



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

The Official Report of the Proceedings of the East African Legislative Assembly 87TH SITTING – THIRD ASSEMBLY: FOURTH MEETING – THIRD SESSION

Thursday, 29 January 2015

*The East African Legislative Assembly met at 10:09 a.m. in the EALA Chambers, EAC
Headquarters in Arusha, Tanzania*

PRAYER

(The Speaker, Mr Daniel F. Kidega, in the Chair.)

(The Assembly was called to order)

The Speaker: Good morning, honourable members and welcome to this sitting. Honourable members, today's Order Paper is very brief and it is deliberate because a number of members have approached my office expressing personal difficulties to leave quite early today.

Yesterday you did this Assembly proud. You sat in until very late and we dealt with most of the business. I appreciate all your commitment to work.

This morning the business will be done very fast to allow all of you who have approached my office to go and take on the various assignments you have. I thank you so much.

PAPERS

The following Paper was laid on the Table: -

(by the Chairperson, Committee on Regional Affairs (Mr Abdullah Mwinyi) (Tanzania):

The Report of the EALA Committee on Regional Affairs and Conflict Resolution on the Capacity Building Workshop on the EAC vision 2050, the Fifth EAC Development strategy, the African Union Agenda 2063, and the UN Post-2015 Agenda.

MOTION FOR A RESOLUTION OF THE ASSEMBLY URGING THE EAC PARTNER STATES TO ADOPT THE AFRICAN CHARTER ON DEMOCRACY, ELECTIONS AND GOVERNANCE

Mr. Abubakar Zein Abubakar (Kenya): Thank you, Rt. hon. Speaker. I beg to move the motion that the Assembly do resolve to urge the EAC Partner States to adopt the African Charter on Democracy, Elections and Governance. I beg to move.

The Speaker: Seconder? Hon. Mulengani, hon. Hafsa Mossi, hon. Nengo, hon. Ngenzebuhoro, hon. Dr Martin, hon. Rwigema, hon. Nkanae, hon. Yves and hon. Kimbisa.

Mr Zein: Rt. hon. Speaker -

RECALLING that the East African Community is founded on the fundamental principles provided for in Article 6 which among other principles establishes that the Community shall be governed by (d) good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality as well as the recognition, promotion and protection of human rights and people's rights in accordance with the provisions of the African Charter on human and people's rights;

FURTHER AWARE that the Community has made this principle of good governance and democracy one of the critical criteria for assessing any future application to joining the Community

ACKNOWLEDGING that steps to inculcate these principle sin the life of the Community have bene taken by various Organs of the Community including the development of principles for credible elections and their observations

AWARE that Burundi, Kenya, Rwanda and Uganda have signed the African Charter on democracy, elections and governance

APPRECIATING that Rwanda has ratified this important African instrument of democracy

CONCERNED that Burundi, Kenya, Uganda and Tanzania have not yet ratified this African instrument

CONVINCED that the vision and principles of the African Charter on democracy, elections and governance are compatible with the East African Treaty

FURTHER CONVINCED that the ratification of this critical African instrument will deepen and entrench the efforts of the Community to enhance democracy in the Community

RECALLING that this African Charter was informed by various declarations and decisions of the OAU and AU including the 1990 declaration on the political and socio-economic situation in Africa and the fundamental changes taking place in the world, the 1995 Cairo agenda for the re-launch of African economic and social development, the 1999 Algiers declaration on non-constitutional changes of government, the 2000 Lomé declaration for an OAU response to unconstitutional changes of government, the 2002 OAU/AU declaration on principles governing democratic elections in Africa and the 2003 political protocol relating to the establishment of the peace and security council of the African Union

FURTHER RECALLING that the eighth ordinary session of the African Union Assembly held in Addis Ababa Ethiopia on 30th January 2007 culminated these efforts by adopting this instrument as a mechanism of entrenching democracy, ensuring credible elections and promoting good governance in our beloved continent

DESIROUS of promoting these noble aspirations

This House therefore resolves as follows:

- 1. To urge the Summit of the East African Community to facilitate Partner States to ratify the African Charter on democracy, elections and governance;*
- 2. To urge the Council of Ministers to mainstream the principles of the charter in the East African Community;*
- 3. To urge the Parliaments of the Partner States to domesticate the charter in Partner States' laws and policies where applicable."*

I beg to move.

The Speaker: Thank you. Hon. Zein, you can go ahead and justify your motion after reading it.

Mr Zein: Thank you, Rt. hon. Speaker. I would like to justify the presence of this motion before your privileged and august House by referring to some of the very noble aspirations that are captured in this instrument. I will start with just going through selectively because it is a detailed document so I will start with chapter two of the charter on objectives under Article 2 specifically.

The objectives are:

1. To promote affirmance by each state party to the universal values and principles of democracy and respect for human rights.
2. To promote and enhance affirmance to the principles or the rule of law premised upon the respect for and the supremacy of the Constitution and constitutional order in the political arrangement of state parties.
3. To promote the holding of regular free and fair elections to institutionalise legitimate authority of representative government as well as democratic change of governments.
4. Prohibit, reject and condemn unconstitutional change of government in any member state a serious threat to stability, peace, security and development.
5. Promote and protect the independence of the Judiciary.
6. Nurture, support and consolidate good governance by promoting democratic culture and practice, building and strengthening governance institutions and inculcating political pluralism and tolerance.
7. Encourage effective coordination and harmonisation of governance policies among state parties with the aim of promoting regional and continental integration.

8. Promote state parties' sustainable development and human security.
9. Promote the fight against corruption in conformity with the provisions of the African Union convention on preventing and combating corruption adopted in Maputo Mozambique in July 2003.
10. Promote the establishment of the necessary conditions to foster citizen participation, transparency, access to information, freedom of the press and accountability in the management of public affairs.
11. Promote gender balance and equality in the governance and developmental processes.
12. Enhance cooperation between the union, regional economic communities of which we are one and the international community on democracy, elections and governance.
13. Promote best practices in the management of elections for purposes of political stability and political governance.

Those are the objectives and from those objectives, you will see crystal clear that these objectives touch the very soul of our Community. These objectives aspire to take this Community to a place where integrity, where respect of the will of the people, where respect of institutional autonomy and independence, where respect for the outcome of elections are entrenched in the Community.

It also seeks to outlaw unconstitutional change of government. We in African have said, no longer shall we allow military take-over or coups or people circumventing the rule of law and pretending to have been elected when they were not elected.

Therefore, it is critical for us today in this House to send a message of solidarity to the continent and say the African Union has established a good instrument, and that we here in the Community where we form one of the regional economic communities are embracing this instrument and are seeking to urge, to beg and to plead with our Summit to ensure that this instrument - if this motion finds the favour and pleasure of this House - is taken to the next level which is to seek Partner States to domesticate it where applicable.

It is also critical for us to talk about corruption. We will be sending a message to the Community, to our esteemed members of the Council of Ministers that the journey that you have started in pursuing and finding what is the problem with the accounts of the Community is a journey that is supported by an African instrument. We will be saying to these noble members of the Council that you are not alone, that Africa stands with you, that the East African Community stands with you.

Let me very quickly touch on a few other things. I would like to quote a few honourable distinguished members of this House. The hon. Dora Byamukama from the Republic of Uganda time and again reminds this House about the premium of good governance. She has, time and again brought motions here to try to mainstream some of the values that the African Union has established for us.

The last time she touched on some aspects of what is touched in this instrument was when she brought the Bill on trafficking of human beings and this House accepted her arguments, supported her, and made that art of the record and recommendations of this House.

By adopting this, we will be solidifying and strengthening previous motions that have come from that very distinguished committee; eh Committee of Legal Rules and Privileges. I have just given one example. The record of this House will show that that committee has brought at least ten such instruments since the inauguration of EALA 1.

I would also like to make the point that we Africans are proud of our continent but are also proud to be members of the world community. Every time some of us who are pan Africanists send messages and say we do not want to be judged by instruments made by others, we also make the case for us to make our own instruments.

We as a continent have made this instrument so it is incumbent upon us to promote it and say, this is the African way. We are not saying our rules are different. Our democratic values are not different from others but we have our own instruments of which we are proud.

I will make two last points. One, this instrument wholesomely deals with three interconnected important principles that we should live by. One, democracy; two, elections and three, governance. These are twins; you cannot separate them. They must walk holding hands together for them to make sense. If you try to separate them, one of them will suffer. If you remove democracy, elections will be meaningless. If you remove governance, democracy will be meaningless. So these twins must walk together – triplets. I am absolutely corrected and I accept. When they are, three we call them triplets. Thank you, Sir Dr Martin Nduwimana.

These triplets must be allowed to live and grow and mature and become the inspiring force of our work.

The last point I wanted to make is that this House has demonstrated to the Community that it is willing, able and ready to bring good governance to its own Chamber. The report will show that this motion was moved more than 18 months ago. It was lying somewhere in the drawer gathering dust and hoping that it would be forgotten, praying that it will die and thinking that we will forget.

It was a bad memory. Yesterday we were told memory is a beautiful thing and it has this knocking nature of coming back to haunt people. So this motion has come back. After 18 months of waiting, please do justice to it. I thank you, sir.

The Speaker: Thank you so much, hon. Zein. Honourable members, the proposal before us is that this Assembly do resolve and urge EAC Partner States to adopt the African charter on democracy, elections and governance. Debate is open.

Honourable members, you know the next two years is a very serious period for this region where we are going to go through many elections so this motion has come in very timely. I thank the mover, debate is open.

Ms Patricia Hajabakiga (Rwanda): Thank you, Rt. hon. Speaker. I stand to congratulate hon. Zein for being persistent and making sure that when the return of good governance to this House does not end without having a motion substantiating the costs of the problems we had the whole of last year.

I also stand to support the motion and say that not only the matter under the Charter on democracy, elections and governance are not only the matter of the Treaty. It is also a matter of our own

constitutions in the five Partner States. They are all enshrined in all our Partner States constitutions. If you pick any of those constitutions, you will find these three important elements of good governance.

It is therefore important that if our heads of state went all the way to Addis Ababa at the African Union, agreed to draw a charter, signed it, it is only fair that they do ratify it so that it enters into force.

However before I conclude because hon. Zein has clearly indicated and I would like to understand- If you look at the last paragraph on page one, aware that there are only countries indicated to have signed the charter, does that mean that Tanzania did not sign it? I would like to know or if it is an oversight.

That being the case, then if it did not sign then it cannot be requested to ratify. It can only accede later when the charter comes into force unless otherwise if the signing has not been closed. So I would also like to get that clarification. If it was an oversight, then in the last paragraph we need to include the United Republic of Tanzania to be a signatory if they have to be requested to ratify.

Thank you, Mr Speaker and I support the motion.

Ms Dora Byamukama (Uganda): Thank you very much, Mr Speaker. I want to congratulate hon. Zein again for keeping the memory alive and for actually keeping us reminded of very important things especially the issues, which will help, establish our legacy and issues, which will enable us to keep doing what we are expected to do.

Mr Speaker, I have three observations. First and foremost is the fact that this charter will help us establish common principles and standards. I know this House has hitherto debated on this issue for example, what is democracy? Does democracy have the same meaning in all the EAC Partner States? What are elections? Do elections take the same meaning in EAC Partner States? What is governance?

We have failed to sign on to the good governance protocol. We have failed to conclude it. Is it because we do not have the same understanding or is it because we do not believe in the Treaty that we all signed because the Treaty clearly defines what good governance is.

So in essence the question is, are we committed to what we sign on to or do we sign to look good or sign in order to belong whereas in action we do not want to commit? We must keep these critical questions on asking ourselves.

Mr Speaker, the second issue I would like to highlight is that of observation mission as opposed to monitoring missions. When we go out to observe elections, we do not want to commit to a higher level of monitoring and therefore we go around in partner States when elections are being held and we are mere observers. Even if we saw something very bad happening, we as observers have already tied our hands because we have categorised ourselves as observers.

Therefore, if we are committed to the Treaty and to good governance, we have a duty to raise this level to monitoring which obliges us to go further and not be fearful of commenting on serious issues, which happen during elections.

I think this is very important, it is a test for us and I am glad that the Chair, Council of Ministers is here. I hope that during these four elections that are going to be held this year; two in the United Republic of Tanzania and two in the United Republic of Burundi, we will be able to take a step and move from observation to monitoring because we are partners and we have a common destiny.

This is a challenge we need to question and maybe adhere to and therefore show higher commitment.

Turning to the charter, I would like to thank hon. Zein again and to note that if my memory is correct, there is a provision in the charter, which requires that we must have a certain number of countries ratifying the charter in order for the charter to be operational. Therefore, if only the Republic of Rwanda has ratified, it shows that the East African Community is not supportive of a very important document, which would help us even in issues of ranking, in issues of good governance and democracy.

No wonder the Republic of Rwanda has been doing very well in issues of ranking and on the aspect of good governance. It means that they have submitted themselves to a higher level of scrutiny, which has prompted the Republic of Rwanda to adhere to international standards. Therefore, this has raised their ranking in the world to one of the best countries to do business in, and one of the best countries with democracy. Therefore, we should not fail the Republic of Rwanda because it is part of the EAC. So, when you have only one out of five ratifying, it means we are letting down the Republic of Rwanda, and eventually when we become a Political Federation, it means the Republic of Rwanda will have to suffer by virtue of being partnered with other Partner States, which are not willing to ratify this charter on democracy, elections and governance.

This is very serious and Mr Speaker, I trust that in your leadership and I would like to ask you kindly that whenever we meet partners of state, instead of dwelling on phrases which must be done, we must also talk about these very hard and controversial issues and ask them on their commitment on this issue.

This is how for example the trafficking in persons' law was passed in Uganda. I put the question to His Excellency, he committed, and within one month or so, we had the law. So let us not be fearful, let us do our work without fear or favour and be courageous and bold.

I would like to go to another point on the issue of women's participation in politics, persons with disabilities and their participation in politics, the youth participation in politics. Women make over 50 per cent of our population but up to today, you will find that there are very few women in governance and the question is, why? I think the answer lies within all of us. The minute a woman stands up seeking for an election, she is already minus five points. The minute a man stands up seeking for election, he is already plus five points. Why?

This is according to perceptions. I will not take it that it has changed like is being suggested by my friend hon. Mulengani. It has not changed because for some of us who have stood on a constituency rather than coming in to politics on affirmative action. You first have to spend about 30 minutes educating the populace why you have come on this so-called man's seat when it is an open seat and you are being seen as encroaching on men's territory. By the time you finish your 30 minutes, they say that women is too assertive. They do not even use the word assertive. They say she is too aggressive.

I would like to say that even within this House, there are some of us who still think so and unfortunately, some of those who think so are women. I know and we have tested that this House actually passed the test in that we elected a woman as Speaker. That test has been passed but I would like to encourage you to go ahead and ensure that even locally and wherever you are, you are able to support women who are 50 per cent of the population.

On the issue of persons with disabilities participation, our population is composed of 20 per cent of persons with disability and sometimes when you see our colleagues hampered because they cannot see or even be able to access the polling centres, you may not understand it but these are very serious issues.

With old age, obviously most of us are heading to disability of one form or the other because the minute you are above 40, you must use reading glasses. If you are lucky, you may not so yesterday when my brother hon. Ogle was talking about large print, I saw people raise their eyebrows but this is reality.

So, I would like to say that it is very important that in issues of governance, we are sensitive. We need to be sensitive especially on the issue of participation and I love the slogan of persons with disability because they say nothing for us without us. This is participation.

On the issue of youth, I believe and trust that we have done very well. We have over 60 per cent of our population as youth and therefore I trust that this component has been adhered to, to some extent and I am glad to see you, Rt. hon. Speaker in that chair because I know you began as a youth representative the Parliament of Uganda.

I would like to conclude by urging this House, urging hon. Zein to keep on reminding us about this protocol no matter how long it takes. It may sound irritating but please do it annually so that we can do an audit and so that we can find out who has signed and who has not signed.

I trust the Speaker's office will communicate to the heads of Summit and congratulate the Republic of Rwanda for signing and ratifying and that your office will request those Partner States, which have not signed or ratified to do so but indeed, it is to order because the Treaty is clear. We have signed on to good governance and this encompasses what is in the charter. I thank you, sir.

Mr Abdul Karim Harelimana (Rwanda): Thank you, Rt. hon. Speaker. I also rise to support the motion and to congratulate my young brother hon. Zein for bringing back this motion and to encourage him to continue doing so and to encourage all members to support the motion and that it is not the only thing that suffered in this House to be delayed for more than 15 months. Even EALA itself and EAC in general was about to die until it was given some good medicine and it came back to life.

Mr Speaker, I take this opportunity to welcome hon. Mwakyembe as a new member of the East African Legislative Assembly and wish him a good job especially that he is not very new to it. We have learnt that he was in EALA one so while here I think he is not going to be learning but he is going to be assisting in pushing ahead the East African Legislative assembly.

Coming to the motion, I sometimes wonder why people go and meet and take decisions which I fear that they do not believe in. They are going to Addis Ababa or to any other capital in Africa,

discuss issues, debate, no one has asked them to do that. It is coming from them and then decide and after deciding, they come back home just to keep quiet on those issues.

I wonder why they take that time and spend that money and at the end of the day, they are not finishing the work. Even today, people are going to meet in Addis Ababa I think on another issue. You know our problem is the ICC. I support the idea of having our own African Union court of justice, which will help us solve the problems because the ICC, the way it looks, is not international, it looks African but which is just situated in The Hague.

Mheshimiwa, they are meeting there and I hope that this time when they take a decision, they will come back, sign it and later on ratify it.

The issues of democracy, elections and governance are very important. Though the word democracy is not African, we used to have the practice of democracy in our governance. Historically maybe the kings were not elected, but the way of having some kind of Parliament, some kind of local government, some kind of separation of powers, was there in Africa. Only that we are trying these days to modernise it and maybe institutionalise it when we were trying to merge it with what we are getting from Western countries and other countries but it was there. I do not know what is hampering some of our Partner States to take a decision of ratifying the African Union charter on democracy, elections and governance.

So in brief, Mr Speaker, I support the motion. Thank you.

Mr Abdullah Mwinyi (Tanzania): Thank you very much, Mr Speaker. First and foremost, I would like to congratulate our minister who was sworn in yesterday, hon. Harrison Makiyembe. We welcome him at EALA, he is back home and we have all the faith that he will do justice to the office of the Chair of Council and to the office of Minister of EAC Affairs, Tanzania.

Second Mr Speaker, I would like to use this opportunity to thank my Right honourable friend, hon. Abubakar Zein for making a timely intervention by bringing up this motion on a very critical matter.

Mr Speaker, if I may remind this august Assembly, the heart and basis of our Treaty are two Articles; Article 6 and Article 7. Article 6 enunciates the fundamental principles of the Community and Article 7 deals with operational principles of the Community.

If I may, I would like to quote part of both of these Articles. Article 6(d) stipulates as follows: *“The fundamental principles that shall govern the achievements of the objectives of the Community by the Partner States shall include, (d) good governance, including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality as well as the recognition, promotion and protection of human and people’s rights in accordance with the provisions of African charter on human and peoples’ rights.”*

That is Article 6, which is relevant to this motion.

Article 7, again I will quote an aspect of it that is relevant. *“The principle that shall govern the practical achievements of the objectives of the Community shall include the provision by the Partner States of an adequate and appropriate enabling environment such as conducive policies and basic infrastructure.*

(c) The establishment of an export oriented economy for the Partner States in which there shall be free movement of goods, persons, labour, services, capital, information and technology.”

I have not mentioned these two Articles, Mr Speaker by accident. It is by design. Based on these two Articles lies the fundamental criteria within which we use to bring in new members to the Community. In order for any member to be part of the East African Community, they must one, partner or border any partner of the Community. Two, they must adhere to Article 6(d) and Article 7(b) and (c) that is they must adhere to good governance and they must have an open market economy.

These principles are not only condition precedents whereby you achieve them before coming into the Community. These are continuous so in theory, if any Partner State falls short of these principles, they could be subject to removal from the Community.

I have made that statement to bring home the magnitude of hon. Zein's motion. The principles enunciated; the triplets of democracy. Election and governance are the very heart of the Treaty so it is incumbent upon us to urge the Partner States, those who have yet not signed to sign to something that they already adhere to under the Treaty and those who have signed and not domesticated this Treaty to do so urgently.

With that short intervention, Mr Speaker, once again, I would like to thank hon. Zein for a timely motion and for my wholehearted support and I urge all my colleagues to do likewise. Thank you.

Ms Hafsa Mossi (Burundi): Thank you, Mr Speaker. I also want to add my voice to welcome the new Chairperson of the Council of Ministers. We have no doubt that with his experience and his wisdom he will take the Community to another level.

I also want to congratulate hon. Zein for bringing this motion, which is timely, of which I am in support. Mr Speaker, it has been said by others that this charter is a road map to encourage better governance across the continent but also to set standards on good governance, free and fair elections in the area of rule of law but also in the fight against corruption.

Mr Speaker, corruption has become like a cancer, which is eating our continent. The cost of corruption is increasing the cost of doing business, corruption is a waste of inefficient use of public funds, corruption undermines the rule of law, and corruption makes it easy for a few citizens to become rich and the majority of citizens to become poorer.

As an Assembly, we are the ears and eyes of the citizens of East Africa and we have to make sure that this charter is ratified for the wellbeing of our people.

Mr Speaker, in the area of democracy, I want to say that his charter has been used in many countries as a guide when they face difficult transitions and I can cite Mauritania which has used this charter to sort out the problems in that country after the coup in 2008.

So Mr Speaker, I do not want to say much but I want to support the motion and I think it is only logical that Partner States ratify and go in tandem with the principles upon which they agreed when they joined the Community. I thank you sir.

Mr Leonce Ndarubagiye (Burundi): Thank you very much, Mr Speaker for giving me the floor and this opportunity to contribute. I support the motion although honestly I am sceptical.

I think a question has been asked by an honourable member about if we understand the words democracy and governance in the same way. Not only in Africa but also in other continents, Norway is said to be a democratic country. The United States says it is a democratic country. The Peoples' Republic of North Korea says it is a democratic country. I think there is a very big difference between the three democracies.

That is why it is time for us, probably to think again and again, and I think there is one Partner State -I think it is the Republic of Kenya- that has decided to appoint a select committee to go through all the agreements that have been signed by Kenya since independence and see those which are still valid and those which are obsolete. I think it is time that we all do the same.

We have signed agreements with AU, UN, EU, mining and petroleum sectors and you wonder why our people are still so poor? After signing so many agreements, economic partnerships and so on, how come our people live in abject poverty?

That is why honestly I think that the ideas and objectives are noble but practicability is another matter. Thank you very much I support the motion.

Mr. Abubakar Ogle (Kenya): Thank you very much, Mr Speaker. From the outset, I also wish to support this motion. It is very tempting when you talk about matters to do with democracy, good governance and social justice. I bet anybody would support it. It is in that context that I do support.

Nonetheless, I have some few clarifications from the mover and my contribution will be limited in that area. Like hon. Leonce said, there is a flip side to all agreements and it is that flip side I want possibly to give this House.

I was wondering whether hon. Zein, the mover of the motion is aware that yesterday there was an extra ordinary meeting of the Foreign Affairs ministers of Africa in Addis Ababa, which will lead to the heads of state meeting that starts tomorrow and goes on up to Saturday. The one thing the Foreign Affairs ministers did and which will be a very critical discussion before the heads of state is trying to create what they are calling an African ICC and I am glad to report here that Kenya was the first signatory of that project.

The details of that proposed African international criminal court, which I am sure will be ratified immediately by the heads of state, has components, which Mr Zein captures in his motion, especially in relation to the AU 1990 declaration on the political and socio-economic situation in Africa. They are talking about trying persons who want to change governments through unconstitutional means, military takeovers and such things.

I am asking that question because if you look at the 50 years history of the AU and its precursor, the OAU, one thing we have always been very good at, we have never been short of this, is the creation of very lofty ideals, aspirations and visions.

50 years ago, they told us that the African Union had ratified something telling us that all African homes shall have free access to water, there shall be free education, and there shall be medical supplies and all these things. We are never short of these ideals. You know you tend to think that when our heads of state meet somewhere in Addis, the only thing they can do is to create those lofty ideals and visions that Africa shall be democratic – (*Interruption*)

Ms Byamukama: Mr Speaker, I always enjoy hon. Ogle's arguments but I think we must give credit where it is due. I was very young in 1971 when Uganda experienced a coup d'état, and this was Field Marshall Idi Amin taking over from President Milton Obote. I would like to say that in my young childish memory and the way I viewed things, this was a very uncertain period. People disappeared, people died and once Radio Uganda was captured then everything as captured. But when you consider what has eventually happened over time and you consider the most recent coup in Cote d'Ivoire where the African Union sent in forces and none of the 54 African states recognised that coup d'état, within a very short time the generals had to retreat and hand over power back to the civilians or promise when the civilians would take over.

So, I believe that these ideals may be lofty but I also want to believe the fact that with the African Union becoming stronger and with us building an army and defence and also increasingly respecting human rights and these universal international values, I think we should give credit where it is due and actually recognise the fact that AU is moving slowly but surely. I thank you.

Mr Ogle: Thank you, Bwana Speaker. I appreciate hon. Dora's intervention and that information but in totality, and I am always honest, I am not a fan of AU declarations. They have just been their declarations but concretising and getting those things on the ground have been a different ball game altogether. However, I understand.

What might have happened in Burkina Faso the other day might have been, for purposes of argument, as a result of an AU declaration but the generals retreated to the barracks- in my perception of things – not because AU declared it so but because we are dealing with a different people now. The people of Burkina Faso are not the people of 50 years ago. They appreciated that these were people who, if you do not respect what they wanted, were going to march and take over. They understood that and I do not think that these African declarations were somewhere in the background. I do not believe this.

My argument was this to the mover. This charter was a 1990 declaration and because my argument is that Africa is very dynamic in as far as the creation of those beautiful ideals, they had that declaration in 1990 on political and socio-economic situation in Africa. In 2007, they had another declaration trying to entrench the mechanisms for democracy and ensuring credible elections and those things but the reality on the ground is quite different so I am not sure whether hon. Zein's reference to the AU charter has perhaps been overtaken by the events of yesterday. That was the clarification that I wanted to seek, at least concerning that one.

Coming back home here, I think this Assembly time and again has moved motions and resolutions related to the expunction of the jurisdiction of the EACJ for instance. We have done that and it has just remained in the coolers because we are not agreeing within the five Partner States on the actual specifications and meanings of human rights, democracy- those kinds of things. I think let us call

a spade a spade. That is exactly what is holding the issue of the failure by our region not to expand the jurisdiction of EACJ.

So, if we cannot even agree on that, how do expect a larger African, so called, Charter to be concretised in our situation? Thank you very much.

The Speaker: Thank you so much, hon. Ogle. I now invite hon. Zein, the mover to respond to the debate.

Mr Zein Abubakar (Kenya): Thank you, Sir. I think I will start with hon. Ogle. I think the concerns raised by hon. Ogle are the concerns that have been raised by hon. Leonce. So, I will address both the concerns that they have both raised but first, is to thank them, even with reservations, even with concerns, they support this motion. (*Applause*) So, first for me is a debt of gratitude to these two distinguished hon. Members for their support.

Secondly, let us start with hon. Ogle. I think Rt. hon. Speaker, the practice of parliamentary practice requires us not to discuss matters that are not before the House. Matters of what our leaders are about to do- in fact this one is even more special- so matters that are not before the House and matters that can be anticipating or pre-empting matters that might be discussed by our leaders. They haven't met; they are about to meet.

So, I would request hon. Ogle to wait on that one until our leaders meet and pronounce themselves. I will really be one of the supporters of hon. Ogle when he brings that matter as a motion before the House so that we can then debate it.

Further to that- and this is to both hon. Ogle and hon. Leonce- of many things that we have been derailed as Africans, you can write a very long list- but please, let us not add to that long list that we can no longer dream; that we can no longer aspire; that we can no longer show intentions to lofty ideas. You yourself said these are lofty ideas. So, I beg you that we at least believe in dreaming

Thirdly and more importantly, once our leaders have signed these instruments, it is incumbent upon us to work to get them ratified in order to get them operationalised. It is our business, and I believe that when we adopt this motion today, we will be pursuing this journey of operationalization.

Hon. Dora had indicated that she was not sure if this has come into force; it has. This instrument was adopted in Addis Ababa, Ethiopia on 30th January 2007. It entered in force on 15th February 2012. So far, 26 out of 54 countries have signed and 23 have ratified on our continent.

Hon. Hajabakiga asked me to clarify on the question of Tanzania. But, I would like to clarify by going through all the five Partner States. Burundi signed on the 20th June 2007 but has not ratified yet; Kenya signed on 28th June 2008 but has not ratified; Rwanda signed on 29th June 2007, ratified it on 9th July 2010, and deposited the same instrument on 14th July 2010; Tanzania has not signed at all; and Uganda signed on 16th December 2008. So, I hope that explains or clarifies to hon. Hajabakiga why I framed that particular prayer in that fashion.

But hon. Speaker, let me finish by saying two things; one, I would really like to thank all the Members who made very valuable and very distinct submissions on this motion. I would like to

thank hon. Hajabakiga; hon. Byamukama; hon. Harelimana; hon. Mwinyi; hon. Mossi; hon. Leonce, and hon. Ogle. *(Applause)* I know if we had more time, more Members would have wanted to contribute to this debate.

Lastly, Mr Speaker, you and the Clerk have copies of relevant documents to this on your table. I would like to promise, Sir, that what I will do immediately when I get home tomorrow evening, is that you will not only get the instrument and other relevant materials, but you will also get academic papers – one paper written by a very eminent African son. He is very sharp on the intentions of this instrument but also goes into details to address the questions and concerns that were raised by hon. Leonce and hon. Ogle in terms of why this instrument has not been operationalised and what needs to be done in order to operationalise it. Sir, I beg to submit. *(Applause)*

The Speaker: Thank you so much, hon. Zein. Hon. Members, before we move to put the question, I would like to in a very special way welcome and recognise the presence of our good friends and Members of Parliament from the Parliament of Kenya who are in the gallery. *(Applause)*

This is a special delegation from that Parliament, which is taking a tour of the region. They are with us today to visit the various organs of the Community, acquaint themselves with what is going on in the integration process. They are from the Committee of Parliament responsible for EAC Affairs. *(Applause)*

Hon. Christopher Nakuleu, who was a Member of the Second Assembly and therefore one of our own, heads the delegation. In the delegation are hon. Ali Dido Rwaso; hon. Florence Mikali; hon. Emmanuel Wangwe; hon. David Kirithi; hon. Mark Lemunoko; and their technical persons; Mrs Leanate Otieno and Mr Michael Nkogi. You are all most welcome, and we wish you a pleasant stay here with us - *(Applause)*.

Hon. Members, this motion is very important. Pertaining to the time we are at in this integration, almost all the four Partner States are going to go through elections in the next two years.

I would like to draw the attention of the Council of Ministers to Article 65 of the Treaty for the Establishment of the East African Community, which mandates them to remit relevant debates of this House to the National Parliaments that shall take cognisance of what we have done. Through that, what Members have prayed that we should not only continue praising our leaders but also remind them of their responsibilities and commitments, the National Parliaments shall be enjoined with us to help us let the matter be known and pressure be levied in every aspect of what should be done.

I, now, therefore, put the question on the motion that the Assembly do resolve to urge each Partner State to adopt the Charter on Democracy, Elections and Good Governance.

(Question put and agreed to.)

The Speaker: Honourable Members, last evening before we adjourned, I made an announcement of us refreshing our archives and website with fresher photographs of Members. When we adjourn, I urge you to pass through the relevant point and take these photographs to allow our Public Relations Department update our record.

I would like to thank the hon. Members for the work well done during this meeting. *(Applause)* We have covered good grounds; the output speaks for itself. The East Africans are watching and listening to us. I congratulate you upon that. *(Applause)*

I would like to congratulate and thank the Council of Ministers for introducing seven Bills before this House. *(Applause)*

I would like to thank the hon. Members who have also introduced Private Members' Bills to this House. *(Applause)* I am also cognisant of the fact that there are many Private Member's Bills, which have been moved, and they are in the committees or are before this House. So, hon. Members, what I am saying is that the work before us is huge.

We are racing against time. Let us use minute-by-minute, day-by-day, and week by week to make sure we accomplish what is before us.

I know you are up to the task; time is not on our side but we shall do it together as a team.

I would now like to adjourn this House sine die. The House stands adjourned.

(The House rose at 11.00 a.m. and adjourned sine die.)