



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

The Official Report of the Proceedings of the East African Legislative Assembly 125TH SITTING-FOURTH MEETING – FOURTH SESSION – THIRD ASSEMBLY

Thursday, 4 February 2016

The East African Legislative Assembly met at 2.30 p.m. in the Chamber of the Assembly, EAC Headquarters Building in Arusha, Tanzania.

PRAYER

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

(The Assembly was called to order)

COMMUNICATION FROM THE CHAIR

The Speaker: Honourable Members, good afternoon. Today we are having special guests in our gallery. I will be introducing them as we progress. However, let me take this opportunity to recognise one group; these are the petitioners on the humanitarian situation in Burundi. The representative of Pan African Lawyers Union is here; the representative of the East African Law Society is here; and the representative of East African Civil Societies Organisations is here. You are most welcome. *(Applause)*

(by the Chairperson of the Committee on Legal, Rules and Privilege (Mr Peter Mathuki) (Kenya) :

The Report of the Committee on Legal, Rules and Privileges on the consultations following a Resolution moved under Rule 30 (j) of the Assembly Rules of Procedure on a matter of privileges arising from a threat of tenure of office of four Members of the East African Legislative Assembly.

(ii)

PAPERS

The following Papers were laid on the Table:

(by the Chairperson of the Committee on Regional Affairs and Conflict resolution (Mr Abdullah Mwinyi) (Tanzania) :

(i)

The Report of the Committee on Regional Affairs and Conflict Resolution on the Public Hearing on a Petition by the Pan African Lawyers Union on the Deteriorating Human Rights and Humanitarian Situation in Burundi.

MOTION FOR A RESOLUTION OF THE ASSEMBLY MOVED UNDER RULE 30 (J) OF THE RULES OF THE ASSEMBLY ON A MATTER OF PRIVILEGE ARISING FROM A THREAT TO TENURE OF OFFICE

The Speaker: Thank you very much. Honourable Members, on the afternoon of Wednesday, 25 November 2015 in Kigali, the Republic of Rwanda, and Hon. Ogle moved a motion under the said provision of our Rules of Procedure. The motion was dully seconded, and the mover, the Hon. Ogle justified it.

After that, the motion was then referred to the Committee on Legal, Rules and Privileges to do a deeper analysis of the legal provisions surrounding this motion and its implications to the Assembly generally, and to come up with a bigger picture of the motion since it touches on the privileges of Members and the Assembly.

I would now like to call upon the mover of this motion, Hon. Ogle, to remind this House about his motion before I invite the Chairman of the Committee on Legal, Rules and Privileges to present his report as per our reference to his Committee.

Mr Abubakar Ogle (Kenya): Thank you, Mr Speaker. Rt. Hon. Speaker, mine is just very briefly to refresh Members' memories about the importance and the actual essence of that motion. Now, it is predicated on the provisions of Article 51 of the Treaty regarding the tenure of elected Members of EALA. The provisions of the Article are very clear –

very explicitly set out from point 1, 2, 3 with all its sub- elements up to point f.

Now, for the record, if I could read, *“Subject to this Article, the elected Members of this Assembly shall hold office for five years and be eligible for re-election for a further term of five years;*

2) The terms and conditions of service of the Members of the Assembly shall be determined by the Summit on the recommendation of the Council:

3) An elected Member of the Assembly shall vacate his or her seat in the Assembly upon a happening of any one of the following events:

(a) Upon the delivery of his or her resignation in writing to the Speaker of the Assembly;

(b) Upon his or her ceasing to be qualified for election as an elected Member;

(c) Upon his or her election or nomination as a Member of the National Assembly of a Partner State;

(d) Upon his or her appointment as a Minister in the Government of a Partner State;

(e) Upon his or her having been absent from the Assembly for a period and in such circumstances as prescribed by the Rules of Procedure of the Assembly or else upon his or her conviction by a court of competent jurisdiction of an offence and sentenced to imprisonment for a term exceeding six months if no appeal has been preferred against such a decision;”

Now that is very clear. Coming back to my motion, the four Members from Burundi have not been subjected to either of these provisions, which are clearly set out in the Treaty. To the best of my recollection and knowledge, none of the four Members has tendered in their resignation letter to the Speaker of the Assembly.

To the best of my recollection and knowledge, none of the four Members has been convicted of any crime or sentenced to a period of six months or above. To the best of my conviction, none of them has been appointed to a ministerial position or otherwise.

Now, in the circumstances, nobody else has any right other than what is provided for in our Treaty and the Rules of Procedure there too that can interfere with the tenure of a Member.

Rt. Hon. Speaker, having said that, it must also be noted that any other attempt to interfere with a Member's right to be in this House amounts to a total raid on the sanctity and integrity of this House. We ought to be defending the reputation and sanctity of this Assembly.

The framers of this Treaty envisaged a very independent institution, which has certain mandate and duties to do. And we will not allow – this is an opportunity for this House to state very clearly that we will not allow any interference- not from any Speaker of Burundi and not from anyone else. With those few remarks, Mr Speaker, I beg to move.

The Speaker: Thank you. I now call upon the Chair of the Committee on Legal, Rules and Privileges to present the findings of the Committee.

The Chairperson, Committee on Legal, Rules and Privilege (Mr. Peter Mathuki) (Kenya): Thank you very much, Rt. Hon. Speaker.

INTRODUCTION AND BACKGROUND INFORMATION

1.0 INTRODUCTION

The Committee on Legal, Rules and Privileges (LRP) is a Standing Committee of the East African Legislative Assembly (EALA) established under Article 48 (3) of the Treaty for the Establishment of the

East African Community (the Treaty) and Rule 80 (2)(b) of the EALA Rules of Procedure. One of the functions of the Committee on LRP as provided by Rule 81 and Annex 5 of the Rules of Procedure of the Assembly is to receive, review, scrutinize and investigate the complaints of breaches of the Independent Mandate, Privileges and Immunities of the Assembly.

1.1 BACKGROUND

On 3 November 2015, the Rt. Hon. Pascal Nyabenda, Speaker of the Burundi National Assembly communicated to the Rt. Hon. Daniel Fred Kidega, Speaker of EALA on the cessation of membership of EALA of four Hon. Members from Burundi. The cessation was said to be in accordance with Article 51 (3) (b) of the Treaty on the following grounds:

- a) Hon. Jeremie Ngendakumana was elected by the Burundi National Assembly representing the CNDD-FDD Party and which has expelled him from among its ranks;
- b) Hon. Dr. Martin Nduwimana and Hon. Frederic Ngenzebuhoro were elected by the Burundi National Assembly representing UPRONA Party which by a decision 003/2015 and 002/2015 terminated their Membership; and
- c) The National Assembly of Burundi elected Hon. Yves Nsabimana from FRODEBU Nyakuri Political Party, which is no longer represented in the current Burundi National Assembly.

Upon receipt of the said letter, the Rt. Hon. Speaker of EALA informed the concerned Hon. Members and requested the Counsel to the Community (CTC) to give his written opinion on the matter. On 16 November 2015, the CTC provided his

detailed opinion. Basing on the opinion provided by CTC, the Rt. Hon. Speaker of EALA replied to the letter of the Speaker of the Burundi National Assembly in which he communicated that: *“After consultations with the relevant offices, I have found it is not tenable that the membership of the said Members has ceased because the letter was contrary to Article 51 of the Treaty and other provisions of the Treaty.*

Consequently, on 25 November 2015, the Rt. Hon. Speaker of EALA, during his communication to the Third Meeting of 4th Session of the Third Assembly, held in Kigali, informed the Assembly about the letter he received from the Speaker of Burundi National Assembly and all the steps he had taken to address the matter.

On 25 November 2015, Hon. Abubakar Ogle moved *a motion under Rule 30(j) of the Rules of Procedure for a resolution of the Assembly on a matter of privilege arising from a threat of tenure of office* (the Motion is hereby annexed). In addition to backing the position that was conveyed to the National Assembly of Burundi by the Rt. Hon. Speaker of EALA, the motion sought to move the House to resolve to:

- (i) *Affirm the precedent set by the Second EALA on similar threats to the tenure and security of Members;*
- (ii) *Specifically uphold the rights of every elected Member to complete their tenure without the curtailment of their rights and privileges through intimidation, harassment and threats of physical harm to themselves and their families;*
- (iii) *Urge Partner States not to introduce any attempt to unlawfully manipulate the institutions and or officials to threaten Members and or undermine the status, which will*

amount to an affront principals of the Treaty;

- (iv) *Appeal to the other Organs and Institutions of the Community including the Summit to utmost to guarantee the sovereignty and security of all Members of EALA and staff of all other Organs and Institutions of this Community;*
- (v) *Condemn in the strongest terms possible all attempts to undermine the integrity of this Assembly and the claim to the privileges and status of its Members.*

The Rt. Hon. Speaker referred the motion to the Committee on Legal Rules and Privileges for consideration.

1.0 METHODOLOGY

- a) The Committee held a meeting in Arusha, United Republic of Tanzania on 27 January and 3 February 2016.
- b) The Committee reviewed various legal instruments and precedents pertaining to the independence, immunities and privileges of East African Legislative Assembly. Among others, the Committee considered the following:
 - i. The Constitution of the Republic of Burundi;
 - ii. The Treaty for the Establishment of the East African Community;
 - iii. The East African Legislative Assembly (Powers and Privileges) Act, 2003;
 - iv. The Administration of the East African Legislative Assembly Act;
 - v. The decision of the East African Court of Justice in Legal Brains Trust (LBT) Limited and The Attorney General of Uganda (Reference No. 10 of 2011)

- vi. The Rules of Procedure of the Assembly; and
- vii. The opinion provided by the Counsel to the Community on this matter.

3.0 OBSERVATIONS

3.1 The Meaning and Purpose of Privileges of Parliament

- a) Parliamentary privilege is an essential component of parliamentary democracy; it exists to enable Parliament to function effectively and efficiently without undue impediment. Parliamentary privilege traces its origins to the emergence of the British Parliament in the Middle Ages. As initially construed, it was concerned with “privilege” in terms of the status or power of members of Parliament (a select group itself) vis-à-vis the Crown.
- b) According to the Parliament of Canada ¹, parliamentary privileges also refers to the powers possessed by the House to protect itself, its Members, witnesses and its procedures from interference from the courts or the Executive, so that it can effectively carry out its principal functions of inquiry, debating, legislating and holding the Government to account. The rights and immunities usually associated with parliamentary privilege include the following:
 - i. freedom of speech;
 - ii. freedom from arrest in civil actions;
 - iii. freedom from obstruction, interference or intimidation;
 - iv. freedom from the obligation to answer a summons or be a member of a jury;

- v. the right of Parliament to regulate its own affairs as they relate to its debates and proceedings; and
- vi. the control of access to the precincts of parliament and to exclude strangers;

c) It was noted that Article 61 of the Treaty, Part II of the East African Legislative Assembly (Powers and Privileges) Act, 2003, Rules 3, 30(j) and 47(b) of EALA Rules of Procedure provide for the privileges of this Assembly and its Members. Because the law recognizes and protects the privileges of EALA and its Members, it is therefore upon this Assembly to protect its privileges and the privileges of its Members.

d) It was noted further that the East African Court of Justice in Legal Brains Trust (LBT) Limited and The Attorney General of Uganda stated, “*Article 51 (1) of the Treaty provides that an elected member shall hold office for five years and be eligible for re-election for a further term of five years.*”

3.2 The Scope of the Motion Moved Under Rule 30 (j) of the Rules of Procedure by Hon. Abubakar Ogle

The Motion was referred to the Committee on LRP because it was grounded under Rule 30 (j) of the Rules of Procedure of the Assembly. The Committee considered the scope of the Motion and the five proposed resolutions as follows:

- a) *Affirm the precedent set by the Second EALA on similar threats to the tenure and security of Members.*

The doctrine of Precedence in parliamentary practice is not clearly established the same way the decisions of higher courts are binding on lower courts. Prior parliamentary resolutions on similar matters can only be persuasive to the current or future Assemblies

- b) Specifically uphold the rights of every elected Member to complete their tenure without the curtailment of their rights and privileges through intimidation, harassment and threats of physical harm to themselves and their families.*

Article 51 (3) of the Treaty provide for the circumstances under which an elected Member can vacate his or her seat in the Assembly. Save only as provided by the Treaty, an elected Member shall not vacate his or her seat. The relevant issue which needs to be interrogated is the applicability of Article 51 (3) (b) of the Treaty to the four Hon. Members.

Urge Partner States not to introduce any attempt to manipulate unlawfully the institutions and or officials to threaten Members and or undermine the status, which will amount to an affront to the principals of the Treaty.

By ratifying or acceding to the Treaty, Partner States bind themselves to uphold the fundamentals and operating principles of the Treaty in regards to the privileges of Hon. Members of EALA.

- c) Appeal to the other Organs and Institutions of the Community including the Summit to guarantee the sovereignty and security of all Members of EALA and staff of all other Organs and Institutions of this Community.*

Article 9(4) of the Treaty provides that Organs and Institutions of the Community shall perform the functions, and act within

the limits of the powers conferred upon them or under the Treaty. Article 11 (3) of the Treaty specifically stipulates the functions of the Summit.

- d) Condemn in the strongest terms possible all attempts to undermine the integrity of this Assembly and the claim to the privileges and status of its Members.*

The Assembly and the Committee have been notified that the Rt. Hon. Speaker of EALA has addressed the issues raised by the Rt. Hon. Speaker of the Burundi National Assembly by communicating to him that the tenure of the named Honourable Members have not ceased as the action would be contrary to Article 51 of the Treaty.

4.0 FINDINGS OF THE COMMITTEE

- a) The Committee finds that the events listed in paragraphs 3(a), (c), (d), (e) and (f) of Article 51 of the Treaty have not happened in respect of all the four Hon. Members referred to in this matter;
- b) With regard to the application of Article 51 (3) (b) of the Treaty, the issue is whether the four Hon. Members have ceased to be qualified to be elected as Members of the Burundi National Assembly in accordance with the Constitution of the Republic of Burundi;
- c) Article 50 (1) of the Treaty provides that Members of the Assembly are elected to represent various political parties represented in the Assembly, shades of opinion, gender and other special interest groups in Partner States;
- d) Article 50 (2) sets out the qualification for a person to be elected as a Member of EALA. Paragraph (b) of this Article

requires that the person should be qualified to be elected a Member of the National Assembly of that Partner State under its Constitution (this requirement applies only at the time election of Members of EALA);

- e) Article 165 of the Constitution of the Republic of Burundi provides for the qualification for a person to be elected Member of the Burundi National Assembly:
- i. Be of Burundian nationality and origin,
 - ii. be twenty five years old at least,
 - iii. enjoy all of their civil and political rights; and
 - iv. Must not have been convicted for a crime or misdemeanour of common law to a penalty determined by the electoral law.

The communication from the Rt. Hon. Speaker of the National Assembly of Burundi is to the effect that the said cessation of the named Hon. Members related to:

- a) their ceasing to be members of political parties they belonged to at the time of their election; and
- b) Their political parties are no longer having representatives in the National Assembly of Burundi.

The communication by the Rt. Hon. Speaker of the National Assembly of Burundi raises a number of questions as follows:

- a) Does the Constitution of the Republic of Burundi specifically bar a person from being elected Member of the Burundi National Assembly because he/she does not belong to any political party?
- b) What happens to a Member of Burundi National Assembly if his or her Party

ceases to exist during the Member's tenure of Parliament?

- c) Is the Burundi National Assembly vested with jurisdiction to determine the question as to whether any seat at EALA has become vacant?

The Committee addressed itself to the issues raised above by referring to the Treaty, the Constitution of the Republic of Burundi and other relevant laws governing the EALA. The Committee also took into account the action taken by the Second EALA in March 2011, in respect of Hon. Manasseh Nzobonimpa. The Committee is satisfied that the action taken by the Rt. Hon. Speaker of EALA in addressing this matter is in accordance with the provisions of the Treaty.

5.0 RECOMMENDATIONS

In light of the observations and findings of the Committee set out above, the Committee recommends as follows:

1. The Assembly reaffirms the position taken by the Rt. Hon. Speaker of EALA as communicated to the Rt. Hon. Speaker of the Burundi National Assembly;
2. Urge Partner States, Organs and Institutions of the Community to uphold and apply the principles and provisions as enshrined in the Treaty in respect to privileges of Hon. Members of EALA; and,
3. Amendment of the Motion moved under Rule 30 (j) of the Rules of Procedure by deleting all the proposed Resolutions and replacing it with the following two resolutions:
 - a. Reaffirms to the position taken by the Rt. Hon. Speaker of

EALA as communicated to the Rt. Hon. Speaker of the Burundi National Assembly; and

- b. Urge Partner States and their Institutions, Organs and Institutions of the Community to uphold and apply the principles and provisions as enshrined in the Treaty and other laws of the Community in respect to privileges of Hon. Members of EALA.

Thank you very much Rt. Hon, Speaker – *(Applause)*.

The Speaker: Thank you, Hon. Peter Mathuki, Chairperson of the Committee of Legal, Rules and Privileges. Hon. Members, the motion before this Assembly is that this Assembly do resolve to safeguard the tenure of the office of elected Members of the East African Legislative Assembly in accordance with Article 51 of the Treaty for the Establishment of the East African Community. Debate is open.

Honourable Members, before I invite the various persons, we will proceed like this—the Committee report is part of the bigger debate of the motion. You will be allowed to take the floor, debate the motion with reference to the Committee report. At the end of the debate, we will dispose of the Committee report by way of a vote and then dispose of the motion by way of a vote. However, before we take the votes, the Hon. Ogle, the mover of the motion will be granted right of reply and then the vote will be taken.

Debate is open.

Mr Abubakar Zein (Kenya): Thank you very much, Mr Speaker for giving me an opportunity to speak to both the report and

to some extent the motion. I will try to be very brief.

It is a sad day in the history of this Assembly that we should be discussing this report and motion. I will not spend a lot of time on the report save to say the following; I wish the Committee in pursuing the endeavour of writing a good report, they should have given a little more time to do a bit of examination and consideration on important aspects that have been raised on the question of immunity, rights and responsibilities of Members.

I pray that possibly another time will come that this Committee will have an opportunity to give the full treatment of analysis of what the privileges of Members are. Specifically allow me to ask two questions; one, on page 7, “3.2 (a) *affirm the precedent set by the Second EALA on similar threats to the tenure and security of Members.*” The doctrine of precedence is not clearly established the same way the decisions of High Courts are binding on Lower Courts. Prior Parliamentary Resolutions on matters can only be persuasive to the current or future Assemblies.

On what authority is this conclusion based? On what authority is this finding based? I would like to be educated. I wish they could go back to the long tradition of struggle to establish the independence of Parliament and to establish what those privileges are and what are the rights and responsibilities of Members and what protection is extended to them. I do not see any authorities quoted here.

The second issue that I have, which I have not seen in this report is the question of exclusive cognisance. This is a Parliamentary Principle that is well developed, well understood and this is a right of each House of Parliament to regulate its own proceedings and internal affairs without interference from outside.

In addition, if you look at our Rules of Procedure, Rule 3 deals with the question of independent mandate, privilege and immunities of Members.

I pray that this Committee will one day have another chance to redeem itself and I use this word cheerfully so that they can give full treatment and just treatment to the struggles of establishing the magna carte; the struggles of establishing the Bill of Rights of 1689, of which we have borrowed almost word for word Article 9 and put it in our law.

The Claim of Right Act in Scotland of 1689 and the endless history of struggle to retain the independence of Parliament and protect the work of Parliament and the proceedings of Parliament from external interference.

I am particularly worried if you look at page 8 – “(d) *appeal to other Organs and Institutions of the Community including the Summit to guarantee the sovereignty and security of all Members of EALA.*” Now, in the analysis of the Committee, they quote Article 11 (3). Allow me to read what the Treaty says, “*Functions of the Summit- the Summit shall review the state of peace, security and good governance within the Community and the progress achieved towards establishment of political federation of the Partner States.*” How is that related to this subject of privileges of Members? (Applause) I do not want to take long on this so that I may not be misunderstood.

I would like to say four things and sit down. One, I was expecting this honourable Committee made up of Hon. Members to also analyse the context of the threat to the immunities of those for Members. What is the context of the threat? Is that there is a crisis in Burundi? That is the context.

They should also have examined the sub-text. The sub-text is different from the

context. The sub-text according to me, and with a lot of respect, is that these four Members are being told to toe the line or there will be consequences on you; these four Members are being told, you are not free to have a free mind in this House; these four Members are being told, you and your family are not safe. That is the sub-text - (Applause). And if we in this House are afraid to call it by its name, no one is safe.

Today, you may think it is the four Members from Burundi but your day will also come. If we do not stand up together, as this House, each Member to fight for what is right, then you are jeopardising, not only the safety and security of individual Members, but you are jeopardising the safety of the whole of this House- the independence of the whole of this House.

Allow me to say one last thing, Mr Speaker, Sir and sit down. We, every one of men, women and us who sit in this august House before we are allowed to do anything in this Chamber, are required to be escorted by two people who know us, as the Hon. Minister was asked to do three days ago, and come and take an oath of office. This oath of office commits us to certain basic minimums, which we cannot go below. If we go below any of the provisions of our oath of office, the Treaty, the Community law and the exclusive cognisance, that right, which each Parliament has to govern its own work without interference - none of us is safe; none of us is safe. God bless this Community; God save this Community and this Parliament - (Applause).

The Speaker: Thank you, Hon. Zein. The debate is still open.

Ms Agnes Mumbi Ng'aru (Kenya): Thank you Rt. Hon. Speaker. I stand to support this motion. Probably I do not have that big passion but I agree with the sentiments of the report. However, I also

would have wished that the report tried to balance. I am aware that we are all here from different partner States courtesy of our National Parliaments and our political parties. I am very much aware of that.

I am also aware that we are here courtesy of the five Partner States; we are each from a Partner State. I am happy that the Committee also checked on what the Constitution of the Republic of Burundi talks about the qualifications and probably disqualifications of Members –
(*Interruption*) -

Mr Ogle: Clarification. Rt. Hon. Speaker, I do not understand the value of referring to the Constitution of Burundi. Not in this report and not by the Member contributing. So, could she tell us what the nexus is between the reference to the Burundi Constitution and the report that was made by the Committee?

Ms Mumbi Ng'aru: Rt. Hon. Speaker, I always, I wish Members can listen. It is in the report. (*Applause*) I am reading it with my glasses; it is mentioned in the report. I want to say it is there and I am standing by what I said – in the report - the qualifications of a Member in the Burundi Constitution are in this report. I, therefore, beg to continue.

Rt. Hon. Speaker, like all of us, in every Partner State, we are elected as per the Constitution.

The Speaker: Information from Hon. Dora.

Ms Mumbi Ng'aru: I will not take any information.

The Speaker: It is for your own good.

Ms Mumbi Ng'aru: Okay. (*Laughter*)

Ms Byamukama: Hon. Speaker, I would like to thank my sister, Hon. Mumbi.

The Speaker: On a persuasive note.

Ms Byamukama: Yes – for allowing me to give this information. Actually, I thought this august House would be better placed to have it on its records that what is being debated in the report is in the Treaty.

When you look at Article 50 of the Treaty, 2 (b) says, “*A person shall be qualified to be elected a Member of the Assembly by the National Assembly of a Partner State in accordance with paragraph 1 of this Article if such a person ... (b) is qualified to be elected as a Member of the National Assembly of that Partner State under its Constitution.*” So, I would like to say that this is one of the qualifications and I am just putting the record straight. I thank you, Hon. Mumbi.

The Speaker: Thank you.

Ms Mumbi Ng'aru: Thank you, Hon. Dora Byamukama. I wish you had just listened a bit more to hear that I was coming to that - (*Laughter*). It is very important that we give each other a moment to express their ideas. I was actually coming to that but thank you. You have helped the House.

The reason I am saying this is that after serving our term, all of us will go home to our Partner States and respect our constitutions – what we call home-although here we are protected under the privileges and whatever else that is in our Rules of Procedure. If you are not lucky to be re-elected for the second term, you will need to go back home, to your Partner State, be it Kenya, be it whatever. I will be lucky to go to a county called Kiambu.

So, in my thinking, I would have preferred that this Committee goes deeper. Not only into the written laws and also recommended a way of bringing the Members and their parties or National Parliament together for the future because we will all need to go home. Nobody wants to live in another Partner State as a

refugee. It is not tenable. It is not an interesting thing.

I wish the Committee had thought about life after this term. Because after quoting the legal procedures and the Constitution and I do not know what else, everything of them – they have done it well. But did they consider what would happen after the tenure of this Assembly? My feeling is that they would have gone a bit deeper.

I agree with the Committee that if we set this precedent of allowing a Speaker from a National Assembly to write to you and recall Mumbi Ng'aru because she is in ODM and that kind of thing, it is not tenable. It is wrong. Surely, couldn't we through that Committee have found a way of communicating in a way that we acknowledge there is a problem? I really want to thank you, Mr Speaker because writing back to say, it cannot be done, not with the Treaty and not with the Constitution nor our Rules of Procedure. It cannot be done. Thank you very much. You stood in for us, but we still need to understand that these things have been happening behind the scenes. So, the Committee should go back and research a bit more - (*Applause*). We are not an ordinary Parliament. We are not.

The Speaker: Hon. Mumbi, just a slight information that the Speaker did not just stop at that but also communicated to say that the Office of the Speaker, which is, therefore, the Assembly would make a visit to Burundi to discuss the subject further because we think there is more to it. Thank you.

Ms Mumbi Ng'aru: Thank you, Rt. Hon. Speaker for that information. I thought with that information, and I am sure, you had probably talked about it to the Committee, it should have been in this report. That information should have been here so that we don't look like – I don't know how to put it- but once you are here, you have the immunity, and you have all

those things and so nothing can be done. I am glad you have already done that. I encourage you to go ahead and do this.

I want to say that I agree with the report but as far as I am concerned, it is incomplete. I am saying this with a lot of respect to the Committee that they should be given time to complete that aspect of after five years. Now we have 15 months to go. If we will not have resolved this issue about the Members, they will not be under your protection, Rt. Hon. Speaker; they will not be under the protection of this House in the next 15 months. Are you going to throw them to the dogs? You will not.

So, this activity that you have talked about of following up and sitting to resolve it and knowing a way forward is more important than the legal aspect that has been put in this report. Thank you.

The Speaker: Thank you, Hon. Mumbi.

Mr Joseph Kiangoi (Kenya): Thank you, Mr Speaker for the opportunity. Rt. Hon. Speaker, you referred to this Committee this motion that had come up under Rule 30 (j). Mr Speaker, this is a Committee of Legal, Rules and Privileges. I want to begin from where my sister, Hon. Mumbi left and I thank her for supporting the report, but to insinuate that the Committee would have gone further to see how the conflict can be resolved is not in the purview of the Committee of Legal, Rules and Privileges - (*Applause*). I am aware, Hon. Speaker that the Committee of Regional Affairs and Conflict Resolution is dealing with the matter concerning Burundi and they are not limited to what is happening in Burundi only. It can expand its mandate to what is happening in the Regional Assembly with regard to Members coming from Burundi. I thought I should correct that so that we do not get the impression that perhaps the Committee did not go that far.

Now, coming to the report, Mr Speaker, as I have said, there was a specific motion and the motion sought to propose for resolution of this House propositions. One was to affirm the precedence set by the Second EALA on similar threats to the tenure and security of Members. Mr Speaker, something can only be a precedent if there is a resolution of this Assembly. There was no resolution of this Assembly – of the Second EALA- on this matter. What is there is that the Speaker of the Second EALA communicated and so that cannot form precedence. That is why the Committee has taken note of that and it is in the report.

Mr Speaker, the Doctrine of Precedence has been mentioned here. Time and again, Assemblies pass motions but after a period, they revisit those motions and can change what they have already resolved upon. So, they are not bound. Any legislation that has been passed does not bind the Assembly forever. We can pass a resolution today and so long as it is not within this Session of Parliament, in the next Session of Parliament we can resolve and overturn it.

So, how does the Doctrine of Precedence bind Assemblies forever? It does not. It is a misconception of the Doctrine of Precedence. In the courts, that doctrine is well established that the decisions of higher courts will always bind the decisions of lower courts and lower courts cannot depart from that. That is why the Committee said, if it is a good resolution that the previous Assembly passed, it can be persuasive and I do not see any problem that needs to attack the position of the Committee on this matter unless there is a misconception about the Doctrine of Precedence. *(Applause)*

Mr Speaker, on the resolution I said the Committee was given specific task. And the resolution matters that were proposed to be resolved upon. There was No. (b) Where this House was to resolve to uphold

the rights of every elected Member specifically to complete their tenure without the curtailment of their rights and privileges through intimidation, harassment and threats of physical harm to themselves and their families. Mr Speaker, but this Treaty also provides that an elected Member of this Assembly can vacate office.

So, how do we resolve on this kind of resolution without subjecting it to the Treaty? Article 51 (3) provides for circumstances and specifically it says, “*An elected Member of the Assembly shall vacate his or her seat in the Assembly upon the happening of any one of the following: ...*” So, there is already provision for an elected Member to vacate. What are those conditions? (B) Says, “*Upon his or her ceasing to be qualified for election as an elected Member;*” Where? Not here but ceasing to be qualified to being elected in the Partner State.

So, Mr Speaker that is why I was a bit taken aback when Hon. Ogle stood up and questioned the relevance of the Constitution of Burundi. However, Hon. Dora has explained that. That relevance arises from this provision. So, I am saying, Mr Speaker that you cannot resolve- we cannot sit here and resolve on that second aspect of the motion - that I have quoted without reading it again – without bearing in mind that the Treaty provides for vacation and the Committee has addressed itself to that specific issue.

On (c) – I am going through them one by one, Mr Speaker, bear with me. “*To urge Partner States not to introduces any attempt to unlawfully manipulate the institutions and officials to threaten Members or undermine the status which will amount to an affront to the principles of the Treaty.*” Mr Speaker, we have said that Partner States have ratified the Treaty. By ratifying this Treaty, they have bound themselves to uphold the fundamental

principles and operating principles of the Treaty. Do we want to say that we pass this resolution to reinstate this to strengthen it? Can we strengthen it beyond the provisions of the Treaty? The answer is no.

Mr Speaker, on “(d) to appeal to other Organs of the Institutions of the Community including the Summit to guarantee sovereignty and security of all Members of EALA.” Mr Speaker, Article 9 (4) provides for that. “Organs and Institutions of the Community shall perform the functions and act within the limits of the powers conferred upon them or under the Treaty.” There are also provisions under the Summit. So, Mr Speaker, I want to say that the Committee has addressed itself specifically to the issues at hand and they are found on every aspect.

If I were to go on – condemning in the strongest terms- Mr Speaker, we are in the process of integration. That is what we were preaching. What condemnation are we talking about? Condemnation – Mr Speaker, you have already responded but I will come back to that later. You have responded legally with the advice of the CTC. So, what condemnation are we talking about here? Even the African Union (AU), which met in Addis Ababa the other day said they want some kind of harmony so that Burundi does not get into more problems.

So, this Assembly, which is an Organ of the Community, is being asked to condemn in the strongest terms possible. So, we are saying, Mr Speaker, that you have addressed this matter. The Rt. Hon. Speaker of EALA has addressed the matter that that action to recall Hon. Members of this Assembly is contrary to the Treaty and specifically Article 51. We are saying that we agree with the decision of the Speaker of EALA.

But we are not just agreeing like that. We have gone deeper to find out why we are agreeing. That is why, Mr Speaker, we go into the Constitution of Burundi. How does one cease to be a Member of the Assembly? When he or she ceases to be qualified – that is why we go to the Constitution of Burundi and find out how one is qualified to be a Member. You find that one has to be a Burundian, 25 years and above, one has to enjoy the civil and political rights, one must not have been convicted for a crime or misdemeanour of Common Law to the penalty determined by the Electoral Law. So, the Committee found – (Interruption) –

Mr Mulengani: Clarification. Thank you, Mr Speaker and thank you, Hon. Colleague for giving way. The clarification I am seeking in the Constitution of Burundi – I happen not to sit on the Committee and I have not read the Constitution- is, is there a limit of age in qualifying to be a Member of Parliament? (Laughter)

Mr Kiangoi: Mr Speaker, we read the Constitution as it is but I believe so because it does not say whether there is an upper limit, therefore, it does not apply. So, it is a relevant clarification but it does not say.

The Speaker: Information from Hon. Frederic.

Mr Ngenzebuhoro: Hon. Speaker, it is saying, “At least ...” which means that we can go on until even 100 years. There is no limit. Thank you.

The Speaker: Thank you for the information.

Mr Kiangoi: Thank you, Hon. Frederic. So, Mr Speaker, there is no issue of political parties is not raised in the Constitution of Burundi. Therefore, if the Constitution of Burundi does not raise the issue of political parties, it follows that these Hon. Members of our have not

ceased being electable in their Partner State and that is why we must come back to the Treaty and go strictly its provisions.

I do not have to go into the provisions of the Treaty because you know them very well and we have said Article 51 (a) does not apply to them here. They have not resigned. Article 51(b) is what I have just been explaining. Article 51 (c) does not apply. Therefore, since they have not ceased to be electable in their own country, we have agreed with the decision taken by the Speaker of EALA.

So, what is it that the Committee has not done, which requires time in the future to address again over this issue, which was on specifics? Nothing, Mr Speaker. Let us not be excited over this matter – on anything- because this is clear and specific. The mandate of the Committee has been discharged. The Committee has answered the questions, which were raised in the motion.

I, therefore, support the report of the Committee plus the amendment thereto because as you have heard what I have said, some of them like the second issue would be contrary to the Treaty. You cannot overlook the Treaty and create a new kind of rule.

Mr Speaker, we have these Hon. Members here. We want to act within the law so that Mr Speaker even as you have promised - because we mentioned it here- that you will go to Burundi, so that it is not that we have sat here, condemned them and now you are going there and saying, how do you think we handle this matter? We want to make the conditions conducive. There is no issue of fear. It is only that we are acting within the law. I beg to submit, Mr Speaker - *(Applause)*.

The Speaker: Thank you so much, Hon. Kiangoi.

Ms Dora Byamukama (Uganda): Thank you, Mr Speaker for giving me this

opportunity. From the onset, I would like declare that I am a member of this Committee, and I would like to thank you for giving the Committee time to deliberate on this issue. I also want to thank Hon. Ogle for coming up with this resolution because if he had not, then we would not even be debating it at this point in time.

Mr Speaker, Sir, I would like to start from a point of where all of us agrees. I think we are all in agreement on the issue of security of tenure for Members of EALA - *(Applause)*. That is where we are all in agreement.

I would also like to add on from what Hon. Mumbi said, we are also in agreement that Members of EALA also belong and come from Partner States and, therefore, I think it is very imperative that as we consider this matter, we look at these two very squarely and we find sober ways of ensuring that we do not jeopardise the Members any further. So, just like my colleague, Hon. Kiangoi has said, you also make your journey to Burundi and discussions, which will ensue will be more conducive rather than entering when you have taken a decision on this matter or you have angered the powers that be in that particular Partner State.

Mr Speaker, Sir, although I don't support polygamy, one of our colleagues when we were discussing this matter said that there is a proverb, and I think this cuts across all the African cultures, he said that when you find a stick which has been used to beat your co-wife, you throw it very far away. *(Laughter)* This is very important. So, here we are throwing this stick very far away.

I am glad this Parliament is debating this issue because I was in the Second EALA and somehow we shied away from debating the issue of Hon. Manasseh and maybe others, which have come up. So, I would like to say that we may have

debated it but this is better because we have other precedents. But I would like to say very quickly that it is very imperative that we discuss this.

Mr Ogle: Thank you, Mr Speaker. Is it in order for the Hon. Dora, my good friend, to refer to a matter related to gender based violence in giving her example about polygamy in the African culture - *(Laughter)*.

The Speaker: The Hon. Member holding the floor put a rider in her debate that she is not a supporter of polygamy but also stated that she was quoting another Member who debated and brought up that African adage. You know African culture is very rich in packaging how you can present your message. So, proceed, Hon. Member.

Ms Byamukama: Thank you, Rt. Hon. Speaker for your wise ruling. I would like to go on also talk about the issue of debate. I have been in Parliament for over 15 years or so- coming to that. However, I would like to say that when we debate, we are trying to persuade each other to come to almost the same conclusion. So, there is no harm whereby a Member has a particular opinion and others have other opinions. I hope that together we shall arrive at securing our tenure and ensuring that our Members can go back home safely and serve this House with some degree of freedom.

I would like to allude to one particular aspect, which is very important and I think which we need to un-package, that is, Article 51 (3) (b) of the Treaty. It reads as follows; and this is what was quoted when the letter was written to your office: *“An elected Member of the Assembly shall vacate his or her seat in the Assembly upon the happening of any of the following events: ... (b) His or her ceasing to be qualified for election as an elected Member.”* I would like to say that really, when you look at the letter and spirit of

this particular clause of the Treaty, it is clear that this is in reference to an election. So, the question is, were any of the Members seeking to be elected? The answer is no. And because the answer is no, there is no way this could have been applied to the Members.

This was only relevant at the Members were seeking to be elected. So, I think this will clear our minds and it is very important that we take this into context. I hope when you have a face to face meeting – because it is a matter of understanding, exchanging information and views- you will come to the conclusion that much as this may have been misinterpreted in that manner, at this point in time, there is no Member of EALA from the Republic of Burundi who is seeking to be elected and, therefore, has to comply with this particular provision of the law.

I would like to say very quickly that borrowing from the African Union, you find that Members who were from the Parliaments of National Assemblies would have their tenure terminated because they lost an election. It became very difficult because in the five years, you would have a very high turnover and, therefore, the continuity of the process and the security and independence were eroded.

I am glad to note that this House, actually did debate a motion whereby we were considering the fact that there has been amendment to allow for adult suffrage and for security of tenure. So, this is very important. This particular Parliament is very much admired in that we have security of tenure at the regional level.

I would like to go to my third point and talk about the issue of political federation. Mr Speaker, Sir, I think we are really setting stepping stones towards political federation. As we do so, we have to consider the issue of separation of powers. I am glad to note that the issue of tenure, which had been a problem to this House,

was settled in the case that has been quoted by the Committee.

It states that: “*An elected Member shall hold office for five years and be eligible for re-election for a further term of five years.*” This settles the issue of tenure. So, as long as you are a Member of EALA, the Court has already ruled that you will serve for five years and that you can be re-elected for a further term of five years. As far as I am concerned, this is a very important precedent and whoever is, for example, referring to the Treaty must also refer to the East African Court of Justice, which is a very important aspect of our legal regime because actually judges make laws.

I would like to conclude, Mr Speaker, Sir, by saying that this motion was considered in a very delicate atmosphere in that there is an ongoing process. Saddled with this, there is a pending visit. Then we also have to take into account the welfare, the security and the fact that Members come from this particular Partner State. So, how we debate this particular motion, the language we use when we are debating are very important. *(Applause)* And this is the very reason why we, as a Committee, had to come up with this kind of tempering aspect to the motion.

But I would hasten to say that some of us are very courageous defenders of the sanctity of Parliament; of the independence of Parliament; and of the powers and privileges of a Member Parliament. I thank you - *(Applause)*.

The Speaker: Thank you so much, Hon. Dora. Before I grant Hon. Martin Ngoga, Hon. Colleagues, let me recognise further in the gallery the presence of the Steering Committee of the East African Tax and Governance Network led by their Chairperson, Mr Kyamakara. I also want to recognise the presence of students of the Institute of Accountancy in Arusha.

Students, you are most welcome. *(Applause)* I guess you are student leaders.

Mr Martin Ngoga (Rwanda): Thank you very much, Mr Speaker. First of all, I support the motion. I want to state something just for enriching the records.

This is a legal matter. It is an activity that called for us to interpret the provisions of the Treaty and other relevant laws. There is no question that this House has integrity to treat matters with all fairness. But for the record, I want to state that Rt. Hon. Speaker, before you assigned the Committee with this subject, you had made a decision about it, which the Committee is reaffirming today in its report. But you had also sought the opinion of the Council to the Community who had given a similar opinion. So, it should be understood that this is not a case of negative solidarity among the Members of this Assembly.

The conclusion that the Committee has arrived at is completely similar to the advice that the CTC had given. Mr Speaker, I wanted to state this just for the record. Thank you.

The Speaker: Thank you so much. Yes, Hon. Chris. But, Hon. Members, I did this- I gave caution last week that Members who want to stand should rise up in time.

Mr Chris Opoka-Okumu (Uganda): Thank you, Rt. Hon. Speaker for giving me this opportunity to contribute and stand in solidarity with my colleagues to support this report of the Committee on Legal, Rules and Privileges.

Rt. Hon. Speaker, as my good friend, Hon. Ngoga has said, this is really a matter of legal interpretation. When one looks at the argument that has been given about Article 51 (3) say, in respect of Hon. Jeremie Ngendakumana who was elected by the Burundi National Assembly representing CNDD- FDD Party, which has expelled him. There are no provisions anywhere in

the Treaty about the effect of an expulsion of a Member.

Then Hon. Dr Martin Nduwimana and Hon. Frederic Ngenzebuhoro were elected by Burundi National Assembly representing UPRONA Party, which by a decision on that day, terminated their membership. But there is no provision for that in the Treaty regarding the impact of a Member being terminated.

The National Assembly of Burundi elected Hon Yves Nsabimana for that party which is no longer represented in the current Burundi National Assembly. It is not a question about a Member ceasing to be a Member of this Assembly merely because merely because his party is not represented in Parliament.

The issue of – I think the confusion probably in the minds of the colleague from Burundi National Assembly arises from Article 50 (1), which states that: *“The National Assembly of each Partner States shall elect not from among its Members nine Members of the Assembly who shall represent as much as it is feasible the various political parties represented in the National Assembly, shades of opinions, gender and other special interest groups in that Partner State in accordance with such procedure of National Assembly of each Partner State .”* That is only at the threshold of elections and not about continuity of being a Member because the Treaty says a Member shall be elected and hold office for five years. That is mandatory as stipulated in Article 51 and be eligible for re-election for another five years tenure.

Rt. Hon. Speaker, there is no requirement that a person must belong to a political party before they can be elected to be a Member of this Assembly. Independents have been elected to this Assembly. And in Burundi, I am reliably informed that Independents are also elected to go to Parliament. I think the Vice President of

the Assembly is an Independent individual.

So, when you look at the Treaty on the issue of cessation of a Member, the relevant one is about upon his or her ceasing to be qualified for the election as an elected Member because the rest of it, they have never delivered any resignation letter to the Speaker; they have not been nominated to become Members of Parliament in their Partner State; they have not been appointed Ministers; they have not been absent from the Assembly for such a period of time; they have not been convicted of any criminal offence and sentenced to imprisonment. Those are the only counts where somebody could be disqualified.

So, in my view, Rt. Hon. Speaker, the decision that you have taken on the advice of the CTC is correct legally. It is very correct and I dare say that even politically, it should be correct.

So, Rt. Hon. Speaker, without much ado, I would like to support very strongly the report of the Committee and I recommend my colleagues to do so. Thank you - *(Applause)*.

The Speaker: Thank you so much, Hon. Chris Opoka. I will give Hon. Sarah and then I will call the two principals – the mover- oh! I will give the Hon. Minister to say something and then I will call the Hon. Chair to summarise and then Hon. Ogle before the matter is put – oh! I will give Hon. Sarah Hon. Minister and then eventually Hon. Dr Martin.

Ms Sarah Bonaya (Kenya): Thank you, Rt. Hon. Speaker for giving me the opportunity to contribute to this very important motion. From the onset, I would like to say that I support the motion.

Most of the issues have already been raised but my area of concern is on the issue of representative role of these Members and unless an enabling

environment is offered to these Members, in their country of representation, their responsibilities will suffer. These will include stakeholder engagement through feedback, collection of views in order for them to present them in the East African Parliament and awareness creation. So, there will be a lot of curtailment of their responsibility.

The Speaker: Hon. Sarah, there is information from Hon. Dr Odette.

Dr Nyiramilimo: Thank you, Hon. Sarah for giving me way. I would like to inform my dear friend that when a Member is serving as a Member of EALA he or she is representing all the East Africans. So, when we are here, we are representing the whole Community; not only the Partner State where we originate and were elected. Thank you.

Ms Bonaya: Thank you, Hon. Odette for that information. But I would also want to emphasise the fact that when we work, we work from a given context and coming from Kenya, I think I would understand better issue that affect Kenyan stakeholders. Yes, I come here and look at things – (*Interruption*) -

The Speaker: Sorry, Hon. Sarah. Hon. Members, you may want to know that when you leave your phones on, you may incite the Speaker to invite the action of the Sergeant-at-Arms. So, please, keep your phone in silence.

Ms Bonaya: Yes, so I was responding to the information, which was given, which I understand. We should get that East African mode but we come from countries with slightly different contexts and we are supposed to be accessed by East Africans when we go home to be able to transmit concerns and information for deliberations at the regional level.

We are also supposed to articulate issues from the different backgrounds and contexts basing on our own experiences

and engagements from wherever we come from. I think that on any different issues we deliberate on, we all come from that contextual background. That is what I meant. However, that should now enrich the regional issues, especially issues of engaging with the National Parliaments.

The Speaker: Information from Hon. Mulengani.

Mr Mulengani: The information I want to give the Member is that whereas we represent the whole region, you cannot represent the whole region minus your own country. Thank you - (*Applause*).

Ms Bonaya: Thank you, Hon. Mulengani. I think I have been protected because you cannot represent four States and leave out one. So, even if you are representing the region, you need to have all the Partner States involved in the picture and in this case, without the enabling environment being provided, there is a threat to that representative role of the Members.

The other issue, Mr Speaker that I needed to highlight it the issue of separation of powers in relation to this representative role. I feel that most of us have not raised this issue very critically. But we are not at par when we go back home because, as you are in your country, you try to give feedback to your stakeholders, trying to sensitise and all that.

We administered under different structures. Initially, in the Kenyan context, we were administered under the National Parliament but at one given point, we were shifted to the Ministry of East Africa whereby we rather tend to encounter conflict of interest. Because we are politicians being administered by civil servants - and I am sure we have not spoken of this. Many other States are suffering the same but we need proper linkages and institutional engagement and linkages with the institution to facilitate our activities when we are at home.

So, this motion is timely and I think we also need to go further and do some interpretation because different Partner States interpret our roles differently. Maybe now the issue of linking the Treaty and the Constitutions. We need to get that interpretation so that we are well anchored when we are back home for our representative roles. Thank you, Mr Speaker - *(Applause)*.

The Speaker: Thank you, Hon. Sarah.

Dr Martin Nduwimana (Burundi): Thank you, Rt. Hon. Speaker. I rise, of course, to support this motion - *(Applause)* But really, I had not prepared myself to take the floor since this issue is a personal matter.

On the other hand, as you have said, Rt. Hon. Speaker, that you are about to get to the conclusion of the matter, my heart has ambushed me and so I take the floor because I feel that I have an obligation to take this opportunity to thank you, Rt. Hon. Speaker; thank the mover of this motion; to thank the Committee on Legal, Rules and Privileges and all the Members here, without exception, who have supported this motion.

You have said that you are going to first vote and after the vote there is no way, I can have an opportunity to discuss the matter. So, I stand just to express, on a personal note and on behalf of my colleagues who are in this situation as Burundians, our gratitude to you. We are very grateful.

Since this unfortunate issue happened, personally, I came to realise more than what I was convinced about that this Third Assembly is very strong. It is very strong because of two reasons; one, it is that this Third Assembly is humanly strong and two; it is professionally strong. *(Applause)*

On a human note, as – maybe I have expressed this on some occasions. I have been witnessing how this Third Assembly

is really a close family. And as I was telling Hon. Mbidde the other day, you realise that you have brothers and sisters – friends- when you are in difficulty. Indeed, you have been very near to us – near me- and so I could not miss this opportunity to thank you so very much. *(Applause)*

On the professional note, in fact, it is just what you or we are doing. As Many Members have just said it here, this issue is not an individual issue. It is an issue of all the Members here. Not only of the Third EALA but also of the Fourth and all other upcoming EALAs. What we are doing here is just our job; just to stand and defend the Treaty of the East African Community. To stand for and defend the East African Legislative Assembly Rules and Privileges; to stand for and defend the rule of law in the East African Community- the good governance; the human rights for every Member of this Community. To stand for and defend the human rights of individuals of this Community.

We are showing that we are the sovereign leaders. We are defending the democracy in general and here in this Assembly, we are defending the independence and non-interference in this Assembly.

Despite those many and others I have not stated, those other issues regarding human rights and democracy, I feel very proud and very grateful to thank you and I prophesise that this motion will be passed and that it will be a start of a good story of this Assembly. I thank you - *(Applause)*.

The Minister in the Office of the President Responsible for East African Community Affairs, Burundi (Ms Leontine Nzeyimana): Thank you very much, Rt. Hon. Speaker. Through the Chair of the Council, I stand here to express myself on this motion.

Rt. Hon. Speaker, it is true that our Community is governed by law, and

EALA as well is governed by law. In Kiswahili they say, “*Sheria ni msumeno*,” henceforth, the law has to be respected and we are here to stand for the law.

Mr Speaker, personally, I am not against the privileges and immunities of Members because I am a Member as well. I am one of them - (*Applause*). However, Mr Speaker, our countries do have interests in this Community; they do have interests in this Assembly.

Though Members have called to defend interests of the East African Community as a whole, we come from Partner States. We are here to defend the interests of the East Africans and the citizens from where we specifically come from, as Hon. Sarah said. We can defend well the interests of where we come from because we know well the reality of where we come from rather than another place. As I am in a better position to defend the interests of Burundi rather than the interest of Kenya because I do not know Kenya - I am not a citizen of Kenya though I am here for all the Partner States.

So, there is no Partner State that will be happy to see its Members undermining the interests of that country. But as I have said, *sheria ni msumeno* – the law must be respected – (*Interruption*) -

Mr Ogle: Order! Thank you, Rt. Hon. Speaker. Is it in order for the Hon. Minister to suggest that the four Members from Burundi who have been allegedly recalled by their Parliament have been undermining the Partner State they are coming from?

The Speaker: The Hon. Minister in her debate started by stating the importance of law and said, the law must be respected and that at the end of the day, much you represent the totality of the East African citizenry, we come from Partner States and we understand our Partner States best and we must always consult with them because

we know it better and bring their issues to this august House.

She also said that Partner States have interests in this Assembly and in the integration process of the region generally. If any Member is tending, is perceived, or actually is undermining the interests of a Partner State, then that Partner States would not be happy. So, she was just developing her point and not saying that the Members are undermining the interests of Burundi. If she says so, then I will demand for proof of that. Thank you. Hon. Minister, proceed.

Ms Nzeyimana: Thank you very much, Rt. Hon. Speaker. I did not say so.

Regarding the security of these Members and their families, Rt. Hon. Speaker, it was said that the lives of these Members and their families are threatened. As far as I am aware, Rt. Hon. Speaker, the government did not issue any warrant of arrest of any member of the families of these Members.

As I know in Africa, what we call family in Africa, family does not limit to husband, wife and children. We have cousins; we have nephews and nieces; we have grandparents and a list of them. These are all part of the family. And I am sure that the relatives of these Members are in Burundi and they are not threatened. I am sure of it.

Therefore, Rt. Hon. Speaker, I really thank you. I thank the Committee – the way they worked. The law must be respected, as I said, and I just want to finish off by saying that these Members are welcome at home. (*Applause*) No one is running after them and home is always home. Thank you - (*Applause*).

The Speaker: Thank you so much, Hon. Leontine, Minister for EAC Affairs from the Republic of Burundi for putting on record of this great Assembly that our Hon. Colleagues are safe; they are at liberty to go back home, consult with the

people they represent in Burundi and other parts of East Africa. This august House has heard you loud and clear. We thank you for the assurance on behalf of the Government of Burundi - (*Applause*).

Hon. Members, allow me to invite the Chair of the Committee to respond to issues raised as per the report, which he brought to this House as part of the bigger body of the debate of the motion.

The Chairperson of the Committee on Legal, Rules and Privileges (Mr. Peter Mathuki) (Kenya): Thank you very much, Mr Speaker. Let me rise from the onset to thank Hon. Members of this Assembly for associating themselves and supporting this report. Because Rt. Hon. Speaker, indeed the report does not in any way contradict the motion. It is only the issues that are coming out but I appreciate. Indeed, it also supports your position, which you took and you ably communicated to the Speaker of the Burundi National Assembly.

I appreciate some emotions that seem to be coming from some Members. That is healthy, Mr Speaker. It is healthy because we are defending the position; the privileges of Members of this Assembly. That is what we are supposed to do. We cannot and we are not expected to do anything less.

So, for those who wanted the Committee to do more, I want to thank you. It is only that the limitation of what we were supposed to do.

I want to thank Members starting with the Hon. Members who talked about these as legal matters. Indeed, we must appreciate that we must be careful in how we do the wording and reporting.

Some of the issues Members felt deem to be addressed like matters of security. I am sure that will be addressed by the report in the Committee that deals with matters of security. But when you come to matters of

privileges, I think the Committee did their best and I want to thank all members because today it is all of us indeed.

So, in that spirit, Mr Speaker, let me start by thanking Hon. Zein for his position and his feelings on the issues that he wanted us to come stronger. But I think now he is convinced indeed, why as a Committee we had to be very specific and limited to this. Then encourage him that some of the issues he wants or feels were not well addressed – we could look into the next reports and look at how some of those things could be addressed. I am sure he is competent to debate those things in the next reports. Therefore, I would like to thank you Hon. Zein - (*Applause*).

Hon. Kiangoi, thank you for ably bringing out the issues on the Doctrinal Principle particularly on Parliamentary Practice. I think that came out very well. Of course, giving comparison between how we do it in Parliament and how it is done in courts. I think that is the way to go because it is important we appreciate that we have a role as Parliament. Hon. Kiangoi brought it out very well that there is a difference between Parliament and courts of law. He outlined how things are supposed to be done in court and how we are supposed to do it in Parliament. It was very clear that indeed a resolution can be made in this House today and in the next Parliament, they may decide to change unlike what happens in courts. So, I think I want to thank you.

Thank you very much, Hon. Dora, for being a very competent member of the Committee and your guidance plus the issues that you have raised in support of the report. We always learn from your expertise and we do not take your expertise for granted.

I want to thank Hon. Martin Ngoga. Thank you very much. You made the Members understand that this is a legal matter and I think we are to deal with it legally.

Therefore, we could not do anything. And I think, Mr Speaker, I have also taken time to appreciate that in Parliament we do things very differently from how other fora do, for example, the civil society background and so on. I appreciate and I think that came out from Hon. Ngoga very well.

I want to thank Hon. Mumbi - (*Applause*) - for her submissions and of course supporting the report and feeling that the Committee should have been given more days to look at this. She had proposed that the Committee be given some more days.

The Speaker: Hon. Chair, I wish you could help this House and move a little faster. We have a very big report to deal with and today is our last day.

Mr Mathuki: Yes. Thank you. Rt. Hon. Speaker, I stand guided.

I would like to thank Hon. Sarah for her submission on matters of balance between the Constitution of Partner States and the Treaty.

I thank you, Hon. Opoka for how you raised issues in support of the report. I thank you, Hon. Dr Nduwimana for empathising as a Parliament and the Hon. Minister, Leontine for your submission and assurance to the Members that their security is guaranteed.

Mr Speaker, I really want to assure Members that it is in our interest that we protect our tough and we protect the privileges of Members. And I think this Committee commits to continue doing that- protecting the interests and privileges of Members. Thank you, Mr Speaker.

The Speaker: Thank you so much. I would like to invite Hon. Ogle, the mover of the motion and to attend to the amendment of the Committee specifically.

Mr Abubakar Abdi Ogle (Kenya): Thank you, Rt. Hon. Speaker. I would like

to very brief and to the point, as I am always.

Now, this is a very sad day. This Committee, with a lot of respect, lost an opportunity. This was a wasted opportunity, I must say. Before this report, I had a lot of respect for this Committee – I thought the finest legal brains of this Assembly were members of this Committee. I had a lot of respect for them. In fact there was no Committee that I respected more, only second to Regional – (*Laughter*)-where men and women who have a lot of regard for principles – (*Interruption*) -

Ms Byamukama: Order. Mr Speaker, Sir, is it in order for Hon. Ogle to impute legal minds on this particular Committee are not respectable or do not have the requisite expertise just because he differs in opinion? Is it in order that he refers at such to Hon. Members of this House? Is he in order, Sir?

The Speaker: Hon. Ogle, the Assembly does not audit the capabilities of Members based on their professions. We all have different professions and our depth of appreciation in our professions is variant and it is not our duty to assess our capabilities in terms of our professions.

Secondly, all Committees of the Assembly are equal and they all deserve equal respect - (*Applause*). Hon. Ogle, please proceed.

Mr Ogle: Rt. Hon. Speaker, if only my Hon. Colleague dared to listen to what I was coming to.

Ms Byamukama: Mr Speaker, Sir, the Rules of Procedure say that when an order has been moved and the Speaker has ruled, we do not debate the matter. Is the Hon. Member in order?

The Speaker: The Hon. Member is just now beginning his debate afresh but I am advising that the matter was in the hands

of the Speaker and the Speaker has ruled. Proceed with your debate.

Mr Ogle: I do not want to proceed there but I have not spoken anything for a Member to stand up on the Point of Order, really - *(Laughter)*. I find it ridiculous.

Rt. Hon. Speaker, in an attempt to sound nice; in an attempt to appear appeasing; in an attempt to be conscious of some other funny extra issues, what the Committee succeeded in doing was to dilute the authority of the motion I moved clearly and I object to that very strongly.

I am not happy with the way they reduced the essence of that motion to what they have provided for. I agree to some extent that the core aspect of the motion has been maintained - *(Applause)*. It is something related to the security and privileges of the Members. That one we all agree on.

However, trying to sound diplomatic on a matter as grave on our privileges and immunity is beside the point. We must learn to say things as they are. Now, we are talking about condemning in the strongest terms; we are talking about the future of this Assembly- the integrity, the reputation, the place of this Assembly. If we do not talk for ourselves, for God's sake, who will? *(Laughter)*

Now, do you really have to be conscious about the fact that the Assembly is part of the building towards achieving that political federation under Article 11(3) you have mentioned here? I do not think so. You really have to stand up for this Assembly now. And that one does not need the use and application of any diplomatic and nice words. You really have to say things, as they are - *(Laughter)*.

Now, in that context, Mr Speaker, I object to the dilution of my motion in the context the Committee provided.

Secondly, I think the lawyers in the Committee of Legal should have understood the provisions of natural justice that I was the mover of this motion. However, I was not given a chance to come and defend this thing before them. Perhaps if that happened, then we would have covered a lot of compromise ground. They did not do that. They did not also have the courtesy to call the seconder of the motion, Dr James Ndahiro; they did not. They did not even further have the courtesy to call even the four Members who are affected in this motion. So, where is justice? What have they done? What happened to the legal minds in that Committee? *(Laughter)*

I am not surprised they were able to dilute the message of my motion in that context. So, with that reason alone, I also object to the amendments suggested by the Committee.

Thirdly, a very critical point here is a matter related to the security of the Members. I take cognisance of the point made by the Hon. Minister in relation to the security of our Members. But let it be on record that one of the Members affected by this so-called recall has had several of his family members either abducted or killed in Burundi. That is a matter we should not take for granted. It is very critical; it is something to do with the security of Members.

So, when my motion was calling for the enhancement of the security of Members, I was conscious of those kind of things happening and it has happened. So, I believe that the Committee should be given further time to do a thorough job. *(Laughter)* They have not done it as it is now. Thank you for listening to me.

The Speaker: Thank you so much, Hon. Ogle. Hon. Members, now we are faced with a situation to make decisions. You see, this being a rule based institution, now that the Committee had presented its

position that tends to amend the motion of Hon. Ogle and Hon. Ogle has rejected the amendment. The only way out is now to subject the matter of the Committee to a vote and then we go to the final motion.

Mr Mulengani: Mr Speaker, I rise that you guide me properly so that I take a decision with a sober mind and with proper guidance.

Mr Speaker, if we pronounce ourselves to the report of the Committee in affirmative – containing the proposals to amend, it is just consequential that the motion has been amended. You need to guide us properly.

The Speaker: Exactly that. I am saying, Hon. Colleagues, that there is amendment to the motion as moved. Now, the mover of the motion is not accepting the amendment and if the mover had accepted, we would have gone straight to put a question on the report and then on the motion, meaning the prayers of the motion are contained as presented by the Committee.

In the absence of that, we have to dispose of the proposal from the Committee. After we have disposed it off, then we go back to the motion.

Mr Zein: If I could state a position, which says – under Parliamentary Practice, the report is amending the motion. If we adopt the report, it will mean that we have amended the motion and the motion has been expanded. The motion would have been done if we were firm. Only if we defeat the report with the amendment, then we go back to the motion. But if we pass the report with the amendment, there will be no need to go back to the motion.

The Speaker: Hon. Members, as stated earlier that the report is part of the bigger debate of the motion. So, we are pronouncing on part of the debate of the motion. Unless I am guided otherwise by the CTC or otherwise, I stated it clearly, that the report from the Committee of

Legal was by way of enriching the debate – it was inputting into the bigger debate.

Now in that debate came a proposal for the amendment of the motion, and now we need to address ourselves to the proposal, which came in the debate to amend the motion- the prayers of the motion. If those proposals carry the day, then the motion is still in the House but with amended prayers and then we pronounce ourselves on the motion and the new prayers as amended. Are we clear Hon. Members?

Hon. Members: Yes.

The Speaker: Thank you so much.

Mr Mathuki: Hon. Speaker, I think we are properly guided but just to draw to the attention of the Hon. Members that the amendments that the Committee is recommending are not in any way changing the principle. Therefore, Mr Speaker, I am asserting this – *(Interruption)* –

The Speaker: Hon. Chair of Legal, I think the Speaker has guided and I am going to put the question on the amendment of the motion of Hon. Ogle as brought forward by the Chair of Legal on behalf of the Committee.

(Question put and agreed to.)

The Speaker: Hon. Members, we have before this House a motion moved by Hon. Ogle with prayers as amended. I now put the question to the motion as amended.

(Question put and agreed to.)

MOTION FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON REGIONAL AFFAIRS AND CONFLICT RESOLUTION ON THE PUBLIC HEARING ON A PETITION BY PAN AFRICAN LAWYERS UNION ON THE DETERIORATING HUMAN RIGHTS AND HUMANITARIAN SITUATION IN BURUNDI

The Speaker: Hon. Chair, before I call you, for purposes of record, I would like to put this forward that this petition was by the civil society, but the Pan African Lawyers Union (PALU) was just the lead petitioner. It was not by them single-handed. Hon. Chair, please move the motion. You may move the motion from there and then when it is seconded you may move to the podium for presentation.

MOTION

The Chairperson of the Committee on Regional Affairs and Conflict Resolution (Mr Abdullah Mwinyi) (Tanzania): Hon. Speaker, Sir, I beg to move-

“THAT the Report of the Committee on Regional Affairs and Conflict Resolution on the Public Hearing on the Petition by Pan African Lawyers Union on the Deteriorating Human Rights and humanitarian situation in Burundi” be adopted. I beg to move.

The Speaker: The Motion I seconded by Hon. Kimbisa, Hon. Kizigha, Hon. Zein, Hon. Dora, Hon. Ogle, Hon. Martin, Hon. Hafsa Mossi, Hon. Taslima, Hon. Rwigema, Hon. Dr Martin, Hon. Opoka, Hon. Nengo and all the Members standing. So, Hon. Chair, can you, please proceed and read the report to the House.

Mr Mwinyi: Thank you very much, Rt. Hon. Speaker, Sir.

Introduction

On 16th November 2015, a petition of the citizens of East African Community on the deteriorating human rights and humanitarian situation in the Republic of Burundi was presented before the Speaker of the East African Legislative Assembly (*Annexure 1*). The Assembly, in turn, forwarded the petition to the Standing Committee on Regional Affairs and Conflict Resolution. The Committee

determined that it has a mandate under Article 49(d) to deal with such a petition related to human rights, governance, rule of law and democratization. The committee organized and held public hearings on 14th, 15th and 25th January 2016, in response to the petition led by the Pan-African Lawyers’ Union (PALU). The petitioners included six organisations all registered and domiciled in East African Community. They are Atrocities Watch Africa (Kampala, Uganda), Centre for Citizens’ Participation on the African Union (CCPAU) (Nairobi, Kenya), East African Law Society (EALS) (Arusha, Tanzania), East African Civil Society Organisations’ Forum (EACSO) (Arusha Tanzania), Kituo cha Katiba – The East Africa Centre for Constitutional Development (Kampala, Uganda) and PALU (Arusha, Tanzania).

The Committee also extended invitations to stakeholders to participate in hearings. Several key stakeholders on the Burundi situation appeared before the committee. They include representatives of the government of the Republic of Burundi, a select number of opposition leaders, members of civil society organisations from the Republic of Burundi and a representative of the Burundi Journalist Union. Those who appeared and addressed the Committee include:

Burundi Civil Society, Media, Women Movement and Political Opposition

- i. Ms. Nkuzimana Jeremie, Chief Executive Officer
- ii. Mr. Nshiuriuana Vital, FORSC
- iii. Mr. Nditije Charles, UPRONA Party, Burundi
- iv. Ms. Justine Nkurunziza, President, COSOME
- v. Hon. (Dr.) Jean Minani, CNARED, Coordinator, Africa
- vi. Ms. Marie Louise Baricako, Chairperson, Women and Girls Movement in Burundi for Peace and Security

- vii. Mr. Alexandre Niyungeko, Chairperson, Burundi Journalist Union
- viii. Mr. Gateretse JM, Consultant
- ix. Mr. Richard Ninubona, APRODH, Judicial Observer of Prisons

Government of Republic of Burundi
Delegation

- i. Hon. Leontine Nzeyimana, Minister for EAC Affairs, Burundi
- ii. Sen. Joseph Ntakirutimana, Senator and Vice Chairperson, CNDD-FDD Party, Burundi
- iii. Hon. Lazare Mvuyekure, MP, National Assembly of Burundi
- iv. Hon. Agustin Nzojibwami, Chairperson du SAGWE-PADER Party, Burundi
- v. Mr. Gilbert-Becaud Njangwa, President of ONELOP-BDI
- vi. Mr. Andre Ndayambaje, Director General of Burundi Police
- vii. Mr. Nestor Kayobera, Director, Ministry of Justice, Burundi
- viii. Mr. Jacques Bigirimana, FNL Party, Burundi
- ix. Mr. Jean de Dien Mutabazi, Chairperson of RADEBU Party, Burundi
- x. Mrs. Concilie Nibigira, Leader of the UPRONA Party
- xi. Mr. Amos Gerson Ndimurwanko, Liaison Officer, Burundi Embassy in Arusha/Dar-es-Salaam
- xii. Mr. Jean Marie Nduwimana, President, Civil Society, Burundi
- xiii. Mr. Francois Xavier Ndaruzaniye, President and Legal Representative, Izere Ntiwihebure, Human Rights League, Burundi
- xiv. Mr. Valentin Bantwayegusa, Legal Adviser, CNDD-FDD, Burundi

Procedure for Public Hearing

The Committee held three sessions to discuss method of conducting the public hearings and generating a report for the plenary. The committee prioritized several procedural issues in their deliberations. First, the committee established that the Assembly has a mandate to deal with this petition. This is as articulated in Article 49 (d) of the Treaty for the Establishment of the East African Community, which mandates the Assembly to “discuss all matters pertaining to the Community and to make recommendations to the Council as it may deem necessary for the implementation of the Treaty.” Second, members agreed that the conduct of the hearings would follow a defined pattern. Petitioners and stakeholders would present their petitions followed by questions and clarifications from Members. Petitioners would then be invited to respond to questions and give clarifications. Members agreed to refrain from articulating their positions during the hearings.

The committee agreed to withdraw back into a meeting to deliberate on the public hearings and agreed to provide the rapporteur with instructions on the drafting of the report, which will be discussed and adopted by the Committee for onwards transmission to the plenary. Finally, the committee agreed to allow members to submit written proposals, observations, and recommendations as part of record for the petition. The committee further mandated the chair to speak to the media on behalf of members regarding the proceedings of the hearing and tasked him to invite any citizen of EAC with additional information, contribution to avail it to the committee.

The Petition: Written and Oral

The petition addressed itself to three main issues:

- i). the human rights violations;
- ii). humanitarian crisis;
- iii). the political crisis.

It also provided recommendations and the way forward. The details are contained in the petition submitted to the Speaker and supplemented by oral submissions of the hearing held on 14th January 2016. It is important to note that the oral submissions confirmed but also updated the original submission of 16th November 2015 and this summary captures the updates as reflected in the Hansard Record (*Annexure 2*).

The petition notes that the origins of the human rights and humanitarian crisis is in the ‘political crisis’ resulting from support for and opposition against, by sections of Burundi population, for the candidacy, for a third term, of President Pierre Nkurunziza. The human rights crisis, it notes, resulted from, on the one hand, the action of the police, security officials and members of *Imbonerakure* (the youth wing of the CNDD-FDD), of ‘violently cracking down on demonstrators and protestors’ and, on the other hand, ‘the counter response by a section of the population taking up arms and confronting the police, security officials and members of the said *Imbonerakure*.’ This has led to internal displacements within Burundi and to many seeking refuge in neighbouring countries. The petitioners estimate that this has triggered ‘one of the largest refugee situations that the East African/Great Lakes region has encountered in the last decade.’

The petition outlines the consequences of this crisis including the assassinations, extrajudicial and arbitrary killings. It cites

at least 130 people reported killed in Bujumbura and other parts of the country. In his oral submission recorded in the Hansard record, Donald Deya, citing The Citizen, 13th January 2016 noted that ‘a total of 267,747 refugees that had fled to just three countries: 17,747 to Uganda; 175,000 to the United Republic of Tanzania; and 75,000 to the Republic of Rwanda.’ It notes that though the Government of Burundi ordered investigations into the killing, ‘no single case has been concluded...’. Further, while referring to UNHCR, the petition cites ‘growing numbers of arrests, detention and assassination attempts of human rights defenders, journalists, and military officials.’ By April 2015, the petition reports that the UNHCR has reported ‘over 197,000 Burundians’ had fled the country ‘after having been harassed, having witnessed enforced disappearances and murders by the *Imbonerakure*, the youth wing of the ruling party, CNND-FDD.

The petition takes note of the measures taken to date by various organs and institutions of the EAC in addressing the Burundi crisis but regrets that these have been followed by either non-compliance or scaling down on requirements. These include the hosting of 3 Extraordinary Summits on Burundi (13th May 2015, 31st May 2015 and 6th July 2015), the decisions of the East African Court of Justice, and the missions of EALA. With respect to EALA, the petition says that ‘while the EALA participated in the joint East African Community (EAC) Observation Mission to the Burundi Elections, it has not otherwise deployed its mandate and powers, under the Treaty for the Establishment of the East African Community, to the deepening political, human rights and humanitarian crisis in Burundi.’

The petition further elaborates that the last Summit appointed HE President Yoweri Museveni to mediate in the Burundi crisis but points out that the ‘mediation has since

then stalled.’ In fact, in his oral submission, Don Deya cautioned against the assumption that ‘there is something serious going on.’ Discussing the question of compliance to EAC requirements, he confirmed that PALU ‘had mobilized Burundian human right lawyers’ activists at the Extraordinary Summits to ensure that the voice of the people was being heard’ but regrettably noted that a candid analysis even ‘from a purely academic standpoint’ of the three communiqués that the Summit issued on Burundi shows ‘the trajectory is downwards.’ He said, ‘First Summit – very resolute, laying out the principles, directing that certain pieces of action be taken and on the basis of which there would be a follow up Summit. Where those actions were taken, the follow up Summit was full of hesitation and a decision that begins becoming meek and weak by the Third Summit. Now really, the statement does not say much. And we are told that a lot of the instructions around how the negotiations should have taken place were actually not in the communique.’

There was, in the view of the petitioners, similar non-compliance with decisions of the EACJ with reference to EACJ Ref. No. 7 of 2013 and EACJ Ref. No. 1 of 2014 (*Annexures 3 and 4*). In fact, the political crisis continues to simmer partly because of acts of omission. It cites three examples in the oral submission and concludes in the oral submission that ‘Unless the political crisis is resolved, preferably through all-inclusive mediation, then the human rights and humanitarian crisis will only continue and possibly deteriorate even further.’ The three examples include the following: First, ‘Attorneys’ General of the East African Community (EAC) determined that the candidature, for a 3rd term, of President Pierre Nkurunziza, was unlawful. However, the EAC Summit failed or neglected to act in accordance with this advice, even merely to publicly admonish

President Pierre Nkurunziza and the CNDD-FDD political party regarding President Nkurunziza’s then impending candidature.’ The second refers to ‘The Summit of the East African Community (EAC), International Conference of the Great Lakes Region (ICGLR), and the African Union (AU) all called for a postponement of the Presidential Elections to enable negotiations and consensus-building, which was not heeded to.’ The third and last is ‘The Election Observation Mission from the East African Community (EAC) determined that the elections were not free, fair, participatory or inclusive.’

There is some variance between the written and oral petition regarding the prayers the petitioners requests the house and/or the committee to undertake. This is mainly because some of the prayers in the petition had been overtaken by events. But broadly, the following are the requests in the oral submission (*See Annexure 1*).

- i. Openly condemn the -
 - a. Assassinations, extrajudicial and arbitrary killings
 - b. Use of inciting and incendiary language
 - c. Inordinate use of force by the Police, security officials, members of the *Imbonerakure* and all other armed Non-State Actors that have taken the path of violence to achieve their objectives
- ii. The House or a Committee within it, to undertake an urgent Fact-finding Mission into Burundi.
- iii. The House to make a strong recommendation to the Summit TO SUSPEND the Republic of Burundi from the EAC.
- iv. The House to make a strong recommendation to the Summit that the Republic of Burundi cannot and will not

assume the rotating Chairmanship of the Summit of the East African Community (EAC), until resolution of the political, human rights and humanitarian crisis in Burundi.

v. The House to make a strong recommendation to the Summit that the Republic of Burundi cannot and will not nominate a candidate for the position of Secretary General of the EAC, which will be an agenda item at the next EAC Summit (scheduled for February 2016).

vi. The House to request the African Union (AU) for robust leadership in intervention and mediation in the political, human rights and humanitarian crisis in Burundi, especially because the AU has a more comprehensive and far-reaching legal and institutional framework for intervention than the EAC currently has, including: -

- a. The Constitutive Act of the African Union, 2000
- b. The Protocol relating to the establishment of the Peace and Security Council of the African Union, 2002
- c. The African Charter on Human and Peoples' Rights, 1981
- d. The African Charter on Democracy, Elections and Governance, 2007

vii. In particular, therefore, the House to call upon the Chairperson of the Assembly of Heads of State and Government of the AU to take concrete steps towards preventing Burundi from descending into Genocide or mass atrocities, including: -

- a) Urgently deploying the Peacekeeping Contingent as directed by the African Union Peace and Security Council (AU-PSC) in the Communiqué of its 565th Meeting, Addis Ababa, on 17th December 2015.
- b) Suspending Burundi from the AU.

- c) Activating the sanctions regime of the African Union (AU)
- d) Enhancing the numbers and capacity of the Human Rights Monitors and Military Monitors deployed to Burundi

viii. In this regard, the House to consider dispatching a Delegation to interact with the African Union (AU) in Addis Ababa, Ethiopia.

Background Issues

Two critical points need to be stated upfront. First, in their submission to the Committee, several members of the Burundian government delegation referred to the post-colonial history of Burundi. They suggested that it has been a sad and tragic history, one “where people talk about death, refugees, hatred, etc.” They insinuated that to understand the current crisis one must understand this sad and tragic background. Second, the government delegation as well as the opposition and civil society organization all agreed that a key instrument in the history of Burundi that restored peace and provided a basis for co-existence was the Arusha Peace Accord. The Arusha Peace Accord provided a basis for dealing with many elements that help the people of Burundi.

At its sitting on 16th January 2016, the committee deliberated on these two points as they discussed the possible structure of the report and agreed, among other things, on the need for background section in the report. The Committee will therefore preface the detailed discussion of the hearing and its core themes by providing a brief and extremely sketchy background to act as a pointed to members and enable them frame the issues that were canvassed during the hearing.

The key issues that members might wish to pay attention to include four;

- i. Burundian colonial experience
- ii. The post-colonial situation,
- iii. The Arusha Peace Accord, and,
- iv. The role of EAC Partner states as guarantors.

These issues will not be elaborated on but reference on specific documents is encouraged.

It is important to remember that Burundi's colonial and post-colonial experience have witnessed violence of mass atrocities proportions. When the government delegation spoke of the history of Burundi being tragic, they implied that that tragedy involved cycles of civil war, genocide and death. War and genocide in Burundi is thought of as being ethnic in origin and character; it always begins with and always pits Tutsi versus Hutu. However, this rendering of the history is inaccurate as the historical record shows and as government of Burundi, delegates and opposition, stakeholders who testified indicated to the Committee.

To freeze this tragic history in ethnic explanation is to assume there is no 'logic' in war and to assume that 'people simply act out a role prescribed by their ethnic identity.' It also means therefore that both Hutu and Tutsi are homogeneous; there is nothing among them that is crosscutting and nothing within them that differentiates them. In fact, such internal differences existed in pre-colonial Burundi.

The history of mass atrocities state in Burundi must be located primarily with the onset of the modern colonial state. Indeed, the cycles of violence in Burundi have been the consequence of struggles over the state. This has therefore defined the nature of the conflict the committee is dealing with. The Burundi problem is a political problem; its actual execution finds expression in ethnic terms. Without dealing with the problem, we will be unlikely to effectively deal with the other

ways in which the violence is expressed. This is the reason why the Arusha Peace Accord is seen as central to the solution because it focused on the political problem by addressing the ideology of exclusion and marginalization embedded in Burundi politics. The Accord also cited EAC member state, the AU and UN among others as guarantors to the mediation and sustainability of peace in Burundi.

The Hearings

Key Issues in the Petition Elaborated

The details of the written and oral petition are presented above. However, a number of Burundian stakeholders including representatives of opposition political parties, civil society, women movement and the media elaborated on the petition. The Committee captures the key issues they articulated in this section.

The stakeholders who spoke on 15th January 2016 broadly agreed with the petition, elaborated and illustrated its key prayers. Central to their argument was the assertion that the problem in Burundi is a political problem. They also clarified how this problem has mutated into an ethnic problem, citing parallels with the 1994 genocide in Rwanda. The political problem, for them, found immediate expression in the third term question revolving around President Pierre Nkurunziza's decision to run for elections in 2015.

According to them, this decision was against the Arusha Peace and Reconciliation Agreement. This Agreement, to them, is the instrument designed to ensure peace and stability in Burundi. As one presenter summarized, "The main idea contained in the Arusha Peace Accord is the fight against the ideology of exclusion and genocide." The Accord was designed to end exclusion and marginalization in Burundi. Though it is

not perfect, the stakeholders repeatedly confirmed that it was the touchstone and baseline. Indeed, they demanded this as the basis of dialogue stating that dialogue goes with Arusha Peace Agreement.

They know that the Accord is not perfect but it has been our solution. That solution, added Ms. Baricako, is what we are holding to go for peace. Whoever wants peace must go through Arusha Accord. 'We don't want to review it; whoever wants to lead Burundi must built on the Accord; improve it and expand it. But don't break it.' Arusha Agreement must be the pillar of whatever conclusion is achieved.

The challenge though is that following the decision to run for the third term and the failure to pass it through parliamentary process, the political problem has mutated in many ways and has become intractable every day it is not addressed. Not only has it undermined the legitimacy of parliament and judiciary in the eyes of opponents of the government, it has also led to problems that are more intractable. The main expression of the intractable problems, according to Mr. Vital Nshirimana, is the awful crimes and human rights abuses that have become prevalent in Burundi. They include killings and rape but also the silencing of human rights defenders and democracy watchdogs. They argued that the clampdown on peaceful demonstrations on 26th April 2015 was a major moment in human rights violations. Since then, the 'human rights and humanitarian situation has deteriorated considerably where 1,087 persons have been killed and more than 232,000 Burundians have fled the country to leave [sic] in precarious conditions. Many are flying for a second or a third time due to the Burundian crises.'

Most presenters gave a gruesome picture of the nature of the crimes and human rights abuses including details on refugees and internal displacements, arrests and

detentions. Pictures of some of the notable instances of murders were shown and submitted for record (*Annexure 5*). For instance, Mr. Nshirimana cited the admission in January 2016 by Mr. Martin Nivyabandi, Minister in charge of Human Rights who recognized that '10,000 cases of sexual assault were committed.' Other than the rapes, there were gruesome killings and cases of mass graves. The most recent are revelations by Amnesty International of suspected mass graves of people killed on 11th December 2015 in nine different locations that the organization's researchers identified and confirmed using satellite technology. It was explained that since May, 2015, 'mass graves have been identified in Kamenge, Kinama, Rumonge, namanga, Karusi, Bukinanyana, Mpanda, Mutimbuzi, Muramvya and Karusi just to name a few. The UN High Commissioner for Human Rights recently confirmed some of these cases.

Cases of human rights abuse identified at the hearing included restrictions on freedom of expression, association and movement. This has entailed the 'suspension of leading civil society associations widely known for their commitment to speak on behalf of the voiceless.' Further, detentions and disappearances have become common with the danger that the state prison system has limited capacity to hold those arrested and detained under humane conditions.

The government delegation (discussed below) also spoke to this but did not provide detailed information on prison capacity. The breakdown of law and order has aggravated the situation with kidnappings, assassinations, murders, torture and extra-judicial killings being committed on a daily basis. Kidnappings and ransom have also increased amidst a complex but fragile situation where perpetrators are rarely apprehended. The rising levels of incitement and hate, at times articulated by state officials and

other public figures, have only worsened the situation. The example of statements by the Vice President, Mr. Gaston Sindimwo and Mr. Alain Guillaume Bunyoni, Minister for Public Security, to name but these two, were cited and recorded in the Hansard (See Annexure I). There are other cases of incitement to hate not detailed in this report but recorded in the Hansard.

The presenters put responsibility for the increasing collapse of civic order at the doorsteps of government. They found the government to be, on the one hand, intolerant to dissenting political views and, on the other hand, complicit in the fast deteriorating security environment. Politically, intolerance began through labelling of persons, politically or ethnically. The distinction between 'talkative minority' and 'silent majority' was an instance in which people were being labelled and set up for harassment and attack. The presenter cited the statement of Mr. Alain Guillaume Bunyoni who described protestors as a minority. To them, this was an opening salvo in what has become a campaign of targeting those who do not share the government political position.

The target has occasionally been ethnically defined. However, on other occasions, it has been against human rights defenders and media personalities. Examples of those who have been assassinated or died in questionable circumstances are also presented in the Hansard record. Indeed, the presenters worried that the massaging and packaging of words indicate a gradual shift towards a genocidal trend; a danger, they pleaded, that should not be ignored by the EAC. The use of slogans like 'tuzobamesa' (we will wash you) used in a CNDD-FDD demonstrations of 10th April 2015 or 'Gukora' define this dangerous hateful trend. The critical, pressing and persisting question that was repeatedly raised at the hearing was why convictions against perpetrators of these heinous

crimes or hate messages are never arrested and convicted.

Part of the answer to this question, the presenters suggested, was the breakdown of law and order and the inability of institutions of governance like the Judiciary to exercise their mandate. This has meant that government is either unable to ensure security or it is complicit in this breakdown. The presenters explained both scenarios. They identified the party youth, *Imbonerakure*, as largely responsible for the rising insecurity. For them, the confirmation that *Imbonerakure* was in fact a militia group came from a report by the UN High Commissioner for Human Rights who in April 2015 formally stated in writing that *Imbonerakure* was proven a militia. In terms of its structure, it was explained that *Imbonerakure* started as a CNDD-FDD Party youth wing, as any party youth across all the partner states, designed to prepare future leaders. Its structure therefore conformed to the structure of the party and it was widely present across the country into the districts and neighbourhoods. However, in Burundi, this youth began to expand and acquire functions that were not strictly of a youth development character. They acquired arms and have become a militia, at times even assuming the functions originally reserved for the disciplined forces. The presenters report that *Imbonerakure* are reported to work closely with the police and defence forces and are known to assist state officers in making arrests.

It was the testimony of several presenters that some of *Imbonerakure* youth have been guilty of murder and targeting of opponents of the government. They cited the example of Mr. Geva Nduwimana. Having pleaded guilty of murdering four Italian nuns, Mr. Geva Nduwimana was later sent to peacekeeping mission though he is not listed in the army. The presenters showed his picture in an AU military uniform.

The presenters asserted that Burundi's participation in peacekeeping missions masked a growing peace and security deficits at home. With respect to peace, they averred that the provisions of the Arusha Peace Accord on the ratios to be maintained in the army and police had been broken thereby allowing for exclusion and marginalization to re-emerge. Tutsi members of the army, they claimed, retired and were not replaced. In their place, the CNDD-FDD took advantage to reinforce the role of the militia, *Imbonerakure*. They concluded that the 'militia is now playing the role of the army and the police to the extent that *Imbonerakure* go for peacekeeping missions.' They called on the AU and UN to decide on the repatriation of Burundi peacekeepers alleging that each peacekeeper is required to 'contribute' USD200 per a month to President Pierre Nkurunziza. Furthermore, they supported the idea of an AU peacekeeping force in Burundi.

The presenters raised the issue of responsibility to protect, an idea that had also been canvassed by the petitioners. Asking why EAC has not played a major role in the Burundi crisis, they wondered why 'Burundians are screaming, crying and calling for help while people are just watching. We do not know where help will come from and how it will come.' Speaking on behalf of the women of Burundi, Ms. Baricako stated that 'I believe that the East African Community has a responsibility to be there, to help, to protect and to rescue. If you cannot do that, what is the point of being a community?' Dr. Jean Minani who challenged EALA to act and expressed confidence in Arusha Accord as the unifying factor that brought peace expressed similar sentiments around the role of EAC.

The requests for protection are predicated on the argument that matters are growing worse and Burundi is fast getting on the

brink. It was reiterated that Burundi is one of the poorest countries in the world; corruption is rife and people are being killed randomly. The judiciary and election management body are not independent; things are upside down and appointments go to people who have no higher levels of education. There are too many governance abuses and the 'President wants simply to be president; but no reason why he wants to be president.' In this situation, even the chain of command in the disciplined forces has broken down and *Imbonerakure* are acting as a parallel force. It was argued that the Inspector General of Police, Mr. Andre Ndayambaje, and the Minister for Defence do not have operational command and control. Burundi security forces are no longer able to protect civilians and the levels of mobilization in the country are such that 'Imbonerakure are ready to commit genocide.'

Key Issues in Government Perspective

The Government of the Republic of Burundi appeared before the committee on 25th January 2016, and it was represented by a delegation led by Hon. Leontine Nzeyimana, the Minister Responsible for EAC Affairs in Burundi. The delegation however included a mix of representatives from government, political parties, and civil society. This delegation took a long-term view of the Burundi crisis with one delegate describing the post-colonial history as tragic. On her part, the minister noted 'As it has been happening in Burundi since the early 1960's, the electioneering period was marked by negative propaganda intended to create in Burundi a political and institutional instability. Most of the delegates therefore acknowledged that indeed there is a crisis in Burundi and attributed it to what they referred to as the radical opposition.

The delegates defined the radical opposition as a group of opposition politicians who, working to collaboration

with segments of civil society and the media, have spawned rumour and propaganda against the Government of the Republic of Burundi. This radical opposition, according to the submissions and oral testimony, organized itself in advance of the elections around an alliance of democrats for change known as ADC-IKIBIRI (*Annexure 6*). As such, the so-called third mandate, which the Minister leading the delegation referred to as 'second universal vote' was a mere 'additional pretext' since 'this issue had been resolved by empowered court such as the High Court Constitutional Court of Burundi and the EAC [sic] Court of Justice...' (*See Annexure 6*) The real aim of the radical opposition was to sabotage a democratic process; that is, 'disturbing the electoral process and the institutions from this process.' They did this by generating 'negative propaganda intended to create in Burundi a political and institutional instability.' As part of their agenda, they generated a noxious rumour campaign ... to particularly instil fear and get Burundians to flee the country for neighbouring countries before the elections take place (*Annexure 7*). A core part of their call, it was pointed out, was to make 'gratuitous allegation' including repeated references to arbitrary killings, raping of Tutsi women, imprisonment of journalists.

According to the government-led delegation, the violence in Burundi now is largely due to the activities of this radical opposition whom they argue support 'the use of force, insurrection and even the putsch [sic].' For them, the radical opposition has been joined by 'some members of civil society and medium [sic] such as African Public Radio of Alexis Sinduhije.' Not only are these actors collectively interested in fanning violence, a member of the delegation also asserted that they were engaged in acts of war incitation and simulation to the genocide which cause many people to flee with objective to

prove the impossibility of elections[sic].' However, as the delegate cited above notes, and as another one from civil society quoted below complements, there were other opposition parties that 'wish [sic] to attend to the elections as our party FNL...' Distinguishing themselves as the 'democratic opposition', the delegate noted that this radical opposition has since undertaken a campaign of demonization which attacks the 'Burundian national forces for defence and security and the young people affiliated to the political power "Imbonerakure"' for horrible killings.

Civil society and the media were also described as accomplices in the campaign against the Republic of Burundi but with the caveat that those who were involved were few and had mostly fled the country. According to the delegates, these had joined the radical opposition to spread a campaign of hatred internationally against President Pierre Nkurunziza. Their aim, according to the delegation, was to provoke international support based on the argument that the country was on the brink of genocide. According to the Minister, the violence was however largely the result of propaganda orchestrated by the same elements and their accomplices. Acknowledging that indeed violence had broken out, she explained that 'the propaganda above rapidly evolved into violent rioting, destruction of property and killing of people. What was preached as peaceful demonstrations and mere civil disobedience became in some neighbourhood in Bujumbura city a stronghold of armed violence and violent attacks to incapacitate the police and defence and security forces and topple the Government with the help of foreigners and ill intended mass media campaign.'

The government delegation defended the forces of law and order as simply engaged in doing their work. They showed a video (placed on record) documenting the good work of the forces of law and order (*see*

Annexure 8). However, these forces of law and order had also been the target of attack by the radical opposition. According to several delegates, the nature of violence in Burundi was minimal and life was back to normal in many parts of the country. In fact, they could only identify four places where violence had been concentrated.

The delegation associated the widespread fleeing of refugees to neighbouring countries to rumours. Asked to clarify if refugee movement was due only to rumours and fear, they confirmed this to be the case. However, they also confirmed that some of the refugees had returned and called on others to return. The Minister expressed her wish ‘that the citizens who fled the country for fearing violence erupting from elections, voluntarily return in their respective homes which their fellow neighbours have safeguarded, to work hand in hand with the other fellow Burundians in order to develop the country. They repeatedly invited EALA to make a visit to Burundi to witness all this for itself.

In response to a question, they described briefly how returning refugees were handled even though they did not identify any special government process by which they came back, or by which they were re-integrated in society. Most of these refugees, she said, ‘have already safely returned home and settled in their own compounds, they are most welcome in their homeland.’ She however was unable to provide the numbers of those who have returned but promised to supply them to the committee. This had not been supplied by the time the report was ready.

The delegates submitted that EALA has a role to play in helping Burundi restore order. This included ensuring that no member of the radical opposition is hosted by the EAC Partner state. The minister wondered why ‘no strong condemnation was heard and some of the perpetrators including military, politicians and civil

society activists roam the Region and Western countries blackmailing the Republic of Burundi.’ In a statement directed at EALA, a delegate cited ‘some supposed representatives of Burundi at EALA level’ whom he claimed ‘plead rather for the opposition; which is prejudicial [sic] to the image of Burundi’ and argued that ‘EALA seems not to be enough [sic] informed about the security and the political situation that occurs in Burundi (*See Annexure 6*).

The delegation cited the Republic of Rwanda urging the need to ‘normalize cohabitation with Rwanda which is hosting and Supporting Burundian rebels who keep attacking our country.’ They cited the ‘disdainful statements’ of the Rwandan President Paul Kagame’ that they thought were ‘devoid of a minimum of respect towards his Burundian counterpart...’

In a letter addressed to the EAC Summit but which was also put on record at the hearing, Jacques Bigirimana goes further to associate the radical opposition with the EAC secretary General cautioning against ‘the dangerous proximity of the radical opposition with the EAC Secretary General Richard Sezibera, who excels in being biased in the process of inter Burundian dialogue and who has largely failed in his mission of diplomacy required by his rank (*See Annexure 6*). Thus, according to these delegates, Rwanda is not just instigating tensions in Burundi; it is also actively supporting the radical opposition by setting up training camps for Burundian youth. They cited the Field Report of Refugee International as evidence and referred to footage in the video they screened (on record) to confirm.

They reported also that they had sent a letter to SG that he should never be part of the team facilitating peace talks in Burundi.

The delegation did not think that the petition is genuinely owned by PALU as the lead petitioner. Arguing that the petition has no ‘factual basis,’ a delegate argued that PALU was being ‘exploited and manipulated to lend his [sic] label of “Pan-African organization of lawyers” in order to legitimize classic false and recurring accusations that Burundian civil society fiercely opposed to the Current Burundian Government...*Annexure 9*). In fact, the delegate asserted that the “Stop At The Third/Halte Au Troisieme Mandate” campaign ‘does not even represent 1% of the 6,000 civil organizations regularly registered and active in Burundi’ and called on EALA to sponsor ‘a survey mission which will be deployed in Burundi to listen to representatives of 6000 organizations [of] Burundian civil society as a whole (*See Annexure 9*).

The argument above was meant to delegitimise the petition for being presented with persons without any *locus stand* on the matter. In particular, the delegates with the exception of Mrs. Concilie Nibigira of the UPRONA Party either framed the human rights issue in the petition as the result of propaganda by the radical opposition or orchestrated acts by the same actors in civil society. They dismissed the idea of peaceful demonstrations and instead argued that the Burundian civil society organisations ‘were subject to prosecution due to massive and horrible violations of human rights and serious human abuses that have characterized too [sic] violent demonstrations of April and May 2015, which protests culminated in an attempted *coup d’état* (*See Annexure 9*). Indeed, a delegate provide an accurate and sequenced example of one such violation saying he had many more examples he could not share due to time constraints. Asked to elaborate, he promised to provide the committee with more details. These had however not been received by the time this report was ready.

Mrs Concilie Nibigira however acknowledged on behalf of UPRONA Party that since the April 2015 hundreds among police and civilians have died or been wounded due to violence. “The UPRONA Party has no doubt that errors have been committed in the management of such violence and innocent lives have been washed away by the repression of the insurrection. Cases of kidnapping and extrajudicial killings, rape, torture cases, and bodies thrown into mass graves had sometimes [been] reported.’ To avoid exaggeration and any hasty, subjective and biased conclusions, about the scale of these evils and their authors’, she asserted, ‘the UPRONA Party recommends a special investigation, free, independent and impartial committee to be put on the spot to establish responsibility.

In the establishment of this commission, the United Nations, the African Union, the East African Legislative Assembly could bring their contributions and support to reassure each other about the credibility of the procedure.’ She however rejected the prayers in the petition around suspension and deployment of peacekeeping contingent asserting that ‘it is a shame that Burundians accuse their country [of] all those evils.’

The delegation rejected the idea of foreign troops in Burundi terming it as the main reason the radical opposition has been ‘demonizing Burundi defence and security forces as well as the police’ and ‘undertaken a hideous campaign to instil hatred and ethnic division, and claim that there is a risk of genocide in Burundi.’ The delegation reaffirmed the good work of the defence forces re-stating that ‘the composition of defence and security forces as well as the police is in the spirit of the Arusha Agreement for Peace and Reconciliation in Burundi. They concluded that, in view of this, ‘there will be no genocide or military coup d’état in Burundi anymore.’

The delegates challenged the petitioner on the principal of rotation at EAC and affirmed that not only should this principal be safeguarded but also it should be implemented as contained in the Treaty. Further, they affirmed their faith in the Arusha Peace Accord and in the Inter Burundian Dialogue. They urged EALA to send a mission to Burundi to confirm the truth on the ground.

Key Outstanding Issues

There are numerous outstanding issues that the Committee needs to resolve or at least carefully think through as a basis of providing their recommendations to the House. Among these are the following: -

- a) Political Issues
- b) Human Rights violations
- c) Youth and Insecurity
- d) Humanitarian Issues
- e) Role of EAC partner states: Rwanda
- f) Role of AU/UN

We discuss each in turn.

1. Political Problem:

All the presenters at the hearing acknowledge, whether explicitly or implicitly, that Burundi faces a crisis. They also implicitly or explicitly agree that this crisis has major political connotations. In essence, it is a political crisis involving a real or perceived struggle over the modern Burundi state. They also agree that there is a relationship between the political problem, on the one hand, and the human rights and humanitarian consequences on the other hand. They all demonstrated a desire to end the crisis in Burundi. They however disagree on who is responsible for the political problem and how to solve it.

The government-led delegation attributes the cause of the political problem to the 'radical opposition' and their allies in a segment of civil society and the media.

Their analysis of the situation zeroes down on the argument that having been unable to stop elections; the radical opposition intensified a propaganda campaign in and outside Burundi that has resulted in protests, violence, chaos and killings. Precisely because they name the elections of 2015 as the 'second universal election,' they sidestep the issue in dispute, that is, whether President Nkurunziza was running for a third term or not. They refer to judicial determinations on this issue to seal their argument.

The petitioner and stakeholders who supported the petition define the electoral contest as a 'third term mandate.' They think it was an illegal attempt at renewal of mandate and against the Arusha Agreement, which they define as the cornerstone for peace in Burundi. By abrogating the Arusha Agreement, they argue that the government in the Republic of Burundi has lost credibility and legitimacy not just locally but by implication, also internationally.

The Committee confirms that precisely because the problem is political, it is extremely difficult to envisage a judicial solution that will last and restore peace in Burundi. This is true not just for Burundi but many other countries that have a protracted history of violence, chaos and war. Therefore, by sidestepping the question whether President Nkurunziza was going for a third mandate or not, the Government of Burundi will not solve the problem we understand they wish solved. To solve the problem, we must confront, not the legality, but the legitimacy of President Nkurunziza's new mandate.

Those who are contesting his new mandate are raising both legal and legitimacy questions. The problem is that they are also questioning the legitimacy of the institutions that could, or that they have, adjudicated and determined the legality of the new mandate. Whether the government of the Republic of Burundi likes them or

not, members of the opposition are now active and indispensable players in the dispute in Burundi and cannot easily be wished away.

The Committee therefore recommends renewed emphasis on Inter-Burundi Dialogue led by President Yoweri Museveni. It strongly recommends active engagement between the different factions within Burundi. It is not possible that a protagonist in the negotiations can decide whom to dialogue with on the other side. Any matters relating to who sits in the negotiation must be determined by the chief negotiator who will review and determine the suitability and credibility of negotiators proposed by each team in the negotiation.

2. Human Rights Issues:

The political crisis has engendered numerous and unspeakable human rights violations committed by actors on both sides of the dispute. All delegates at the hearings pointed out instances of human rights abuse even if they attributed them to the other side. They included rape, extra-judicial killings, assassinations, detentions, and unexplained disappearances. Evidence of mass graves and gruesome pictures of unspeakable mutilations were put on record. Other violations of human rights including clamping down on freedoms of expression, association and movement were cited.

The Committee acknowledges that most of these violations are closely tied up to the breakdown of law and order and the desire by each side to win in the current political dispute in Burundi. In order to reduce and completely solve the violations, the Committee understands that progress in resolving the political problem and restoring law and order is an essential prerequisite to effectively restoring human rights and resolving their effects. However, the Committee also notes that other examples of successful negotiations

to solve political crisis in the region have been sequenced.

In Kenya, the four agenda items in the Kenya National Dialogue and Reconciliation were sequenced in order of priority as follows:

- i. Immediate action to stop the violence and restore fundamental rights and liberties;
- ii. Immediate measures to address the humanitarian crisis, and promote healing and reconciliation;
- iii. How to overcome the political crisis;
- iv. Addressing long-term issues.

The Committee recommends a rethinking of the sequencing of the agenda items in the Inter-Burundi Dialogue that will prioritise addressing urgent human rights violations that are necessary to maintaining or restoring the social fabric of Burundi. Further, freedoms of movement, association and expression that are essential for effective return to peace should be addressed urgently. This will facilitate negotiation since any goodwill demonstrated from any side is useful to advancing the dialogue.

3. Youth and Insecurity:

There was a wide gulf at the hearings regarding the role of the youth in the unfolding crisis in Burundi. The government-led delegation referred to them simply as party youth while the petitioners and stakeholders variously called them party youth or militia. In fact, while one can count how many times the government-led delegation used the name *Imbonerakure*, the name was used uncountable times by the petitioners and stakeholders.

The Committee takes note that there is no homogeneity in *Imbonerakure* and in what they do. There obviously are many youth whose interest in the group is genuine and restricted to legal engagements. Indeed,

the Committee heard from Jean Minani that in their original intention, *Imbonerakure* was simply a party outfit, designed to mentor youth for purposes of future leadership and for engagement in development. However, this changed at some point and some of the youth acquired new roles and functions.

The Committee is aware that though there is no homogeneity among the youth, there is now enough credible evidence from UN and other Human Rights sources that confirm that *Imbonerakure* plays the function of a party militia. Indeed, it has been repeatedly reported that they have been involved in "arbitrary" arrest of members of the opposition "under the guise of national police or SNR officers. Their presence is so strong it may have overshadowed the presence of youth groups affiliated to other parties who, as the Committee heard, also exist. Not only have *Imbonerakure* been involved in the gradual breakdown of law and order, this context has allowed more merchants of violence who are not necessarily active disputants or members of the *Imbonerakure* to also partake to a gradually deteriorating political environment.

The Committee notes that the visibility of *Imbonerakure* may also be the consequence of Burundi's poor economic performance. Poverty tends to affect women, youth and children disproportionately. In the case of Burundi, as in the case of many West African countries that collapsed into violence and civil war, youth were both a risk and also at risk. Nothing illustrates this better than the findings of the UN. According to a UN Background paper prepared for the Advisory Group of Experts (AGE) Reviewing the UN Peacebuilding Architecture, 'job creation at levels needed for sustainable peace consolidation [in Burundi] remains distant, and a large youth population (estimates suggest 60+% of the population) remains dangerously

under-employed and potentially open to remobilization.

The Committee recommends that a simultaneous process of addressing the risk *Imbonerakure* poses against opponents needs to be accompanied by an equally vigorous process of empowering the youth towards gainful livelihood and engagements. The framework for this is included in the engagement the UN Peace building Commission and the UN Peace building Fund have with Burundi. However, CNDD-FDD must be engaged and encouraged to transform the *Imbonerakure* from a militia into a real party youth wing handling leadership and development issues.

4. Humanitarian Issues:

The Committee agreed that priority must be placed on stopping the killings. Indeed, in terms of sequencing the dialogue, this should be priority and a commitment should be extracted from negotiators that killings must stop in order to allow relevant actors to institute immediate measures to address the humanitarian crisis. The key focus must be to address the refugees challenge and internal displacement. It is noted that the government-led delegation was unable to provide any official plans of return and resettlement of refugees. Also, there are no official special plans for resettlement of those internally displaced.

The Committee notes that this Assembly is seized of the issue of Burundi refugees. The Assembly sent a Goodwill Mission to Burundi Refugees in Kigoma, Tanzania and East Province, Rwanda from 31st May to 5th June 2015. Its Report was discussed in the Assembly and it was recommended, inter alia, that 'EAC Partner States should support the enactment of a regional legal framework for the management of refugees' and 'harmonize laws on how to handle intra-refugee matters in the region.

In view of developments since the Goodwill mission, the refugee and IDP challenge has changed and worsened. The Implementation of the recommendations of the Committee will go a long way to ease the situation.

5. Role of EAC Partner States:

The EAC has been seized of the Burundi matter since the matter acquired international attention. The EAC has been at the forefront of spearheading initiatives to resolve it including initiating and supporting the Inter-Burundi Dialogue. The initiatives have been and continue to be very important. The Committee recommends that the Assembly assure other organs of the EAC full support for those initiatives.

However, the Committee noted a general sense among the petitioners and stakeholders that the EAC is not doing enough in its powers to facilitate a quick resolution of the Burundi crisis and to ensure that killings stop, insecurity ends, humanitarian initiatives are implemented and human rights violations are halted. As the petitioners noted, the idea of a community is under threat if EAC does not vigorously exercise its power to support but also, and where necessary, censure and sanction to help restore law and order in Burundi. The petitioners noted that the dialogue has proceeded haltingly; that decisions made at various levels often are ignored or are implemented half-heartedly in Burundi; that this has caused other supportive organisations like the AU and UN to tread carefully in view of the principle of subsidiarity, which provides for a sequence in intervention. The Committee recommends that the Assembly take note of these concerns from citizens of EAC. It also recommends that the Assembly shall urge those involved in facilitating the resolution of the Burundi crisis to enhance their engagement with opposing sides towards quick and peaceful

resolution and to use all possible means, including censure and sanction to achieve the urgent goals of stopping killings, ending humanitarian crisis and resolving the political crisis. This is partly because the Burundi crisis can easily become the Achilles' heel of the EAC.

6. Rwanda:

The importance of this crisis to the EAC was brought home by accusations levelled against a Partner State by the Government-led delegation. Except for one Report, the delegation was unable to provide adequate evidence to the Committee to validate the claim that the Republic of Rwanda is hosting and militarily training Burundi refugees. They also claimed that the Secretary General of the EAC was biased but they did not provide any evidence for the claim. The delegation stated that the information could not be divulged at the hearing. The Committee makes three recommendations on this issue. First that the claim of political and military interference by a Partner State needs a very high threshold of credibility for it to be effectively addressed. Second, that when such claims are noted, there are provisions within the Treaty that guide how they must be channelled and handled. Three, that mechanisms need to be enhanced and processes instituted within the EAC for handling peace and security matters. This will help provide effective protection to and immunize the office of the Secretary General from accusations of bias that might endanger it.

RECOMMENDATIONS ON THE HUMANITARIAN CRISIS IN BURUNDI

The Committee holds the considered view that there exists a dire humanitarian crisis in Burundi including refugees, internal displacement, in adequate provision of social services and so on. That the committee appreciates the efforts undertaken by Partner States in alleviating

the suffering of people of Burundi but a lot more needs to be done. The humanitarian crisis has particularly impacted negatively on children (see the UNICEF report on the children in Burundi). The committee believes a lot more needs to be done to address the humanitarian crisis in Burundi.

Recommendations to the Council of Ministers:

1. On an Appeal for further assistance to address the Humanitarian Crisis in Burundi

- The committee urges the Assembly to request the Council of Ministers to make formal request for urgent/additional humanitarian resources from both regional and international partners for Burundi, Partner States and neighbouring countries hosting Burundi refugees and/or displaced persons.
- The committee urges the Assembly to request the Council of Ministers to facilitate the Committee on Regional Affairs and Conflict Resolution to undertake an urgent Fact-finding Mission into Burundi.

2. On enhancing of the capacity of EAC to deal with the Humanitarian crises in the Community.

- that the Assembly urges the Council of Ministers to ensure the Community urgently and comprehensively review its legislative, policy, institutional arrangements and other measures that will put in place the necessary capacity to deal with humanitarian challenges and/or crises in the Community.

3. On the Human Rights Crisis in Burundi.

That the committee holds that there are serious and sufficient grounds to believe that gross human rights

violations that have taken place and continue to take place in the republic of Burundi unabated. The petitioners' and other parties that appeared before the committee, including from the government delegation, all agree on this fact. They only disagree on the magnitude, responsibility and how to end the violations.

Recommendations:

On the duty of care and responsibility to protect:

- The committee holds the view that the Community under the Treaty obligation, the African union under the Constitutive Act, the United Nations and other international players owes a duty of care and responsibility to protection of the people of Burundi.

3. On the deployment of the African Union preventive and protection force:

- The committee appreciates the commitments taken by the African Union on the issue of sending a high-level mission to Burundi to discuss the matter of the deployment of an African Union preventive and protection force to secure the wellbeing of the people of Burundi.

Recommendations:

- The Committee urges the Assembly to support the urgent completion of those discussions.
- The committee further, request the Assembly to allow the committee to make substantive recommendations on the matter after the visit of the A.U mission to the Republic of Burundi.

4. On the need to establish a credible mechanism to investigate allegations of gross human rights Violations:

Recommendations:

The committee urges the Assembly to support the establishment of a credible international investigative mechanism to investigate all allegations of human rights violations in Burundi independently.

The Committee urges the Assembly to support the full utilization of all possible measures allowed by the Treaty and Community law to be directed against any person or entity that will undermine the establishment and operationalization of a credible investigative mechanism.

Request to the Council to communicate the Assembly's Prayers to the Summit concerning the human rights crisis in Burundi.

- The Assembly request the Council to communicate to the Summit the following prayers of the Assembly

The Prayers to the Summit:

That the Assembly requests the Summit to affirm that the Community has a duty of care and responsibility to protect the people of Burundi from violence and guarantee the safety and security of all citizens and persons in Burundi.

That the Summit to consider to facilitate and support the establishment of a credible investigative mechanism to independently investigate all allegations of human rights violations in Burundi.

That the Summit will put in place actions that will fully utilize all possible measures allowed by the Treaty and Community law to be directed against any person or entity that will

undermine the establishment and operationalization of a credible investigative mechanism.

5. On the Political Crisis in Burundi;

The Committee holds the view that a political crisis that require urgent intervention exists in the republic of Burundi.

The committee appreciates the efforts of the Summit to resolve the political crisis in the republic of Burundi.

The committee in particular appreciates the appointment of H.E Yoweri Kaguta Museveni the President of the Republic of the Uganda as the Mediator of the peace process for Burundi.

Recommendations to the Assembly;

The committee urges the Assembly to –

- affirm that the political crisis in Burundi require urgent and concerted efforts to halt the humanitarian and human rights crises;
- appreciates the role and efforts by the Summit to bring lasting peace to the republic of Burundi in the past and currently;
- support an all-inclusive, participatory and credible process of dialogue in and outside Burundi to bring lasting peace to Burundi;
- Support the work of the office of the mediator H.E Yoweri Kaguta Museveni.

6. Recommendations to the Council of Ministers;

The Committee urges the Assembly to urge the Council of Ministers to -

Support the work of the Summit and the Office of the Mediator to bring lasting peace to the republic of Burundi in the shortest time possible.

Support all measures, including the full utilization all possible measures allowed by the Treaty and Community law to be directed against any party, person, group of persons or entity that will undermine the peace process including the work of the mediator.

For the Assembly to request the Council of ministers to communicate the following prayers to the Summit –

The Prayers to the Summit:

To do all that is possible to stop the humanitarian, human rights and political crises in the republic of Burundi urgently.

To fully empower and facilitate the work of the mediator and his office including appointing a team of respected states men and women to aid in his cause and/or office.

To consider to apply all possible measures allowed by the Treaty and Community law to be directed against any party, person, group of persons or entity that will undermine the efforts of the Community including the office of the mediator in its work.

7. On enhancing the Capacity of the Community to Deal with Peace and Security Matters:

The Committee holds the view that the Community urgently require to complete the EAC Peace and Security Architecture including examining and developing the EAC's capacity, institutional arrangements and or Treaty, legislative and policy regime to allow the Community to address humanitarian, human rights and political interventions.

Recommendations to the Council of Ministers:

The Committee therefore urges the Assembly to urge the Council of Ministers to –

- Hasten the process of completing the Community Peace and Security

Architecture including putting in place the necessary institutions and competencies that will ensure the peace and security of the Community.

- Ensure the Partner States completes the ratification of the EAC Defence Protocol and the EAC Peace and Security Protocol.
- Report back to the Assembly in its next sitting on the progress made to finalize the ratification of Partner States of the two mentioned Protocols in (II).

Mr Speaker, it was a long report and I hope Members paid particular attention to the report. But before I end, I would like to use this opportunity to thank you and your office, Hon. Speaker, for your wisdom to bringing this matter before this Committee and to facilitate the work of the Committee - *(Applause)*.

I would also like to use this opportunity to thank my colleagues, members of the Regional Affairs and Conflict Resolution Committee - *(Applause)*. This has been a truly difficult task in many ways. What kept us together was that despite all our differences of opinion, we shared one thing, that we wanted the best for the people of Burundi - *(Applause)*.

I must also in particular thank my members from Burundi - *(Applause)*. It is very difficult, Mr Speaker for such emotive issues to be discussed about your country and for the members to stay firm, objective and conduct themselves with integrity in a manner in which my members from Burundi acted - *(Applause)*.

Second, similarly, there were allegations – serious allegations- of the involvement of Rwanda. My members from Rwanda acted exactly in the same manner- extremely objective and professional. I must thank them most sincerely - *(Applause)*.

My Committee in general is a very interesting Committee. If I use an analogy

of music, a CCM Committee in Tanzania would more akin to an orchestra where you have the conductor ordering and they all play the music beautifully. My Committee, however, Sir, is a jazz band. Everyone plays his or her own instrument but together we make beautiful music - (*Applause*). Hon. Ogle is on the trumpet - (*Laughter*).

Thirdly, Mr Speaker, I would like to use this opportunity to thank the Office of the Clerk. (*Applause*) More specifically, Mr Charles Kadonya and our repertoire, Dr Murunga. Again, this was extremely taxing process. It was very difficult on them; they worked around the clock and we are most thankful to them for their professionalism. Hon. Speaker, Sir, I beg to move - (*Applause*).

The Speaker: Thank you so much, Hon. Mwinyi, Chairperson of the Committee on Regional Affairs and Conflict Resolution. Tough tasks come to men and women who are equal to the task. I congratulate you and your Committee for the good job - (*Applause*).

Hon. Members, the motion before this Assembly is that the report of the Committee on Regional Affairs and Conflict Resolution on the public hearing of the petition of civil society led by the Pan African Lawyers Union on the deteriorating human rights and humanitarian situation in Burundi be debated. Debate is open.

Hon. Members, before we take on this debate, a few things may happen during the course of our debate. You must realise that today is our last day of this plenary meeting. Our Rules of Procedure have its limitations on us. And at an appropriate time, I will be expectant of one of you to deal with this challenge in accordance with our Rules of Procedure to allow us do the work expected of us. This is history in the making.

The Chairperson has stated that all our interests are to wish the best for Burundi and the region. Debate is open.

Ms Isabelle Ndahayo (Burundi): Thank you, Mr Speaker for giving me the floor. I wanted to start by thanking the Chair of this Committee for a good report, well represented – the way he presented it and the way it is structured is very good - (*Applause*).

I would also like to thank members of this Committee for the hard work they have done. It is very hard work to come out with such a big report from a very sensitive matter where we have two different positions. You have done very hard work. I thank you.

Rt. Hon. Speaker, I would like to say that I am an East African from Burundi and a Member of the East African Legislative Assembly. I would like to say that I am concerned about this issue but I am not going to bring in facts given by stakeholders or by Members. I will debate more on the findings. I would like to bring some two or three recommendations to the Committee, if you allow.

Rt. Hon. Speaker, as you remember when we were debating in Nairobi on the Good Will Mission made by this Committee, there was an issue I raised and I think even now it is still relevant. So, allow me to raise it again, Rt. Hon. Speaker.

If you look at this report, it was still the request made by both sides. I want to ask this Assembly to come and visit Burundi. Please, come and visit Burundi. (*Applause*) I think it is by visiting that country and its people that this Assembly will really realise or will be able to appreciate the real situation of this country. It is unfortunate that even the plenary, which was supposed to sit there in March has been rescheduled but I wish we could be there in August.

But before that, I think the UN Mission has done it and even now Burundi is

expecting to receive the AU Mission for that action and in the recommendation of the report, they are expecting to give more recommendations after this mission. I think it is better for EALA to be there. Rt. Hon. Speaker, please, organise this. This Committee should be facilitated. If there are no funds, we have our Council here, they can facilitate it.

I think we need to visit Burundi. Burundians are our brothers and sisters. Burundi is our home. I think the only way we can understand the issues of Burundi is through visiting Burundi and its people.

The second thing I would like to say, Rt. Hon. Speaker has been raised during the presentation and I raised it last time, that is, about social media. I am not going to give the same recommendation I gave last time but now I want to give just some kind of advice to this august House.

Social media of course provides good information; however, I would like to advise this House to think twice when we receive messages from the social media. Most of the messages are very bad during such a time. You are lucky because you are not Burundians, you cannot speak our language and not even French to hear what is going on in WhatsApp and other social media. It is very bad.

So, I would like to ask this House to think twice when they want to make a decision on a given situation based on the information they received. Sometimes you may rely on wrong information. Please, it is a good piece of advice that I would like to give to this House in order to take a wise decision.

Another issue I want to raise here – I have seen in the report No 24 (9) – maybe the Minister will help to remind me. I was here when they were doing the public hearings on the issue of repatriation. The Republic of Burundi requested that they put in place a tripartite mission to deal

with the repatriation of refugees. I think this can be taken into consideration. A tripartite mission where we have UNHCR, Burundi and the host country to find a way how these refugees can go back home.

I am telling you that you will find this recommendation very relevant after the visit that this Committee may make to Burundi because they may come out with a different view after visiting this country.

The Speaker: Hon. Isabelle, are you suggesting that as an amendment to the recommendations?

Ms Ndahayo: Yes.

The Speaker: If so, I would also like to remind all other Members as per the requirements of our Rules. If you have an amendment to the report, please write it concisely and send a copy to the Chairperson and a copy to the Speaker. Proceed.

Ms Ndahayo: Thank you. I will do it. Lastly, I want to remind you- it has been said by this good Committee at No. 50 and another place also, maybe 52 or 53, it is to remind the responsible host countries for refugees about their responsibility to protect refugees against any kind of recruitment and abuse. It has been captured in this report but it should be very much emphasised. Therefore, to avoid so many rumours regarding the protection of refugees, this should be done. I thank you and I support this report.

The Speaker: Thank you so much, Hon. Isabelle.

Mr Peter Mathuki (Kenya): Thank you very, Rt. Hon. Speaker. Let me also join my colleague in congratulating the Committee for a very comprehensive and bulk report, which I think whose contents therein are worth debating.

Mr Speaker, indeed the situation in Burundi as it is today can befall any other

Partner State in the Community. It is, therefore, the interest of this Assembly as an Organ of the Community to stand in solidarity with the people of Burundi to make sure we empathise with the people and of course the situation that they are facing - (*Applause*). It is very unfortunate. Therefore, it is the interest of all of us and all those who second us- who mean well – to stand and pronounce themselves in support and in solidarity with the people of Burundi.

It is very unfortunate to have gone through the report and listened to different parties and factions of the same country speaking and talking different language. It is very unfortunate because that way, the situation can degenerate into any situation, which can be even worse. Therefore, it is very important as an Assembly to recommend to the Partner States and even to the Summit that they should take this situation very seriously. In fact, it should be in the priorities because the idea of some people feeling that Burundi should not be part of the EAC, should not be their interest. Their interest should be how to save the situation - (*Applause*).

When you look at the bigger picture of the Community and if you look at what the fore fathers and the founders of this Community envisaged when they were founding the EAC, was to ensure that we have a bigger Community- we have the same people; the same destiny. Therefore, it was not about punishing some of the Partner States. So, by eliminating some Partner States then it means we defeat the purpose upon which this Community was found - (*Applause*). It is, therefore, very important that we stand and see how we can save this situation. Each one of us has a duty and a responsibility. It is very unfortunate.

Other institutions on the continent and elsewhere have pronounced themselves. For example, the African Union – my take is this- let them work within the EAC

framework because that should be it. When we allow every party or person to come with their own styles of working, there will be a lot of confusion. But if they are directed within a certain framework, it becomes easy. So, we should request and that should even come out in the report that Africa Union in whatever arrangements they may have, it would be good to do it within the EAC framework.

We are aware of an existing arrangement where H.E. President Museveni is a mediator of the situation in Burundi. So, if the African Union means business, then they would see where they would work within that framework. It becomes easier instead of each group having their own positions and of course missions in Burundi. For example, the UN may have their own arrangement; African Union may have their own arrangement; EAC their own arrangement and then at the end of the day we do not converge and come. So, it is important that the Committee in their wisdom see how they can even call other international players and see how they could cooperate with the East African Community to ensure that whatever we do is within the framework of the EAC. To me that is very important.

I appreciate and I have seen what H.E. Museveni is doing. They also say that they have to wait for the African Union Mission to Burundi and then they will come and give more recommendations. Let us not depend on what others will do which is not within our purview. Let us now concentrate and see what we can do as a family of East African Community and request the others like the African Union and the rest to cooperate with us.

Some of the suggestions and recommendations that have been put are long term like putting in place legal frameworks; putting in place the treaties and so forth. So, it is important that the immediate thing now, which is to see how we can save the situation in Burundi.

It is very unfortunate that the issues of social media, as Hon. Isabelle is saying, happen where some opportunistic situations will always take advantage of the happenings like those going on in Burundi. So that one is expected. So, the idea is not even to think and see how social media is taking advantage of this but how us as the leaders of this Community must put priority on Burundi and see how it can normalise. It is in the interest of all of us to make sure that Burundi normalizes because that way then we shall remain a community - *(Applause)*. That is the way to go.

I have seen the issue of strengthening – they have talked about empowering and facilitating the work of the mediator. I am aware that the current mediator of the situation is empowered, he has the will and he has the capacity to do that. Of course, what they may wish to do is to expand that secretariat so that it includes some other eminent persons who may have been under the capacity in that kind of process.

We are aware, Mr Speaker, Sir that when you get back to the Arusha Accord, a number of eminent persons were involved in this. We can benefit from their expertise - *(Applause)*. So, what we can only possibly do is that we take advantage of those brains and those very eminent persons and see how they can assist the current mediator so that the solution of Burundi is not even far. The solution of Burundi is in East Africa; the solution of Burundi is in Burundi itself.

Therefore, when we sit and expect and yet the parties of Burundi would come and expose the dirt within Burundi to outsiders, they will not get any help. The help of Burundi will come from Burundi and East Africa. That is why we must take this business seriously. Let us now mobilise those eminent persons. I know they are there in East Africa- they are living- let us take advantage of their expertise and see how honestly they can be

utilised so that they can sort out the problem in Burundi. *(Applause)* That is where the solution lies. That is what I think; that is what I feel, Mr Speaker. Let us take advantage of them; we know them.

I, therefore, stand to support the report and make sure that we support the framework that is there and H.E. Museveni but see if we can expand that framework by just enriching it so that they can work under H.E. Museveni very well. However, of course benefitting from those other good sons and daughters of East Africa. I thank you, Mr Speaker - *(Applause)*.

The Speaker: Thank you so much. That is an indication that we are keen to what is obtaining in the report.

Ms Dora Byamukama (Uganda): Mr Speaker, Sir, I beg to move a motion that this House extends the time of debate until this important matter is concluded. And this is in relation to Rule 11 (1) which provides as follows: *“Sittings shall unless the Assembly otherwise resolves ordinarily commence at 9.00 a.m. in the morning up to 1.00 p.m. in the afternoon and resume at 2.30 p.m. in the afternoon and conclude at 6.30p.m.in the evening.”* I beg to move.

The Speaker: Seconded by Hon. Zein, Hon. Ogle, Hon. Frederic, and Hon. Kizigha, Hon. Yves. Hon. Nancy, Hon. Isabelle, Hon. Buccumi, Hon. Hafsa Moshi and all those Members standing.

Mr Kiangoi: On the issue that has already been moved and seconded, I wanted some kind of clarification.

The Speaker: Hon. Members, I have a motion, which has been moved and seconded. The next stage is to allow the mover to justify the motion. The motion has been moved in accordance with our Rules of Procedure. I do not know whether there is something to the contrary other than requesting the mover to justify the motion.

Ms Byamukama: Mr Speaker, Sir, I would like to justify the motion and my justification is based on what has been stated by the very able Chair of the Committee, Hon. Mwinyi who stated hitherto that Article 49 obliges this Assembly to execute its function of debating, discussing all matters pertaining to the Community and making recommendations to the Council as they may deem necessary for implementation of this Treaty.

In line with this particular Article 49 (2) (d), I would like to propose that we extend our time so that we can exhaustively debate this particular issue.

My second point, Mr Speaker, Sir is that I asked for extension of time and I did not want to give a time frame because I trust in your wisdom and I know that we have had precedents where this House has met beyond even 8.00p.m. on other issues. So, in view of what has been noted in the report and in view of our concern, I would like to leave it to you, Sir to be able to manage the time so that we can all contribute to this very important motion. I beg to move.

Mr Kiangoi: This is a very important matter before this Assembly and we need to have it debated and concluded. But Mr Speaker, in our Rules, we are provided with a time frame in that the House sits from such and such a time to such and such a time according to the Rule that has just been referred to. Rule 11 states that the House rises at 6.30p.m. but we can extend and I have no objection. Nevertheless, can we extend without fixing the time that we have to rise? So, that we deal with this matter until we are through with it. That will not be proper. We can consider that we deal with it for two or three hours. If we finish earlier, so much the better. In my view, cannot say that it is open-ended until we conclude this matter.

The Speaker: Thank you so much, Hon. Ombasa Kiangoi for seeking the clarification. The mover of the motion in her wisdom trusted the Speaker's judgement. (*Applause*) in dealing with the matter and making sure the debate is concluded within the time frame that will not stress the Members.

Hon. Members, I put a question to this motion as moved by Hon. Dora Byamukama. May those in favour say aye and those against, nay?

(Question put and agreed to.)

The Speaker: We proceed with debate. I had already given Hon. Ogle.

Mr Abubakar Ogle (Kenya): Thank you, Rt. Hon. Speaker. Rt. Hon. Speaker, I am a very proud member of this Committee for good reasons but I do not want to dwell on that anyway.

I want to pay my profound gratitude to the petitioners who triggered off this activity led by the Pan African Lawyers Union and incorporating amongst others, leading regional and continental bodies, the East African Civil Society Forum (EASCO), the Atrocities Watch Africa, the East African Law Society and Kituo Cha Katiba. These are well-founded organisations. They did a very commendable job by assembling very extensive and irrefutable evidence regarding the issues they placed before the Committee. It is very critical that we appreciate the very hard work that was done by these men and women of East Africa and Africa of good will. They decided to do that for the good of Burundi and this region as a whole. I really want to register my profuse gratitude and thanks for their effort to do that.

Secondly, Mr Speaker, I want to give a contextual background of the conflict and crises we normally face on the African continent. Sometime last year, in March – (*Interruption*) -

The Speaker: Sorry for the interruption, Hon. Ogle. Hon. Colleagues, based on the interest of many Members to debate this report, can we limit our debate to at most for minutes for each Member such that many Members can debate because of the constraint of time.

Mr Ogle: My four minutes start now - *(Laughter)*. Mr Speaker, I was in the process of giving a contextual background about the crisis and the conflict we normally face on the African continent. I was saying sometime last year, in March, there was a very close electoral contest in Africa's most populous nation, Nigeria to a point where critics and commentators imagined that Africa's most populous nation - in fact it had even taken the level of being the most economically strong on the continent- was on the brink of a disaster. That there was going to be a warfare and the country was going to be divided. God forbid that did not happen but that was the position of the commentators and critics.

Now, when the confronted the then President, Jonathan Good luck about what he thought, would he easily surrender power once defeated, his words were very telling and assertive. He said, "Much as I want to be a president; much as I want to retain power, I will not allow for one moment the blood of one Nigerian shed in the name of my political interest and my political ambition." Now, that is very critical.

I am relating that to our Partner State of Burundi. Now that is at the crisis in Burundi. When a leadership takes cognisance of that fact, that the life of every Burundian is valuable- that they will not allow a single drop of blood to be shed- we would not have had this crisis. I think it is very important that the leadership now and in future, not only in Burundi, but all over the region, take cognisance of that fact that the lives of every member of our countries is much

more important than your personal political ambition. That is very critical. Now, that is what is at the heart of the crisis in Burundi.

A second factor is related to the crisis in Burundi. There is an amorphous group called *Imbonerakure*. The government came, they tried to explain what that was but it was not convincing. Nobody gave us an actual idea about what the *Imbonerakule* were up to and this has gone all the way to inform the position of the African Union. When they proposed to send a deployment force, they intended to confront the excesses of the militias.

Now, we really need to – this is a problem that has been all over. It is in every other country. We have political party youth wings in all the countries in the region. We have some group called Mungiki in Kenya, which started as a political outfit. We had some groups like the "red shirts" or "green shirts" as they were in Tanzania fortunately, they did not metamorphose into that dangerous militia. Now, it is up to the political parties – they have a right to have their own militias and all these things – I mean a right to have their youth wingers but please, ensure that there is a caveat place that this is a no go area. They should not be allowed to transcend into the political aspect because the political contest in Africa is normally a very thin line because it borders on ethnic and sometimes religious lines. So that is my quick advice.

The third point I would like to pursue here - and I have listened to it very attentively- is in regard to accusations on Rwanda. Now, there was not any much evidence on what was being said about Rwanda's involvement in the crisis. I did not see any reason why, perhaps the only relevant statement was a reference to what they were calling a disdainful statement related to H.E. President Kagame.

Now, Rt. Hon. Speaker, I have very great respect for President Kagame. One thing I share with him always is that he is very candid and very courageous. He always says things as he sees them. Now, I do not think that was disdainful. What he was saying is what I have said earlier that if you cannot save the blood of one of your citizens, you have no business being in leadership. I want to repeat that. I do not think there is anything disdainful about it.

Above all, I think the most critical point for Burundi is that in the long term, they will have to appreciate that the only way out of this crisis is to ensure that there is an all-inclusive unconditional meeting of almost all the players. The government cannot just sit somewhere and determine who to talk to. Every Burundian irrespective of whatever shed of opinion you represent must be allowed to contribute his or her opinion for the future of that country. Thank you very much. I support the report.

The Speaker: Thank you, Hon. Ogle.

Ms Nancy Abisai (Kenya): Thank you, Rt. Hon. Speaker. Mr Speaker, I support this report and from the onset, I want to congratulate the Chair and members of this Committee for a very good report. It is very comprehensive and I think every issue is very well captured. If you read the report, I think most of what we are debating is captured in that report.

I do not want to repeat what has already been ably captured in the report but I just want to say one thing, I think Burundi hurting is not just Burundi but also the EAC as a whole. Everybody has talked about this Assembly not saying anything or doing anything about the Burundi issue. The fact that we have been quiet all this time was not even good for us. I know that the Committee went to – (*Interruption*) -

The Speaker: Hon. Nancy, I think for the record of this House, we need to put the

record right. Right from March last year to the next meeting that took place in Kenya, to our meetings in August in Kampala, to our meeting in November/December in Kigali, Rwanda, through to our meeting here, this Assembly has not been quiet. This Assembly has been emphatically clear on the issue of Burundi and putting its position clearly demanding for calm and restoration of peace. Proceed, Hon. Nancy.

Ms Abisai: I am guided, thank you, Mr Speaker. What I meant is that we have never really had a chance to discuss and debate as a whole House. I know the Committee has been doing a lot of work for the Assembly under your able leadership but this kind of discussion in the Assembly and since it is being captured on the Hansard, it is good that people are going to know that we have talked about it. So, I am guided and I appreciate.

Mr Speaker, if you all recall the situation that Kenya went through in 2007, I think we could talk about a lot that is happening and who is doing this and who is not doing that, what the government is doing and not doing but the key is getting a solution to the problem, which the Committee has given a very good proposals for.

I wanted to suggest that it is very important that the Committee include – even as we talk about eminent statesmen and women, let us look outside EAC. For example, in Kenya we had Kofi Anan who chaired that peace dialogue and it went extremely well. All participatory means that bring every person on table should be included so that people are able to speak debate and come up with issues that are affecting both sides. I think that is the only way that you can be able to have a proper dialogue.

So, I was just saying that I want to support the idea of an all-inclusive participatory and credible process of dialogue both in

Burundi, yes, but looking at statesmen and women from within EAC and outside EAC so that we can also have other minds that can come and help this process. I am just borrowing a leaf of what happened in Kenya in 2007 and just thinking that it is important for either side – both the opposition and the government – not to be rigged and to be committed to the process to ensure a conclusive solution for the Burundi peace initiative.

Mr Speaker, I support this report and because most of the issues are ably mentioned in this report, I just thought that we needed to look at other eminent people and I just gave the example of Kofi Anan. I am not saying that that is the one we should get but he is an example of eminent people to have a credible initiative. I thank you.

The Speaker: Thank you, Hon. Nancy.

Dr Odette Nyiramilimo (Rwanda): Thank you, Rt. Hon. Speaker for giving me the opportunity to contribute to this report. From the onset, I would like to support the report and try to say what I think.

Rt. Hon. Speaker, unlike many of us who cannot understand Kirundi or French, I do and I have been following whatever is happening in Burundi from the beginning. What I can see and what is written in this report is quite alarming because as the petitioners said, and what was noticed by the delegation from the government, there are assassinations that are being observed but we do not see that in the social media but rather we see it on televisions. It is obvious for everybody that security is challenged in Burundi.

Now, about the recruitment in the refugee camps, indeed we all want Burundi to be peaceful because if there is insecurity in Burundi, it immediately affects the security in Rwanda, Uganda and Tanzania but more specifically to Rwanda because

we have a common history. We all know that.

When Rwanda is being accused of carrying recruitment in the refugee camps, I really wonder how and what was the evidence that the accusations were based on when we have seen ourselves- at least our Committee on Regional Affairs- the refugee camp. So, when there is insecurity in a country, even in the refugee camps you have people who conspire to go and fight back in their home countries. This could always happen. What we should try to prevent is having refugees and camps since anything can happen within them.

These open accusations are heard on radios, TVs and we all listened to the Chairman of CNNFFDD who openly accuses the President of Rwanda. It is very surprising because to accuse somebody without facts is not a good idea. We should first of all try to make sure that what we say is real and correct rather than trying to mix events and find scapegoats in neighbours who would also wish to ensure that the region is peaceful.

As far as adopting the UN, we all as countries in the region have the responsibility to protect. How far are we handling that responsibility to protect as the East African Community? I think the petitioners came to us as an Assembly for the whole region, which can talk for them- which can try to influence and stop whatever is violating human rights and the problems of Burundi. We should be clear in our recommendations.

We should also send the East African Peace Keeping Force to help the Burundians to bring back peace.

Maybe I am going to write that clearly on a piece of paper, if it is agreed, but I think it is very important that make sure that - (*Interruption*) -

The Speaker: Honourable minister, you will have a full response to this debate. I

advise that you take note of everything coming from the debate then you will conclusively respond.

Dr Nyiramilimo: Thank you for protecting me, Mr Speaker. I would like to have this Assembly to have the East African peacekeeping force to try and bring back peace that has been lost.

Mr Speaker, when they talk of *Imbonerakure*, I was in Rwanda when the Interahamwe escalated and started campaigning like what I see in Burundi. People started talking of ethnic groups; of Tutsis and Hutus and who wants to be the master of the other. I am hearing these things today on Burundi radios.

Mr Speaker, I think it is very important that we make sure – *(Interruption)* –

The Speaker: Did you say information? Hon. Dr Odette, there is clarification from hon. Isabelle.

Ms Ndahayo: I would like to seek clarification from the honourable member who is speaking. Which media in Burundi is talking about the information, which was spread by Interahamwe; the same message she is talking is going on in Burundi by Imbonera Kure? Can she give us clarification on this?

Dr Nyiramilimo: Thank you, Mr Speaker. I am sorry that I cannot open the phone and put it loudly the speech that I heard yesterday from the President of CNDD FDD, the party in power taking about the President Kagame who is a genocider and who is willing to bring *Buyoya* to commit genocide in Burundi.

I have that so I cannot go further to explain this but the speeches I can hear and they are really bad – *(Interruption)* –

Mr Mathuki: Mr Speaker, I think it is fair in line with our own procedures to focus on the report that is on the House than oppose to expanding and bringing in issues

that we cannot substantiate in this House. The discussion e are holding is serious and we cannot – I think we are likely to divert.

Mr Speaker, let us concentrate on the report so that we remain focused.

The Speaker: Thank you so much, hon. Peter Mathuki. Honourable members, when you take the floor, stick to the report.

Two, our rules do not allow you to debate a person who is not in this House, who cannot defend his or her self. This is a matter of our rules.

Thirdly, when you are talking about our members of the Summit, do so with the decorum that rhymes their offices. Please honourable, proceed.

Dr Nyiramilimo: Thank you, Mr Speaker for the guidance. It is because hon. Isabelle had asked for clarification and I had to clarify with what I heard on the media. I am very sorry. I want to stick to this report and even advance towards the conclusion because I think the proposal of the amendment has been well captured and I would like to plead with the Council of Ministers, the representatives of our Partner States to make sure that they sit and discuss in a cordial manner but try to understand well what is happening in Burundi and we put our hands together to make sure that there is no escalation to genocide like we have seen in Rwanda.

Thank you, Mr Speaker.

The Speaker: Thank you so much, hon. Dr Odette.

Mr Twaha Taslima (Tanzania): Thank you, Mr Speaker. I just want to add on what my colleagues have said and I have mainly one point.

I am a member of the committee which has tendered its report and I have been involved in a number of activities especially I went to Rwanda to see the

refugee camp and I have seen the movements there.

I was in the hearings that were conducted in this room and what I noted and this is what I have as a point to make to the people concerned, especially the Burundian government is that the Burundian government is just like any other government in the world. It derives its power and financial ability to save its people from its people.

Therefore, it has that mandate of saving its people in a number of things but two things: keeping peace and security of its people is of paramount importance.

When we were hearing averments from the representative of the government of Burundi and as it is shown in the report, you can see that there are a number of things, which were not clarified enough.

Hearing from other sources which are just the media- I do not have any other sources like the ones which have been talked about, with the sources that we have been hearing all this time, I have noticed one thing which is missing. That thing which is missing is the voice from the government of Burundi, which is not enough to make people know what the position of the government of Burundi is.

I am saying so because we have heard the honourable minister here today and what he is saying does not go to say maybe that the government has made arrests, the government has made prosecutions, the government has done things which should normally be done by the government so that even other people can be deterred from going on with things that they should not be doing.

It looks like hide and seek that these are not ourselves while others are saying, this is the government while the government has the power to speak on what is happening. All other members of East Africa, even the world at large will say,

okay we have heard the government of Burundi saying this and let us look into what the government has said on this and that.

Therefore, my advice to the government of Burundi is that let them come up and say more than they have been saying up to now so that we know its position, we know what has been done, what it has been doing and we know what are the plans as of now and what are the things that they are ready to do as far as helping our efforts that we are trying to do so far.

That is all I have, Mr Speaker and I thank you very much.

The Speaker: Thank you so much, hon. Taslima.

Ms Angella Kizigha (Tanzania): Thank you so much, Mr Speaker for giving me the floor. I will go straight to the issue of the Arusha Accord, which we do believe was held on 28 August 2000, if I am not mistaken. We are talking about 15 years ago.

When we are talking about the Arusha Accord, we remember all the eminent people who were there during that particular time and they are still alive.

So, I do concur with hon. Peter Mathuki, as he mentioned hon. Kalonzo Musyoka from Kenya who was a Foreign Minister by then, we had hon. Jakaya Mrisho Kikwete who was a Foreign Minister by then. We also had Benjamin William Mkapa who was a former President of the Republic of Tanzania since 1995 to 2005. He was also one of the witnesses.

We still have *Mzee* Joseph Warioba who is a judge who was also part of those conversations. So to me I can see as if we are hitting around the bush because we thank God that those people who I mentioned, although not all of them but a few of them are still alive and are part of the East African Community.

To my understanding, I do believe that if we believe that Burundi is part of the East African Community, let us join our hands together, make solidarity and find a way forward to tackle this matter because it is well known – If I do recall very well, it was last year 2015 when I was also a participator when we were in Burundi. His Excellency Jakaya Mrisho Kikwete, by then a President, addressed a Parliament of Burundi talking to EALA members and he said, Burundians should follow the Arusha Accord. He also said they should follow the Constitution and to make sure that peace and security is maintained.

Mr Speaker, we also remember that since 1993, up to now, Tanzania has been a serious host of Burundians. We remember the issue of the late – I do not remember his name but he was assassinated in 1993 and Tanzania took charge of refugees from that particular time up to 2006.

Yet again since last year, Tanzania has tried hard to make sure that peace and security is well maintained. My question is, during the conversation in Burundi, through Rt. hon. Jakaya Mrisho Kikwete, a former President, all officials and people were there like members of the National Assembly of Burundi, military people, Police and others. Even the ministers from Burundi were there. Even one of our members here got an opportunity to move a vote of thanks and appreciated the statement made by His Excellency Jakaya Mrisho Kikwete.

I do not know where we went wrong from that particular time up to today until we reached this particular situation where one of our countries is now hanging alone and does not know where to go or where to belong.

If you are looking for the African Union, we can see African Union cannot do much to the East African Community especially to Burundi. A very good example is the

late Ghadaffi who was killed like a dog and African Union was there.

Yet again we are talking about African Union today going and assisting Burundi which is part of East African Community. What is the work of the Community if that is the case, Mr Speaker?

Mr Speaker, I do not have much to say rather than thanking the Committee of Regional Affairs and the civil society. My great thanks go to the Republic of Tanzania, which we know has always been there. When they are happy or unhappy, they have always been there to assist East African Community and not only Burundi.

I appreciate the role played by the government of Uganda although there are some other things here and there but I urge the Community to join hands and make sure that we solve this matter because we know very well that the transition period took five years from 2000 to 2003, taken by Ndayizeye and thereafter in 2003 to 2005 was taken by another President, I do not remember his name well. So the transition period was only five years.

Thereafter, Burundi went to the elections, according to my knowledge in the library and then His Excellency won that election under CNDD FDD and things went well and peace and security were there.

Yet again, he went to the elections the second time in 2010 up to 2015, His Excellency Nkurunziza won that election and became a President of the Republic of Burundi and things went smoothly. Now what happened in between where there is no peace, no security, refugees and everything?

Mr Speaker, it is very difficult and sad. We should join our hands as a Community. Let us have what His Excellency Mugabe said, “Africa must unite.” As East African Community, we must unite. We should not point fingers at others. If we are saying we are one

destiny, one people, why should we leave this problem to a certain country or why should we be apart within the Community?

This is what I can say, Mr Speaker and I beg to support and I kindly urge the House to see way forward how we can tackle this problem of our dear friend Burundi that is part of East African Community. I thank you so much.

The Speaker: Thank you so much, hon. Kizigha Angela.

Ms Dora Byamukama (Uganda): Mr Speaker, I would like to thank you for according me this opportunity and also to declare that I am a member of this committee and I fully subscribe to the report and forthwith congratulate our very able chairperson for getting us to this point and the members.

As he rightly said, Mr Speaker, this is like an Apollo 11 space ship, which was full of very many intelligent people, and they disagreed all the time but somehow they landed safely on Mars and came back to the earth safely. So I would like to congratulate him on achieving this.

Mr Speaker, I will speak to three things. First and foremost, I appreciate all the efforts that have been undertaken to bring normalcy to the Republic of Burundi. In particular, I would like to salute the efforts of the mediator, His Excellency Yoweri Kaguta Museveni as well as the EAC.

Mr Speaker, I would like to say very clearly that I have been a member of this House since 2007 and we were very excited when the Republics of Burundi and Rwanda joined us. If my memory serves me well, soon after, we were able to observe elections in the Republic of Burundi and I remember Mr Speaker, you and I were part of the delegation and I was honoured to go to Muramvia, a very beautiful part of the Republic of Burundi.

Mr Speaker, I was also privileged to go, in 2015, as part of the election observation mission and this was under a very different situation so when I speak, I speak with a very heavy heart because we loved and we still love to go to the Republic of Burundi. We enjoy the hospitality, the warmth of the people and it hurts when we cannot go there as freely.

I would like to urge this House and propose a recommendation and I hope that the Chair of the committee will accept the recommendation to the Council of Ministers that the committee urges the Council of Ministers to facilitate the Committee of Regional Affairs and Conflict Resolution, to undertake a fact finding mission to the Republic of Burundi before the next EALA plenary which will be held in March 2016.

Mr Speaker, this is very important because as a professional lawyer, we were just hearing one group's words against another group's words. Therefore, when we do a fact-finding mission, we shall not just be reporting on what is known as hearsay but we will be able maybe to garner some semblance of facts to be able to inform us.

Mr Speaker, my other reason is that when you have a brother, sister, or friend in need that is when you should not be running away from that brother or sister or friend. That is when you should actually run to that particular friend, brother, or sister in need.

Indeed when we went as EALA and EAC in 2015 to the election observation mission, most people turned down that particular aspect of the mission. Some of us and I am glad to say we are many here, were able to go because we truly believe that the people of Burundi are our sisters and brothers and that we have to stand with them – (*Interruption*) –

Mr Nsabimana: I seek for clarification. Mr Speaker, thank you. The clarification I

want to seek from hon. Dora is that if you go in that mission in Bujumbura, whom you are going to meet because both the Opposition that is accused of being a radical Opposition is not in Bujumbura. In Bujumbura, you will meet the government or the satellite party around the government. I want that clarification.

Ms Byamukama: Mr Speaker, I am advocating or proposing a principle. I do not want to put the cart before the horse because I am very democratic. Therefore, the committee will be duly informed on who to meet and thereafter, we may actually also take on other missions if need arises.

So permit me, my dear brother hon. Nsabimana, just to make a proposal – *(Interruption)* –

Ms Ndahayo: Thank you, hon. Dora. I want to say that from this report there are a number of Burundian refugees who are outside. Burundi has a population of more than 9 million, which means if you look at the number of people who are outside, you can visit the remaining ones – You have even visited the refugees, which means inside the country there is a big number of Burundians who can talk to you. Thank you.

Ms Byamukama: Thank you very much, hon. Isabelle. I did not mention that we have already visited refugees. I was in the team, which went to Kigoma so the committee has been very active on this.

Since my time has been eaten into, let me move to my second point. The second point that I wanted to raise, Mr Speaker is on the issue of increasing resources. The Council of Ministers should increase resources to facilitate the operations of the EAC situation room to execute its work, which include an early warning mechanism that enhances timely intervention and coordinated action by the EAC.

Mr Speaker, the EAC has a situation room and if it is fully equipped, I think it will help us as I have noted and I hope that the chairperson will also consider this as a recommendation, which I have written and I am sending to the Clerk's office.

Finally, Mr Speaker, my point is on Article 27 of the Treaty. As we talk about issues of human rights, Article 27 that provides that, *“The court shall have such other original appellate human rights and other jurisdiction as will be determined by the Council at a suitable adequate date and to this end, the Partner States shall conclude a protocol to operationalize the extended jurisdiction.”*

Mr Speaker and honourable members, as you are aware; I have almost, at every session, brought out this particular issue. We do not have a protocol to help us address issues of human rights through the East African Court of Justice. It is very important that this be taken up because you cannot talk about the Customs Union, Common Market, Monetary Union, and Political Federation without addressing fundamental rights of the people, which are human rights.

I think this is something, which is very urgent, and I would like to note that the Court has been proactive but much as the Court has been proactive, if we do not have a protocol and you get judges who are not proactive or who are a bit conservative, the gains may be lost. So we need a protocol to enable us to do this.

With these few comments, Mr Speaker, I would like to thank you and to urge this House to adopt this report.

Mr. Martin Ngoga (Rwanda): Thank you very much, Mr Speaker. I was part of this committee and I fully subscribe to the content. For that reason, I support it and for that reason, I will not be doing any substantive discussion about this since I

support the content. I just want to speak on a light note.

Thank you and I thank the Chair of our committee for having given the Assembly the opportunity to make this modest contribution towards a common search for a solution in Burundi.

Mr Speaker, it is during the trying moments that people show their commitment to a common goal. Maybe we are being tested to show how committed we are on this one people, one destiny commitment that we have made to each other. Mr Chair, thank you for good complements about ourselves; members from Rwanda and from Burundi but you should not expect less from us. It can never be less, the standard is up and it should be up always.

Mr Speaker I can only hope that this report will meaningfully contribute because this is not a stand-alone effort. Other efforts are ongoing and we cannot play them down. We are just contributing to that common effort and I want to make general support to any proposal that would help to enrich the knowledge we have about the situation.

Like hon. Dora pit it, there is the principle part of it, there is the administrative and preparatory part of it so the idea about a visit to Burundi which can help in terms of enriching our knowledge about the situation. If we have time to work on it properly, define the purpose, terms of reference, it is something that in my view, we should support.

Thank you, Mr Speaker for this opportunity.

The Speaker: Thank you so much.

Ms Emerence Buccumi (Burundi): Thank you so much, Mr Speaker. I want to congratulate the members of the Committee of Regional Affairs and Conflict Resolution for the work well

done. I want to congratulate the Chair of that committee. Special thanks to the Chair of this committee for the work well done.

I remember it was not easy for that committee. I remember on the 25th in this Chamber how they worked so hard until 10 p.m.

Mr Speaker, I want to come back on the recommendation made by that committee especially on the recommendation on the assistance issue because here the committee urges the Assembly to request the Council of Ministers to make a formal request for urgent additional humanitarian resources from both regional and international partner- For Burundi Partner State and neighbouring countries hosting Burundi refugees and all displaced persons. Mr Speaker, we all know the history of Burundi. We know where Burundi comes from and where Burundi was before 2015.

In 2005, Burundi started to reconstruct the country and we know the progress that that country has made between 2005 and 2015. Now because of that crisis, Burundi is down, I can say. Burundi needs assistance so that it can start its progress.

Another issue as to why that assistance is needed- You remember when we were in Nairobi during the plenary we raised that issue of helping refugees. I take this opportunity to appreciate the support by ADB recently to the Republic of Rwanda and the support by UN for the United Republic of Tanzania because those countries are hosting refugees. You know, handling matters of refugees is not an easy task to do.

Another recommendation I would like to come back to is the ne to ensure that Partner States complete the ratification of the EAC Defence Protocol and the EAC Peace and Security Protocol. We came back to these issues when we were in Nairobi during the last plenary.

The ratification of this Peace and Security Protocol is the only legal instrument, which can easily allow problems to be solved when crisis happens.

Mr Speaker, I want to support the idea raised by my friends; hon. Isabelle, hon. Dora and supported by hon. Martin Ngoga when they request EALA to visit Burundi to discover for themselves the reality on the ground.

Mr Speaker, I want to tell you, as my friends said, that the delegation from the UN visited Burundi before the AU Summit took place in Addis Ababa. They found that the reality they had heard through the media and social media are very different. They went back with another image of Burundi.

If members go to Burundi, they will find that sometimes what they have heard were simply rumours because even some who went there – You heard that the AU also planned to go there, even the Secretary General of the UN planned to go there in the last few days. It is better to go and discover what is on the ground. I am sure that when members go there, they will come back here saying that Burundi as we have heard on the media or social media is totally different from what we discovered there.

Thank you very much and I support the report.

Mr Zein Abubakar (Kenya): Thank you, Mr Speaker. The tabling of this report before this august House raises a fundamental question of conscience to all of us. It seeks to address the question not ... has EAC, its organs and institution, has it done something. That is not the question of conscience that I am referring to. It raises the question of conscience, have we done enough?

This is because what the result of our efforts is so far? Enough would be when we have brought peace, stability to

Burundi. That has not happened yet so enough has not been done. We have not done enough to stop the humanitarian crisis, we have not done enough to stop the human rights crisis and we have not done enough to stop the political crisis. That is the truth.

If our conscience is not pricked by this and we go to bed every single day and sleep soundly then there must be something wrong with our definition of the word Community. We seek to become one people with one destiny; we seek to become a Community built on solidarity. If someone hurts in Burundi, we hurt. If somebody suffers in Burundi, we suffer. If somebody dies in Burundi, we die a little bit as a Community.

Until we reach that threshold, we must work hard to attain the threshold that will allow all the people of this region to be safe and secure. I join the other members who have spoken to efforts that need to be done to enhance our capacity to promote peace in our region and to confront conflict, God forbid, when it happens.

Even with the resources that we have allocated, we must ask ourselves, as the East African Community, why did our early warning system not work? If it did work or have warnings that this was going to happen, why was there no proper response at the policy level?

When I say this, I do not want to apportion blame. I say all of us must ask this question. We must ask the question and I refer this to the Council of Ministers. I hear they know that they are listening to us always keenly. The new minister from Tanzania, now you know the feeling of this House and why we needed that Bill on disaster management to be passed.

We in this House have passed a law which seeks to establish the East African Parliamentary Institute. It was passed by people before me. I found their good work

here but I have not seen the fruits of that tree. The tree wants to bear fruit. Who is stopping the bearing of this tree? We are seeking for a date to operationalize the East African Parliamentary Institute. Why? Because that is the institutional framework to build the capacity of this House to exercise its parliamentary diplomacy.

It is in that institution that we have envisaged establishing the East African Parliamentary Centre for Peace and Security. We make prayers to the Summit, we make prayers to the Council of Ministers, and I am finishing with these two points, Mr Speaker.

The Community is watching. We have to choose what kind of Community we are. Are we true to the values that are established in Article 6(d) and Article 7(2) that talk about the rule of law, democracy, human rights, constitutionalism and respect for the same? So we have to choose. Do we believe in those or do we pay lip service?

The last point I wanted to make was partly made by hon. Dora Byamukama on the floor concerning the role of the East African Court of Justice. I pray to the Council of Ministers to listen and to pray to the Summit and say, as we stand today, the people of East Africa cannot go and adjudicate on matters of governance or matters of human rights before any court.

Why is that so? Because we have been told that we can reach into the African Union mechanism and get relief from there; that people can get relief from there but they cannot for two reasons. One, only one country or Partner State has signed the necessary instruments to the African Court of Justice. Only one out of five and that is the Republic of Rwanda.

Secondly, even then, the international instruments are such that you must exhaust local mechanisms first before you go – (*Interruption*) Information from whom?

The Speaker: The Counsel to the Community.

Mr Abubakar: I am thinking. Yes, I will accept it.

The Counsel to the Community (Mr. Anthony Kafumbe) (Ex-Officio): Mr Speaker, I want to inform hon. Zein that the United Republic of Tanzania has also signed. I also want to inform the House that the Protocol on Defence has also been ratified by all countries, by the five countries.

The Speaker: Thank you, honourable CTC. Hon. Zein, the floor is yours in one minute to summarise.

Mr Abubakar Zein: Since I was given more information by the honourable CTC, which I could not decline, he has by parliamentary practice added half a minute.

Thank you, Mr Speaker but quickly to finish, first I would like to thank the CTC for that information. Secondly, I would like to thank the United Republic of Tanzania but finally two things.

That still does not give us relief because you have to exhaust local structures and mechanisms first before you can access the African Union ones. It is not too much to ask to expand the mandate and jurisdiction of the East African Court of Justice.

I finish with this thought. We who believe in African solutions for African problems stand to be counted to show that African solutions work. If we do not then we are in trouble. Thank you, Mr Speaker.

Ms Hafsa Mossi (Burundi): Thank you, Mr Speaker for giving me this opportunity. Like others have said, I am a member of this committee and I want to thank most sincerely my chair for the dedication, commitment, wisdom but also all other members for showing political maturity in undertaking this exercise.

Mr Speaker, since I am a member of this committee, I will not talk much about this report other than saying that I support fully the recommendations and insist in the recommendation, which has been made that we need more action and more commitment. We need to be shown as a country, which is a member of this Community that other member states care and that they can do something to help us in overcoming this crisis.

I want to finish my submission by stating a saying that when nails grow longer, you do not cut your fingers, you cut your nails. This is to say that nails have grown longer, we are in a crisis. I want to pursue those who think that in excluding Burundi from the Community, in imposing sanctions on Burundi we will have a solution. We will all be hurt. Thank you very much.

The Speaker: Thank you, hon. Hafsa.

Ms Agnes Mumbi (Kenya): Thank you very much, Mr Speaker. I want to join my colleagues in thanking the committee and the Chair for presenting a report that was so clear. I must say he had courage writing this kind of report and all Partner States are represented in the committee. It was not easy and I do not envy him.

The government delegation then comes to sit in front of you and one of the members is a member of this House. That is also not very comfortable.

Mr Speaker, I do not envy you either but you have given us an opportunity to contribute to a sensitive issue it is a geo-political thing. We are even talking about members of the Summit. It is not a comfortable position to be in.

I want to talk about what the report says on pages 14, 15, 16 and 17 and I am going to take less than two minutes. I want to say that the report is good but to the Republic of Burundi, we can come with your constitution, your Treaty, the Arusha accord but what is happening is affecting

your people in Burundi and we can come there and visit and see for ourselves that there is peace in Bujumbura or in whatever corner of Burundi, it does not make sense if one corner or part of Burundi is still crying that we have a problem.

When I read about rapes, violence, women going through rape, I cannot forgive the government of Burundi because the Opposition has not taken oath that they will protect the people of Burundi. It is incumbent on them to make sure that the women who are being raped in Burundi are safe. Let us not be in denial. Let us admit that there is a problem.

The issue of refugees, they really do not have to be in your country and that is why they are refugees. They are running away from something. Let us not bury our heads in the sand and say, come you will find that we are okay. We are not okay.

A committee of this House visited, I think two refugee camps. If I remember very well, the report said there were about 7000 children below the age of nine that were in those camps. They are not children from Kenya, they are children from Burundi. Let us not bury our head in the sand and I am requesting the people of Burundi. In as much as we are our sisters and brothers keepers, let us not live in denial.

I do not understand French or Kirundi but I am able to understand that people are suffering. I am able to understand the pain so as we sit in this House, I beg ourselves that enough – A member who is kind of a refugee in another country is a discomfort to all of us and as we think about that, remember as members of the government, you cannot have the pain because you are not experiencing it. You have bodyguards, you are protected, and you are still probably earning a salary. Those of us who are members here are still earning their per diem. It is not comfortable for the rest of the Burundians.

Therefore, I am really begging that this oversight of some kind to me is a waste of resources. I am asking that we sit and say it as it is. It does not matter whether it is 1000 or 800 that are dead or even 300. If it is one Burundian who is suffering or who has died, it is still a crisis and I am begging our members. Let us not be government and civil society and opposition and I do not know what. There is a crisis.

Let me finish by saying that in Kenya in 2008 when we almost got into that kind of a problem, one of the leaders at the top said, what would be the benefit of getting the presidency with half of the population dead? That pricks the conscience of Burundi and its people. It is not worth it to shift blame to another Partner State and its leadership. It is not funny to shift blame to some civil society that are being funded by some foreign masters somewhere. That is not the language we should be using.

Mr Speaker, I support this motion and request this House one on one. Let us be our brother and sister's keeper by telling each other, go say in your country, enough is enough. We want you as a part of the Community but please, clean your nose. Clean yourself. Tell them they are stinking and this stench is getting all over. Thank you.

The Speaker: Just for the *Hansard* of this House, the adjective is no accepted of stinking. It is not parliamentary.

Honourable members, I intend to conclude this process by 8.30. You all have watches. Stick to your four minutes and if you can do it in less time, better for us.

Honourable member, you had not risen up. The rules require you to stand and I see you.

Mr Chris Opoka Okumu (Uganda): Thank you, Mr Speaker for giving me the opportunity to speak.

First of all, I would like to congratulate the Chair of the Committee of Regional Affairs of which I am a member. His handling of the public hearing was so well and so even handed and with determination to accord opportunity to all the parties concerned to address the committee. The way hon. Mwinyi handled it was very good.

I would also like to congratulate my colleagues for us having produced this very fine report, which has collected evidence from either side. That is excellent.

Having said this, I would like to say that I support the report and I support the committee's recommendations. The committee's recommendations are very good and it does recognise the fact that there is a political crisis in Burundi and it appreciates the efforts of the Summit in trying to bring lasting peace to the Republic of Burundi in the past and currently.

Mr Speaker, the person who is chairing the mediation effort is His Excellency President Yoweri Museveni, the President of Uganda. It should be remembered that it is the same Excellency. When you talk about Arusha Accord, his involvement was unquestionable; trying to bring peace in Burundi.

Therefore, nobody should doubt the commitment of His Excellency, a member of the Summit to try to help the people of Burundi. I support the third recommendation that is an all-inclusive and participatory approach for all Burundians in order to bring lasting solutions. If you do not have an all-inclusive sitting, if you exclude others, those others begin to look for ways of getting involved. So this is a very important recommendation by the committee.

Third, it is the duty of the Burundi government to offer protection to its citizens and that is the duty of any government. Having said that, I applaud what hon. Dora, hon. Ngoga, hon. Buccumi and hon. Isabelle have said that we need to find a way to go to Burundi. When the Committee of Regional Affairs went to the refugee camps, the recommendations that later on came because the information that we got from the refugees was, and this Assembly approved that recommendation, that there was need to go to Burundi.

I think it is very important that this committee or the Assembly should find a way of getting members to go to Burundi. If the United Nations, a bigger body than ours has found it fit to go to Burundi, why shouldn't we? If the AU, after having made a resolution on intervention has found it fit to also go to Burundi, why shouldn't we? I think it would be more prudent for us to do that.

Lastly, Mr Speaker, I would like to draw the attention of members to the fundamental principles of the Community in Article 6 of the Treaty. (a) The mutual trust, political will and sovereign equality, peaceful co-existence and good neighbourliness, peaceful settlement of disputes and this applies even intra-state. Peaceful settlement of disputes, good governance- Those are very important principles.

If we observe these, we are one people with a common destiny. We cannot deepen and widen integration if we go on to exclusion mode.

With those few remarks, I would like to strongly support the report of the Committee on Regional Affairs and congratulate the Chair for handling the matter very well. Thank you.

The Speaker: Thank you so much, hon. Chris Opoka. Honourable members, if you

are a member of the committee, I suggest that you use less than four minutes because when you start recommending and appreciating your own recommendations, you become like a lizard who falls from the wall and starts nodding its head.

Mr. Christophe Bazivamo (Rwanda): Thank you, Mr Speaker for this opportunity.

First, let me sincerely thank you as the Speaker of this House for having commissioned this activity, an activity I think is of high importance for our House and in search of peace and a peaceful solution to the problems in Burundi. I really congratulate you for this activity.

On another note, let me thank the committee for a work well done. On a special note, I would like to thank the Chair of the committee only for the report presented but most importantly, for how he has managed the process to reach this report.

I also thank the government of Burundi for having sent a delegation to take part in this process. I do want to say that I support this report. I have gone through it, after having heard what the Chair has said and I see that it is a report, which is well researched, done in a professional manner with constructive resolutions.

Mr Speaker, it is very important to stand with the people of Burundi by ensuring that these recommendations are implemented especially the crucial ones targeting to restore peace and security in Burundi.

Mr Speaker and honourable members, any delay in an area with insecurity implies more loss of lives and this is not what we wish as an Assembly.

I actually urge every one of us to be as an advocate for peace and security and to make sure that we contribute adequately wherever we are to make sure our sisters

and brothers in Burundi have peace and live peacefully not only yesterday and today, but also tomorrow.

Mr Speaker, I would like to urge you also as the head of our institution to try to see how to approach your colleague Speakers of the region to organise a special Speakers' Bureau to talk about this report, to talk about the situation and to try to see together how you can influence the way forward to find a good solution for the problems which are being faced there.

I wish that this Assembly – Of course I support the idea of the committee to visit Burundi and have better information but I would wish to have this House in a special way, to have in its oversight role, a team or a mechanism for day to day follow up of the implementation of the recommendations which are done and which we have heard in this report. This is so that we make sure that what we are doing today does not fall in some other cases where recommendations from our House have been neglected in implementation and it came to us to discover it a long time after.

Mr Speaker, for this endeavour, I would like to propose a further amendment in this report towards our Assembly and the recommendation, if the Chairperson of the committee agrees with me, I have already sent it to him. The recommendation stipulates that the committee urges the House to put in place measures or mechanisms to follow up on a daily basis the implementation of the recommendations done in this House today.

Mr Speaker, if this is agreeable, the documents, which can be written in good English or improved, has been sent to the Chair of the committee for this further recommendation to the House. I support the report, thank you.

The Speaker: Thank you so much.

Mr Jeremie Ngendakumana (Burundi): Thank you, Mr Speaker for giving me this opportunity to contribute to this report. Let me confess first to this House that I got the opportunity to attend this public hearing as I was around and it was public. I do appreciate the Committee on Regional Affairs on the way the public hearing was conducted because it was not so easy to do. This was because the different presenters, one pulling this side trying to report what is happening on the ground, another party pulling that other side, trying to justify or defend what is on the ground.

It even happened that they said that it was exaggeration. Surely, I can say that maybe those reporting on what was happening in Burundi maybe they have exaggerated but also the other party trying to defend exaggerated also. I may give an example but I will restrain from doing that.

I may have my own opinion but it is not the subject of this intervention or report but what both sides accepted is that there is a problem in Burundi. Both parties accepted that there is a problem so there are no rumours in Burundi, there is a problem. There is a crisis in Burundi, there is a situation that we must handle properly and find a solution to – (*Interruption*) -

Ms Buccumi: Thank you, Mr Speaker and thank you, hon. Jeremie for giving me way. I talked about rumours referring to speaking what is showing and what is said by some media and by some social media. There are sometimes rumours there and some people take those rumours as a reality. Thank you very much.

The Speaker: Thank you so much, hon. Buccumi. Of course, this Assembly would not have sat and discussed rumours. Proceed.

Mr Ngendakumana: Thank you, Mr Speaker. I was saying that both sides, one pulling this side saying that there are exaggerations and another side pulling and

trying to defend itself. I think that was the situation and I congratulate the Committee on regional Affairs that came out with constructible recommendations; picking from both sides and trying to have what can be done to support Burundi in this difficult situation.

I also congratulate the Committee on Regional Affairs on how it handled the requests of the petitioners about the actions to be taken against Burundi in this situation. They asked that Burundi be expelled from East African Community, from the EU and my opinion on this is that Burundi is part of the East African Community, just like a part of a body. When an arm is suffering, you do not cut it, you call upon a doctor to find the necessary medicine to cure that disease.

In a family, when a child gets a contagious disease, you do not reject him from the family. You find appropriate medicine to cure the disease and the child remains a member of the family.

On this, I would propose that I fully support the recommendation of the Committee on Regional Affairs and I would like to request the Community to find the appropriate support for Burundi and the appropriate support is not specifically the one proposed by Burundians themselves. The Community, being aware of the situation in Burundi, being aware of the problems in Burundi, may see the appropriate support that can help Burundi.

You know some medicines may hurt someone who is taking it. You will not take some medicine willingly. You must take courage and take the medicine to cure your disease. What is important is that you are aware that you are suffering from a disease and you are willing to take the necessary medicine to cure your disease.

With these few remarks, Mr Speaker, I support the report fully.

The Speaker: Thank you so much, hon. Jeremie.

Mr Emmanuel Nengo (Burundi): Thank you, Mr Speaker for giving me way to contribute to this report. Let me declare that I am a member of the Committee on Regional Affairs and Conflict Resolution.

First, I would like to congratulate the petitioners for having brought this petition in this House to allow the members to contribute to seek a lasting solution to the current crisis in Burundi.

Secondly, Mr Speaker, I want to congratulate our Chair, hon. Mwinyi for the way he managed to guide us during our discussion and during the public hearings. You can imagine how this situation of public hearings was very stressful.

Mr Speaker, I stand to support the report especially the recommendation saying that, "Support all-inclusive participatory and credible process of dialogue outside Burundi to bring a lasting peace to Burundi."

Why do I come back to this recommendation? Mr Speaker, we can do everything; UN can intervene, AU can intervene, EAC can intervene but the last solution comes within Burundians.

Mr Speaker, when we say peacekeepers can come to Burundi, yes the AU is trying to seek the way as to how this can be done but in my thinking, I think it is not the most necessary. What is most necessary is to bring together all Burundians to dialogue.

I think if Burundians come together and discuss all the issues they have and not hide, anything especially when they say Arusha Accord, the Constitution, I think those instruments must be put on the agenda. Why do I say that? Some can say the Arusha Accord is untouchable but when we take account in our country, I cannot say that all Burundians are happy

with the Arusha Accord or with the Constitution.

Let me take an example in the Arusha Accord. They say 60 per cent belongs to the Hutu, 40 per cent for the Tutsi. Mr Speaker, in the preamble they say that three ethnic groups constitute Burundi, namely the Hutu, the Tutsi and the Twa, but when they come for sharing, they say no, you Batwa are not...It is not true.

They say in the army, 50 for Tutsi, and 50 for Hutu. Those Batwa who want to be in the army, who are they? I cannot understand that. That is why the Arusha Accord must be touched or expended. It cannot be that we cannot touch that accord.

Even the Constitution is the same. In government now, they are saying the Hutu must be represented at 16 per cent, Tutsi at 14 per cent. It means that no Mutwa can be a member of the government. We cannot accept that. That is why if you want to cure the problem of Burundi, we have to sit together and look at those matters especially those instruments, which are sometimes marginalised, or discriminating to others.

Mr Speaker, I support the internal dialogue because this internal dialogue helps all people to be involved, saying what they feel. If you keep hiding or you do not say, it will lead to other bad things. That is why we need inclusive dialogue internally and externally.

Lastly, what I am waiting to see is the manner in which the Council of Ministers will take these recommendations to the Summit because we need to see the Summit to be involved as UN, AU. Every day they keep it in heart to visit Burundi and see what is there and to discuss with the government and the Opposition. Maybe they are seeking to see a way in which this crisis can be handled in a better manner.

I think these recommendations are very strong and if the Council works on them and the Summit also work together, I think the solution will be found in a short time.

Mr Speaker, I do not have much to say just to thank the members or their solidarity to our country because I saw that members are very committed and very engaged to support us. I think Burundians are aware, they are conscious and we recognise your support. That is why I thank you so much, especially you, Mr Speaker for allowing us to discuss this petition. Thank you so much.

The Speaker: Thank you so much, hon. Nengo. Honourable members, I need to apologise to you for holding you so long in this debate but you understand that this is an expression of our commitment to the magnitude of this problem and the sensitivity. I think six hours of sitting is not as painful as those innocent souls that are perishing. Thank you so much.

Mr Pierre Celestin Rwigema (Rwanda): Thank you, Mr Speaker. Let me start by congratulating you first because if we did not get a very good and strong leadership, this kind of petition would not have been here in our Parliament.

I remember when we were in this petition, it was almost live in the UN and AU-everywhere, and people were saying, finally the Parliament is working. I congratulate you.

Mr Speaker, I am a member of this committee and I am happy to be a member. I want to congratulate our Chair, hon. Mwinyi because of his elaborated and balanced report.

Hon. Mwinyi has big thinking, a wise vision, guidance, and a very flexible approach to direct and advise people. This report was not so easy; to get a report like this one. I was very sceptical before we started to work on it. It is the reason why I want to join my Chair, hon. Mwinyi and

thank all the members of the committee for the hard work and for their availability and methodology in working.

Specifically, I want to thank the members of the committee from Burundi and from Rwanda. It is a matter, which is very sensitive. They have shown maturity otherwise it would not have been possible.

Mr Speaker, I cannot forget to thank Dr Murunga, report expert for his balanced opinions and ideas in writing this report and congratulate our Clerk, Shirley Kadonya. He is very hard working and worked by night and by day. He has to be congratulated.

Mr Speaker, as I have said, I totally subscribe to this report and its contents but I have one comment or observation to make. You have seen all the key issues of this report. I have been concerned by the case of youth and insecurity.

Mr Speaker, I thank you very much because these days we see youth coming in and following what we are doing. This is new and very encouraging for the Parliament. Imagine when you have an armed youth, a militarised youth which is very partisan, powerful, unaccountable, most likely uneducated. You cannot expect to resolve political problems when these youth are engaged politically.

In many rural areas, I have seen the *Imbonerakure* acting in coalition with local authorities and with total impunity, behaving as a militia over and above the Police, above the Army and above the Judiciary. The group then appeared to be as one of the majority to peace in Burundi and I am saying this because we now have a chance to have a Minister in charge of East African Affairs in Burundi.

We Rwandans used to get some problems the government had to focus on the kinds of problems with the youth; disarm and educate the youth if not we will not resolve the problems.

Mr Speaker, I share and I agree that if we can get some insights and information or be updated so that we can visit Burundi, it will be very helpful. I share also the recommendation brought by hon. Bazivamo of follow up. If you can accept, I can put an addendum that if we can get a sub-committee in the kind of recommendation for the follow up because this matter concerns this Parliament and I have seen that people believe that we are not doing anything on this matter. We have to be very involved and make day to day follow up.

Mr Speaker, as I have said, I am part of this report, I subscribe to it totally and I thank you again and I support it.

The Speaker: Thank you.

Dr Kessy Nderakindo (Tanzania): Thank you, Mr Speaker. Since it is my first time to have a chance directed to me to contribute in this House, I would like to wish my colleagues and everyone who is in this House a happy new year. I would also like to congratulate the two ministers who have been sworn in that we are a family, *na kawakaribisha, karibuni katika familia ya EALA*.

In addition, I would like to congratulate the committee for a good work and add my voice to all those who have given congratulations to the Chair. I would also like to make a note to congratulate you, Mr Speaker for facilitating the committee so that they were able to have a public hearing in this Chamber, which enabled more members to participate and hear the report for those who participated. Thank you, Mr Speaker.

I have two things to say, Mr Speaker. One is a question on what is written on page 14 paragraph 32, the last line. It says that they reported that they had sent a letter to the Secretary General that he should never be part of the team facilitating peace talks in Burundi.

I would like to ask the Minister from Burundi, my sister hon. Leontine that I believe that this might have been – From what I know is that the letter had come from a particular group. It is not the government but what has the government done so far to solve this, in particular that if it was addressed to the Secretary General, it meant something to do with the whole of East Africa.

Mr Speaker, there is something which was written on page 9, paragraph 18 talking about for instance minister Nshirimana cited the admission in January this year by Minister in charge of Human Rights who recognised that 10,000 cases of sexual assault were committed. I wonder how many girls were raped, how many mothers were raped, how many young boys were molested.

The writing here makes us cry. We cannot wait. The number is too big for us to wait for the normal process. I remember one of the founders of this Community Mwalimu Nyerere say, while others are walking and jogging, we should be running. Now I say, the number here of those who were sexually abused in what is happening in Burundi should make us squint. As leaders, do we have to wait to hear that it is a mother of one of us who was raped? Do we have to wait that a daughter of one of our colleagues that was raped? Do we have to wait to hear that it is one of the leaders who was raped to speed up or hasten, to make this an urgent matter?

It is a cry of those whose cries cannot be heard in this House. Therefore, Mr Speaker, I think this is an urgent matter. We say that we are one people, one destiny but our processes do not reflect that. We need to sprint to solve the problem of Burundi for the sake of those little girls and boys that will be our next leaders. We do not know what happened to Adolf Hitler that caused the crimes. We do not know.

One of these girls or boys who have been raped could end up and I am sure they will end up being leaders with scars. We want the Community to go forward; we want the dreams of our forefathers to bring the unity of Africa, to be left with leaders who do not have scars. Thank you, Mr Speaker and I support the report.

The Speaker: Thank you so much, hon. Kessy.

Ms Valerie Nyirahabineza (Rwanda): Thank you very much, Mr Speaker for the opportunity. Let me add my voice in congratulating the committee but first of all, before I explain my point, let me thank you sincerely and congratulate you, Mr Speaker because since you have been elected Speaker of this Assembly, I remember a few months after, wherever we were going, be it in Partner States or whenever we were meeting people or stakeholders, you called upon them to bring petitions because they are also partners. I mean the people outside there are also our partners in the integration process. You called upon them to bring petitions, to send letters, to visit the Assembly if need be so that we can at least get feedback with regard to what is happening out there in line with the integration process.

Mr Speaker, since that very time, we have seen a kind of influx of petitions. I thank you sincerely because now we are dealing with our real stakeholders and that is why I also take this opportunity to congratulate the petitioners. These petitioners should really be appreciated for – Like our Speaker who has always been speaking out and who came out clearly since the very time that this issue arose, these petitioners brought this motion because they have a sense of humanity. We should congratulate them and we should tell other people to emulate their example and help us make the integration process effective and a reality.

Mr Speaker, I also thank this committee. I am not a member of this committee but I followed what happened. The first public hearing happened when we were not here yet but for the second round when the Committee of Regional Affairs and Conflict Resolution was conducting public hearings and when the government of Burundi ably represented by hon. Minister came here, I was here as an observer.

I thank the committee for being patient and showing a sense of professionalism specifically if you consider the manner in which they handled this issue. But what I want to congratulate them for mostly is to have shown not only patience, professionalism but to have taken time to go through all the literature that was at their disposal.

They did not only listen and hear the people that came to represent various shades of opinion but they also went through different literature as ably highlighted in the report. The conclusion or outcome of it was that they produced a report, which is objective so they have been objective and they have been well balanced.

This report is very educative and informative and that is why I wanted to give a point of information to some of my colleagues but I said, now that I am subscribing to all the contents of this report, there is no need for me to give this information because everything has been covered and I fully concur with it in its entirety.

Mr Speaker, mine will be just a proposal. I thank you for this opportunity and for having allowed the Committee on Regional Affairs and Conflict Resolution to conduct this public hearing, for allowing this Assembly to come out clearly and strongly in support of the Burundian people but now that we are likely to have a Nanyuki series – I know that preparations are ongoing but mine is just to propose, if

need be, whether a kind of slot or opportunity could eventually be given to not only members of this Assembly now that we will be with our counterparts in the five Partner States. Is it possible that at least we discuss this matter? Is it possible that we express constructive views so that our sister Republic of Burundi can come out of the crisis it is going through now?

I am not very sure whether that is feasible but it is just a humble proposal I am putting here so that eventually you can look into it.

Mr Speaker, I cannot over emphasise things that were ably put by my colleagues and I sincerely thank hon. Mwinyi with a special vote of thanks because the wisdom with which you have conducted this activity normally goes without saying because you are loyal, you are somebody who has been conducting very many activities, some of them in the same light as this. So, I urge the committee on Regional Affairs and Conflict Resolution to keep this spirit up so that the integration process we have been preaching and that we are continuing to preach can become a reality.

Is it possible that he pronounces himself on that proposal? I think it is the discretion of the Right honourable Speaker. I thank you so much.

The Speaker: Thank you so much, hon. Valerie. On your inquiry, the Nanyuki series preparations is in its highest point and the subcommittee working on it is very sensitive to the relevance of what is obtaining to the region to the topics that are going to be discussed. So there are avenues for exploring further discussions with our colleagues from the Partner States on this subject. I thank you so much.

I have a request from the honourable minister from Burundi to say something and the RT hon. Third Deputy Prime Minister will also say something.

The Minister to the Office of the President Responsible for East African Community Affairs, Burundi (Ms Leontine Nzeyimana): Thank you, Mr Speaker for giving me the floor for the second time today and allowing me to make some comments on this report.

I do recognise that the work, which was done by this committee, was very difficult due to the sensitivity of this topic. However, they made it.

Mr Speaker, we talked about rumours and realities. It is true that this House cannot sit and discuss rumours but one thing that I want to say is that we do have many refugees in two Partner States but most of these refugees left because of rumours and because of the trauma, they have about the election process. We have bad memories of election processes in Burundi. In 1965, that was the first election in Burundi and it went with lives of Burundians. You all remember President Ndadaye who was the first democratically elected President in 1993, and when he was killed, we had a long crisis. In 2010, we had the same situation but it was not very serious like this one because the international community saw it and we managed. This time round in 2015, the situation was the same.

I would like to remind my brother hon. Ogle not to compare the situation in Nigeria and Burundi. President Goodluck Jonathan lost the elections, and what else was he supposed to do? Just to go.

For Burundi, earlier we talked about the rule of law. Let the law govern our countries and our Community. The Constitutional Court of Burundi, which was established by the Constitution itself, ruled about the candidature of President Nkurunziza and we should let the law rule instead of the feelings of some few people who think that their feelings can be superior to the law.

Mr Speaker, there is something I did not see in the report. They talked a lot about genocide in Burundi and most of the speakers on the day of the public hearings talked about the composition of the Army and the Police forces in Burundi and how they are made up.

In the Army, we have 50 per cent of Hutus and 50 per cent of Tutsi. In the Police, it is the same. In the government, we have 40 per cent of Tutsi and 60 per cent of Hutu. We have the Vice President who is Tutsi and we have the Second Vice President of the National Assembly who is Tutsi. We have ministers who are Tutsi and the Army- How can this genocide happen. I did not see this in the report and I would like to see it because most of the presenters on the day of the public hearings said it.

Mr Speaker, I do not wish to go further because members have said a lot. Just as I said in the afternoon, *Sheriya ni msimeno*. Let the sheriya be respected.

About what my sister hon. Odette said to bring East African forces in Burundi, I strongly object to that idea because as I said, the Burundi forces are enabled forces and as you all know, they do participate in peace keeping missions in Somalia, in Central African Republic and they have credits. I have never heard of human rights violations allegations against those troops that we have in those different countries. They are very well appreciated so I do not think that we need external forces in Burundi.

Instead, as many of the members said, we all need to sit down and talk and agree as it happened in Arusha.

Mr Speaker, I would like to answer my sister hon. Kessy. I think that this should be very well clarified in the report. It is not the government who wrote the letter to the mediator saying that they do not want the SG to be part of the mediation process, not

at all. It was said by a leader of a political party, it is not the government.

I think most of you who were in the public hearing- I said that the government has not said that they do not want the Secretary General of this Community to be part of the process. So they have never said it and I would love to see it stated clearly in the report.

Mr Speaker, I really thank the Chair of this committee, the members of this committee and yourself, Mr Speaker. The petitioners came, you listened to them, and then the government and other parties from Burundi came and you listened and the report portrays what was said in the public hearing. Thank you, Mr Speaker.

The Speaker: Thank you so much, hon. Leontine, the Minister of East African Community Affairs from Burundi.

The Third Deputy Prime Minister and Minister of State for EAC Affairs, Uganda (Mr Kirunda Kivejinja) (Ex-Officio): Rt. hon. Speaker, I did not intend to contribute because I am very new and it has taken me, for your information, 51 years to walk to this Assembly.

Maybe to be able to tell you exactly the path we are taking and why I have been here and happy. The struggle that you know I am still the living monument who, when we were still young, agitated that Africa must be free. We were very few elites at that time.

In Uganda, we had our leader called Kakonge who was the only one with a Masters' degree in Economics. Another one was Adam Saani who had just finished his Bachelors' in Economics from Calcutta. There was myself and I was actually doing my finals in a BSc honours in Zoology with Botany and Chemistry as mu subs in Delhi. We were joined by Bidandi Ssali who abandoned his last referral paper from Lypool and then when

the conditions became tough, we recalled Kintu Musoke.

So the five of us were the leaders of the revolution in Uganda that actually worked along with the leaders that were there. We had no intention and we have never had an intention to be on the front seat but mainly to organise so that we throw colonialism out.

That was the time when Kenyatta was still in Kapenguria and Mwalimu Julius Nyerere was also battling for the Tanzanian independence. So to have been able to survive up to now and see a young generation discussing so passionately about African concerns, I think that gives me another lease of becoming younger.

To give you a light note, I can also relate my steps here. I have told you 51 years. During that time, there was a Central Legislative Assembly and there was a vacant place, which fell for Uganda to fill. I was then a party official, the secretary in charge of research and information, Bureau of the UPC, the back room adviser of my Prime Minister and you can see me now at this time and imagine what I was at that age.

So I went to my leader and said, by the way, there is a vacant place here and we have been working for East Africa. Why don't I go and represent? He said, Kirunda, the people do not trust you. I knew he was saying that he does not trust me. I said, no, when we have a party, we call the Executive, offer ourselves and whomever they choose will go. He agreed and he was impressed by the argument.

An Executive was called and actually, we deliberated. I offered my candidature and his preferred candidate- He got somebody to be nominated so that it was not a free field for me. He also feared that this firebrand might be able to turn tables so he suggested another person whom he said would be able to cool the situation.

Unfortunately when it came to voting, I lost and his candidate lost and the one who was put there to make sure that they divide the vote and his candidate goes through passed through. I said, okay, the party has decided.

The following day, we convened the party of the parliamentary caucus –
(*Interruption*) -

The Speaker: Right honourable, the members are very interested in the story but speak to the microphone. They feel they are missing it.

Mr Kivejinja: I thought I could bring it because 51 years to walk here, you need to know so that you also become patient in what you are doing.

The Speaker: Right honourable, you should speak from a preferred podium. Take the podium, it is not very often that we get the chance to get this and we are so privileged to have it so please take the podium and get your submission done.

Mr Kivejinja: Thank you, Mr Speaker. Maybe I should speak in front of you so that you can see me in my youthful energy.

The following day was nominations but because I knew my leader was not sincere in what he was doing, I knew he would do something. So I also got my nomination papers prepared ready for nomination and I went and hid in a small corner of Parliament being watchful to the gate of the Speaker where nominations have to be done.

At 11.30, the official candidate came and presented his papers. I said that is very good. Ten minutes to the closure, I saw a member with whom we were in the Executive accompanying a candidate to go and file his nomination. I was in the corner. I waited and made sure that they had presented their nominations and they have been accepted and then I jumped inside.

I said, BK, as we used to call him, we sat last night and we agreed that the official candidate is this one and he has already been nominated. Now you are coming back to accompany somebody who was defeated and I am sure it is the president of the party who has told you. If that is the game, let me also put in my papers. Parliament will decide.

A crisis was created and the chances that I would go through were strong. To come to the CA, untamed would create a situation which would be unmanageable. So another meeting was called this time to rally our support to the official and the chairman was forced to say, we have the official candidate to support.

As nominations had already been done, we stepped down our candidature and on voting, I got 10 votes and the candidate of the president also got 10 votes and the official candidate won. That was my attempt of coming to CA 51 years ago. So, don't you see the journey I have walked and I am still around?

Now it is my pleasure that I did not intend to make my maiden speech today but I thought I could put my credential properly and first express tremendous appreciation for the welcome because whoever stood up was congratulating and welcoming me and I felt happy. One person even tried to suggest that perhaps I am an endangered species but I took it in a different context that for an Assembly to receive a person of my youth, we are not very many like me. If I am here then definitely I think it is better that I am an endangered species and I expect you to protect me so that you get whatever you can from me and be able to equip yourself to carry on the war. This is because the journey for African emancipation has been long and it is going to be long and you will meet many obstacles.

The Burundi one may be considered in history as a peanut compared to other

upheavals. It has been one of our exercises because ever since the NRM government took over power in Uganda, we have been emphasising that Africans can best solve African problems and if there are any other forces, instead of them intervening. Let them come and use the Africans to solve their problems.

The first attempt of that voice to be heard was on Burundi because that is when in the wake of when Mandela had just been released, Africa had united against the intra ... of the United States saying that they want to get their suspect to be taken to America. We said no, they say we can go and try him but on neutral ground. Mandela had to lead a contingent of all the African leaders. We said this time if you do not want, we are going to defy your boycott. You know they are very jittery when you are united.

They had to abandon and lift the embargo. That is one of the lessons to teach that once you are together, you are strong.

I would like to say one thing and give you an assurance on this one that my leader, comrade Yoweri Kaguta Museveni first of all was entrusted by his colleagues to lead the mediation and we always accept anything which is given to us and which goes to bring African problems to be solved. You remember that when we had the resolution of Africa playing a role to stabilise Somalia, although many countries had promised to send their contingent but Uganda did not fail.

At least we said let us go there and it is also a complement that Burundi, despite the fact that they had just left the war, they are the ones with whom we struggled and told these people that even if you bring so many contingents to accompany your ships which carry merchandise across Somalia and your groups in Europe are the ones using helpless Somalia to say they have hijacked a tank of oil, a people who cannot be able to organise their house in order, do

you think they can have a multi-billion dollar to hijack? It is *katemba* of your own people and using the poor Africans who do not have a stake.

So please give us the support, we can do the job because we have been empowered out of so many years of colonialism and slavery and all our wealth- you are the only fellows with the wealth so give us and we shall fight. When they began giving us, Somalia is now almost becoming a nation. So even Burundi, we are sure and indicators are okay. We as the mediators are confident that we shall do our job. The idle talk of saying that Museveni is too busy- No, he is not too busy. We have never been too busy to do African jobs.

On the 28th when he had just appointed me because you know he relieved me from competitive politics and said, go and do something in East Africa and consolidate African unity. He convened the first meeting in Entebbe and on that day he had many political campaigns in the country but he was able to do it.

On the sixth also, he appointed my colleague the Minister of Defence to continue while we conclude our political question in Uganda. You know, Ugandans are very interesting. So many of us got educated and we even forget that we have taken that country away from a difficult situation. So the contest and even the people with whom we have been said, I would serve better if I am in front. So we also had those disappointments and we do not want to take chances.

The conclusion I think will be decided on the 18th. We are still around, we can do a number of preliminary work, and when we are through with that, we are going to give full attention to Burundi problems.

So I wanted to assure you that the President is fully taken up with the question of Burundi. As one member

contributed, actually he was at the centre of putting Burundi together and ensuring the two most important things; one, security for all because the Tutsis imagined that unless they have the power and the gun, the majority and the other would overwhelm them said that democracy is the game of the many. So we are going to overshadow.

A complicated formula was formulated which guaranteed both security for all and democracy for all. So far, it has been working but you know like any other thing that works, sometimes it clogs and requires having a look at what has gone wrong. So definitely, he is around. The comrades with whom they did the Act are still around and we shall leave no stone unturned to make sure that Burundi comes back to its role.

I must complement you, Mr Speaker and members about the standard of debate. I have been impressed. The presentation of the reports I think we need to take this question of deliberating or Africa seriously because you are available. Some of you blame old leaders saying, what could they have done? When Nyerere got independence, he had only one medical doctor in the whole of Tanzania, Dr Kigula.

Uganda, which you always say, does have many educated people, what was the record? Five hundred people had 'O' level in a population of 6.5 million and 103 graduates of whom I was one. What could they have done? Now we are all vibrated brains. Why cannot I be happy and take the question seriously because you are preparing for your own future and the future of your children. Your grand fathers were content to live in small villages and they had their circle of life complete. Your fathers at least moved from Kiambu and went up to Nairobi.

Now for you, Kenya is not even enough. You need to come to Arusha to increase

the area of your performance. I was just joking when I was coming with my PS who is a woman at the airport. I said, there is this common talk of these people telling you that family planning means one or two children. No, it means you must plan for every child but now look, if population were a factor of under development, the most undeveloped country would be China. Africa now has about 850 million and I pray that by the end of this century, we should be 1.3 billion people. Why? All you need is to plan for this young generation, educate them, give them skills and they will not only be consumers but also create wealth for themselves. We cannot be a market for others for a long time.

Recently you heard that there was a Summit initiated by China in South Africa and the figures said US\$ 200 billion was ceded to China in form of trade. This means we have the money but we cannot produce the things we want because we do not have the capacity. Now for how long shall we be consumers?

As I speak, China produces 8 million engineers every year and 50 million technicians because for every engineer, you need five people to assist. That is why China has become the workshop of the world. What is wrong with Africa becoming a workshop for our own consumption? We can also exchange what we produce on equal terms.

Mahatma Ghandi once said, the weak could not forgive. Isn't that a joke? It is a big joke. Therefore, we must be strong and definitely, nothing moves without intellectual leadership so I expect you to read more about your countries and about Africa and debate all questions from Africa from a point of knowledge.

I just wanted to crown this by reassuring you that the President is ready and he has actually given me a string assignment that this is where you should look. I am here

available and I seek maximum cooperation from you. From the way I have been received and even the leader of the house of Mumbi – You see, the name Mumbi is actually the mother of the Kikuyu society. Therefore, with our grandmother and the new groups from Uhuru who was our baby from Kapengriya and now they are the presidents, we are sure that the future is in good hands.

We only need to be the group- I would beg you not to be sectional when you are in EALA. Let them hear the voice that there is East Africa. Once that is there, others will complement it and you will have your day. Thank you very much.

The Speaker: Thank you so much. Clerk, can you help me switch off the microphone?

Thank you so much, honourable members. You never rush wisdom so thank you, Right honourable Third Deputy Prime Minister for the insights and the commitment that you have assured this House.

Honourable colleagues, let me invite the honourable Chair of the committee, in the interest of time, just to respond to the aspects that require acceptance as amendments such that we do not go to 10 p.m.

I thank you so much, honourable Chair who has been fasting for this process and he has not broken his fast.

Mr Mwinyi: Thank you very much, Mr Speaker. I shall be very brief and straight to the point.

First and foremost, I would like to take this opportunity to thank the petitioners for taking the time to bring this petition before is as well as thanking yourselves. I felt it important that I quote rule 86 of our Rules of Procedure in relation to the right of petition.

Rule 86(1) stipulates that, *“Any citizen of the Partner State and any natural legal person residing or having its registered office in the Partner State shall have the right to address individually or in association with other citizens or persons, a petition to the Assembly on a matter which comes within the Community’s field of activity and which affects him or her or it directly.”*

In rule 86(1) there is a procedure of how that is done but rule 86(5) goes on to say that petitions entered in the register shall be forwarded by the Speaker to the committee responsible. We shall first ascertain whether the petitions registered for within the sphere of activities of the Community – It was not a favour. The Treaty and our Rules of Procedure make it mandatory for a petition that is within the purview of our Treaty to be brought before the House.

That being said, we still thank Mr Speaker for having given us an activity.

Mr Speaker, secondly, there have been many comments and I shall try to deal with those related to proposals for amendments. The first one, there have been a number of proposals for amendment in relation to a committee making a visit to Burundi. I think that is a valid proposal, so I will leave that to the Office of the Speaker and the Council to make appropriate arrangements to that effect.

Second, my sister from Burundi, hon. Isabelle also made a proposal in relation to repatriation of refugees in a tripartite mission. This is to my mind – refugees are governed by international conventions and any repatriation has to be voluntary by all parties so if this refugee repatriation is in conformity with an international convention and is voluntary, I see no problem with this but that being said, our recommendation and report are framed within the purview of the petition. This in

itself was not within the purview of the petition so I beg your indulgence on this, I hope you understand. I am sure there will be other opportunities for such an incentive to be brought before the House.

Next is from hon. Bazivamo my friend to urge the Assembly to put in place an oversight role and follow up mechanisms on the implementations of the recommendation of this report. Mr Speaker, again, it is a laudable recommendation yet this falls within the purview of the administration of the House. It is within the office of the Speaker and the Commission as well as any appropriate committee to be tasked to do the follow up. We are the House – *(Interruption)* –

Ms Byamukama: With due respect, Mr Speaker, I recollect that you directed that tracking of Bills, motions and decisions of the House should be done by the Legal, Rules and Privileges Committee. If my mind serves me well, this is already in place and is one of your innovations, sir. Thank you.

Mr Mwinyi: Thank you, hon. Dora. As I was saying, it is within the Speaker's office and the Commission to direct to an appropriate standing committee, which in this particular case is the Committee of Legal, Rules and Privileges – *(Interruption)* –

Mr Bazivamo: Thank you, Mr Speaker and thank you, hon. Mwinyi for giving me this time. I would like to know if the recommendation is accepted or rejected in the framework of this report because what I wished was to see it urging the House to do so, and then later on the Speaker and the Commission to give appropriate means so that this is done. Thank you.

Mr Mwinyi: If you push me to that direction-

The Speaker: Let me just help a bit. This is the recommendation of the Assembly.

Now the Assembly is recommending to itself and directing itself. It does not sound very clear but what I would like to guide is that for each and every recommendation that is moved by this Assembly or adopted by this Assembly, there is a mechanism and set procedures how its implementation is followed. There is no recommendation that is left hanging of all committees and all motions. Thank you, proceed Chair.

Mr Mwinyi: I stand guided. There is again a similar one in terms of a trip to Burundi for the committee. As I said, that has been covered.

I cannot read it very carefully so if I have missed anything, perhaps people can jot my memory. "To expand and facilitate the work of the mediator and his office including appointing a team of eminent persons." Again, this is part of the report. If you look carefully, you will see that recommendation there.

"Aware that the EAC Peace and Security Protocol has not been ratified yet we pray the Summit to constitute an agreed upon EAC peace keeping force to go and protect the citizens of Burundi in case the AU peace keeping force does not go." Again, we must act within the purview of the Treaty and the Treaty is clear. There is a protocol, it has to be ratified. Once it is in force then the implementation can be done. That being said, there are clear recommendations on that from the report.

On page 14, hon. Leontine, if you look at it carefully, it stipulates who made that assertion that the report of a letter to the SG. It is very clear so again the report is very clear. There are attachments, it has been recorded on the *Hansard*, and everything has been captured.

With those remarks, Mr Speaker, I would like to thank all the participants and your indulgence of members. It shows great interest when members are still here; more

than three quarters and it is almost 10 o'clock.

Therefore, Mr Speaker, I beg to urge all members to support this report and I thank you.

Ms Byamukama: Mr Speaker, I moved two recommendations and I have not heard the chairperson address these recommendations.

Mr Mwinyi: Could you repeat your second recommendation please?

Ms Byamukama: Increase resources to facilitate the operations of the EAC situation room to execute its work, which includes an early warning mechanism that enhances timely intervention and coordinated action by the EAC.

Recommendations to the Council of Ministers. The committee urges the Assembly to urge the Council of Ministers to facilitate the Committee of Regional Affairs and Conflict Resolution to undertake a fact-finding mission to the Republic of Burundi before the next EALA plenary, which will be held in March 2016.

The second one, increase resources to facilitate the operations of the EAC situation room to execute its work, which includes an early warning mechanism that enhances timely intervention and coordinated action by the EAC.

Mr Mwinyi: Thank you very much. The first one was duly dealt with. The second one is increasing resources to the EAC situation room. I think this is appropriate. It deals with a wider scope. The situation room provides us immense information, very early and I think this will be most appropriate for whatever contingencies in relation to peace and security will have quick and early warning of what is happening.

I agree that it was not properly captured on this piece of paper. If you would, hon. Dora, send another piece of paper so that I can submit. I agree to that proposal.

Mr Speaker, I urge honourable members to support the report and I thank you.

The Speaker: Thank you so much, Chair of the committee. Honourable members, the motion before the Assembly is that the report of the Committee on Regional Affairs and Conflict Resolution on the public hearing of the petition by the Pan African lawyers union as a lead petitioner of other civil society on the deteriorating human rights and humanitarian situation in Burundi, as amended, be adopted.

I now put the question.

(Question put and agreed to.)

The Speaker: Honourable members, I would like to take this opportunity, in a very special way, to congratulate the Chair and the members of the Committee on Regional Affairs and Conflict resolution for a great work done.

I would like also to express my appreciation to the petitioners who found it worthy to bring their concerns to this Assembly for redress. I congratulate them.

I would like to congratulate all the people who turned up for the public hearing and made this exercise very people centred as it went. I thank them so much.

Honourable members, there are prayers that were laid out very clearly to be taken to the Summit by the Council of Ministers. In a very special way, I would like to appeal to the Chair, Council of Ministers that by good luck, the Speaker is invited to attend the Summit. I will report to this House if the prayers are remitted to Summit.

We have full confidence in you that we are in this together. The time for denial is long gone. We must all face it squarely. We

thank all the people who have made it possible for us as an Assembly to make our contribution towards the search for lasting peace in Burundi.

Honourable members, I would like to, in a very special way, express my apology and appreciation to you for the commitment you have exuded in doing your work. It is unprecedented that we sit until about 10 o'clock. I think this is a testimony of our commitment to the big dream of our forefathers. I thank you so much for your commitment.

This commitment has translated into a lot of output in the last two weeks we sat here. We have considered and responded to all the petitions more or less that have been presented to this Assembly. I congratulate you.

This is a direct response to our representative role to the people of East Africa. I thank you so much. This kind of momentum must be maintained. The people move at the seed of their leaders. Congratulations.

With those few comments, honourable colleagues, the House is adjourned *sine die*. The House stands adjourned.

(The House rose and adjourned sine die.)