself. The Rt. hon. Eriya Kategaya was by no means a very experienced leader who was very useful to the Community given his vast experience in matters of leadership at the top level. He was a leader with a knowledge base on the region, having been a practitioner and believer of the integration process.

Rt. hon. Kategaya served Uganda and the region with dedication, diligence, dignity and decorum and his contribution will always be remembered in that respect. Although he was a high achiever, he remained humble, polite and unassuming. It will be appreciated that he was the most senior amongst the members of the Council both in terms of rank and duration of service, having been the Minister of EAC since the ministry was created yet he followed the EAC protocol to the

latter. He would always subordinate himself to those that had the responsibility of chairing Council without imposing his will or influence.

His lifetime was a reflection of a conviction and a belief in an integrated East Africa. It will be appreciated that after his high school, he made a deliberate choice to go to Dar es Salaam University due to the admiration of the ideological orientation of the late Julius Mwalimu Nyerere on matters of pan Africanism and integration.

A story is told of how the late Eriya Kategaya and the current President of Uganda, Y.K. Museveni made their deliberate choices. You were supposed to have three choices amongst the universities that were in the region then. You had Makerere, Dar-es-Salaam and the University of Nairobi and it was expected that you could choose the three alternately in order to have a chance of attending any one of the three but these two young revolutionary people made a first choice; University of Dar-es-Salaam, second choice University of Dar-es-Salaam and third choice, University of Dar-es-Salaam. That was a deliberate move on their part to attain a university where revolutionary work was being undertaken and many of the people who have gone through this institution have gone on to make a distinguished service to the region.

He was one of the many young East African cadres who internalised, promoted and championed the spirit of pan Africanism and East African integration and he did espouse that up to the point of his death.

Madam Speaker, we mourn an East African who has made his contribution. It is indeed very unfortunate that the Third Assembly has not benefitted from his wise counsel, his experience given that he went ill and has not been able to interact with many members of this Assembly. Nonetheless, his character and service remains behind to inspire many of us as we undertake the responsibility of serving the region.

At a personal level, I want to state that I am a beneficiary of his inspiration. After high school, I went and worked in the South Western part of Uganda and when elections for the Constituent Assembly were declared, I was one of the people who went to his constituency to campaign for him. Thereafter he inspired me and indicated that the Assembly will have youth representatives so he encouraged me to go back to my region; Central region to stand and be able to play my part in the Constituent Assembly.

I heeded that advice, went to the Central region, competed among many youth and I came out victorious and I joined the Constituent Assembly that enacted and promulgated the Ugandan Constitution in 1994. That was the entry point into what has ended up as a career in politics. I therefore pay tribute to him for having spotted me, encouraged me and given me the support to usher myself into the political arena of Uganda.

Madam Speaker, I beg to support this motion and may the good Lord rest his soul in eternal peace. Thank you.

The Speaker: Thank you very much, hon. Sebalu. I happened to omit inviting the Chairperson of the Council to justify the motion. I think I can correct that by inviting him to justify the motion and then we can proceed. Hon. Shem Bageine -

Mr. Bageine: Thank you very much, Madam Speaker for giving me this opportunity to justify the motion to pay tribute to the late Eriya Kategaya.

Madam Speaker, on 2nd March 2013, Rt. hon. Eriya Tukahirwa Kategaya, who was my senior colleague, long term personal and family friend, passed on at Nairobi hospital where he had been hospitalised for two weeks. Rt. hon. Eriya Tukahirwa Kategaya was born on 4th July 1945 in Rwampara County, then Ankole district. He went to Ntare School for his secondary education and later to the University of East Africa Dar-es-Salaam campus where he graduated with a Bachelor of Laws degree. The late Eriya Tukahirwa Kategaya was one of the great pillars of Uganda and East Africa and left behind a heroic track record of service to Uganda and the East African region spanning over 40 years which was characterised by solid achievements both at the national and international levels.

In 1970, he began his career as assistant lecturer in law at the Institute of Public Administration in Kampala. In 1971, he became a state attorney in the Attorney General's Chambers in Kampala. In 1972 he was briefly an advocate with Ms Ibingira and Mulenga Advocates. In 1973-1978 while in exile in Zambia, he worked as state attorney and lawyer with legal aid department respectively. In 1979, on his return to Uganda, he became member of the then National Consultative Council and in May 1979, he became Minister of Commerce.

The late Eriya Tukahirwa Kategaya was a historical member of the National Resistance Council which was the national Parliament of Uganda from 1986 to 1996 and was a member of the Constituent Assembly which wrote Uganda's Constitution from 1994-1995. He was also Member of Parliament for Rwampara County from 1996-2001. During the period 1986-1989, he was the Minister of State, Office of the Prime Minister. In 1990, he was appointed First Deputy Prime Minister and National Political Commissar until 1996. From 1996 to 2001, he was the First Deputy Prime Minister and Minister of Foreign Affairs. From 2001 to 2004, he was the First deputy Prime Minister and Minister of Internal Affairs.

Between 2005 and 2006, he was in private practice as an advocate with Byamugisha Advocates. Since June 2006 when he bounced back in political leadership to March 2013, he was the First Deputy Prime Minister and Minister for East African Community Affairs and Member of the East African Legislative Assembly and indeed the Chairman of the Council of Ministers of East African Community.

His achievements as Minister of East African Community Affairs include but are not limited to the following: Active participation in the revival of the East African community and the signing of the Treaty for the Establishment of the East African Community in 1999. He was also instrumental in the negotiations of the Protocols on the establishment of a Customs Union and the Common Market. During his tenure as the Chairman of the East African Community Council of Ministers, he demonstrated clear leadership with distinction. He is fondly remembered for his articulation of issues, soberness and the passionate manner in which he handled issues of integration.

Because of his involvement in the East African Community integration, he was being consulted by all other Council members to tap into his constitutional memory and was always available to

provide the requisite advice. He was the Chair of the East African Community Council of Ministers and it was unfortunate that he passed on when his leadership was critically still needed.

Madam Speaker, when I was appointed Minister of State in the Ministry of East African Community Affairs, the Rt. hon. Eriya Kategaya and I had worked out a *modus operandi* of how we would share responsibilities in the ministry to strengthen the integration of East Africans with a view to finally achieving Political Federation. Unfortunately, he passed on before its realisation. All these are candid examples of a person who was committed to the cause of regional integration and therefore whose leadership will live on to guide us long after his departure.

The late Rt. hon. Eriya Kategaya was a committed pan Africanist and patriot and he believed in and supported democracy, good governance, rule of law and justice for all. He was a straight forward politician who exhibited mature and honest politics and integrity, tenets and traits that are very rare to find among many of our politicians.

Madam Speaker, for those of us still living, I can do no better than quoting verbatim words of the American writer, the late Mark Twain who said, "Let us endeavour so to live that when we come to die, even the undertaker will be sorry." May his soul rest in eternal peace!

The Speaker: Thank you very much, honourable Chairperson of the Council. Debate continues.

Ms Susan Nakawuki (Uganda): Thank you very much, Madam Speaker. I want to thank you for giving me this important opportunity to contribute towards this motion. I would also like to thank you that you saw it important to include this on the Order Paper for today.

Madam Speaker, it is an emotional moment for all of us who have worked closely with the late hon. Eriya Kategaya. His passing reminds me of a biblical story of Moses who was tasked to lead the Israelites to the Promised Land and so was hon. Eriya Kategaya. We expected that he would take us through until we finalise all the stages of the integration. Moses saw the Promised Land but he never managed to get there. This is the same thing that has happened to the late Eriya Kategaya. He saw the Promised Land but he was unable to get there.

Madam Speaker, there is no doubt that hon. Kategaya loved his country Uganda and he loved the East African Community even more. He worked so hard to ensure that the objectives of the integration enshrined in Article 5 of the Treaty are achievable or they get accomplished. He was a key actor in fast tracking the integration process and in fact in Uganda; he worked so hard to ensure that East African Community Affairs which was just a mere department under the Office of the Prime Minister becomes a fully-fledged ministry. We will always remember him for that.

Madam Speaker, I last interacted with the late Rt. hon. Eriya Kategaya in early June of 2012 when we were still hustling on who should be Speaker of the East African Legislative Assembly. It took us a lot of time, day and night trying to resolve that one simple issue and it seemed almost impossible. I remember him telling me one thing, you young people always talk about democracy but at the same time you fear that democracy so much. I sat down and tried to analyse his words and with his wise counsel and guidance, we managed to get a solution.

When we were in Arusha, one of the members of EALA told me that actually she had questions for oral answer but she was reserving them until hon. Eriya Kategaya returns. I told her, I have my questions ready, I will roast him. Little did we know that he will never be able to make it back! All we can afford to is just to appreciate and celebrate his life.

Madam Speaker, allow me to quote a renowned scholar, Prince Klemens Von Metternich. He is quoted to have said, "I was either born too early or too late. Earlier I would have enjoyed the age and later I would have helped in the reconstruction of the world but I am propping up in the wandering edifice." Sometimes I wish I had been born earlier because that way I would have enjoyed more time with the Rt. hon. Eriya Kategaya. At least I would have become of age to be in politics to rub shoulders with him and share the immense knowledge that he possessed especially about the East African Community but no sooner had I started interacting with him that God decided that it was time for him to go and share that knowledge with him. We shall miss him because he was an encyclopaedia of knowledge regarding matters of the East African Community. No wonder they say that the richest place on earth is the graveyard. He has gone with all that knowledge.

Madam Speaker, when a child is born, it cries and when that baby cries, the whole world rejoices. But how about when we die? I know it would have been prudent that when we die, it is now the turn of the world to cry and we rejoice and I am sure that where hon. Kategaya is, he is rejoicing because the world cried for him. At least those who went for his burial in Itojo, they witnessed that. As my minister says, even the undertaker felt sorry that he had to put him down there.

One ancient Greek Scholar Pericles once said, "What you leave behind is not what is engraved in stone monuments but what is woven in the lives of the people you leave behind." I would love for us to note the fact that before hon. Eriya died, he was a brigadier. Not many people knew this. Hon. Eriya Kategaya was number two in the military because his number was RO/002, next to the President's number which is RO/001. Hon. Kategaya was the first Deputy Prime Minister of Uganda, he was a lawyer or if I could phrase it the other way round, a learned friend, he was the Chairperson of the Council of Ministers but with all that, he was a very humble person.

One time when I was still in the Parliament of Uganda, I was in the Opposition as a member of FDC and I was very excited when hon. Eriya Kategaya briefly quit the NRM and joined us in FDC. It was short lived; only three months, but in that short time I had with him, he taught me one thing that you do not go where there is a path, you go where there is no path so that you leave a trail and that is a lesson that I will carry for the rest of my life. For that matter, I pray that I may also be like him who died without a scandal during his public life.

Finally Madam Speaker, I would also like to say that hon. Eriya Kategaya has left behind a very rich legacy which will remain an inspiration to a lot of East Africans and politicians. Rest thee well, Rt. hon. Eriya Kategaya. May the soul of hon. Kategaya rest in eternal peace. I thank you, Madam Speaker.

The Speaker: Thank you very much, hon. Nakawuki.

Mr. Abubakar D. Abdi Ogle (Kenya): Thank you, Madam Speaker. Thanks Mr Mulengani, this is not a Ugandan affair, this is an-

The Speaker: Hon. Ogle, you have the floor and the Speaker has graced you with this opportunity. Proceed.

Mr. Ogle: Thank you, Madam Speaker. I wish also to join my colleagues in expressing my heartfelt condolences to the family and the people of the Republic of Uganda. Having said that, I have a slightly different experience than my Ugandan colleagues about the late Eriya Kategaya. As I often wish to do, I always want to give a parallel to my statement. When we were elected by our Parliament and we came to Arusha, we were caucusing and networking as the Kenyan chapter. I remember having picked a copy of the Treaty and looking through the next process that was waiting for the members, that was the election of the Speaker.

I looked at it very critically and found that any member elected by the respective Partner States could offer his candidature for the post of Speaker. I was tempted to run for the post of Speaker but I consulted my then Minister for East African Affairs who was also the Chair of the Council of Ministers and he told me that much as the Treaty said that there was no specific restriction on the candidates, this was an agreement on a rotational process. So Kenya has had her time and this was Uganda's time.

Incidentally there happened to have been two candidates from Uganda and I then told my minister then that we should seek an immediate appointment with the Minister for East African Affairs for Uganda who happened to have been the late First Deputy Prime Minister and Minister for East African Affairs, the late Eriya Kategaya. I remember having led my Kenyan contingent to the office of the late Eriya Kategaya and my simple question was, in view of the fact that this was a rotational agreement, why would Uganda do this injustice to us and present two candidates?

His words were very telling. He said, and I quote if I can remember it to the best of my knowledge, "These were two very gracious ladies from the republic of Uganda. We have full confidence in both their capacities and abilities but in the spirit of democracy, I thought this would be Uganda's contribution to East Africa. We are giving you two good able ladies and in the spirit of democracy, you could choose between them." And so we did. I think that was the attribute of a great democrat.

Having said that, I am also told that the late Eriya Kategaya was instrumental in the establishment of various critical protocols in the East African Community, chief among them being the Common Market Protocols but even then, much as he was a diplomat, the late Kategaya was pushy. He would be confrontational if and when the situation demanded. An instance was in the last Summit that was held in Bujumbura and the Council of Ministers were required to sign the East Africa Annual Report but their Tanzanian colleague somehow dilly dallied. He did not want to sign that report. According to him, there were certain clauses in the Defence Protocol that were offensive to his country. But hon. Kategaya was outright and told him, listen, of all the five Member States, Tanzania would be the last country to ever complain about anything to do with East Africa. You host the headquarters of East African Community

and the glittering infrastructural development happening in Dar es Salaam and Arusha are courtesy of the East African Community. So you cannot have any reason not to sign this report. To that extent he was confrontational.

When diplomats did not work, he would just say it as it was and I think we will really miss the service of such a man. That is the kind of ministers that we require in our Council in order to push the integration process forward and faster.

The late Eriya Kategaya was also a very humble individual much as he was regarded to have been technically the number two man in Uganda because of his association and relationship with President Museveni and their liberation background. He lived a very humble life and in fact I am informed that he lived in a rented flat in Kampala. He did not show off, he did not brag, he did not show he had influence; he just wanted to be a very simple man, the kind of trait we also require in political leadership to develop.

In his book, *Impassioned for Freedom*, which was also fittingly launched by our former East African Community Secretary General Amania Mushega, I remember certain passages where the Late Kategaya could possibly be the only person who could stand up to President Museveni, if and when required. In fact he disagreed with him on elements regarding the term limits and he says in this book that this is the curse of Africa, leaders who do not respect term limits. He decided to go on his way for a short while and was only able to reconcile with President Museveni after a while but here was a man who really walked the talk. May his soul rest in peace. Thank you.

The Speaker: Thank you very much, hon. Ogle. I will take hon. Kaahwa.

The Counsel to the Community (Mr. Wilbert Kaahwa)9Ex-Officio): Thank you, Madam Speaker. Much as our proceedings this afternoon have got a certain tinge, allow me to first of all thank you and the Parliament of the Republic of Rwanda for enabling this august House to have its Fifth Meeting of the First Session in Kigali. Allow me also to join you and this august House in extending condolences to the family of the late Rt hon. Brigadier Eriya Kategaya and the people of Uganda following his demise and the words of sympathy you have expressed to hon. Peter Mathuki and hon. Nusura Tipuru. We wish them quick recovery.

I also join you in congratulating hon. Peter Munya, hon. Nakuleu and Rt. hon. William Kamket upon being elected as Governor, Member of Parliament and County Speaker respectively. On that note Madam Speaker, I also request you humbly to join me in congratulating hon. Ammasson Kiingi, a former illustrious member of this august House when he was Minister of EAC upon being elected Government of Kilifi County during the elections that took place in the Republic of Kenya.

Madam Speaker, as I support this motion, I would like to draw the attention of this august House to two paragraphs which speak a lot on the contributions and character of the late Rt hon. Kategaya. The third paragraph urges this Assembly to note that hon. Kategaya was at the realm and a key actor in the re-establishment of the East African Community and exhibited string commitment and faith in the EAC integration process.

The third paragraph is to the effect that further noting hon. Kategaya's dedicated service towards the revival of cooperation and the establishment of integration among the original Member States of the East African Community and the latter country expansion of the Community to include the Republic of Burundi and the Republic of Rwanda.

Madam Speaker, I happen to be privileged to have worked with the Rt. hon. Kategaya during the times he was contributing to the achievements, which are reflected by these two paragraphs. I had an opportunity to interact and work along with the late Rt. hon. Kategaya, hon. Jakaya Kikwete as he then was and hon. Nicholas Kipyator Biwott when they led their respective country delegations during the initial days of negotiating and drafting the Treaty as the basis for the integration process. Subsequently, he participated in the negotiation and drafting of the Customs Union Protocol, the Common Market Protocol and 20 other protocols that translated what is reflected in the Treaty as areas of cooperation into instruments that would assist the Partner States various areas of policy harmonisation and integration.

My humble observation was that during all that time, Rt. hon. Kategaya assisted the Community with a diplomatic, result oriented and hands on approach to the re-establishment of the East African Community to the expansion of country membership while debating the Treaties of Accession to enable Rwanda and Burundi acceded to the Treaty for the Establishment of the East African Community. I therefore pay due regard to him for his exemplary service in contributing in the manner he did to the integration process up to the level where it is at the moment.

Madam Speaker, allow me to also refer you to another very informative paragraph in the motion. This is the fifth paragraph where the Assembly further recognises the late Rt. hon. Kategaya's effective contribution to constitutional development, parliamentary democracy in Uganda and the legal profession in the EAC region. In my contribution I will contribute myself to only the limbo about contribution to the legal profession in the EAC region because much has been said regarding his effective contribution to constitutional development and parliamentary democracy in Uganda.

Madam Speaker, regarding the legal profession and the development of common legal jurisprudence in the region, I found that the Rt. hon. Kategaya, as a lawyer, was alive and conscious to what was expected of him professionally and this was exemplified first of all by his being a stickler par excellence to the legal requirements, the legal tenets that belie the integration process. He was always reminding the Council of Ministers and those of us who served on the Council of Ministers of the need to stick to the Treaty, the need to live within the confines of the Treaty.

Secondly, he took very keen interest in the progress of realising cooperation in legal and judicial affairs as articulated under Article 126 of the Treaty. Much as he was not a member of the sectoral Council on Legal and Judicial Affairs, he was always keen on judiciaries.

He also took much interest in following up on the extension of the jurisdiction of the East African Court of Justice. This was born out by his constant following up on how far the negotiation and drafting of the protocol was going and also on how far the East African Court of Justice was living to its expectations as provided under Articles 23 and 27 of the Treaty.

On this I remember very well in the year 2007 when hon. Mumbi Ng'aru and others sued the Attorney General of the Republic of Kenya and the Secretary General, among others, disputing the election which had brought to the East African Legislative Assembly hon. Sarah Bonaya and others. Incidentally hon. Mumbi Ng'aru was successful and she has since been awarded costs against the Attorney General and she has been partly paid.

During the proceedings in hon. Mumbi Ng'aru and Anyang Nyong's reference, hon. Kategaya took time off his duties to sit in the proceedings and follow up on the manner in which we were making submissions. It was a very lively case, similar to the one which was in the Supreme Court of Kenya two weeks ago and everybody was keen and interested. Among members of the legal fraternity who keenly followed the proceedings up to the time of the judgement was the late Rt. hon. Eriya Kategaya.

So I had the occasion to ask him why he was spending time sitting with us and then he would also come and sit with us every time the court adjourned. He said, as a student of the integration process right from the time of the East African Common Services Organisation through the days of the defunct East African Community, his aim had always been to see a re-establishment of a common legal jurisprudence in the region and I pay tribute to him in that regard.

With these few remarks, Madam Speaker, I would like to say that in my interaction with the Rt. hon. Kategaya, which interaction was quite long and quite a learning experience to me, I found the Rt. hon. Brigadier Kategaya to be far sighted, focused, dedicated and exemplary in his leadership of the integration process. With these few words, Madam Speaker, I support the motion and I pray to the Almighty God that the soul of the Rt. hon. brigadier Eriya Kategaya rests in perfect peace. I thank you.

Mr. Christophe Bazivamo (Rwanda): Thank you, Rt. hon. Speaker. As it is my first time to speak, let me welcome you all and wish you a very good stay in this country.

I rise to support the motion which has been moved by the Chairperson of the Council of Ministers. Before I became a member of the East African Legislative Assembly, I had already heard about the Rt hon. Eriya Kategaya as a strong person, committed and consistent towards achieving targeted agreed upon goals, not only in Uganda socio-economic and political development but also in the East African Community.

In my past almost two years in the East African Legislative Assembly, I have witnessed personally his commitment for East African Community socio-economic and political integration. We have really lost a great person. Hon. Members, let us commit to accomplish what he has always wished for integration. If allowed, Rt. hon. Speaker, can we stand up and observe a one minute's silence to remember him.

The Speaker: Granted. Let us rise, hon. Members in honour of Rt. hon. Kategaya.

(The Members rose and observed a minute of silence)

Mr Bazivamo: Thank you. May his soul rest in peace!

The Speaker: Amen.

Mr. Abubakar Zein Abubakar (Kenya): Thank you very much, Rt. hon. Speaker for giving me this opportunity to say a few words about the late Eriya Kategaya. I did not know him very well but among the Luo people of Kenya, they have a saying which is then translated loosely into English which says, bury my body but keep my words. So I would like to share with you a few words that I had with him in Nairobi about a year and a half ago but before I say what those words were, I will give you the context of when I met him.

The Society for International Development was launching the Second East African Community report and among the dignitaries that came to represent the East African Community in Nairobi during the launch was His Excellency the Secretary General, Ambassador Richard Sezibera and the hon. Eriya Kategaya. I was very impressed when we were interacting during the launch and people were responding to that report.

Towards the end when they were giving the vote of thanks, people observed that the late hon. Eriya Kategaya was not only a politician per excellence but he also had not lost his common touch and detailed to work that is not common among politicians. They noted that he was one of the few ministers who would attend meetings and sit from morning to evening debating furiously with everyone rather than those who would come officially open and graciously say that they have other duties that they have to run to. So I was very impressed by that comment by the people who were there and that were the general consensus.

Now allow me to tell you the words that he shared with me personally. When we were having a cup of tea, the regional director for Society for International development, Mr Ali Hirsi and me and hon. Kategaya were having a cup of tea. I was then leader of civil society in Kenya. Basically we asked him a simple question: what will it take to make the East African integration process succeed very quickly.

He said, and I am paraphrasing, unless and until the business of the East African Community moves from the elite and the politicians particular the Executive Arm of Government to the people of East Africa, the process will still remain slow. So he challenged us at that point to say, those who are from the civil society and outside, making comments about how slow we are, maybe need to make commitments to come into the East African process and partly that motivated me to want to run for election to come here.

So Madam Speaker, I will urge and plead with this House. Yes we have buried his body but let us keep his words. Thank you.

The Speaker: Thank you very much, hon. Zein.

The Assistant Minister for East African Cooperation, Tanzania (Dr. Abdallah Saadalla)(Ex-Officio): Thank you, Madam Speaker. I humbly rise to support the motion on the floor raised by my Chairperson. On behalf of the people of the United Republic of Tanzania and myself through this august House, I rise to pay tribute as my colleagues have done, to our late hero, Brigadier General Eriya Kategaya, a person who was known to be amongst the

revolutionaries and commander of Uganda liberation and founder of the East African Community Integration at large.

The late Brig. Eriya Kategaya, together with fellow comrades in Tanzania and these words have been narrated by himself to me, worked hand in hand with the Tanzanian government to make sure that Uganda is liberated from the dictatorship and revitalise it again with peace, security and democracy at large.

Madam Speaker, Tanzania respects and recognises the hon. late Kategaya who was a good and critical engineer and played a pivotal and instrumental role in volunteering the process of East African Community and its integration, specifically this people centred East African Community.

During the short time I came to know him, I recognised that he was a good trainer to me. Being a young leader and politician, he was a very good trainer to me. I learnt a lot from him on the skills of East African integration and the systems of collective leadership of which I am practising until now. I have to say that the Council of Ministers, East Africans and specifically Tanzanians express our heartfelt condolences to the family and government of Uganda and its people. I and I believe all the others will never forget his noble and heroic work well done for East Africans. May his soul rest in peace! Amen. Thank you, Madam Speaker.

The Speaker: Thank you very much, hon. Abdallah.

The Minister for EAC Affairs, Rwanda (Ms Monique Mukaruliza)(Ez-Officio): Thank you very much, hon. Speaker. Allow me first of all to join my voice to that of hon. Bazivamo and welcome you again, members of this august House to Rwanda. Thank you very much, hon. Speaker and members of this Parliament for having chosen to come to Rwanda at this critical moment where members did join Rwandans on the 19th commemoration of the 1994 genocide against the Tutsi where members took time to learn more of Rwandan history and learn about how the genocide against the Tutsi was planned, prepared and executed and also learn about the socio-economic transformation of the Rwandan society after the 1994 genocide against the Tutsi.

I wish to also thank you very much, hon. Speaker and members of this august House for having taken your time and come earlier to tour our country. It is understandable that two days of tour were not enough but as we continue to integrate and hold sessions on a rotational basis in Partner States, I wish that when you come back to Kigali, we shall resume this tour visit of our country. Thank you very much.

Rt. hon. Speaker, I wish to support this motion and extend my heartfelt condolences to the late Rt. hon. Eriya Kategaya's family, to the people of Uganda, the Council of Ministers and the people of East Africa. The late Rt. hon. Eriya Kategaya was our elder on the Council of Ministers and he has been our mentor in the Council, being the longest serving minister on matters of EAC. I remember when the Ministry of EAC was established in Rwanda, it was in March 2008 and by that time, the late Rt. hon. Eriya Kategaya was the Chairperson of the Council of Ministers so he was the one to explain what to do in the Council of Ministers, how to

participate in different meetings of the Council of Ministers. He was a real mentor of other ministers of EAC.

I will never forget how the late hon. Eriya Kategaya did not like to see the Council discussing small matters. He used to advise that we discuss policy and strategic issues. Every time we started discussing recruitment of junior staff, he used to say, “please, ministers, that is not our job, let us tackle key issues of integration”. May his soul rest in eternal peace! Thank you.

The Speaker: Thank you very much. I wish to invite the hon. Shem Bageine to reply to this motion.

Mr. Bageine: Thank you very much, Rt. hon. Speaker. I would like first to thank the members who have contributed to this motion including hon. Mike Sebalu, hon. Susan Nakawuki, hon. Ambassador Ogle, hon. Kaahwa, hon. Christophe Bazivamo, hon. Abubakar Zein, hon. Dr Saadalla Abdallah and hon. Monique Mukaruliza.

Madam Speaker, I have noted with great appreciation the words of comfort and the messages of condolences to the family of the late fallen Rt hon. Eriya Tukahirwa Kategaya. I have also noted the same condolences to the people of the Republic of Uganda who he served for many years and the East African citizenry.

Madam Speaker, the members of this House have shown the recognition they have for a man who played a very critical role in rebuilding the East African Community.

Madam Speaker, we cannot say enough about the Rt hon. Eriya Kategaya, a man of great wisdom, a man who was very humble and a man that was friends with everybody. I will, as a friend of the family, deliver the sentiments and the condolence messages that have been spoken here by those who spoke but I also believe that those who did not speak had the same messages to send to the family of the late Rt. hon. Eriya Tukahirwa Kategaya.

I would like to conclude by asking with earnest members of this august Assembly and through them, members of the East African Community leadership, to emulate the works of the later Eriya Kategaya and work hard to ensure that we achieve full integration of East Africa and in so doing, we will have paid homage to our late fallen giant politician, Eriya Kategaya.

I once again thank you all and I look forward to us continuing to work for the success that Kategaya stood for. I thank you. *(Applause)*

The Speaker: Thank you very much, Chairperson of the Council. Perhaps before I put the question, I want to register the appreciation of the East African Legislative Assembly to the Speaker of Parliament of Uganda, hon. Jacob Oulanyah who accepted in form of amending the Rules of Procedure of the Parliament of Uganda and accepted the Speaker of EALA to participate in the debate on the floor of the House when the debate to pay tribute was going on, on the floor of Parliament, acknowledging that perhaps if opportunity allowed, we would also have had an opportunity for the casket of Rt. hon. Kategaya to lay before this House and we do the same.

So our appreciation should be registered on the *Hansard*. With those many condolences and tributes, I now put the question that this Assembly do resolve to pay tribute to the late Rt hon. Eriya Kategaya, the First Deputy Prime Minister and Minister of EAC Affairs of the Republic of Uganda and Chairperson of the EAC Council of Ministers. I now put the question.

(Question put and agreed to.)

MOTION

FOR A RESOLUTION OF THE ASSEMBLY TO COMMEMORATE THE GENOCIDE AGAINST THE TUTSI

Mr. Abubakar Zein Abubakar (Kenya): Thank you, Rt. hon. Speaker. I beg to move the motion that this Assembly do resolve to commemorate the genocide against the Tutsi which occurred in the Republic of Rwanda in 1994.

The Speaker: Seconder? Hon. Nyerere, Hon. Taslima, hon. Mbidde and hon. Kiangoi. Proceed, hon. Zein.

Mr. Zein: Thank you, Madam Speaker. I would like to move a resolution of the Assembly to commemorate the genocide against the Tutsi.

“WHEREAS the United Nations General Assembly adopted the convention on the prevention and punishment of the crime of genocide on December 9th 1948 in its resolution 260 (iii) which declares genocide, whether committed in a time of peace or in a time of war, a crime under international law and declares that the parties to the convention should undertake to prevent, protect and punish the crimes of genocide

RECALLING with sadness that the crime of genocide was committed in Rwanda against the Tutsi in 1994 with very minimal intervention by the international community

WHEREAS the United Nations Security Council adopted a resolution S/RES/955 of 1994 to establish the International Criminal Tribunal of Rwanda for the sole purpose to prosecute persons responsible for genocide and other mass atrocities committed in Rwanda between the 1st January 1994 and 1st July 1994 and

AWARE that the United Nations General Assembly adopted Resolution number 58/234 of December 2003 which mandated the 7th April the International Day of Reflection on the 1994 Genocide in Rwanda and

RECALLING the recommendations of the Executive Council of the African Union at its Second Ordinary Session held in Djamena, Chad from 3-6 March 2003 that the United Nations and the International Community commemorate an international day of reflection on the 1994 genocide in Rwanda and recommitment to the fight against genocide throughout the world,

FURTHER AWARE that the United Nations General Assembly adopted Resolution number 59/137 in the year 2004 which calls for assistance to survivors of the 1994 genocide in Rwanda and re-adopted in December 2011 vide Resolution number 66/228 calling for the Secretary

General to continue to encourage the International Community and agencies to implement the Resolution 59/137 and

WHEREAS the United Nations General Assembly adopted the Resolution GA/10569, condemning without reservation, any denial of the holocaust, recalling the United National Assembly adopted Resolution number 60/147 on the basis principles and guidelines on the right to a remedy and reparations for victims of gross violations of international human rights law and serious violations of international human rights law

RECALLING the United Nations Resolution number 872 of 1993, which established the United Nations Assistance mission to Rwanda and its consecutive resolution of 21/912 adjusting the mandate of the United Nations force in Rwanda and Resolution 918 of 1994, expanding the ... force level

RECALLING the Council of Ministers decision to transfer archives to Rwanda to serve as a living heritage of genocide to the Rwandan community

CONCERNED that the International Community through UN Security Council utterly failed to prevent and stop the Rwanda genocide against the Tutsi by reducing the number of the UNAMIR troops leading to the deaths of many thousands who found refuge in the sanctuary of the UNAMIR and

FURTHER CONCERNED that many alleged perpetrators of genocide continue to elude justice and thereby negating the importance of fighting impunity for all violation that constitute the crime of genocide and

FURTHER CONCERNED that there is growing intention of the denial with regard to the genocide against the Tutsi and widespread hate speech through media and other relevant channels worldwide

FURTHER CONCERNED that the International Community has yet to meaningfully honour the right of the survivors of genocide to reparation

DO NOW RESOLVE AS FOLLOWS:

- 1. We declare our solidarity with the people and government of Rwanda especially now when they are commemorating the 19th anniversary of the 1994 genocide against the Tutsi.*
- 2. Express its profound disappointment with the failure of the United Nations system to prevent the genocide despite having received reports to that effect.*
- 3. Appreciate the resilience of the people and the government of the Republic of Rwanda in coping with the legacy of genocide on their own for the last 19 years.*
- 4. Support the decision of the Council of Ministers to ensure that all archives of the ICTR be transferred to Rwanda.*

5. *That the Council of Ministers designates 7th April of every year as the East African day of reflection on the genocide against the Tutsi and call on the EAC Partner States to commemorate that genocide.*
6. *The EAC Partner States do act in accordance with the Convention of the Prevention and Punishment of the crime of genocide by putting in place necessary mechanisms to track and ensure that genocide fugitives are brought to justice.*
7. *The EAC in a clause punishing and negating the crime of genocide denial and propagating the hate speeches embodying genocide ideology.*
8. *Call upon the East African Community Summit of Heads of State to urge the United Nations to adopt a resolution establishing an international trust fund for survivors of the 1994 genocide committed against the Tutsi in Rwanda.*
9. *That the East African Community did organise a regional conference to address the issues of genocide as part of the commemoration of the 20th anniversary of the genocide against the Tutsi that will be held next year.”*

I beg to move.

The Speaker: Thank you very much for this very important motion and I wish to invite you to present the justification.

Mr. Zein: Thank you very much, Madam Speaker. Today is a solemn occasion where we are called to witness, as members of the East African Community, our brothers and sisters in this Republic when they are celebrating and remembering and commemorating the 19th anniversary since the genocide.

Madam Speaker, you would recall that this honourable House had an opportunity to participate in some of the activities that were undertaken as part of reflection during this solemn occasion. My colleagues and I were able to be taken through the museum that was commemorating the genocide and many of us were shocked, although we were aware and some of us have read, but we were shocked by the ugly evidence that confronted us there.

So this Republic of Rwanda is a place of utter sadness but this story of this Republic is also a place of the triumph of the human spirit and resilience of its people that since 1994 after being maimed by the worst crime that can be committed in the world- The crime of genocide is the worst crime that can be committed by anybody. In fact among scholars, it is called the crime of all crimes, that more than one million people perished under amazing conditions where even some people had their ... cut off so that they would not run away and so that those killers could come back the next day to kill them some more.

I recall one of us not being able to deal with that and broke down but I assure you, Madam Speaker that many of us did not sleep well that night and for the second night as well and we have been reflecting. But we are also faced with a story of this honourable land, of a story of the

human spirit that has triumphed over this episode in their history and has pulled together and achieved amazing feats that some people may think is not possible.

So one of the reasons why today we are considering this motion in this august House is to reflect on the atrocities and ugly side of human life but also to celebrate the triumph of human spirit and the resilience of the people of Rwanda. So that is the first reason, Madam Speaker.

Allow me to also say the reason why we are here today. It is also to recall and remember that in 1948, the world through an international instrument, said never again. That we will never again as human kind allow for the crime of genocide to take place ever again but we failed. The international system failed and there was another atrocity and genocide in this land. So we seek to move this motion to admit human failure and to also recognise systemic failure by the International Community and what lessons we can learn from that.

Related to that, even when the genocide had been stopped, the International Community continue and has continued to not do what is right by Rwanda. We have continued to not treat the genocide in Rwanda on the equal footing with the other genocides that have been committed and one way of rectifying that is to adopt this motion. We would also like this motion to be considered as an appreciation on the role of the people and the government of Rwanda to cope with a legacy of genocide and as a lesson to the world of what is possible when people are united and willing to confront the ugly past with a bright vision for the future.

We also require considering that we need to hasten and continue to give our efforts to track and bring to account those who were involved in the planning and participated in the prosecution of the genocide. If we are people who keep to the lessons of the world, we will know that of the Jewish holocaust, people are still being tracked even today and when they are found they are brought to justice. So this motion seeks to renew our efforts in that direction.

More importantly, we also need to pay attention on what type of residual mechanism that is being put in place consequent to the coming to close of the ICTR process in Arusha and one of the few things that we have affirmed is the requirement that the institutional memory and records that have accrued through that process be brought home here in Rwanda and be part of the national archives here in Rwanda.

We also need to build, in this region, a capacity to confront genocide including its insidious nature from ideology to negation and denial. It is important for us to say, from the beginning that genocide does not happen like that. It is made to grow, it is planned, the hate ideology is developed. So we need to develop the capacity in the East African Community as a contribution to the world that we will never again allow genocide by building our capacity to confront this ugly crime called genocide.

Last but not least, bearing in mind that next year we will be reflecting on 20 years since the 1994 genocide, I think it is incumbent upon us to ask the East African Community to consider having a conference that will allow us to come together and reflect on those 20 years and plan for a common future. So I thank you very much, Madam Speaker for giving me this opportunity to move this motion. Thank you very much.

The Speaker: Hon. Members, the motion on the floor is that this Assembly do resolve to commemorate the genocide against Tutsis which occurred in the Republic of Rwanda in 1994. Debate is open.

Ms Patricia Hajabakiga (Rwanda): Thank you, Rt. hon. Speaker for giving me the floor. I would like to join my colleagues to extend our warm welcome to you, Rt. hon. Speaker and all the members to Rwanda and particularly we also appreciate your support during this whole period when we were commemorating the 19th anniversary of the genocide against the Tutsi.

The commission established by the government of Rwanda to fight against genocide along with the civil society organisations are working daily to make sure that what was said never again in 1948 happens have called me and have asked me to convey their heartfelt appreciation to you, Madam Speaker and the entire House for your support during this whole period and the comfort you have extended to the Rwandan people. (*Applause*)

Rt hon. Speaker, let me come back to the debate on the floor and I would like to say that I support the motion and I will only dwell on two issues. One, as already described by my colleague, hon. Zein since we have worked together on this motion, is the failure of the International Community and the UN in particular.

As earlier said, the convention in 1948 said never again but since then, as you witnessed when we went to Gisozi memorial centre, a number of other genocides have taken place since including the Bosnian one, the Yugoslavia one and many others and of course the genocide against the Tutsi in Rwanda.

It is important to note that the UN peace keeping mission in Rwanda termed UNAMIR was in Rwanda from 1993 when a group of Rwandans particularly those who lived in exile since the 1950s had taken up arms in order to seek justice and be recognised as the citizens of this country. It is then in 1993, during that period when there was an indication that there was unwillingness of the then Rwanda government to implement the peace accord which was signed in August 1993 and I would say that many reports at the time were being sent to both UN, United States of America, the EU, Belgian Government- There is all evidence that there were reports by the people on the ground including the different human rights NGOs and including the UNAMIR itself under the leadership of the then Gen. Dallier who was a Canadian and was heading the UN mission at the time in Rwanda, that there was a very dangerous underground movement to exterminate the Tutsi.

Rt hon. Speaker, instead of reinforcing the mission, they withdrew the mission by reducing a bigger size and powerful group of the Belgian contingency which was sitting in Kicukiro district where you visited last week on Thursday evening and where you extended your condolences to the people who survived that genocide and who lost their dear ones. That shows the double standard of the International Community. When it comes to Africa, when it comes to the poor people, they abandon you. This gives us a lesson that Africans and the poor people are not going to remain poor. We are going to move forward and we are going to be sure that we take care of ourselves.

Rt hon. Speaker, this year's commemoration says that we need to be self-reliant because we have to take care of ourselves. I am saying this because the second issue I wanted to talk about is that while the genocide against the Tutsi was unique in nature that it was committed by Rwandans against other Rwandans compared to all other genocides which were committed by foreigners to another group but in Rwanda you realise that again another small group of Rwandans did stop genocide in the name of the RPI which was a military wing of the then RPF. I will not end my words without paying tribute to that group of Rwandans who singlehandedly stopped genocide when the rest of the world was observing.

Rt. hon. Speaker, with those few remarks I wish to support the motion.

The Speaker: Thank you very much.

Ms Nancy Abisai (Kenya): Thank you very much, Madam Speaker. Before I go on, I would like to take the opportunity to thank the EAC Minister for Rwanda for the way that she took us around and was with us all through. I also thank the Rwanda Chapter for being very kind and welcoming to us. They came to receive members right from the arrival at the airport. I thought that was a very good gesture from the Rwanda chapter.

Having said that, Madam Speaker I rise to support this motion. The reasons that my colleagues have given are issues that we need to reflect on. I want to say this in terms of thinking from the perspective of where I speak from. The last statement by my colleague who has just spoken said that it took a group of Rwandans themselves to save the country from what could have probably never been but if we had maybe by that time had the EAC, maybe EAC Partner States would have come together to actually help in resolving that issue.

I want to echo the words that His Excellency President of Rwanda, Paul Kagame talked about yesterday in his speech when he said that the time has come when we need to get away from the dependency syndrome and find solutions to ourselves. I think this is something that we would have been able to do.

The idea of having an EAC day on genocide against Tutsi will help to create awareness to the Partner States about the effects of genocide. Many of the people within East Africa I do not think really understand what this genocide is all about. They think it is just another war just like any other war but this was different. When we went through the memorial museum the other day, I think some of us were not even able to contain the sights and the emotions were very high because of what we witnessed. Maybe seeing also puts into perspective many things that we may otherwise have not known.

As I read the newspapers, I went to the archives to just look at some of what the Kenyan newspapers reported and I remember reading the headline on the Nation newspaper at that time which just read, Blood bath- Rwanda and that was very scary. The sight on that newspaper- It is still in the archives, I went through it, I was trying to look at what was reported at that time, how was it reported, what were the responses of people- and to me I think that these are great lessons for us to learn. Many people still do not understand even to date what genocide really is. If they did, maybe what is happening in other Partner States would not be happening.

I want to take a case for example where maybe it maybe have been that case or not but it is all about focusing on what unites us rather than what divides us: land issues, negative ethnicity, religion, unequal distribution of resources, inequalities, marginalisation- all these are issues that have high potential to divide us as a people but there are things that people within the Partner States are grappling with. If the issues of 2007 are anything to go by after the aftermath of the election in Kenya, the whole question on what was making people fight and rise against each other – We had commissions that came to investigate and now the case is probably in the ICC but the role of the International Community in giving proper guidance to what and how this is to be handled has not come out clearly.

I want to say that it is true that probably it is high time that we stopped relying on International Communities to actually give us solutions to our problems. We are party to signing a lot of international conventions and treaties and it is clearly stipulated in terms of the right to protect and the right to prevent and punish but to what extent is this taken seriously when these crimes are committed against humanities? Most of the time we look at empty rhetoric aside from positive action and change. I think time has come when we need to look at what we want to do to get answers to some of this.

I support this motion because I think having and enacting laws that would actually punish and negate the crime of genocide, annihilation and propagating hate speeches I think would be very fundamental for the EAC Partner States. Also having this conference to create awareness just bring to the attention of all members within the Partner States what happened in Rwanda and why we should never allow this to happen to any other Partner State; whether it is matters of election, matters of ethnicity, religion or any other thing. We should never allow ourselves to be divided as a people.

Madam Speaker, I believe this is a good way forward in terms of ensuring that we have law. We do commemorate this day as Partner States and not look at it like a Rwanda issue. Madam Speaker, I support this motion, thank you.

The Speaker: Thank you very much.

Mr. Joseph Kiangoi Ombasa (Kenya): Thank you, Madam Speaker for according me this opportunity. In the first place, we shall not be tired even if it is repetitive to thank the Rwandese Chapter for the warm welcome that they have accorded to us during this period of plenary.

Secondly, I stand to support this motion for various reasons. One, the events that occurred in Kenya in 2008, the aftermath of the elections, are still fresh in my mind and yet that was just chaos. We have now had the opportunity, some of us, to visit the museum and the reality of the genocide that took place against the Tutsi in 1994 has been revived in our minds. It is now implanted and we now realise that the impact was so great. It was elimination of whole sections of the population of Rwanda.

Madam Speaker, the visit to the memorial site was of great education to us because when we say that it should never happen again, we realise at the same time that innocent souls were made instant orphans out of that genocide. Children lost their beloved ones, people lost their own

children because there was a children's section on that site and it is really a situation which ought to have been condemned by the International Community at the time.

Madam Speaker, what stands out very conspicuously is that the International Community kept quiet at that time. It reminds me of a Pan African leader, I will not name him, who in relation to the Western powers repeatedly said and I did not seem to understand, and I will say it in Kiswahili then interpret, *Mwa Africa akuna mutu anakupenda*. He was warning the Africans that nobody really likes you. So you can do anything that you want to do with yourselves including eliminating yourselves. Nobody will be bothered. That was a great lesson but the comforting thing is that the Rwandese people were able to stand up to the genocide and bring it to an end. I want to congratulate the Rwandese people for taking that timely action even as the world abandoned them.

The other thing that I have noted is the route to reconstruction. After only 19 years following total destruction of the country, Rwanda has been able, through its leaders; gallant daughters and sons of this land, the President of this country, to reconstruct the economy, the country and the country is now on the right path. Again I say we should be able to appreciate that and congratulate the Rwandese people for that very important effort that they have taken on behalf of themselves and on behalf of their future generations.

Madam Speaker, I therefore wish to declare our solidarity with the Rwandese people following that genocide and particularly during this week that ended that was commemorating the 1994 genocide and support without going through them, all the resolutions of this motion. Madam Speaker, I beg to support.

The Speaker: Thank you very much, hon. Kiangoi.

Mr. Abubakar D. Abdi Ogle (Kenya): Thank you, Madam Speaker. I wish to wholeheartedly support the motion. 19 years ago I was in Rwanda in this beautiful city of Kigali. I was a young reporter. I can claim to be a living witness and a testimony to what happened then. I came about at the same time as the RPF forces were coming here. I used this opportunity to interview the then Vice President and current President of the country Paul Kagame.

Madam Speaker, I was among 400 journalists who descended on Rwanda then. We were staying in a seminary overlooking Amahoro Stadium and the stories we were getting not even far from where we were, in that very seminary, a story was being told of a Bishop who was teaching nuns- Incidentally the Bishop happened to have been somebody else but the nuns were all Tutsis and when this madness started, a Bishop in his church robes asked for the gun, went back to class and killed all the nuns. That was the kind of madness that was obtaining in Rwanda at that time.

We found a big cemetery in that seminary and we were told they were all buried there. It took Time Magazine to headline this to discover them that during those 100 days of madness, Satan was doing nothing else anywhere. He had come to Rwanda and that means that for all those 100 days, there was no crime, no murder, no theft, no robbery, nothing was happening in the rest of the world because the chief Satan was doing his work in Rwanda. That was the extent of the madness that was obtaining in Rwanda at that time.

So I was a witness, I have seen dead bodies bundled together in this beautiful city of Kigali where 1.5 million population at the time pre-genocide had only about I think 10,000 people at the time. There was no electricity, no running water and virtually no services for the 14 days I was in Kigali. You can imagine and appreciate the service the RPF soldiers rendered to the people of Rwanda at the time they came. They stopped the genocide; they were within a very short time able to convert not only Kigali but the entire country to be the beautiful place we have all witnessed. That marks the resilience out of their own that Rwanda was able to build from the ashes.

Having said that, if we listened to President Kagame's address to the Chamber yesterday, there are certain standards that are applied elsewhere and certain standards apply to Africa. In fact the latest inclusion to that conditionality was that when you go to election, you have no right to make your own choices because choices have consequences. That is the new- Before that we were sub human, we were not considered anything else because when the genocide was happening here, there were about 2000-3000 UN forces fully armed who were somewhere just outside Amahoro Stadium. They not only left but they gave indication to the Interahamwe militia around there that they were leaving and 5000 people were within. So what the Interahamwe did was just to come round and eliminate those people as fast as they could. What did the UN do with their big cargo planes? They took all their dogs, pets and left 5000 people who were all killed in a record four or five hours.

These stories are very traumatising, you know the testimonies being told by the survivors are very traumatic and that was a so-called international universal board called the United Nations. The United Nations that was able to attend to the people of Bosnia and many other things in the rest of the world but when it comes to Africa, they left Somalia when it was -But somehow they abandoned Rwanda and its people at a very critical time. It is not justifiable. It is not just disappointing but also disgusting. So it is critical that we remind ourselves that this thing can always occur.

When Kenyans disagreed over some electoral process, we almost rose up against each other. We took machetes and everything. It might have been a slow level compared to what happened in Rwanda then but this thing is likely to recur anywhere not only in our region but anywhere in this world. We must say no to genocide, we must say no to mass killings and as East Africans, we are duty bound to associate ourselves with the people of Rwanda and ensure that we mark this day as a reminder for our region and our part of the world. Thank you, Madam Speaker.

The Speaker: Thank you very much, hon. Ogle.

Mr. Jeremie Ngendakumana (Burundi): Thank you, Rt. hon. Speaker. When I saw this motion, I was wondering why it came so late because some of u shave been members of the Second Assembly and others not here present have been members of the First Assembly and I was wondering why this motion was not moved earlier- (*Interruption*)

Ms Hajabakiga: Rt. hon. Speaker, I want to give information that the Assembly moved a motion of this nature, once when we were sitting in Kampala. It was an elaborate motion and particularly on ICTR. Thank you.

The Speaker: Thank you for the information. Hon. Jeremie has taken note. Proceed, hon. Jeremie.

Mr. Ngendakumana: I think that can also move another one and I was saying before that better late than never. Rt. hon. Speaker, April 1994 has been the worst month both for Burundi and Rwanda. While the genocide was taking place in Rwanda which is a fact, we have been visiting the memorial sites and the different pictures we have seen; sad pictures, the different explanations speak by themselves. That is why when we say we all agreed to say never again, I think that for sure we are right.

On 6th April 1994, just some hours before the beginning of the genocide in Rwanda, His Excellency President Cyprien Ntaryamira from Burundi was killed in Rwanda and that is why I would like to ask the House to highlight somewhere in this motion the fact that a President of a country, now member of the East African Community was assassinated at the same time here in Rwanda.

Secondly, I have two observations. The first one is about the responsibility of the UN on what happened here in Rwanda. When it was time for the UN to protect the citizens of Rwanda, the Tutsi of Rwanda were going to be killed, the UN withdrew its troops. This means that if UN was not directly responsible for what happened in Rwanda, it can be responsible for failing to execute their mandate because they run away when it was time to protect the citizens of Rwanda.

My other observation is about point seven of the motion which speaks about the hate speeches. I would like to draw your attention on this kind of speech because while in Burundi we can speak freely about our ethnic group, the same language here in Rwanda can be seen an ideology of genocide or hate speech. So that is why I would like to draw your attention not to bring confusion between the ways people use some languages.

With those few remarks, I want to support the motion.

The Speaker: Thank you very much.

Mr. Daniel Kidega (Uganda): Thank you, Rt. hon. Speaker. I rise to support the motion. Bad politics is terrible. We are politicians. All that we are talking about is an outcome of bad politics. My plea to all politicians in this region and Africa at large is that it is important that we practice good politics. The consequences of bad politics are dire and this genocide in Rwanda is a consequence of bad politics. At times we politicians go so petty to pursue our personal interests without looking at the means we are using to pursue our interests and in the long run we actually get caught up in the consequences of what we have created. So the biggest lesson I get from all these years I have been associating with the Republic of Rwanda is that we should desist from bad politics.

Secondly Madam Speaker, I want to assure the leadership of Rwanda and the people of Rwanda that you are never alone and you will never be alone. In 1990 I was a young boy in a school just neighbouring here called Ntare School. We woke up one morning and found young boys had left the school and they had all moved to come and save a situation that was about to happen here. The people who left Ntare School to come and fight- some of them are serving in this country in

high profile positions. Some of them were not even Rwandans. I can boldly mention one who even became a Member of Parliament in Uganda; hon. Okwir Rwabwoni, the brother of the late Brigadier Mayombo. He came and served not only under RPF but fought in the war. Many other Ugandans did because of the brotherhood we hold with the people of Rwanda.

In the community in Rwanda, there is no distinction with some communities in our countries. So I would like to assure the people of Rwanda that they will never be alone. As a region we will always stand with you. I think we have always been with you. We may not have the capacity to do what the other international communities with lots of resources and means could have done to stop this genocide but I am sure that if we have the means, this would have occurred. I am convinced that all East Africans from all walks of life are terrified and horrified by what happened in Rwanda.

It is therefore my plea that the resolution, particularly the last one, should be made very emphatic and practical. The commemoration of the genocide against the Tutsi people should be done in all the Partner States to remind people who still have intentions and who harbour intentions of practicing bad politics that the consequences are dire.

Finally, I would like to congratulate the excellent work done by President Kagame and his team, the government and people of Rwanda. You will never walk alone. I support the motion.

The Speaker: Thank you very much.

Mr. Issa Taslima (Tanzania): I thank you very much Rt hon. Speaker and I would like to add on what my colleagues have done in support of the motion. I support the motion because of the following reasons. By this resolution, as EALA, we will have expressed our concern to the International Community, that we are together with Rwandans in this particular period when they are commemorating the 19th anniversary of the genocide.

Another thing is that this is one of the ways of laying precedence to show how EALA would like things to be today and tomorrow. I am saying this because EALA is a wing of the East African Community. Its role is of fundamental importance when it comes to the people and what happens to them everywhere in the EAC generally. So our showing our concern makes us go exactly where we should be and people will look at us as if we are people who know what we are doing and we have done it.

Another thing is that we have to show the Rwandans that we have solidarity with them, we are together in this commemoration and that as my other friends have said, we will be together because in the resolution we have certain things which will happen today, tomorrow and forever. Therefore we will show our togetherness, our solidarity and they will never walk alone as it has been said by my colleagues.

Since this is a crime of all crimes as has been nicknamed, which unfortunately has happened on East African soil, in one of our Partner States, we should really show that we would not like, as from today, to have anything of that sort happening again on our soil. As has been shown in resolution number nine, the East African Community should organise a regional conference. This is one of the reasons why I support this resolution very much. That next year during the 20th

anniversary, let us organise a regional conference where we will address issues of genocide; what happened, what might happen and what we have to do in order to make sure that we are not prepared to have another kind of genocide or anything near that genocide in future.

As has been said by our beloved President of Rwanda yesterday, he said we should think about ourselves first. Nobody is there in his own country to think about us and our affairs more than ourselves here. Therefore, this is our time and opportunity to show the rest of the world that we care, we are together, and we are prepared to avoid any further genocide and anything of that sort.

Madam Speaker, I support the motion and thank you very much.

Dr. Odette Nyiramilimo (Rwanda): Thank you very much, Rt. hon. Speaker. I also wish to extend my warm welcome to you, Rt. hon. Speaker and to all the members here in the House and also thank you particularly for having chosen this period to always organise the EALA session in Rwanda in order to comfort the people of Rwanda. Indeed we feel that we are with you, I thank all those who said we will not be alone, we are together and I feel very comforted.

Before I say what I wanted to say to support this very important motion, I would like to give some comments on what hon. Jeremie suggested. His Excellency the President of Burundi, the late Ntaryamira died in that plane crash with the President Habyarimana on 6th April 1994. It was very unfortunate and we are all saddened of his death but we cannot associate this with genocide.

Rt hon. Speaker, the late President of Burundi had participated in the same meeting with the late President of Rwanda and they decided to come back together in Rwanda's plane. We all know that the people who shot that plane wanted to kill President Habyarimana because he had just agreed to put in place the peace accords that had been signed in Arusha the year before. So it was very unfortunate that the President of Burundi was in the same plane. Associating this with the genocide of the Tutsi in Rwanda would be difficult. So I suggest that we do not amend the resolution according to this suggestion.

I would also like to explain a bit about what hate speeches are. It is not mentioning Hutu or Tutsis and in Rwanda I would like to give some clarification. If you do not like speaking and announcing I am Tutsi or Hutu or Mutwa, it is not worth it because this caused genocide to be in one or the other but if somebody says it, it is not hate speech. Even if somebody says, you are a Hutu or a Tutsi that is not hate speech. You have heard of that man called ... who is now on trial because he was arrested in Canada and brought back to Rwanda because he is one of the masterminds of genocide.

In 1992, he had made a hate speech on the radio, I heard it personally where he was calling Hutu to send Tutsi from where they came from and that is why you saw all those bodies in the Nyararungo and later on in the Lake Victoria because he said the Tutsi came from that place of the world so they have to return back but by the fastest path which was the river. So that is a hate speech.

After genocide, you have heard about Ingabire Victoire who is in prison in Rwanda. When she arrived, she came to compete against His Excellency Paul Kagame, she wanted to be president of

Rwanda and the first thing she did after arriving in Rwanda was to go, visit the genocide memorial where hon. members have been. When she came out of there, she was not crying like hon. Nakawuki the other day. She was just there standing and looking around. I saw her on TV, I was not with her and she asked, but I have seen the dead bodies of Tutsis. Where are the dead bodies and genocide memorials for Hutus? This is what we call denial because if she compares- Of course there are Hutus who died during genocide because they were committing genocide and the RPF to stop genocide had to shoot those people killing. Where they killed because of genocide? So that was a hate speech and denial of genocide. I wanted to make those clarifications so that members are not confused as the honourable also did not want the people to be confused.

Rt. hon. Speaker, I will not repeat what others have said on how the International Community abandoned Rwandans. At that time I was working for the American Embassy as a medical officer and I remember that I called my director who was here and told him, please if you are evacuated, I am your doctor. Can you at least take our family with you so that we go together? And he said I will try. When they were evacuated from Rwanda, he arrived in Bujumbura and called me. He said, Odette I am so sorry I left you behind. I pray that you do not die but we were told that we cannot take any Tutsi with us. So that is how it happened. They could not take us with them. They just left because they knew well that Tutsis had to be killed. So it is not only the UN abandoned us but the whole International Community.

Something else I wanted to also highlight is about the Trust Fund. You have heard on the 13th the whole day you were being told what happened especially concerning justice. They talked of Gacaca courts. Rwanda's government made a big effort to bring genociders to justice but it has been very hard. There was no compensation possible. I remember before the Gacaca court was put in place, all survivors of genocide rushed to courts to try to say these people killed my family, my children and whatever they had, not just people but they destroyed houses, they took whatever could be taken and the courts tried and sentenced those people for 100 or 200 years imprisonment, billions of money but it has never been executed because the government was the one who had been accused because the government was the one which organised genocide. Even if it was not the same government but it was the replacement of a government of a country which had to pay the compensation which meant that there has never been compensation and Rwanda has created that survivors fund.

The survivors' fund which takes 5 percent of the whole internal income of Rwanda is a very small fund that helps only the very needy survivors of genocide. If somebody earns his living, he cannot benefit from the survivors fund. I appreciate that hon. Zein did not forget to add this and I think it would be a good thing to put that fund in place because not only those people who helped or committed genocide- You have heard that France had a hand in genocide. Everyone now knows in the world but they have never been asked to pay compensation to the survivors of genocide- (*Interruption*)

The Speaker: Clarification. I would like our debate to be brief because – (*Interruption*) -

Ms Hajabakiga: Rt. hon. Speaker, it is just clarification on this particular aspect of the international fund for survivors. As said, the International Community has got double standards.

When they created the ICTY that is the International Tribunal for Yugoslavia, along with the punitive side of punishing the perpetrators, they also established a reparation fund which they did not do when they established ICTR. So that is why we are also demanding that the International Community should abide by the principles set in the 1948 because even the Jews today are still being compensated because of what happened. Thank you.

Dr. Nyiramilimo: Thank you very much, Rt hon. Speaker and thank you, hon. Patricia for that information. Rt. hon. Speaker, I would like to make some corrections that I have put on a piece of paper to be handed to the clerk. On the resolution seven, I would like to amend this resolution to say that EAC enacts rules punishing the crime of genocide, genocide denial and the hate speeches and acts embodying genocide ideology. I will give this if the mover takes it because the crime of genocide is different from genocide denial which arrives after genocide has been committed and also the hate speeches that precede genocide. I would wish for the three to be well clarified.

In the resolution nine, I would wish that it be completed that the EAC do organise, during the commemorating period in 2014, a regional conference and so on. To add that period to make sure that a conference is organised between the 7th April and 3rd July. Thank you very much, Rt. hon. Speaker. This is the piece of paper to be-

The Speaker: Thank you, hon. Odette. I think at an appropriate time hon. Zein will consider these amendments.

Mr. Fred Mukasa Mbidde (Uganda): Thank you very much, Madam Speaker. I equally stand to support the motion by stressing that the never again should equally be adopted as a principle for the East African bloc as a never again principle to genocide. There are particulars to this proposed never again principle. It is important to understand that this genocide, as all the previous speakers have adumbrated, was a matter to do with human beings killing other human beings and it is a genocide that was administered against the Tutsi community by the government of the time.

Madam Speaker, this is a question of governance. It is a question of bad governance and it is a question whose answers those that had failed to give had to hide and establish a protective wall against any possible questions whose answers they did not have by of course adopting genocide as the solution to the leadership and governance questions of the time.

Madam Speaker, I agree entirely with hon. Kidega's submission; bad politics and will add, untruthful politics; politics that is not organised and premised on the principle of truth. Madam Speaker, politicians operate on a doctrine that during their operations in politics, the truth is so precious that it must be guarded by a pack of lies. Genocide, war, killings are all decisions. They begin as decisions and they are implemented as a holocaust.

My first time to observe matters of this nature was in 2002 when I had the occasion to become the guild president of Makerere University and accordingly I established what we called a Japan-Makerere University Students Fellowship. That was the time I went to Japan at a place called Hiroshima. That is the place during the 1945 political activities of the time that the United States

bombed that area with nuclear weapons thereby obviously killing a lot of people. The resolutions that were made by Japanese at the time are exactly the resolutions that were made by the Rwandans at the time of the aftermath of genocide.

Permit me, Madam Speaker to also tell this august House that these people think like the first world. The Japanese created a memorial centre. I expected all of them to tell me that they hate America because personally after witnessing what happened I hated America. I was only mobilised again against my feelings and I was told that I should use this as an example that it should never happen again. In fact for them, they used it as an example that they do not need nuclear weapons on Japanese soil.

I thank the community of the Republic of Rwanda that they have equally used genocide as the objective reasons for the logical necessity that it should never happen again and this should be an example for the whole of the East African region.

Madam Speaker, what should we do that it never happens again? What truth must we tell our leaders that genocide and bad governance should not arise? Are we again expecting the UN to tell us more? Over time, I have been meeting the civil society from the Democratic Republic of Congo. I have also perused records and I have discovered the UN because the genocide that was stopped in Rwanda against the Tutsi continued in Congo against the Tutsi that are in Eastern Congo. It is still being administered by the FDLR against the Tutsi which gets weakened but which is now strengthened by a resolution for a belligerent force to join Congo and obviously we are expecting this genocide again to take place in Eastern Congo.

Never again! That should be the moving swansong on the lips of all East Africans. Leadership. Genocide was about to take place on the East African bloc in Kenya. Thank God it did not to the levels of 1994 in Rwanda. Leadership. But the truth is so precious that it must be guarded by a pack of lies. To that I should say never again, Madam Speaker. Let us learn to tell our leaders the truth. The Nigerians say that it is not enough to run, it is enough to know that one must run and one must know when one has arrived. We have countries on the East African bloc where Presidents are continuing to run. The same president has been here for long and term limits are not established. The truth is so precious but it is being guarded by a pack of lies. The same president is not being told the truth. He has led very well but what guarantees are there that he will continue even when biology can set in question?

Madam Speaker- (*Interruption*)

Mr. Kidega: Thank you, Rt. hon. Speaker and thank you, hon. Mbidde. Most times we have congruent of mind, we agree on a number of issues. The simple clarification I am requesting for from you is on the statement you have alluded to that a sitting president in East Africa has been around, is still around, is running and is being told a pack of lies. Can you be clear enough or give me clarification to see how best some of us who have committed ourselves to telling the truth to our leaders to know which president you are referring to and who are these people telling lies to him.

Mr Mbidde: Thank you very much. Madam Speaker, hon. Kidega and I belong to the same umbilical cord of conviction that leadership begins from school and that is where we began from.

The Speaker: Try to make your debate shorter.

Mr. Mbidde: Most obliged. I come from the Republic of Uganda. We have been led very well by President Yoweri Museveni until he decided to lead and lead and continue to lead to the extent that the economies of scale have set into saturation.

They say that when a palm branch reaches its height- (*Interruption*)

Ms Byamukama: Madam Speaker, with due respect I have constrained myself to some extent and listened attentively. I would like to put this question to order. We are debating the issue of genocide, good and bad leadership and we the people of Uganda have democratically election President Yoweri Kaguta Museveni for all this time as members of the NRM party. Is it in order for hon. Mbidde to insinuate that he has led without our mandate? Is he in order?

The Speaker: Hon. Mbidde, I think you should stick to the motion. Please sit down and I make my ruling first. You are delving in areas which are not in any way in the motion and that are what is causing this discomfort. So I ask that you stick to the motion and we are able to conclude on it. Please, you are not in order. Proceed on the motion and we conclude.

Mr. Mbidde: Most obliged, Madam Speaker. I will go straight to my final point. It has always been with the assistance and where the external factors have been a protagonist that Africa has occasioned substantial problems and accordingly, visionary leaders have advised the East African bloc to establish, constitute, consolidate and rely on home grown solutions. So Madam Speaker, I am still within the ambit of the never again principle. Within the resolution, I equally urge that we consolidate home grown solutions for solving problems particularly under Article 27 clause 2 by reinforcing the East African Court of Justice, continuing to consolidate and awarding and granting it appellate jurisdiction and also owing to a resolution that was passed in the Second Assembly; a jurisdiction for purposes of trying crimes against humanity and human rights jurisdiction.

Madam Speaker, we should refrain in the same measure from revisiting the available jurisdiction to this court for purposes that recourse for all problems of governance and otherwise should always have mechanisms of solution that people do not result to mob justice which is the very foundation and basis that orchestrates genocide that we are fighting here.

Finally, this is when and only when we shall say never to the issue and problem of genocide on African soil and East Africa as a whole. I thank you very much.

The Speaker: Thank you very much, hon. Mbidde. I will take hon. Valerie. Make it briefs so that we are able to conclude in the prescribed time of the Rules of Procedure.

Ms. Valerie Nyiramilimo (Rwanda): Thank you very much, Rt hon. Speaker for giving me this opportunity to contribute to this motion. From the outset, let me thank you on a special note, as my colleagues said, for the comfort you have given to the people of Rwanda but also for the

support and solidarity shown in letting our dear colleagues here present to come to Kigali and hold this very important session in this very period when Rwanda is commemorating the 19th anniversary of the genocide against the Tutsi.

Back to the motion, I want to declare that I am in full support of the entire motion plus all the resolutions put forward including the very important amendment brought by hon. Odette. Let me also thank you, Rt. hon. Speaker because last time when you went to Nyanza, you promised that the Assembly would bring a motion condoning the UN and the International Community for abandoning the people and leaving them behind at the mercy of people killing them. Now your promise has become a reality, the motion is brought and we are glad to discuss it this afternoon and pass it.

Rt. hon. Speaker, let me also thank our government of Rwanda led by His Excellency Paul Kagame for having chosen to commemorate this 19th anniversary under the theme, Let us commemorate the genocide against Tutsi in or by striving for self-reliance. Although this is the theme of the year, in my understanding, the theme still prevails and applies to all the past years but also to the years ahead.

I was in Rwanda when the genocide occurred. Innocent Tutsis were killed; they were deprived of enjoying their full and fundamental right which is the right to life. They were denied their dignity; they were chased out of the country and so on. Let me confess that every time each and every one of us talks about genocide, we feel depressed because it was done in a horrible manner.

My home is located in Kicukiro district and unfortunately I stay just behind a place called Eto Kicukiro. It used to be a secondary school where Tutsis specifically went hoping that they would be taken care of by the then UN troops. Unfortunately it was not the case. On the contrary, the UN troops packed everything and went without leaving anything behind including their dogs but they left behind human beings. People came and killed them. It is so sad.

I thank the government for having chosen this theme, striving for self-reliance because as one of my colleagues alluded, sometimes I am pessimistic and I feel that nobody likes us. The example we have known in Rwanda speaks for itself and that is why we have to do whatever we can so that we take care of ourselves without waiting or relying on any external force especially due to the fact that it has been proven that those forces only come in to destroy the very few achievements the country knows.

I want to thank RPF Inkontanyi for its resilience and for having stopped the genocide. I also want to thank our government led by His Excellency Paul Kagame. I want to thank him personally for what he has done for the country until now because as you can see, it was also alluded to when we went to visit the memorial site. You can see that out of the cries and graves and everything bad that Rwanda went through, emerged a spirit of socio-economic transformation of the then destroyed social fabric so I thank him and all the people who came in to help Rwandans and save them from the genocide that was taking place.

Finally, I want to declare that I am in full support of these resolutions because if we have experienced genocide of this kind, it can happen anywhere in the East African region but for us to take measures to prevent it, I think we have to act collectively. So I thank you very much and once again I support the motion.

The Speaker: Thank you very much. I will take hon. Nyerere. I have noticed that hon. Mumbi wanted to submit, hon. Frederic and hon. Jacqueline but because of time, you can see the time is running out. I will take hon. Makongoro and hon. Zein comes to sum up. And hon. Nakawuki, you have caught the Speaker's eye but you appreciate it is after 6.00 p.m. Hon. Makongoro proceed.

Mr. Charles Makongoro Nyerere (Tanzania): Madam Speaker, once again thank you very much for I have caught your eye but I have also caught your permission to make some contribution. God bless you.

First I would like to assure you that I will be very brief. It is easy to be brief when you are not the first one in line. All you have to do is I stand up here to support the motion, hon. Speaker and I support everything that was said by my colleagues before me so it is so easy.

By the way, I stand here to support this motion. Last time when I supported another motion on voting by one of our colleagues, hon. Sebalu, I said I was not sure because I thought it was quite big. I was not sure if it was 100 percent but this one I support with all my heart 100 percent.

Madam Speaker, what I want to do is just give a little contribution because there are resolutions here that are being brought forward to us by honourable colleague Abubakar Zein. There are nine resolutions. I wanted to contribute a little bit on three of them; numbers seven, eight and nine. Maybe I will just contribute a little bit on two of them because it is just three of them and then I have reduced one, it is just two, I will be very brief but with your permission and blessing please, let me just use a very short time to say thank you to the Republic of Rwanda as my colleagues have said. Our stay is good and the tour was very good and meaningful.

Madam Speaker, the last time I spoke in Burundi we had a plenary session where we did our session without meeting one another before the new year. Today we are having another one where I am sure we did not meet before the holiday of Easter. The other day I said happy new year. Today with your permission, please happy Easter.

Lastly, I would like to use a little bit of your time to share my experience of the genocide. There was confusion in the beginning when we thought all was going well. There were talks going on in Arusha. Nobody thought that there were people planning to kill one another massively. We thought all was going to go well and some of the implementations to the road to peace in this country was having a little force here of the now Rwanda Patriotic Front and it was already here so we were seeing that things were going okay and then suddenly one day we hear that there was a plane crash which killed two president; the President of Rwanda and the President of Burundi.

Normally when we hear of that, we are waiting to hear of the funeral, how it is going to be and who are going to represent our countries. This is what normally happens. It never happened that way. The killings started immediately and most of us were not aware. We were just sitting idly

not knowing anything, waiting and by then my father Mwalimu Julius Nyerere was the first President of my country Tanzania. He was retired by then and hon. Mwinyi's father was the president then in 1994. Tanzania is quite an amazing country. When my colleague hon. Mwinyi came back home, he advised me that I should also come and join him here.

The Speaker: Proceed, hon. Makongoro. You are protected. Do not insinuate that East Africa should become a club of- (*Laughter*)

Mr. Nyerere: Thank you, Madam Speaker. Hon. Mwinyi is a nice brother of mine, he was here five years before me and when he came back home, he advised me, why don't we go and work together and I did agree. I advise you to do the same if possible from your countries. Bring in the sons of the presidents. (*Laughter*) With your blessing, Madam Speaker and my innovation, I will tell the sons of these presidents that it is good and okay and actually it is easier than what Uhuru Kenyatta in Kenya. Here it is easier because what you do here is you go to your Parliament and talk to them but Uhuru did, congratulations to the Kenyan people and Uhuru Kenyatta himself. I do not want to take long on that one. God bless the Kenyan people and president Uhuru Kenyatta. No clubs.

Madam Speaker, we never knew but the killings had started and those who were led by now His Excellency President Kagame had known because they had some of their people in here. There was a little force trying to protect itself in here. They were in communication. Yes so as soon as the killings started, they knew. Nobody else knew. I also hear that there were a few BBC reporters who were trying to broadcast this because they were here already since the first day.

The first time I personally- because I am sharing with you my first experience was within the first week but where did I get it from? I got it from Mwalimu Nyerere. In Tanzania I normally stay in Arusha but quite occasionally I do go to Dar es Salaam and at this time Mwalimu Nyerere was a retired president. When I was in Dar es Salaam I heard he was coming so I went to the airport to receive him. It was quite late and after I received him, well he is a retired president he has his own car and I have my own but when I saw him going into his car, he did not look very jovial, he was troubled.

His health was okay but he is my father, I knew something was wrong so as soon as we got home, I asked him, Mwalimu what is wrong? Your health looks good but you look troubled. He said yes, briefly in Kiswahili he said *kunavijana wetu... wa Afrika wana kwenda kuzuiya mauwaji Rwanda...* I will translate now. He was furious because in those first days he already got word that the killings have started in Rwanda and he says we have our own young African heroes going to stop murderers and Tanzania is not saying a thing of support to these boys. So he said I come to Dar es Salaam, I made a meeting with my president, also known as Mwinyi's father and I want to ask my president, what is the problem? There are Africans killing Africans in Rwanda, there are Europeans bringing in their armies to take to safety those of their own now we have our own boys going to stop killers and they are being criticised for it, I am so disappointed. If there was a country, they should be the first to support these boys publicly it should be Tanzania. What is happening?

We were always first when it came to the liberation of Southern Africa. What is happening now? Where has the spark gone? So the next day he was the first one for an appointment with the President in Dar es Salaam. It comes that way, if you are a retired president and you have an appointment, you are normally the first one before other people. He was there and after some time, that same day I heard Tanzania leading the punch to the other Partner States of East Africa to support Rwanda. So I said I should share this before I put my contribution.

Very briefly, it is 19 years since the genocide. Let us all praise the Rwandan people under the leadership of my brother His Excellency Paul Kagame. I firmly believe that if this happened in other countries, there would have been a group of people doing the same that happened with pride but here it is different. The hurt is still there but the way they manage it with home grown solutions, I take Rwanda now to be the inventors amongst the East African Partner States of this word in theory and practice, home grown solutions and I laud them for that. One of them is the Gacaca courts. Home-grown solutions.

With a light touch, Madam Speaker Kiswahili has come a long way and the Kenyans right now are doing quite well. Now this is a light touch. They even invented a certain phrase *kitu kidogo*. It is a light touch but when it comes to home grown solutions, I salute the Rwandan people as the inventors.

Madam Speaker, very briefly it is back to business. On the third page of my colleague's motion there are these resolutions. I believe they will all go through today but I just want to give some contribution to a few. To be together, I will just read number one and then put my contributions to that. We now do resolve to 1. Declare its solidarity with the people and government of Rwanda especially now when they commemorate the 19th anniversary of the 1994 genocide against the Tutsi.

What I said was that I was going to go to the number seven, eight and six. Let me start with eight because it has had some explanations from my colleague, hon. Patricia. In short, I am not an expert in genocide and mass killings, in organising them whatever way, even trying to explain the difference between mass killings and genocide. What I do know is that people get to die for no reason at all. I do know that I am still ignorant. I do know before I wanted to contribute and before my very dear colleague gave in some clarifications, I have actually never heard that there was some fund somewhere that does contribute to victims of either mass killings or genocide up to today. So I just wanted to cite it that if this happens, it is a good thing.

I do know that in a country called Cambodia, a gentleman called Pol Pot killed his own about 2 million but I do not know if there was a fund. I do know that Cambodians are going to the Hague somewhere but what I do know is that somebody might get sentenced for some time or for life but I am still ignorant about a compensation fund. Now if this is there then God bless us and if it is not there then okay let us start looking for it.

In this case, the two is number seven and number nine. Number seven states that we do resolve that the East African Community enacts laws punishing and negating the crime of genocide denial and propagating the hate speeches embodying genocide ideology. I agree with it. I am new to EALA, I am new to the East African Community but I am getting warmer day after day.

What I do know is that we do have a court that does not have the mandate to prosecute such kinds of cases. Now this is it, what I am sharing here. There is still some work to be done if this resolution goes through, that we empower our courts. Now to empower our court I do not believe it could come or originate from your legislative assembly. I think something should be done by the Council and the Summit to enable and empower our East African Court of Justice to be able to do such jobs otherwise let us not rush into electing such laws when we are quite aware that our East African Court of Justice cannot handle this. (*Interruption*)

Ms Mukaruliza: Thank you, Rt. hon. Speaker. I would like to give information to the hon. Members that the Summit has already directed the Council to look into how we can extend the jurisdiction of the East African Court of Justice to handle cases of human rights and crimes against humanity. Thank you.

Mr Nyerere: Thank you, Madam Speaker. I got an answer in record time.

The Speaker: Try to conclude, honourable.

Mr. Nyerere: The East African Community do organise a regional conference to address the issues of genocide as part of the commemoration of the 20th anniversary of the genocide against Tutsi. Madam Speaker, in very short words and terms, if we want to be states and seen by others as members belonging to the same East African Community, this should happen next year. Thank you very much, Madam Speaker.

The Speaker: Thank you very much. I will invite hon. Zein to conclude.

Mr. Zein: Thank you very much, Rt. hon. Speaker. Allow me to start by appreciating and recognising those who were involved in initiating and contributing to the development of this motion. I had saved this for last so that we would have an open debate. In that vein, allow me to start with the Office of the Speaker and the Speaker for prioritising this issue and inspiring us to come and debate today.

I also recognise the Office of the Clerk and the Clerk and also recognise the contribution of two hon. members of this House who spent time with the Office of the Clerk and the Clerk in refining this motion. First and foremost hon. Patricia Hajabakiga and hon. Abubakar Ogle who spent consultation in the past three or four days culminating in today camping in the office of the Clerk to refine this motion so that it was in a shape and form that it could be debated by this honourable House.

Allow me to thank the Speaker and others who were involved in this for giving me the privilege to move this motion today. Also allow me to thank those who contributed to this motion on the floor; hon. Hajabakiga, hon. Nancy, hon. Kiangoi, hon. Ogle, hon. Jeremie, hon. Kidega, hon. Taslima, hon. Dr Odette, hon. Mbidde, hon. Valerie, hon. Makongoro and also to appreciate that because of the time constraint and our Rules of Procedure, there were others who had caught the eye of the Speaker; hon. Jacqueline, hon. Mumbi, hon. Nakawuki and I am sure many others. Each and every member of this honourable House would have wanted to contribute but we did not have time to do so.

Allow me, hon. Speaker to comment on a number of issues that have come from the debate and the interactions by the members and the contribution and input of the members. First and foremost, I think it is important for us to remind ourselves on the definition of genocide. We look at genocide as encompassing and including actions, threats and crimes committed and targeted on a group of people that is designed to eliminate that group in whole or in part because of their identity, ethnicity, religion or characteristics that distinguish them.

So when we talk about it, we are not saying that they were not some Hutus who even stood with the Tutsi and who died but it was not designed to eliminate the Hutu community. The genocide was designed to eliminate the Tutsi community so it is important to bear in mind that fact so that in our discourse, we do not give an opportunity for some people to misunderstand us and think that we are either belittling or we are among those who are negating or even denying that genocide took place.

I would like to persuade my brother Jeremie that we should not make the death of the former President of Burundi part of this motion lest that people misunderstand us, lest some people say that it was a justification. For those who have studied this genocide they would know that the planning was there a long time ago and the different steps that lead to genocide had been developed.

Also, allow me to thank and say to those members who reminded us that we need to affirm 'never again' but also to recall and recognise that all those who were signatories to the 1948 convention are bound by that convention to prevent, to stop and to bring to account those who were involved in genocide.

Allow me to also share with you that the construction of seven and other recommendations will be refined in line with what hon. members substantial input was but only save to say this. That the reason why we only wanted to deal with the question of the problem of negation, denial and also new ideology of genocide was because those have not been outlawed in our region and to also say that in Europe today, you cannot go to any European country and deny that there was a holocaust. You would be breaking a law and to say even before we are able to expand the jurisdiction for the East African Court of Justice, we can pass a law that is binding in all five States that you will be committing a crime by denying.

I am aware, Madam Speaker that we do not have a lot of time. Allow me to say three things and then sit down. The first one is that there are two principles that we need to work with which are not exclusive of each other but intertwined. One could even say they are the faces of the same coin. One is what we say in Kiswahili *kujitegemea* and this was articulated by our forbearers, foremost among them Mwalimu Julius Kambarage Nyerere. *Tujifunze*, we learn to rely on ourselves; self-reliance but we now add the need to add *bada yakujitegemeya tutegemeyane* that we can depend on each other. *Sasa tuwe...mawili kujitegemeya na tutegemeyana*. In this region we should be focusing on self-reliance, home grown solutions as some people said but also a philosophy that we can depend on each other to stand together in the hour of happiness but also in the hour of need.

Related to this, some members have said and correctly so that there are concerns that some of the people who were planners, organisers and perpetrators of genocide fled to DRC and they have brought trouble to DRC as well. It is good for us to ask our Council of Ministers to say, it is not only 'never again' in the five Partner States. It is never again in the whole of this East African region including the DRC.

Last two points. That today when we are able to pass this motion, we will follow up and follow through some of the commitments that this motion is demanding including the international conference. It is not just regional but international conference that we will share with the rest of the world on our learning.

The very last issue is to thank, on behalf of my colleagues the Rwandese chapter, the minister, the government and the President of Rwanda through the Prime Minister's office for making it possible for us to be here at this time in this hollow place of remembrance to be with the people of Rwanda and to stand in solidarity with them. I thank you very much, Madam Speaker. *(Applause)*

The Speaker: Thank you very much, hon. Zein. Hon. Members, the motion on the floor is that this Assembly do resolve to commemorate the genocide against Tutsi, which occurred in the Republic of Rwanda in 1994. I now put the question.

(Question put and agreed to.)

The Speaker: Hon. Members, thank you very much for today's deliberations. We have come to the end of today's session. Before I adjourn, I have three announcements to make. The first one is that the leadership of the women's caucus EALA Women's caucus should find time and refine their report so that on Tuesday after the session we can have a meeting of the women members.

Secondly, we have received an invitation from the Rwanda chapter for a dinner this evening. Hon. Members, prepare yourselves and be there in the earliest time possible.

Thirdly, the Speaker would like to meet the Chair of Council and the hon. Ministers of EAC briefly so that we map a way forward.

With those few announcements, I wish to adjourn the Assembly until tomorrow 2.30 p.m. House stands adjourned.

(The House rose at 6.40 p.m. and adjourned until Thursday, 18 April 2013 at 2.30 p.m.)