



EAST AFRICAN COMMUNITY

Official Report of the Proceedings of the East African Legislative Assembly

25TH SITTING – FIRST ASSEMBLY: THIRD MEETING - SECOND SESSION

Tuesday, 20 May 2003

The East African Legislative Assembly met at 9.00 a.m. at the Chamber of the Assembly, Ngorongoro Wing, Sixth Floor, AICC Complex, Arusha

PRAYERS

[The Speaker, Hon. Abdulrahman Kinana in the Chair]

The Assembly was called to Order.

NOTICE OF MOTION

The Chairperson Committee on Legal, Rules and Privileges (Mr Jared Kangwana (Kenya): Mr Speaker, sir, I beg to move that on the allotted date, I intend to move a Motion for a Resolution of this House to grant me leave, as the Chairperson of the Standing Committee on Legal, Rules and Privileges, to introduce a Private Members' Bill entitled the Laws of the Community (Interpretation) Bill, 2003.

MOTION

The Chairperson Committee on Legal, Rules and Privileges Mr Jared Kangwana (Kenya): Mr Speaker, sir, I beg to move the following Motion:

THAT this Assembly,

TAKING COGNISANCE of the provisions of Article 59(1) of the Treaty;

PURSUANT to the Provisions of Rule 64 (5) & (9) of the Rules of the House;

DO NOW RESOLVE to grant leave to the Chairperson, Standing Committee on Legal, Rules and Privileges to introduce a Private Member's Bill entitled "The Acts of the East African Legislative Assembly, Bill, 2003".

Mr Speaker, sir, let me give the reasons why the Standing Committee on Legal, Rules and Privileges deemed it necessary to come up with this Bill.

My Committee drafted this Bill and it was our intention to seek leave of the House to bring it to the House as a Private Members' Bill. However, the

Counsel to the Community informed us at that time that the best way out was to send the draft Bill to the Council of Ministers to review and bring it to the House as the Treaty enjoins them. It has been some time since that happened, and to date, we have neither heard from the Counsel to the Community nor the Council of Ministers on what happened to that draft Bill.

Mr Speaker, sir, the House will recall that when we were debating the Bill on the Powers and Privileges of this House, it was decided that the Attorneys General of the three East African Countries would be consulted with regard to the Bill. So far, we have heard from the Attorney General of Uganda, but we have not heard from the Attorneys General of the Republic of Kenya and Tanzania. But in the response of the Attorney General of the Republic of Uganda, he pointed out the necessity and urgency of enacting the East African Legislative Assembly law so that the procedure is set out clearly on how a Bill becomes law.

At the moment, apart from the framework that has been laid out in the Treaty that the principle role of the Assembly is to legislate, and the fact that a Bill goes through three stages and then thereafter it is sent to the Heads of State for assent by the Speaker, there are no detailed guidelines on how that will be done. This Bill will seek to establish those procedures so that there is no question at all as to what should happen before a Bill becomes law. If the procedure followed is questioned in any court of law, it can be pointed out clearly that the procedures that were followed were in accordance with the law.

Mr Speaker, sir, I know that we have passed the Community Emblems Bill

and we are about to pass the East African Legislative Assembly Powers and Privileges Bill. So, by bringing this Bill into the House, we are now establishing how other Bills will become law. That is the reason why the Committee felt that we should seek leave of the House in order to bring this Bill. If this Bill is passed into law, then a procedure will have been established on how a Bill becomes law.

Mr Speaker, sir, I implore this House to support the Motion and grant us leave to lay the draft Bill before the House so that it can be debated and passed. I did attach to the Motion before the House a copy of the Bill, but I do not think it has been circulated. But it will be done in due course.

With those few remarks, I beg to move.

Mr Mabere Marando (Tanzania):

Mr Speaker, sir, the Act that is being proposed by the Chairperson of the Standing Committee on Legal, Rules and Privileges is very important. It is the Act that establishes the procedure for enactment of the Acts of this House. It is the Act that proposes the various steps that are to be taken by this House in the process of the passing of the various Bills into proper and final legislation. It establishes and incorporates forms that the Hon. Speaker will use in forwarding these various statutes to the Summit for assent and the final process of enactment. It is, therefore, opportune that the Act comes into place about this time.

This Act ought to have been in place earlier than today. This is one of the pieces of legislation which we had expected the Council of Ministers to come up with, but the Standing Committee on Legal, Rules and

Privileges has again, with humility, taken the initiative to seek leave of the House to bring a Private Members' Bill, so that we get the proper process of passing legislation into law. It is therefore our humble prayer that our honourable colleagues will support the Motion.

Mr Daniel Ogalo (Uganda): Mr Speaker, sir, I rise to support the Motion, but I would like to point out two things. The Committees of this House should seek technical advice when bringing Private Members' Bills. Drafting of Bills has apparently been taken over by this draftsman to assist it.

Mr Speaker, sir, the House Business Committee, on behalf of this House, did request that the Assembly employs a draftsman. That was included in the Budget that was forwarded to the Council of Ministers. In its wisdom, the Council of Ministers is of the view that we do not need this technical advice, and stuck out that request.

It is important that the Council of Ministers recognises that the requests we make in the Budget are well intentioned, and that they are intended to make this Assembly work. When we have a draftsman, we only need to work and make sure that we push the integration process forward. It should be noted that as we support the Committee on Legal, Rules and Privileges to introduce Private Members' Bills, technical advice is always needed to support their work.

Mr Speaker, sir, this Bill should have been the first one in this House but since there is no money to enable us to transact our business, this Bill will not be enacted during this Session. We have a limit of 60 days. So, after leave of this House has been granted, the

passing of this Bill will have to be done in another Session. This also goes to show that the Council of Ministers should look seriously at the Rules of the House. When we request that we sit for 120 days, it is because we know what work we have!

With those remarks, I beg to support the Motion.

Mr Med Kaggwa (Uganda): Mr Speaker, sir, I also rise to support this Motion. I have two issues to raise on the matter. I implore the Chair to impress it on the Council of Ministers that it is their responsibility to bring Bills to this House. But in as far as the situation on the ground is concerned, they have not been able to bring any Bill at all. But at the same time, they have not been able to appreciate the efforts of this House.

I say that because Hon. Ogalo mentioned that the House Business Committee had rightly advised that a draftsperson be recruited but the Council of Ministers turned down that request without appreciating the purpose as to why this Assembly is in place. That is very sad.

Mr Speaker, sir, some of us have said time and again that if the powers that be were not prepared to have the organs in place, they should not have allowed for their creation. They should not have allowed for their creation and starve them of the tools to enable them do their work.

The other issue that I want to raise in this Motion regards the Bill that we have already passed in this House. I am wondering whether the office of the Speaker is very clear as to where that Bill is right now. I say this because the Treaty states that if a Bill is not assented to within three months, it

lapses. I know that we passed the Community Emblems Bill, and if I am not mistaken, the three months are about to elapse. So, I would like to be given assurance by the Speaker that there is a method - and I am sure this proposed Bill will strengthen that - that will enable his office to ensure that the Bills we pass here reach the respective Heads of State for their attention. If that is not done, we shall be passing Bills here and they will be lapsing and all our efforts will have gone to waste.

With those remarks, I beg to support the Motion.

Mr Yonasani Kanyomozi (Uganda): Thank you very much, Mr Speaker, sir, for giving me the opportunity to support this Motion. This Bill should have come to this House a long time ago to guide our legislative process.

Mr Speaker, sir, given the procedure followed in Parliaments, is it not going to be a waste of time? In Commonwealth Parliaments, when Bills are debated and left pending and the session ends, those Bills have got to be started afresh when the Assemblies resume. I hope that practice will be suspended in respect of this Bill. I would like to get that assurance so that we do not waste our valuable time by sitting here, only to come back during the next session and repeat ourselves about the same things.

Mr. Speaker, sir, I do not know how we are going to manage - and I am echoing the feelings - the drafting of Bills. Most of the Committees of the House have proposed several Bills, which need to be presented to the House. We have got only one Counsel to the Community who does not even have support staff - (*Interjection*) -

The Counsel to the Community (Mr Wilbert Kaahwa) (Ex-Officio): Mr. Speaker, sir, we appreciate the sentiments expressed about the need of a draftsman. I would like to inform the House that I am not as stranded as it appears. I have a Legal Officer who is to all intents and purposes a Deputy Counsel to the Community. I am trying to elucidate that the situation is not as bad as it appears. It is only bad in the sense that she, like me, is not a qualified draftsman.

Mr Yonasani Kanyomozi (Uganda): Mr Speaker, sir, you have heard it from the horse's mouth. While I appreciate the intervention of the Counsel to the Community, it is true that the department is not well staffed to do the work we expect it to do. So, that goes to tell us that there is serious need for a draftsman.

By the time we come back in August this year, that should be one of the items included in the Budget, and we proceed to advertise for that job and fill the post. In the meantime, I suggest that efforts should be made to borrow from Partner States some people who could come and assist the Counsel to the Community and the Assembly to draft those Bills.

We are made to understand that the Attorney General of Uganda has been helpful in this matter. During our last sitting, we had a draftsman from Uganda who assisted us a great deal. I hope we will also approach the Attorneys General of Kenya and Tanzania to do the same - (*Interjection*).

Mr Kaahwa: Mr. Speaker, sir, with the permission of the Chair, let me avail some elucidation on this matter once again.

Debate has been heard in this august House and in the Committee on Legal, Rules and Privileges about the need for a draftsman. What Hon. Kanyomozi said about resorting to the Partner States for assistance is a matter, which has been appreciated.

I am not saying that at this moment we have exactly what we need, but what has been resolved by the Council is that, pending the recruitment of a draftsman as was proposed in the Budget, we will be relying on borrowing draftsmen from the three Partner States, just like we did in the past.

Right now there is a meeting of draftsmen whom we have borrowed, and they are working on the procedure on the Council's initiation of Bills. This was a decision taken by the Attorneys General – (*Interjection*)-

Ms Kawamara Mishambi (Uganda): Mr. Speaker, sir, is it in order for the Hon. Counsel to the Community to keep referring to draftsmen? Are we looking only at the draftsmen, or should we refer to them as draftspersons?

Mr Kaahwa: Mr Speaker, sir, I think that was a slip of the tongue. But you know, in the past, according to the Interpretation Act we have used, "draftsman" has always been used to include draftswomen. But for my own comfort, I will from now use the word "drafts people"! It may not be elegant or in consonance with our Interpretation Act, but for my own comfort, I will use "drafts people" in plural and "draftsperson" in the singular form!

Mr Speaker, sir, the information I was giving to the House is that right now, upon the decision taken by the learned

Attorneys General when they met earlier this month, there is a meeting of drafts people, two from each Partner State, meeting here in Arusha. So, the process of borrowing has actually started, pending recruitment of drafts people for the Community. Those Drafts people are now working on a procedure for the Council's initiation of Bills. Thank you.

Mr Kanyomozi: Mr Speaker, sir that is very interesting. A borrowed jacket remains a borrowed jacket. Whenever the owner wants it, he takes it back and you can be left in the cold. But we appreciate the steps being taken to get draftspersons in place. We hope that this will be speeded up.

Lastly, I would like to take the opportunity to thank our Standing Committee on Legal, Rules and Privileges on the initiatives taken so far. They have initiated and presented Bills to this House, and we commend them for that. Except for presenting the Budget, the Council of Ministers has not presented any Bill before the House. In fact we have become self-reliant. And I hope we will continue that way. When the Council of Ministers brings in Bills, they will supplement and complement what we are doing.

Lastly, we need to speed up on what Hon. Med Kaggwa has just stated. We should pass Bills here and forget about the time. When you look at the Treaty, it states that assent should be given within three months of the date of passing of such a Bill. If that assent is not given within three months, then the Bill will be referred back to the House.

With those remarks, I support the Motion.

Mr George Nangale (Tanzania): Mr Speaker, sir, I want to commend the Chairperson of the Standing Committee on Legal, Rules and Privileges for moving this Motion.

Mr Speaker, sir, this Motion will strengthen further the powers and the rights of this House in fulfilling the major objectives of representing the people of East Africa, making laws and policies, and overseeing the executive, the Council of Ministers. This Motion will also give the Assembly a bona fide status in the membership of the different international parliamentary associations like the Inter-Parliamentary Union.

With those remarks, I beg to support the Motion.

Mr Calist Mwatela (Kenya): Mr Speaker, sir, I stand to support the Motion. I want to raise one issue of great concern.

Mr Speaker, sir, we have been informed by the Chairperson of the Standing Committee on Legal, Rules and Privileges that there was a draft Bill earlier on, which was taken over by the Council of Ministers but nothing has been heard about it.

Mr Speaker, sir, the Community has continued to spend money illegally considering that there has never been an Appropriation Bill. The Drafting of the Appropriation Bill was taken over by the Council of Ministers but nothing has been heard about it. We need a procedure to be established such that this House could still pursue Bills taken over by the Council of Ministers, so that that taking over by the Council of Ministers is not used to kill the business of this House.

Therefore, there is need for the Standing Committee on Legal, Rules

and Privileges to come up with a process to establish whether there is need for the Standing Committee on Legal Rules and Privileges to come up with a process to check on Bills that are taken over by the Council of Ministers. Thank you.

Mr Jared Kangwana (Kenya): Mr Speaker, sir, I thank the honourable members who have contributed to the Motion. I would like to deal with the issues they have raised, one by one.

Hon. Ogalo raised the issue of a draftsman, and I would like to add my concern to that which has been expressed by the Committee and this House that we urgently need a draftsman. The Counsel to the Community has indicated that they have a Legal Officer. But every time we seek assistance from the office of the Counsel to the Community, it is him who comes to assist us. If that Legal Officer exists, we would be delighted if that person is seconded to the Standing Committees of the House.

I know that many of our Standing Committees are planning to bring Private Members' Bills to this House. I dare say that the Counsel to the Community will find out that he needs more than one Legal Officer to deal with the volume of work, which the Standing Committees of this House will come up with. So, the necessity for a draftsman in addition to the Legal Officer should be addressed as a matter of urgency.

I am happy to hear that the process of secondment is in place. I do hope that the respective National Assemblies of the Partner States will second people here on a permanent basis to assist us with the drafting of Bills while we wait for the response of the Council of Ministers on that matter.

Mr Speaker, sir, Hon. Med Kaggwa raised the issue of assent, and I am sure the office of the Speaker is attending to that issue. But I think by the end of next month, the 90 days stipulated in the Treaty will have elapsed. We hope it will be assented to before then. We know that the office of the Speaker did send those Bills to the various Partner States but we do not know where they are now. They may take a year before they come to the attention of the Presidents. So, it is important for this House to trace these Bills as soon as they are assented to.

Mr Speaker, sir, my Committee is aware of the fact that when a Session of this House elapses before a Bill is assented to, that Bill is bound to die, and will have to be revived during the following Session. That is the practice in all our Partner States. I have been going through our Rules and I find nothing in those Rules to stop us from carrying over those Bills from one Session to the next. But should that be found to be incorrect, it is the intention of the Committee to bring this Bill back to the House, and it will seek fresh mandate. But at the moment, there is nothing to prevent us from continuing with a Bill in the next Session.

Mr Speaker, sir, the House adopted new Rules over two months ago, and up to this time, I do not have a copy of the new Rules. I do not know whether other Members of this House have. If they do, then I will have been discriminated against. But looking at the anxious faces of honourable members, I am right to conclude that those Rules have not been circulated, and I would like to urge the office of the Clerk to ensure that those Rules are made available. It is not possible for this House to work without that very important instrument.

Mr Speaker, sir, Hon. Mwatela raised the issue of the Appropriations Bill, which was taken over by the Council of Ministers, and the fact that we have never heard from them. That continues to be the case. Even when we were debating the Budget, honourable members expressed doubts about the sincerity of the Council of Ministers to deal with issues raised in this House. You can see why honourable members are suspicious of the intentions of the Council of Ministers because they took over the Appropriations Bill and they never brought it back, which means that money has been spent illegally.

Mr Speaker, sir, on a personal note, I intend to raise this matter with the EACJ because it will be wrong for this House to overlook a serious flouting of the law that was passed by East Africans. I will do that in due course. So, I urge the Council of Ministers to take this House seriously by bringing appropriate Bills, and to attend to the questions that are raised in this House. I also urge the Council of Ministers to be attending the proceedings of this House. I thank all the honourable members for supporting this Motion.

With those remarks, I beg to move.

(Question put and agreed to)

BILLS

FIRST READING

The Acts of the East African Legislative Assembly Bill, 2003

(The Chairperson, Committee on Legal, Rules and Privileges)

BILLS

SECOND READING

The Acts of the East African Legislative Assembly Bill, 2003

(By leave of the House)

BILLS

THIRD READING

The Acts of the East African Legislative Assembly Bill, 2003

(The Chairman, Committee on Legal, Rules and Privileges)

(Bill read the Third Time and passed)

MOTION

REPORT OF THE SELECT COMMITTEE ON THE RESIGNATION OF MR. MURUMBA WERUNGA

The Chairperson, Select Committee (Ms Rose Waruhiu) (Kenya): Mr Speaker, sir, I would like to lay, in the House, the Report of the Select Committee on the resignation of Mr. Murumba Werunga. Before I read the transmittal letter, I would like to explain the unusual circumstances under which the Committee worked.

As one of my colleagues spoke this morning about the spirit of Arusha, I would like to pay special tribute to the other Members of the Select Committee, Hon. Isaac Abraham Sepetu and Hon. Sarah Bagalaaliwo. I was privileged to be the Chairperson of the Select Committee, but as you will get the Report, you will appreciate the amount of work and time we have put into this Report.

Mr Speaker, sir, we would like to record our thanks to Hon. Ochieng-Mbeo for moving the Motion to set up the Select Committee. Under normal

circumstances, the mover of a Motion would head such a Select Committee.

Mr Speaker, sir, we have done such an unusual thing to put in our Report our letter to you. Make sure that the document remains intact so that the letter of transmittal is bound within the Report. Our letter reads as follows: -

“Honourable Speaker, Sir, our Select Committee was constituted as a result of the House debate on a Motion seeking to investigate the circumstances under which the former Clerk of the East African Legislative Assembly resigned.

We undertook this task as a noble task to realistically look at the East African Community organs and institutions and come out with some constructive contributions.

We would like to take this opportunity to thank you most sincerely for appointing us to undertake this exercise, which is critical to the future of this beautiful region, and for allowing us to contribute to the promotion of peace, stability and progress in the Community.

We also appreciate the extension of time given to the Report due to the constraints of time and resources. We thank the honourable members for their indulgence.

It was our privilege to be of service to the course of justice to the Community, and we hope, to the people of East Africa.”

Hon. Rose Waruhiu, Hon. Amb, Isaac Abraham Sepetu and Hon. Sarah N. Bagalaaliwo signed the letter.

Mr Speaker, sir, I would like to go back to the title of this Report. It is called the Report of the Select Committee of the East African Legislative Assembly on the Resignation of Mr. Werunga. The Title is deliberate because it reflects what the assignment was. It also reflects the reasons why this Committee was set up. I will briefly give you what the background is, what the findings are and what our observations are, and then I shall pause there before we move on to our recommendations.

The background is very brief because members are familiar with this topic. But we start with the Treaty because it is the one, which provides for the various organs of which the Assembly is one. The other organs being the Summit, the Council of Ministers, the Co-ordination Committees, the Sectoral Committees, the EACJ and the Secretariat.

The Assembly assumed its duties after inauguration on November 29, 2001. Honourable members will recall that we commended the work of the Secretariat and looked forward to a close working relationship. To confirm this, you may wish to refer to the maiden speeches in the Hansard. Unfortunately, for the last one and half years, the relationship between the Assembly and the Secretariat has been marked with incidences of acrimony, which if allowed to continue, are likely to affect the spirit of the Treaty and derail the attainments of its objectives.

In this short span, the Assembly was faced with the resignation of its Clerk, even before he completed the

probation period. There have also been delays in scheduling of Assembly meetings; information has not been forthcoming from the Secretariat and progress on legislation has been limited. So, what the resignation of the Clerk did was to spark off a lot of concern as to how the Assembly would continue to operate.

Most members felt that the environment in the Secretariat was not conducive to fostering good working relationships, and the failure of communication rendered our legislative work difficult.

It is against this background that Hon. Ochieng-Mbeo introduced the Motion for the appointment of a Select Committee to examine the circumstances that led to the resignation and to recommend to the House the procedure to be followed by the officers of the Assembly when resigning.

The House overwhelmingly supported the Motion during its sitting on February 20, 2003 and approved the recommendations of the mover that a Select Committee be constituted, and the three honourable members were appointed. In our Report, you will find the Motion, which is reproduced in full in the Report.

Our terms of reference included the following: -

1. To look into the circumstances that led to the resignation of the Clerk so soon;
2. To establish whether such resignation or acceptance were properly followed;
3. To establish the likely effect of the Clerk's resignation among workers of the Assembly and the Secretariat in general;

4. To look into the regulations governing the workers of the Community, and whether they were followed generally;
5. To look into the working relationship between the Assembly and the Secretariat, and how this can be improved and any other matters related thereto.

We took these terms of reference to mean that our first duty was to establish the truth from all the parties; to examine the effectiveness of the administrative process of recruitment and resignation. We proceed to give what we construed these terms to mean, and our own views are presented on page five.

We took our duty to mean that it was our first duty to establish the truth from all parties, to examine the effectiveness of the administrative process of recruitment and resignation, to reassure staff members of a dignified tenure of service, to recommend measures to improve the working relationship between the Assembly and the Secretariat, and generally to promote the process of integration in establishing strong institutions.

We have included some limitations, which I do not want to dwell on now because they did not dampen our work, but it is only fair that they should be recorded. They include the fact that there was delay in our ability to meet the staff in the beginning as we could not meet them until the Secretary General gave them authority. Secondly, we were not able to meet some Members of the Council for exhaustive discussion. Thirdly, we had difficulty in scheduling some appointments with the people we wanted to interview.

But as I have said, members should be comforted by the fact that we had enough information. The only issue I would like to mention here, since the issue of staff comes up on and off in the report, is that some members of staff who appeared before the Committee were either very apprehensive or over-cautious in their responses.

The next heading is really to explain how we have worked, and as is normal practice, we had meetings, we interviewed people, we had documents, we did some searching in terms of cross-references, and that is explained very briefly in the report.

The main body of this report has been divided into four basic areas: The first one is what we call the findings - I am already in chapter five. I know honourable members are anxious to see the report – *(Interjection)* -

Ms Kawamara-Mishambi (Uganda):

Mr. Speaker, sir, is it in order for the honourable member to keep referring to a report, which the members do not have?

The Speaker: I think what the hon. Chairperson is saying is that members should be attentive and they will get this report in the next few minutes.

Ms Waruhiu: Thank you, Mr. Speaker, Sir. May I tell the honourable members a short story? There were two men walking and it was rather dark. One man was leading as the other followed. When they got where they were going, the one who was ahead thought he was the first one to get there but he found his friend had already arrived. So, he asked him, "How did you get here before me?" and the friend answered, "Because I followed you very slowly." It was my

wish that members follow me very slowly because if they had the document in front of them, I was not sure they would follow me - *(Laughter)*.

Mr Speaker, sir, I would like to indicate that when we come to the recommendations, we shall pose and, at that time, have the document circulated. I am trying to give a summary of the report because I think members will have time to read. We have agreed the debate will be on Thursday, so there will be time to read.

Our findings have five main headings, and the first one gives the history of the relationship between the Assembly and the Secretariat. We started that way because most of our findings reflect this relationship. Secondly, we talk about the communication between the Assembly and the Secretariat, and then we talk about the recruitment of Mr. Werunga as Clerk to the Assembly, and finally the resignation.

As I have said, we have described the history because it reflects the findings around the Clerk's resignation. It also brings to bear the failure in defining this relationship because it is this failure that then leads to the other topics that we have described. But secondly, it is the difficulties experienced by the Clerk that bring out this relationship. These difficulties were based on the position he took in regard to this relationship. So, I am sure when members get the report, they will appreciate my introduction.

We have dwelt on communication between the two organs. Again, the problem surrounding the relationship gave way to communication breakdown between the two organs. The heading on the recruitment of Mr. Werunga as a Clerk is of course very

important. It takes almost four pages of the report because as reflected on the title of this report, this is the reason that sparked off this Select Committee. Then, the resignation of Mr. Werunga itself because of the questions it raises on whether the procedures were followed properly is the last heading of our findings.

What I would like to do is to take you briefly through the observations we have made on these findings. Our first observation is on the Treaty.

In our examination of the functions of the Community, the Select Committee found that the Treaty spells out the functions briefly, but is otherwise scanty on the cardinal principle of separation of powers. This situation has allowed both the misinterpretation of the relationship between the organs and the misunderstanding in design of the organisation, and the reporting lines within the organisation and the span of authority in management and decision-making.

We recognise that the main purpose of all the organs is to cement the integration and co-operation of the Partner States. Therefore, any affront that negates this principle is bound to fail the spirit of co-operation, and should be avoided.

One of the issues that I hope members will have time to look into is the fact that many elements of the Tri-partite Commission still exist, especially within the internal structure of the Secretariat. The Secretariat, as the precursor institution, would have been expected to facilitate the new organs, to set them appropriately, but also recognise their independence and autonomy. The failure to do this has made for a poor beginning, and it is

this concern that underlies the problem under review.

The Assembly and the Court were the last organs to be set up, and it is normal, therefore, that in the course of evolution, problems may emerge. But the resolution of this will require the clarification of the relationship between the various organs. The matters were however jolted by the simmering dissatisfaction of the members of the Assembly over recurring arguments with the Secretary General. The Assembly considers that the Secretary General was responsible:

- (a) For the lowly positioning of the Assembly and the poor treatment of Members;
- (b) The poor budgetary provisions. There was little to show that the Secretary General was pushing for the Assembly while sourcing for funds;
- (c) The failure to implement decisions on remuneration for Members and to advise the Council of Ministers and the Summit;
- (d) The failure to attend Assembly Sessions and to provide Committees with proper briefs or to assign staff to follow the House proceedings;
- (e) The misinterpretation of the Treaty on the role and functions of the Assembly;
- (f) The ranking of his principal officer, the Clerk, below the grade of other professionals in the Community.

Mr Speaker, sir, what we are saying - and these are very weighty words. It may have taken the resignation of the Clerk of the Assembly to raise these matters and to warrant the Select Committee, but the matters would have surfaced all the same with time.

Our second observation is on the role of the Assembly and the interpretation of its mandate. Now, this is the crux of the matter, and you will find that this topic occupies ten pages in this report, which is almost a quarter of the entire document. The reason for this is that some of the basic issues of contention are found in the legislative provision, their interpretation and application. Likewise, there are disagreements in the application of the Rules of Procedure, the Staff Rules and Financial Regulations.

In the course of the interviews, the legal provisions and interpretations were discussed with various interviewees. They were all generally agreed, as we are, on the shortcomings in the Treaty through inadequate provisions or inconsistency. So, we have made several observations that hinge on interpretation, as I have already said, the application of staff rules and procedures, the ambiguity of the staff rules and the contradictions in the Treaty.

The Rules, in many cases, contradict the Treaty, particularly in the setting up of the Court and the Assembly. For instance, the issue of the Clerk became contentious right from the process of recruitment, deployment and resignation. The areas of contention, as I have said, can be explained by the interpretation of the Treaty, the Rules and their application.

We spent time on a contentious issue, which is the interpretation given through an opinion by the Council to the Community, when the matter of the participation of the Assembly came up through the House Business Committee. In this contradiction, the House took the view that even without set rules, the Assembly was still

mandated to determine its procedure. Therefore, there is quite a bit of debate on how the House, through the House Business Committee is set or organised to participate in the substantive recruitment of the Clerk, and how, through the interpretation of the Rules, three members of the Assembly who had travelled to Arusha to take part in this recruitment were stopped.

As I said, the head for this whole paragraph is “the Assembly and the Interpretation of its Mandate”. This is an area where there have been a lot of discussions and failure to agree. For instance, in the meeting of the House Business Committee in Kampala in January 2002, which was duly attended by the Secretary General, a decision was reached on how the exercise of recruiting the Clerk would be carried out. They utilised the existing rules in agreeing on the inclusion of members because there was a vacuum. It was not clear that there were adequate provisions, and in our view, it was reasonable and expedient for the House Business Committee to try and fill this vacuum and enable the House to take part in recommending the appointment of its Clerk.

So, what we are saying is that, even if the House Business Committee had opted to use the Rules as they are today, it is still important for Members to observe that Article 1 of the Staff Rules and Regulations makes it clear that the rules were meant to apply to the Tri-partite Commission and its Secretariat, which Commission and Secretariat were established in November, 1994. However, both institutions ceased to exist on the coming of the Treaty in November 1999.

Article 140 of the Treaty, on the other hand had allowed for the Staff Rules

and Regulations to continue in force until the “Community adopts its own staff rules and regulations.” So, it is very unfortunate that despite the rapid expansion of the Community and three and half years since the Community came into place, the Secretariat has not found it fitting to make new staff rules and regulations.

Mr Speaker, sir, the Protocol establishing the Commission and the Secretariat did not provide for a Legislative Assembly, or a Court of Justice. Accordingly, it would not make good sense for the present Staff Rules and Regulations to be made applicable to the staff of the Assembly and the Court without taking into account the fact that the said staff or institutions they serve were not in existence at the time the rules were made. So, therefore, to continue to apply these rules only compounds the problem.

We have given about five examples to justify this conclusion. They refer to the fact that it is our view that the Secretary General cannot terminate their employment, but if you use the Staff Rules, they imply that he can. We have given you the right Article, Article 62, of the Staff Rules, which allows the Executive Secretary to terminate the appointment of any staff member by giving three months notice. The Executive Secretary, with the consent of the Commission, could also terminate the service of a Deputy Executive Secretary. But Article 68 of the Treaty provides that the Council shall appoint the Deputy Secretaries General. In other words, we are saying the rules are out of date. For example, presently if we went by the rules, the Secretary General is empowered to terminate the services of staff including Deputy Secretaries General, and obviously it would be absurd to

imagine he can do so. So, we have given you a few examples of why the rules are out of date.

Mr Speaker, sir, because there is no clock in this room I hope someone will keep a tab on my time; but I do want to mention the other issues very briefly. Articles 1 and 4 of the Rules empower the Secretary General to interpret and enforce the Staff Rules subject to an appeal. And this directly contradicts Article 31 of the Treaty, which vests the East African Court of Justice with this Authority.

We are saying that if you apply these Rules, you will have very embarrassing situations. The absurdity is only too clear in the matter under review in that the Clerk of Parliament is barred from taking instructions from the Assembly, or the Registrar of the Court is not expected to accept instructions of the Court. So, the staffs of the East African Community are required to take an oath of allegiance to the Secretary General, and not to seek or accept instructions in regard to the performance of their duties from any government or other authority external to the Secretariat of the Commission.

We have made the case that these rules are out of date, and when we come to recommendations, we shall go into that issue. We have given other examples, which will feature in the recommendations, and we have made long comments on the interpretation given by the Council to the Community, as I said earlier. Though what we are saying is that the application of old rules can be normal in a transition, but they require to be adjusted when permanent rules are adopted. The assumption was that all these processes were to be handled by reasonable and competent staff that

shared the vision of integration to its optimum.

So, underlying all these misinterpretations and deviations is the bigger question of the principle of separation of powers and division of labour. In the foreword to the Treaty, all these intentions are very clear. The Treaty apportions the corporate mandate and work amongst the organs and institutions, and these divisions of labour aim at maintaining the doctrine of separation of powers between the Executive, the Judiciary and the Legislature. We are saying this is an intentional measure.

Article 71 (1) (h) of the Treaty vests in the Secretariat the general administration and financial management of the Community, and the same Treaty empowers the Court to employ staff and also make the Registrar responsible to the Judge President for the day-to-day administration of the Court. Very curiously, there is absence of a specific provision in respect of the Assembly. And we can only construe that the intention would have been the same, and this is how the House proceeded.

Let me now move to the relationship between the Assembly and the Secretariat. The Clerk embarked on the job on certain assumptions that guide parliamentary staff everywhere. So, he did the work plan, reviewed the budget line and gave advice on what to him were pertinent issues regarding the Assembly. But in this work, he had neither the staff nor the capacity to act independently, and needed to work in consultation and co-operation with the Secretariat. It seems that he failed to elicit the support he required at this critical time. So, he asserted the autonomy of the Assembly and, therefore, its independence in all its

working methods and organisation. The Assembly supported this view in defining the relationship because it was also keen to protect its independence. The disentangling of this relationship was the background as the process to appoint the Clerk was in progress. The Secretary General, on his part, did his best to interfere with the appointment of the Acting Clerk.

So, we have talked about the intention, the lack of rules and a new Clerk who comes in. Our finding is that the demand made on the Secretariat by the setting up of the Assembly seems to be at the centre of the current problems. The members, as political leaders, expect to get information on which to push for the cementing of the Community, which information is kept under oath of secrecy. Secondly, the Committees of the Assembly ought to be briefed by technocrats who had directives not to brief the Assembly without the authority of the Secretary General. Thirdly, the protocols that the Assembly considers should be debated in draft before they go to Council can only be smuggled to it.

So, the Select Committee observed that the Secretary General is also Secretary to the Summit and the Council, and the failure of communication affects the decision-making process, at times enhancing the conflict. Again, we give examples to justify this. The first one is the Council decision on the revised terms of service, which was made in May 2002, but was not on the agenda of the Summit meeting of November 2002. Secondly, the Council decision on the self-accounting policy for both the Assembly and the Court, which has not been formally communicated. In other words, the Council has recognised that these two bodies are self-accounting.

The Secretary General, as the chief administrator, is expected to enforce the principle of separation of powers. Whether it is there by intent or not, his apparent desire to control and direct the functioning of the Assembly is, therefore, incomprehensible. We found little effort to delegate responsibility or to harness the managerial potential of the staff. Instead, authority has to be sought from the Secretary General, even on the most basic decisions.

We have made comments about the staff the Secretariat needs, which should be sensitive to the building of institutions, to managing transitions, to discern challenges and to respond to them in a creative and constructive manner. We wonder, in fact, how the staff at the moment, bring up decisions to action level by advising and briefing the relevant organs.

In summarising this issue, we are saying that the buck stops there. The interrelationship of decisions between the different organs seems to get lost in the web of studies, memorandums, meetings, protocol negotiations and so forth. While it may be argued that they are not to be blamed for the slow progress being made, it is the Secretariat who should isolate the concerns that are relevant for the Summit, the Council or the Partner States.

Right after that, we mention the whole issue of the work of the Assembly and how no Bills have come from the Council. We commend the Assembly for having embraced this responsibility to introduce reports and Bills for debate.

I am taking long on this because, as I said, it is an issue of direct relevance to the Assembly. The capacity of the

Assembly to assume its rightful place as the political organ of the East African Community is hampered by:

- (a) Lack of staff;
- (b) Restriction on the number of sitting days in the calendar year;
- (c) Inaccessibility of information on the status of negotiations on the major instruments for integration, especially the status of various protocols;
- (d) Lack of clarity on the relationship between the organs that are involved as a result of which members are marginalized from the core business of integration. We got evidence that this at times led to unorthodox practices of accessing information by members.

“The appointment and resignation of Mr. Werunga” is our next main heading. In this, we have gone back again to say that apart from the legal interpretations, which I referred to earlier, and the operation of the law, we make the following observations:

In view of the conflict that had evolved between the Secretary General and the Clerk, it was not prudent, therefore, for the Secretary General to chair the interviewing panel. His conduct of soliciting applicants and recommending for interview a junior person who had not applied, and recommending him to the position of Clerk, was unprofessional. These actions compromised the independence of the interviewing panel. Subsequently, three warning letters written by the Secretary General to Mr. Werunga, we consider, were in bad faith.

In accepting the letter of resignation, the Secretary General should have taken into account:

- (a) The fact that the probationary period had not been completed;
- (b) The acrimony between himself and Werunga;
- (c) The fact that the normal notice period had not been complied with.

Notice of the Clerk’s resignation should have been brought to the attention of the House as it was a crucial matter, and mere notification of the Speaker was insufficient.

Now, I will move to the next topic, which is “Staff Matters”. The terms of reference require that we comment on the effect of Mr. Werunga’s resignation. We have also noted that there are many other matters that came to our attention, which we summarise later on under the title challenges. But we needed to say the following.

The prevailing mood in the Secretariat breeds fear among staff, and many appear to be playing safe to avoid the wrath of the Chief Executive - *(Laughter)*.

The professional staffs are not being encouraged to take initiative, mundane duties occupy the time of the staff, and the scope of authority to make decisions is hampered by the style of management.

We have several cases of a personal nature affecting the health of individuals, which were brought to our attention. These concerned a human resource that may be indirectly subjected to abuse with no attention being paid to their problems. We have made a request that the Secretary General initiates investigations into the

health of a number of secretaries, their hours of work and the effect on their personal well-being.

The resignation of Mr. Werunga had some effect on the staff in the Community headquarters and in Kenya. In the first instance, the staffs in Arusha have been overly anxious about the outcome of this report. We found that they were hinging some hope that this report would lead to a resolution of existing problems within the administration. We were not in a position to exhaust discussion on this expectation, but we are constrained to report the following: -

- **Staff Size:**
The level of staff within the Community is inadequate to meet the workload.
- **Treatment of Staff:**
Claims were made about treatment based on selective interpretation of staff rules.
- **Working Hours:**
The staff work long hours, are generally dissatisfied and they lack an in-built system for hearing grievances. Overtime allowances were abolished in 2001.
- **Health Issues:**
There are unusually marked cases of staff breakdown on grounds of overwork and stress without much attention being given to examine the causes.
- **Morale:**
The motivation of staff and level of morale is low.
- **Working Atmosphere:**
The working atmosphere reeks of fear and apprehension. We

were informed that in staff meetings, the staffs were largely quiet and waited for instructions. They did not want to appear to contradict the boss.

This is what explains that it was possible, for example, for the staff to watch a tirade of verbal exchange between the Secretary General and the former Clerk at one staff meeting without anyone else speaking up. In an earlier event, a staff retreat was called in Mombasa to help build teamwork, but on arrival, the agenda and purpose of the meeting was changed. At this meeting, both the Clerk and the Registrar had prepared papers to stem the existing problems in the relationships in the Community organs. But these plans were abandoned.

In brief, the second effect of Mr. Werunga's resignation is the reaction of the Kenya National Assembly. Although Mr. Werunga had problems with the Secretary General, the Select Committee found that he received encouragement to stay on. His was a senior position of honour in Kenya. The Clerk proposed his initial secondment based on ability. The efforts to appoint him, as we have said, had been rather involving. But there was an option that allowed Mr. Werunga to retain the status of secondment, and he was able to return to his previous position under some circumstances. Again, we were not able to understand the circumstances, but more recently, when the position of the Clerk was advertised during the tenure of the work of this Committee, none of the likely candidates in Kenya applied by the closing date. We hope that the outcome of this report will relieve the atmosphere and enable the Assembly steer its course.

Mr Speaker, sir, we were lucky because we have information from the Clerks of the National Assemblies of the Partner States on the way forward, which I hope members will look at in the report. In the forthcoming appointment of the Clerk, there should be agreement on the methodology of getting the right candidate. Secondly, new staff rules and regulations should be in place, removing the ambiguity that I referred to earlier. Thirdly, an impartial selection panel should be agreed on, and that the Assembly works towards setting up its own rules and its own service commission - *(Applause)*.

I now turn to what we are calling the challenges. In choosing these headings, we had obvious intentions because challenges do not necessarily require comment. They enable us to put down areas of concern, and I hope that members will look at them with the intention of expounding them.

The matters raised in this report reflect issues that the Assembly has had direct experience with. In nearly all, the Assembly formed a dissatisfactory view of the management style, the ability of officers to harness support internally, and the failure to provide correct information on which the Assembly could operate.

In terms of management, the Secretary General runs the East African Community. When we met him, we sought to discuss certain questions and those are the ones we have put in the report. We were of the view that the appointment of a Secretary General presents an opportunity to drive the process of integration efficiently. So, we tried to elicit from the Secretary General what he considered to be his priority areas of work, and we also

sought to understand his leadership vision and working methods.

He explained the multiplicity of his roles and the need to create a balance between the various types of meetings he and his staff have to attend. He mentioned specifically Council meetings, the building of the new headquarters and meetings with development partners and the Assembly. He mentioned specifically that the Assembly had been unwilling to respond to his requests to be made a Member of the House Business Committee, which he felt would improve the working relationship between his office and the Assembly.

The biggest challenge for the Secretariat is the management of transition. Our view was that the Secretary General bears the responsibility for cementing the whole Community, and in doing so, needs an attitude and capacity to hold staff together. This requires leadership that is adaptive, flexible, consultative and, needless to say, competent management.

Another challenge relates to the vision of the leadership. The Select Committee received insight on the approach by the Secretary General to develop teamwork. Managing teamwork is, however, a complex system and a direct shift from the old style of hierarchy and fixation.

The Select Committee raised the question of how priorities were set. The Committee felt there is need for management to set its direction and priorities amidst our wide range of activities. An overview of target dates for reporting and studies indicates delays, postponement of important decisions or other matters that impinge on day-to-day effective management.

Lastly, the Select Committee discussed the management roles, organisation of work and delegation. The Committee found that the management in the Secretariat is divided between an executive of three persons, without whom no decisions can be taken. The other top officers are designated professional staff, but they had the narrow view of their role as that of providing information and advice to the Executive. The general staff, including those providing support in accounts and administration, see their role as that of receiving instructions and directives.

In reference to the relationship between the organs of the Community, very little is recorded. Therefore, the spectrum in which all are expected to operate provides openings and gaps that are subject to diverse interpretations.

Mr Speaker, sir, before I move to recommendations, I would like to seek the indulgence of the Chair that the report be now circulated so that we can come to the final pages together.

(Copies of the Report issued to members)

Ms Waruhiu: If Members could turn to page 40, then we can look at the recommendations.

The Select Committee grouped the recommendations into parts, the first one being matters to do with staff, which is paragraph 8.1 on page 40; matters to do with the Treaty, paragraph 8.2 on page 41; the Assembly, paragraph 8.3 on pages 42 and 43 and the relationship between the Secretariat and the Assembly, paragraph 8.4 on page 44.

Before we go into these recommendations, let me say that almost every paragraph of these recommendations would, on its own, constitute proposals on work, which I hope members will feel inclined to take up. There are some recommendations that are urgent or short term, and there are others that are aimed at long-term solutions to whatever the underlying problems are. So, when we come to debate, I hope that by going through this report, we will provide members with areas of work, which they can follow, either through other resolutions or other Motions. But the weight of these recommendations can only be realised if the House is going to debate them with a view of making sure that we follow them up through motions or whatever actions are required.

Staff Matters:

- (a) The first recommendation starts with a statement because the resignation of the Clerk came about as a personal decision on the person of Mr. Werunga. The Kenya National Assembly currently employs him. Although the resignation acceptance letter was silent on the underlying reasons, it was common knowledge within the Community that the two personalities could not relate to one another, and it was therefore only a matter of time before the two parted. The Select Committee considered that this issue should be closed.
- (b) The Select Committee recommends that the independence of the Assembly should be manifest in the recruitment process of its staff, and a possibility of recurrence

of the aforesaid mistakes should be avoided. This implies that there is urgent need for the Assembly to determine its staff rules in the recruitment exercise. In view of the urgency of this problem, the House sitting in this session should come up with a resolution that will govern the on-going exercise of recruiting a new Clerk. We know this is a very high demand, but that is our recommendation.

- (c) Our observations are that the Assembly needs staff of its own to make the work of the Assembly possible. This raises debate on the suggestion that the secondment of staff from the National Assemblies may not be the answer. However, the component of staff of the Assembly is very small, and every individual on board has to carry a substantial load of work directly, as opposed to working in a large establishment and learning on the job. It is realistic, therefore, that a Clerk has to be recruited from persons with relevant experience and suitable standing to operate at the level expected. The House will debate secondment versus appointment and realise also that working at the East African Legislative Assembly is not a learning process.
- (d) The rules that govern the transition period were made in 1996 and they do not cater for the new developments highlighted in the Treaty. They should be updated and harmonised without any further delay. This may be a short

statement, but here you will find in the body of the report the urgency of having these rules.

The Treaty:

- (a) The Treaty has been acknowledged by all persons interviewed to have substantial shortcomings and it is not comprehensive enough. There is need for the Assembly and all stakeholders to study the Treaty in detail. In my humble submission, we are directing this recommendation also at ourselves. Any necessary recommendation for amendment of the Treaty should be made to the Council and the Partner States.
- (b) The setting up of the Assembly was rushed through. We have been through many documents to be able to say this, as it was important to have it in place, but without adequate discussions on the implications on resources and management and the transitional arrangement towards its political role. This matter should receive consideration from the Council of Ministers and the Summit
- (c) The appointment of the Secretary General and his deputies currently seems to give prominence to rotation between Partner States rather than the job specifications. The designation to the positions of Secretary General and Deputy Secretaries General should be based on criteria of the responsibilities they are to

assume in cognisance of the duties of each office.

- (d) The absence of ministers creates gaps in consultation and political leadership necessary to facilitate a functional working of the Community. Resident ministers or ministers with specific Community portfolio would enhance the presence of the Executive, and its capacity to make decisions and follow through. The number of meetings of the Council, and we dare add, the Summit, should be increased
- (e) The resolutions of the Council contain policy decisions and must be Tabled in the House or communicated to the Assembly formally.
- (f) The Council to the Community should be implored to perform his role independently and objectively.

The Assembly:

- (a) The East African Legislative Assembly, while seen as the top political body in the three organs of government, is yet to entrench itself adequately to push for integration as would be expected. An independent Service Commission similar to the Parliamentary Service Commissions in the Partner States is the ultimate goal that will entrench the independence of the Legislature as one of the organs of the Community. In order to build the foundations of this Commission, a nucleus for this structure should be instituted under the chairmanship of the Speaker.

- (b) The Assembly must regulate its business and work. This should commence with the setting up of a pre-budget function for the Assembly, which would be integrated in the budget cycle for the East African Community. The Assembly should prepare and publish its working calendar.
- (c) Members must embark upon a strategic plan for the EALA. This will speed up decisions on key areas where the Assembly can influence the process of co-operation vis-à-vis the Partner States, the Council of Ministers and the Summit. The performance of the strategic plan should be monitored and reviewed regularly.
- (d) The principle of separation of powers should be manifest in the operations of the various organs of the Community. Hence the Court and the Assembly should be given the control over the preparation of their budgets and supervision of their finances under the President of the Court and the Speaker of the House respectively. They should get the staff in it to be self-accounting.
- (e) The Assembly itself has not made enough effort to draw its own plan of action for its activities, which omission will affect delivery. It should address itself to the Treaty, its shortcomings and the likely effects on the progress of work of the Assembly.

- (f) The Assembly should debate the draft protocols before they are signed. The Assembly, in the process, may set up working groups or use the Committees to discuss the protocols. The protocols will eventually come for legislation after debate has been allowed before the Partner States sign them.

The Relationship between the Secretariat and the Assembly:

- (a) The delay in the implementation of plans and decisions in the Plans and Protocols has compounded the unease between the two organs. There is need for clear management and direction to achieve the objectives of the Treaty.
- (b) The professional staff should be available to brief the Members of the Assembly in Standing Committee Meetings. This role should be reflected in their job specifications.
- (c) For the avoidance of doubt, any contentious issues should be brought before the attention of the Court of Justice for interpretation.

Conclusion:

In this report, effort has been made to reflect the matters that have relevance to the Assembly and its role in the integration and in achieving the objectives of the Treaty for the establishment of the East African Community. In other words, we have tried to be relevant.

In the course of the interviews, the Select Committee came across a number of issues, some of which we feel should be shared at another level with the Council of Ministers.

There were other management issues entirely outside our mandate, which the Select Committee feels obliged to bring to the attention of the authority concerned. In order to protect this information, we felt it proper to bring it in the Assembly. Let me add that we had information coming to us up to the last day of our work, even when we were doing our report, and these documents are available. We felt that bringing it to the House gives it the protection it requires.

In the Annexe, we have listed some documents. We did not feel that they all need to be tabled, which means Members will have to do a lot of work in the next 48 hours in time for debate on Thursday. But matters that came to us, which mainly have to do with staff are available in the House for members to peruse.

The Select Committee expects the Assembly, in discussing this report, will find basis for subsequent resolutions around our findings, alluded to or confirmed. We have also made observations in the interest of projecting the wider implications and measures that will ensure smooth operations within the Community.

Finally, the Select Committee has made recommendations in areas that require attention. There are suggestions that require both short-term and long-term considerations.

Mr Speaker, sir, the Select Committee must commend the foresightedness of this Motion, which although it sought to address a few matters of concern,

has brought forth challenges that the Assembly needs to seriously address in the delivery of services to the people of East Africa. The Select Committee has endeavoured to address all areas within our mandate adequately and we also tried to anticipate the expectations of members. If members have to read between the lines, we shall be available for consultation. The Select Committee thanks the members for the trust bestowed on it to carry out this assignment - (*Applause*).

The Speaker: The report of the Select Committee has been tabled in the House and original copies have been distributed to the honourable members. I believe you will need time to go through the report, comprehend and prepare yourselves for debate on Thursday. Honourable members will also need to consult the Members of the Select Committee on matters of importance or urgency. The annexes as enumerated in the report are also available, and so I believe honourable members will be ready for debate on Thursday.

ADJOURNMENT

The Speaker: Honourable members, it is now time for the interruption of business. The House is adjourned until 4.00 p.m. in the afternoon.

[The House was suspended at 11.00 p.m. and resumed at 4.00 p.m.]

[On resumption_]

[The Speaker, Mr A.O. Kinana in the Chair]

MOTION

FOR A RESOLUTION OF THE ASSEMBLY SEEKING TO ESTABLISH A COMMITTEE WITH A MANDATE TO BRING AN END TO THE VIOLENCE IN NORTHERN UGANDA

Mr Daniel Ogalo (Uganda): Mr Speaker, sir, I beg to move:

THAT, This Assembly,

NOTING THAT Article 5 of the Treaty for the Establishment of the East African Community provides that one of the objectives of the Community is the promotion of peace, security and stability within the Partner States;

NOTING FURTHER that under Article 124 of the Treaty the Partner States agreed to foster and maintain an atmosphere that is conducive to peace and security through co-operation and consultations on issues pertaining to peace and security of the Partner States with a view of preventing disputes and conflicts between them;

AND FURTHER noting that Article 123 (4) (d) of the Treaty provides that the Partner States shall pursue the objective of a common security policy by *inter alia* peaceful resolution of disputes and conflicts between and within the Partner States;

AND NOTING that Article 6 of the Treaty provides that peaceful settlement of disputes is one of the fundamental principles, which shall govern the achievements of the objectives of the community;

AND AWARE that the conflict has been going on in Northern Uganda for more than 17 years with the Government of Uganda trying to resolve the conflict in two different

ways; through peaceful settlement and through force;

AND FURTHER AWARE that the Government of Uganda enacted the Amnesty Act 2001 with the hope that it would bring an end to the conflict;

AND FURTHER AWARE that various initiatives have been taken in an attempt to end the conflict by various actors, including the Government, political leaders (national and local), religious and traditional leaders, and civil society organisations;

AND RECOGNIZING with appreciation the personal efforts H.E. President Yoweri Museveni of Uganda has committed to finding a lasting solution to this problem;

THIS ASSEMBLY having visited the district of Gulu in the month of March 2003, and having met with H.E. the President of Uganda, local leaders and other stakeholders, who expressed willingness to work with the East African Legislative Assembly and other organs of the East African Community in seeking a resolution to the conflict; and having been assured by H.E. President Museveni that a Summit of Heads of State of East Africa shall be convened within the district of Gulu to discuss the conflict;

AND FURTHER having witnessed the terrible conditions under which the people affected by the conflict are living;

AND FURTHER AWARE of its devastating impact on the peoples and economies of the sub-region, and consequently on the development of Uganda and East Africa as a whole; and

AWARE of the complexities of factors outside the partner states impacting on the conflict;

NOW THEREFORE do resolve that the Council of Ministers recommends to the Summit the following measures aimed at bringing an end to the conflict, that:

- (a) Each Partner State appoints eminent persons to form the "East African Community Peace Committee for Uganda;
- (b) The Speaker nominates three Members of the East African Legislative Assembly to be part of the said Committee;
- (c) The Summit appoints a Technical Team to assist the Peace Committee; and further that
- (d) The Council of Ministers draws up terms of reference for the peace committee for approval by the Summit;
- (e) The Council of Ministers do report to the Assembly on the progress within one month from the date of passing of this Resolution;
- (f) The Council of Ministers do give priority to this Resolution; and
- (g) The Council appoints, with the approval of the Summit, a permanent Peace Commission for the East African Community.

Mr Speaker, sir, members of this Assembly travelled to Northern Uganda in March 2003. The honourable members saw for

themselves what the situation was like there. But first and foremost, I wish to commend the Secretary General for having insisted during our seminar at Lake Manyara that we should begin by knowing our constituents. It was as a result of that, that we were able to embark on the tour of northern Uganda, and saw it all for ourselves.

Mr Speaker, sir, the conflict in Northern Uganda has been going on for 17 years. The Government of the Republic of Uganda has tried several means to bring this conflict to an end. One of the ways was the passage of the Amnesty Act in 2001. This Act, among others, provided that those engaged in fighting the government, if they came out voluntarily, would not be prosecuted and that they would be resettled, and we would put that history behind us so that we could live peacefully together. This was a process of reconciliation.

Since, the coming into force of that Act in 2001, we still have problems because very few of those fighting the Government have responded to the Amnesty Act. The Lords Resistance Army (LRA) has more or less ignored that and, therefore, that action taken by the Government of Uganda has been of no major impact in Uganda.

Mr Speaker, sir, the government, religious, civil society and traditional leaders have tried to persuade the rebels to abandon the war but to no avail. Unfortunately, because of mutual suspicion or lack of commitment, all that has come to naught. Recently, the President of the Republic of Uganda named a peace team headed by Hon. Eriya Kategaya, Minister for Internal Affairs, and asked the rebels to also name a team so that they could sit down and find a solution to this armed conflict. As we speak

now, the rebels have not been able to name a team.

Mr Speaker, sir, I need not to remind honourable members of what they saw when they were in Gulu. It is obvious that the conditions under which the people are living is terrible; the loss of life and economic activity plus what the honourable members were told when we met His Excellency, President Museveni encouraged us to think that we could be able, in this Assembly, to provide what others have not been able to provide in terms of provision of a neutral body so that the element of mutual suspicion which underlies this problem is eliminated.

Mr Speaker, sir, when we were in Gulu, Hon. Mwatela made a moving speech at Pabo, and the multitude of people who are 'jailed' in that camp simply stared at him. He tried to emphasise that this Assembly would do something to alleviate their suffering. Those people just stood still and looked at him without appreciating his speech. He sensed it and informed them that this was not the usual mere political talk. He was very emotional about it as many Members of this Assembly were. Hon. Kate Kamba also made another very emotional address at Gulu, so did Hon. Beatrice Shellukindo with the promise that the people of East Africa would definitely do something to bring to an end the suffering of the people of Northern Uganda.

Mr Speaker, sir, when this Assembly commits itself that way, especially in the presence of its Speaker, that becomes a matter of the House and the credibility of the House is going to be an issue if we merely come to Arusha and go to sleep. It is, therefore, very essential that the promises of those who committed us is given effect.

This House should not be understood to be one whose members go around making promises and do not fulfil them. The credibility of the House will be greatly undermined if we work that way.

We have made promises to the people of East Africa whenever we visit them. We made promises in Kenya, Tanzania and Uganda but the problem has been that we do not seem to find time within which to address those promises we make. For example, when we were in Zanzibar, we made promises there. When Hon. Ochieng-Mbeo looked at the boat, he said it was a small matter and that the Assembly was going to find the USD10 million. I am not sure that he is willing to go back there and repeat the same statements that he made at that time. At the Busia border, Hon. Kanyomozi stood up and told the people not to worry because those borders would be done away with. So, those people are waiting and I do not know whether Hon. Kanyomozi is willing to say the same today.

Mr Speaker, sir, we mean well in all these promises, which we make to the people of East Africa. We even committed ourselves to the presidents of the three Partner States! Hon. Rose Waruhiu, for example, knows what she promised President Museveni with regard to the role of the Assembly. Hon. Marando made promises to the former President of Kenya on what the Assembly was going to do. Hon. Sarah Bagalaaliwo made promises to President Mkapa about the role of the Assembly and Hon. Med Kaggwa also made promises to President... They all said that this Assembly was going work to the satisfaction of East Africans.

That is what we shall be charged by; that we made promises, not only to the Heads of State, but also to the ordinary people of East Africa, which we have not fulfilled. The fact is that we are well intentioned and whenever we have an opportunity to discuss their problems, we should try to move the Council and the Summit so that we can be able to fulfil these obligations.

The US\$10 million that Hon. Ochieng-Mbeo talked about needs co-operation from the Secretariat to see how we can come up with the money. But the Secretariat is badly funded, has no staff. They have very few people with a lot of work. So, my plea is that we must fulfil our promises. I am moving this Motion so that honourable members can express their feelings about what they saw in Gulu, and be able to advise on the way forward about that terrible situation.

With those remarks, I beg to move.

Mr Calist Mwatela (Kenya): Mr Speaker, sir, I will be as brief as I possibly can, because Hon. Ogalo has given a background to this Motion. We all remember our visit to Northern Uganda was not like the other visits we have made to other parts of East Africa. Some of the honourable members of this House were not able to talk when we were asked to do so.

If you recall, at the GUSCO Rehabilitation Centre, Hon. Prof. Kamar was asked to speak, but she could only lead the children there in a word of prayer. That explains the depth of the sympathy that we all had for the people of Northern Uganda. When I was asked to speak at the camp of the displaced persons at Pabo, it was a difficult task because I was talking to people whose tomorrow is not like

mine. I was talking to people who had seen all in life!

At GUSCO, we were given a brief by one of the young ladies who was being rehabilitated. She narrated some kind of life, which we only see in films. Honourable members will recall that at Lacor Hospital, we saw people whose hands have been chopped off, whose jaws have been crushed and so on. I think it is impossible to describe adequately the suffering of the people of Northern Uganda. As Hon. Ogalo has said, when you see a situation of that kind, you will want to help, and we did make promises that we would like to do something about it as the representatives of the people.

You will recall that we met the President of Uganda, His Excellency President Yoweri Museveni, and one of the honourable members did ask whether he would object to peaceful moves being made by this House towards a solution to the problems of Northern Uganda. The President was categorical that he is not opposed to any moves, which will bring a solution to the problems in Northern Uganda. It is against that background that Hon. Ogalo saw it fit to move this Motion.

Mr Speaker, sir, this Motion recommends to the Council of Ministers to take steps to alleviate the suffering of the people of Northern Uganda. I plead with the Council of Ministers and Summit to act on this Motion, when the House has passed it, so that East Africans can go about their businesses for the good of their lives.

With those remarks, I beg this House to give some hope Acholis and the Langos of Northern Uganda. I beg to second.

Dr. Harrison Mwakyembe (Tanzania): Mr Speaker, sir, let me

begin by commending hon. Daniel Ogalo for his stimulating remarks, and secondly for his intuition and timely judgement to bring this very important Motion before the august House. This is the time when our memories of Gulu, Kitgum and Pader districts of Northern Uganda are still fresh in our minds.

Mr Speaker, sir, as I speak now, the images of severe human suffering that we witnessed in Uganda is still hovering in my mind. We saw girls and boys of tender age, most of them minors, who in law would be taken to be incapable of committing crimes, but when we looked at them, their eyes and faces exhibited clear depreciation of their youth and innocence.

Mr Speaker, sir, hon. Ogalo and hon. Mwatela have reminded us that when we were there, hon. Prof. Kamar was asked to speak on our behalf, but she broke into a song with tears in her eyes. I remember that song very clearly. It was a song of love and hope, which those children needed very badly after their terrible ordeal.

I remember Pabo Camp, which had over 61,000 people. No wonder, my brother, hon. Mwatela gave a very emotional speech, and last week he fell short of a gun to settle the matter himself.

Lacor Hospital was another living testimony of the ugly consequences of war. A modern hospital has been turned into an open guesthouse for 100s of families at night. This exposes those families to all sorts of vices under the sun. It is a terrible situation! The message I am trying to pass across here is that all is not okay in East Africa. East Africa is bleeding!

Mr Speaker, sir, over half of the people in the districts we have mentioned,

Gulu, Kitgum and Pader have been displaced, and consequently turned into refugees in their own country. When we were passing through the bushy areas of the districts of Gulu, we could see green vegetation there, and our colleagues from Uganda told us that those areas were once very productive in agriculture, but now those are no go areas and are dependent on food rations and donations. That is a sad situation!

Mr Speaker, sir, this war has gone on for too long. Seventeen years is just too long a time for this war to continue unnoticed by East Africans! It was the first time for some of us to realise that there is something serious happening in that part of East Africa. East Africa is bleeding! If you depend on reading the East African, you cannot get that picture! We are not talking about Congo, Rwanda or Sudan at this time. We are talking about a sizeable chunk of East Africa, which is a no go area. I am happy that we visited Northern Uganda; we spoke to the people, gave them courage and promised a lot of things. What else could we have done?

This Motion has provided us with an opportunity to discuss and make recommendations about the state of affairs in northern Uganda. We cannot leave this matter in the hands of the Ugandan Government alone. We have a role to play as well. One may ask what the need for co-operation is if this sort of thing is allowed to continue in northern Uganda.

Mr Speaker, sir, immediately after Ghana's Independence, that great son of Africa, Kwame Nkrumah gave a very memorable Pan Africanist Statement. He said: "Ghana's Independence is meaningless as long as there are still pockets of colonial domination in Africa."

A few years later, another great son of Africa, Mwalimu Julius Kambarage Nyerere made another Pan-Africanist commitment. He said: "The Independence of Tanganyika is almost meaningless as long as there are still pockets of colonial rule in Africa." Mwalimu Nyerere went further and turned Tanzania into a home and a rear base for all freedom movements in the continent of Africa.

Mr. Speaker, I would like to invoke the same Pan Africanist sentiments of those great sons of Africa with regard to the situation we find in northern Uganda. Our efforts to create a federal East Africa will come to naught if northern Uganda continues to be a no go area. Like both Nkrumah and Nyerere, we must take active part in the efforts to resolve this conflict. We do not have much choice about that. This Motion, which was brought by my brother, hon. Dan Ogalo, is a step in the right direction. We want a peaceful environment in East Africa.

Mr Speaker, sir, when Tanganyika attained independence on December 9, 1961, Zanzibar was still under Arab rule, and that made Mwalimu Nyerere extremely uncomfortable. He did not see how Tanganyika would enjoy its independence when Zanzibar was still in the hands of aliens. He also saw Zanzibar as a serious security risk as long as it was in the hands of aliens.

These two disturbing factors made Mwalimu Nyerere comment one day that he wished he could tow Zanzibar into the middle of Indian Ocean. Of course he did not tow away Zanzibar. He worked very closely with the nationalist forces within Zanzibar to kick out the Arabs, and the 1964 Revolution was the positive result of Mwalimu's engagement.

We may wish to tow away the northern parts of Uganda right into the middle of the Sudan, but it is impracticable. If we are used to towing away, then tomorrow, Kampala, Mbarara or Lake Victoria will have problems; we will tow them away. By so doing, we may end up having no East Africa at all! We must find a lasting solution to the conflicts in the area. This is an issue of constructive engagement.

Mr Speaker, sir, I believe we have started well. For example, we promised the children at GUSCO that we would give them some pocket money. The Chairman of the Ugandan Chapter, hon. Kanyomozi collected US\$100 from each one of us, and he now has enough money to take to those children. Of course if he has a shortfall, he will get it later. That is the sacrifice he has to make as a leader!

Mr Speaker, sir, hon. Kanyomozi came up with a very wonderful Motion last week, requiring East Africa to negotiate as a single block in international matters. This Motion before the House now is a positive step in the right direction. The mandate of the East African Peace Committee for East Africa is broad, so that the present situation of suspicion and mistrust that may arise out of any tendencies of exclusion is addressed.

Finally, as we make this matter an East African problem, I see the need to keep the people of East Africa properly informed so as to keep the present initiative a broader support. With these remarks, I support the Motion.

Mr Mabere Marando (Tanzania):
Mr Speaker, sir, I commend those who designed the uniform of the Sergeant-at-Arms. It is well tailored, coloured and it reflects the dignity of the House.

I note that much as the Speaker and the Clerk's robes are also presentable, they do not reflect the colours we had recommended. We hope that steps will soon be taken to put that into effect.

Mr Speaker, sir, our visit to Gulu was an eye-opener, as my good friend, hon. Mwakyembe, has just said it. Those of us who do not come from Uganda did not know what was happening until we visited Gulu. When we were still in Uganda we got information that the rebels had even murdered a peace emissary who had been sent by the Presidential Peace Team without fulfilling his duties. That makes us sad. I need not repeat the sadness reflected in the speeches of my good friends who spoke before me.

Mr Speaker, sir, we have examples going on in this region in respect of peace initiatives. I say this with more comfort because the honourable minister for Foreign Affairs and International Co-operation of Kenya who is deeply involved in these efforts is here. We have the Somali peace initiative going on in Kenya and from what we read in the Press, there seems to be some good progress towards peace. We also have the Sudanese peace initiative going on in Kenya and from what I read recently in the Press, they will sign an agreement very soon. This would not have been imagined a few years back, that Dr. John Garang would sign an agreement with General El Bashir. But these are things that we now see and we are happy about such progress.

Mr Speaker, sir, we have had no Government in the Congo for quite sometime. We are told that in Congo, every province has its own government, and even currency. But there have been peace initiatives going on in Lusaka, in South Africa, and in

just a few days, they signed an agreement in Dar es Salaam. We are hoping that this may lead us to some success in that part of Africa.

The peace initiative in Burundi was concluded in Arusha and we have just seen a more or less peaceful transition of government from Buyoya to Ndayisiye, which is very commendable.

The lesson we learn from this is that, in this part of the World, such peace initiatives have been successful when they are hosted outside the home country of the feuding parties. We learn that the rebels feel safer when another Government gives them a guarantee of safety to go and negotiate and go back to the bush where they came from. For example, John Garang comes to Kenya from the bush and is facilitated by the Kenyan Government to go back to the bush and continue fighting.

So, what we need in this case is an external government to give assurances of security and safety to Joseph Kony and his colleagues; that they will come here, in Arusha for example, to negotiate with the government of Uganda, and they will be allowed to go back to the bush to continue to fight! This is what we have learnt from the peace initiatives that are going on in the region. This is what we have learnt, sad as it is, but that is what is happening on the ground.

Mr Speaker, sir, the Tanzanian Government has had some bit of peace initiative. The *muafaka* between CUF and CCM was home-grown, well managed and has been, to some extent, very successful after the deaths of several of our citizens. But in the case of Uganda, this has failed!

When we went to Gulu, the bishops, sheikhs and other opinion makers had constituted themselves into a peace team, and the President had in fact appointed them into a Presidential Peace Team, but one of the emissaries was murdered when he was sending a message to Joseph Kony. So, we do not expect to have an internal settlement of that nature within Uganda. I am saying this, bearing in mind the confidence we received from the President of Uganda during our visit. He told us that we were free to try the best we could. He was pessimistic as to whether we could succeed.

Mr Speaker, sir, with the present opening up of the democratic process in Uganda, it is important that this process takes place now so that the people of Northern Uganda can also enjoy the opening up of the democratic space within their country, and participate in free elections.

Mr Speaker, sir, I am not very comfortable with the structuring of the Resolutions. I do not have our Rules of Procedure here, but I am ready to be corrected if I proceed wrongly. The framing of resolution (a) sounds to me like the Assembly is purporting to give directions to the Heads of State, which I think is not diplomatic, if not out of our mandate. It is not going to make good rapport, and at the end of the day, most of the other resolutions seem as if we are forming this peace committee. We seem to be taking too much into our hands.

I was of the humble opinion that we may recommend to the Council of Ministers, who may be pleased to make representations to the Heads of State, who should seriously consider the possibility of forming this peace team in a manner they deem fit. Such a

resolution would be more fitting than structuring it the way it appears. I do not want us to issue resolutions that may make some people jittery that we are ordering them around. This initiative will involve all the three governments of East Africa taking decisions as we can see in the Burundi and the Congo crisis. At one time, the former President of Kenya chaired the Somali talks himself. So, we should not be seen as ordering the Heads of State to do certain things.

I do not want to formulate a new resolution, but I would like to provide a general framework of the new resolution as follows that we resolve that the Council of Ministers makes representations to the Summit that it may consider the possibility of initiating an East African Community Peace Committee for Uganda in a manner that they determine, with a view to having the dispute resolved peacefully, and that Members of this Assembly are at their disposal at their disposal.

Ms Mahfoudha Hamid (Tanzania):

Mr Speaker, sir, I would like to congratulate hon. Ogalo for moving the Motion.

Mr Speaker, sir, what we saw is Gulu is something which this House does not hope to see anywhere in East Africa. We want to see it erased from our history by whatever means available. The thing that touched most honourable members, especially female members of this House, is the fact that in Gulu we saw how women and children have suffered. They are the ones who bore the brunt of the atrocities and the results of this unnecessary war in Uganda.

Mr Speaker, sir, we saw women sitting under trees with their children receiving medical attention under trees

which act as hospitals. We were told that the ones we saw were a little bit better. They chose to leave the comfort of their homes because where we found them was the safest place they could to. That really touched us. We saw people eating food which is unfit for human consumption. By the time we reached that place, we were already hungry, but after seeing the suffering of those women and children, we did not feel hungry again! While there, I was reminded of that proverb which says "I cried because I had no shoes, until I saw a man who had no legs." I was crying and dying for a cup of tea while those people there were longing for a cup of muddy water!

Mr Speaker, sir, if there is anything that can be done to remedy that situation I pray that it be done very quickly. When I see our Heads of State acting as peace mediators for several countries outside East Africa, I feel ashamed. How can you go and clean a neighbour's house when ours is stinking? Charity should begin at home. We should find ways and means of bringing peace in our own region, rather than spending time solving other people's problems.

How can a person from Busia in Kenya feel free to take his maize to sell in Gulu when there is no peace in that area? How sure can that person be of his or her safety, or that of their property?

We are talking about free movement of the people. If the people in Uganda themselves do not dare go to Gulu, how can people from Tanzania and Kenya dare go to that place when there is no peace?

Mr Speaker, sir, I do not want to take a lot of time on this, but I wish to plead with my colleagues to support this

Motion. With those remarks, I beg to support.

Capt. Richard Ddudu (Uganda): Thank you, Mr Speaker, sir, for giving me this opportunity to contribute to this debate, which is on a matter very dear to my heart because the region in question is where I come from.

I would first of all like to thank my colleagues for having considered going to northern Uganda, which is under a situation that they saw with their own eyes.

When we came to this Assembly, we straightaway embarked on working together in our political work and other activities. We have been doing everything together in harmony and work has been so pleasant. In this instant, when we suggested that we go to Gulu in spite of the difficulties, we were therefore able to go together to this region. That shows the close-knit kind of relationship we have in our work in this House. I thank all the members for their co-operation, and I wish for us to continue to work together throughout our term in the same spirit.

I would like to commend the Members of Parliament for their bravery, compassion and hard work all through the period we have been working together up to now, especially during the tour of northern Uganda.

Having said that, I would like to draw parallels about the actions this House will want to be taken, and the actions of our great forefathers and our leaders in this continent. I shall briefly go into the history of African liberation and try to bring out the connections between what happened in history and what is happening now, and its impact on the "Northern War" so that I may clearly

put forward the complexities brought into that war by foreign factors.

In the history of liberation of Africa, we see that it started with racism in South Africa. Internally, racism took a very virulent form in that the blacks were treated badly. They were imprisoned. For example, Nelson Mandela did not even pass through his youth. He went from childhood and literally grew old in prison, and came out to rule the country in the end. There were experiments done on human beings, weird scientific experiments done on blacks. There were executions.

The attendant social and economic effects of poverty, crime and disease accompanied this. But then, racism had an external face. It crossed the borders to destabilise the neighbouring countries. Countries like Mozambique and Angola were being attacked almost on a daily basis.

There were other countries that were not being attacked at all by South Africa. There was Uganda, Kenya, Tanzania; here and there, but the effects were not felt so much in these other countries because there were other small countries that were bordering South Africa. They were working as buffer zones. Otherwise, the racists would have crossed to all the other countries. So, today, they are beating you and tomorrow, they may beat another person. After all, they only needed to see a black man and then they hit, because their target was based on colour!

Now, I wish to relate that issue to how the northern part of Uganda is affected in the same way by external factors. South Africa was being liberated by first the force of arms, and ultimately by negotiations. Maybe it is that when

you come to negotiations, you go to review the results of the battlefield, and then make a way forward.

In northern Uganda, we are bordered by Sudan. It so happens that in Sudan, to-date, there is racism based on colour: the blacks versus the Arabs, whom they call locally as *mundukuru*. There is a clear divide between the northern and the southern parts of that country. There have been wars because of that racism since I was born. It started in the 1950s and is still going on. There was *Anyanya I*, *Anyanya II* and then the Sudan Peoples' Liberation Army (SPLA).

The problem of racism in Sudan is a very big cause of destabilisation in this region. It also has an external face, just like the one in South Africa. Northern Uganda being the nearest region of East Africa to Sudan, certainly it suffers the aggression of the Sudanese in terms of their racist thinking.

You find the Sudan using the situation in the North, supplying arms, taking children away from northern Uganda and selling them into slavery. All these are documented facts. There are some organisations from the USA who have been buying children from northern Uganda who have been enslaved in the Sudan, and bringing them back. Slavery and racism are still going on up to date – (*Interjection*).

Mr Ochieng-Mbeo (Kenya): Mr. Speaker, sir, you have heard the member make a very wild allegation that some organisations from the USA are buying children from Sudan. Could he substantiate?

Mr Mabere Marando (Tanzania): Mr. Speaker, sir, I beg to inform hon. Mbeo that this is a matter of common

knowledge for everybody who reads international newspapers.

Capt. Richard Ddudu: Mr Speaker, sir, I would like to thank the honourable member who reads the papers for that information because it is actually common knowledge – (*Laughter*).

This is the parallel I was drawing. Racism in South Africa led to enslavement of the black people, which led to economic devastation. The same thing is happening in northern Uganda. One time, we had a peace mission that was organised under Mrs. Betty Bigombe in northern Uganda. When the peace mission was going on, the Sudanese factor came into it, and instead of negotiating peace, the guerrillas were buying ropes, knives, guns etc, to continue with the war. So, it broke down because of the external factor.

Why then is Africa closing its eyes to racism amidst, which is causing complexities of issues in neighbouring countries? Why I compare the actions of this House to one of our great leaders in the past is that this House seems to have recognised that this is not a small matter. It is a regional matter, and it is actually a matter for the whole of Africa.

I put it to the House that if we condemn the racism in Sudan, then the peace negotiations going on in Kenya will succeed. If we condemn that external factor, then the war in the Democratic Republic of Congo will stop because it is the same Sudanese who are supplying arms to Ugandan groups in the DRC, who attack from the Western axis. This is a known fact. Therefore, in effect, we should have a unified approach to this regional problem so that we can even have

peace in the Great Lakes region. We are on the right track because we know that Kony gets external support. Arab countries support him, and that is documented. The Iraqi Government was supporting the other groups that came from the western axis. Therefore, it should not be surprising when terrorism shows up in our countries.

We have had terrible experiences of terrorism in Uganda, Kenya and Tanzania. This problem has therefore ceased to be a problem of the Ugandan Government. It has been there for 17 years. What else can we say? It has got to be handled in a manner that we can actually deal with the external causes and then the internal causes can be left to the Ugandan Government.

Mr Speaker, sir, in trying to solve this problem, even on the regional context, we should emphasise peaceful means. We know that peaceful means were used in South Africa, but they almost failed at the beginning. Even if peaceful means fail completely on the regional level, if it is necessary that military means is used at the regional level, then let it be! Is that not how the problem in South Africa was solved? Was it because they talked so much, or was it because they fought so much that they talked? So, we should look at those when we go into the issues we are going to handle.

With those remarks, I beg to support the Motion.

Ms Kawamara Mishambi (Uganda): Mr Speaker, sir, honourable members know very well the history of our visit to Gulu. I stand to support the Motion, and say I feel gratified because of the honourable members who mustered courage and visited Gulu. It took us one and half years to realise and

appreciate that one part of our body was suffering, and that it badly needed attention.

Mr Speaker, sir, as the head of over 650 NGOs in Uganda, I worked on the war in northern Uganda for six years. I passionately feel for the suffering of the people in northern Uganda, especially the women and children. Rarely do women start conflicts.

Mr Speaker, sir, I have seen a number of politicians in Uganda starting wars, fighting them, reviving them again and some of them have been very opportunistic politicians. As a result, women and children have suffered. In those camps, the women are prone to all the hazards of war, as providers of food, water, health and all the other gender roles that women play.

Mr Speaker, sir, politicians have used the war in northern Uganda for their own selfish ends. It is therefore my humble appeal to this Assembly not to play into the hands of politicians. If we are making a commitment, let us go out and make sure we provide a long-lasting solution.

Mr Speaker, sir, as you may recall, President Museveni admitted before us that he had not tabled this issue before the Summit. It is my humble submission that he does communicate to the Summit that there is a problem in northern Uganda. When we met President Kibaki, I did put my request before him, and he promised that he was going to act on it. I trust that President Kibaki will try to resolve this conflict.

With those remarks, I beg to support the Motion.

Ms Lydia Wanyoto (Uganda): Mr Speaker, sir, I rise to support the

Motion. And before I make my contributions, I would like to congratulate hon. Kalonzo Musyoka for having successfully gone through the recent political reforms in Kenya, and also for having joined this august Assembly.

This House was honoured to meet hon. Musyoka as one of those distinguished East Africans one time in Kenya, and we had a very nice menu at Utalii College. I have no doubt in my mind that the honourable minister will bring even a better menu to this House. I am saying this because I am happy that he went to Nairobi and came back to this House, which is not usual with other Members of the Summit.

Hon. Musyoka acts as a bridge between the past and the present Cabinet of Kenya, which gives us a plus, other than a gap, as a Community. I also remember the promises he made to us when he delivered a speech at Utalii College. Now that he is here, I hope hon. Ogalo will quote him rightly so that he implements the promises he made, and even add more, now that he is part of us.

Mr Speaker, sir, I would like to mention that the government of Uganda has suffered enormously in its economic sector because of this war that has been going on for the last 17 years. In the last financial year, a few days after the budget was passed, Cabinet and Parliament sat and cut the whole national budget by 23% across the board to support the war in the North. This is billions of money in a very poor country like Uganda. That shows the commitment of government and all other organs of our country to use everything at their disposal to end the war in the North.

Having said that, I know that the process of the budget for this financial year is on, and the situation does not seem to change. So, we envisage another huge sum of our budget allocation to go to this cause. So, I would like to thank the mover to this Motion. It means that even us who are sitting in Arusha, our minds are focused to the North, to have our contribution in whatever form to end the war.

This war has hampered progress for people of northern Uganda, specifically on the ground. A child who was born 17 years ago in the North has not benefited from the universal primary education programme that Uganda put in place in 1997, while other children in other parts of the country have benefited. While we were in Gulu, we were told that schools had been built but no child was able to go to school. That is a serious matter. People are not able to feed well; they depend on rations, and that is a very serious biological development in as far as their nutritional status is concerned.

Our people have missed out a lot on development programmes. Uganda is a country that is funded by donors almost entirely. Over 53% of Uganda's budget is donor-supported. Now, on the development sector, no donor is willing to support development programmes in a part of the country that is deemed to be insecure. That means that those people cannot benefit from any other social development programme like we would have loved to see in that part of the country.

Another serious issue that they have missed out for the last 17 years is the recent national housing and population census. This is a very serious exercise; it cost the country over 30 billion

shillings, but we could not have proper statistics from that part of the country because of the insurgency. So, as the nation goes to plan and do a lot of things for its people, there is a gap in this part of the country.

Needless to mention, in the current political and democratic reforms that hon. Marando alluded to, if we do not support the North to get peace, then they will again miss out on a very important human right issue of political reforms that we are calling upon every Ugandan to be part and parcel of.

As I conclude, I want to say that the contribution of this House will be seen mainly in the eyes of the people of Uganda, but also specifically, the people of the North, as an entry point towards a peaceful resolution. This is because their lives have been under combative measures for some time. They have seen other initiatives under the fora of peaceful agenda, but people want to see results. I would like to call upon my colleagues that we support this Motion and ensure that this Committee delivers. If it is going to be like any other peace initiative, our people will be very unhappy with us.

According to the constitution of Uganda, children who were born 17 years have just one year and they turn 18. And they will be able to vote, they will be adults, old enough to marry and also to be independent. So, I would like us to move very swiftly to look for money and persuade this Committee so that they are able to make a difference towards a positive impact to end the war in the North.

With those remarks, I support the Motion.

Ms Kate Kamba (Tanzania): Thank you, Mr Speaker, sir, for giving me the Floor. First of all, I would like to congratulate hon. Daniel Ogallo for bringing this Motion to the House. I am so delighted because I am chairing the Committee that falls directly under this very important Motion. Fortunately, we have been to Gulu, and we have seen the plight of the people in that part of East Africa.

My colleagues have said much, and I do support their sentiments with regard to the plight of these people, specifically the women and children.

I have been sitting in the Burundi Peace Process here in Arusha for quite some time, and I have been seeing the regional Heads of State attending to the problems of that country. I am happy that now there is peace in Burundi. That is what we are applauding within the region. We have managed to bring peace to that country - (Applause)

So, when this Motion is being brought to this House, I think it is high time the Heads of State within the region should be humble enough to help the people of northern Uganda. By doing so, they will be performing their rightful duties, which are specified in the Treaty in Articles 1, 2 and 3, as the mover of this Motion has quoted here. It is within their mandate to find peaceful resolutions of disputes and conflicts between and within the Partner States.

I agree with hon. Marando's proposed amendment to the Motion. The Motion is well structured, but when we want to recommend and get the support of the Council of Ministers and the Summit, we need to put ourselves in a place where we are not going to be misread, because our main intention is to bring

peace. We do not want to start with conflict. So, I concur with Marando's proposed amendment so that we leave the Council of Ministers to represent us ably to the Summit, so that all that has been requested here should be realised. We need to see results, which can be achieved if we co-operate with the Summit through the Council of Ministers.

I know that within the region there are so many other conflicts, some beginning and some are potential. We have potential areas of conflict politically, socially and economically. So, the Peace Committee that is being proposed here might find itself trying to sort out a lot of things, for example cattle rustling within the region, ethnic conflicts, banditry, small arms and so forth. So, there are so many issues within the region, which thin down the developments of some parts of region.

With those remarks, I support the Motion.

Ms Ovonji-Odida (Uganda): Thank you, Mr. Speaker. As I was sitting at the back here listening to my colleagues contributing to this Motion, I felt like sympathising with the Speaker because we politicians tend to love to speak for a long time. As I listened, I thought, well that is the role of the Speaker. He is supposed to listen to us as we speak. So, even though he is called "the Speaker", his job really is to listen.

At the same time, I would like to thank the mover of the Motion and my colleagues because I think there has been so much attention to this Motion and to the debate on it. I believe that is recognition of the importance of this issue for us as East Africans. There are many dimensions to this issue, and a lot of them are captured in the Motion

as well as in the debate. There are military issues that need resolution, both internal and external; there are social issues tied up in this whole question of the conflict as well as economic issues. When we met with His Excellency President Museveni in Gulu when we went there earlier this year, we stated many of these things.

I will not repeat the dimensions, but what I will plead with each of us to consider here is that, given the depth of the suffering of those in the centre of the conflict in the districts mentioned, the length of this conflict and the many initiatives that have been taken by many people, we should put our hands together on this issue. Let us give it the attention it deserves and focus on the issues and on the resolution of those issues.

I believe that the outcome of the recent tour of Uganda illustrates that this House is committed to focusing on issues. We are demonstrating our ability to rise above pettiness and personal differences. We stand in the way of finding solutions to what seems like impractical problems but actually can be solved with the right attitude.

One thing that came out very clearly while we were in Gulu is the need to work closely with the local stakeholders. We saw the commitment of the President and the Members of the Parliament from the area who took us right from Kampala and stayed with us there throughout our two-day stay. We also met with other stakeholders not from government, including the bishops, and they give us their views about how to solve this problem. My prayer is that as the House takes up this issue, we continue to involve those actors who have worked for all this time and have laid the foundation for where we are today.

We are one community and it really moves me to hear all our colleagues reiterate that fact. What disturbs one part of the Community affects the rest. Even in terms of our budget, we know that Uganda is in arrears to the tune of US Dollars 600,000 and it is very much affected by that war and by the expenditure. Recognising that we are one community, I believe this House has a responsibility to provide leadership so that we can speak with one voice that is representative of the interests of the people. Let us demonstrate to East Africans that political leadership in Africa can be clean, relevant and issue-driven. Let us demonstrate to them that the promises that we made when we were there were not driven by emotions purely, but we are truthful and we shall deliver on our commitment.

I would like to request that as we work on this issue, we continue to liaise with the different actors, and that the role of the Committee as mentioned by the head of the Committee, hon. Kamba, should be to keep the Assembly on board, and to ensure that the Assembly works closely with the other organs of the Community. We need unity in this Community if we are to face the challenges and achieve the vision that brought us together as three countries. I believe this thinking and I would like to support it.

Lt. Gen. Abdullahi Aden (Kenya): Thank you, Mr. Speaker, sir. I congratulate hon. Daniel Ogalo for bringing this Motion to this august House. It is most appropriate that at least this House should look for ways and means of solving the conflict that has been going on for such a long time in northern Uganda. The spirit of this Motion is to remind us that we need to work in two forms: one we should

work very hard to resolve the on-going conflict, and at the same time, this august House should look for ways and means of preventing new conflicts from developing - (*Applause*).

In Africa, many people suffer because many African nations solve their problems through military confrontations and wars by proxy. I think that war by proxy is one of the major instruments used by nations avoiding direct war, but supporting insurgencies in neighbouring countries, or even countries that are far off. I think it has been clearly mentioned by those before me in the wars in southern Africa, where one guerrilla group is supported by many nations. And this is evident in this situation. I think we should also look for ways and means of stopping this support against a legitimate and elected government.

Some of us have experienced the difficulties and agonies of the people of northern Uganda. If I recall, in the northern part of our own country, Kenya, during the Shifta War, I remember close relatives, friends and many others who spent many days in the bush for fear of going back to their homes. I remember the agony of the fathers and mothers who were unable to provide basic needs for their children because they had been robbed of all their properties. They were driven out of their homes, their livestock driven away, and they had no other savings or means to provide for even the basic needs of their families.

I assure you, this is a very trying moment for a mother with hungry children crying for food that she cannot provide. It is a trying moment for the father whose family is crying to him for support but has no means and the capability to defend his family against the attack, or to provide for

them the basic needs that they are asking for.

I think that within East Africa, as we aspire to be good neighbours to each other, it is about time that we demonstrated good neighbourliness through action by helping our neighbours to overcome the difficulties and the suffering that they are going through.

If I may just mention a few things here, the people of northern Uganda have suffered the effect of this conflict for 17 years. It means that for this period, there was a great loss of economic opportunity, and they could not participate in the development of their own area. There must be decay in infrastructure, including roads and the communication system because nobody will go there and repair them for fear of attack from the rebel groups.

They have suffered flight of the able and well-educated elite, who probably did not want to suffer the conflict, and have gone to safer and better areas. We have seen with our own eyes the number of schools that have been closed because of the conflict. We have seen the many families who have been driven away from their homes and been rendered destitute because they can neither farm nor tend to their livestock. I believe that this begs for immediate assistance.

One issue that came out clearly during our visit is that in a quiet way, both the government of Uganda, and probably the Kony group, are willing to go to the negotiating table. In fact, I recall when I asked his Excellency the President of Uganda, Yoweri Museveni, if he would be willing to resolve this problem through negotiation, and his answer was yes,

and that he would encourage it. That gave us the greatest opening to follow up the issue and find ways and means of solving the conflict.

I support the views of hon. Marando that they need an external assistance. They have tried to solve the problem by using their own local leaders, religious leaders, civil organisations, but it was not possible to solve it altogether. I think a neutral area and another body like any other member of the East African Partner States will provide that opportunity to bring them to a negotiating table. So, I believe it is the best time now to request the Summit to look into the possibility of giving the warring parties an opportunity to come to a negotiating table.

I believe it is difficult for the Head of State to admit, even in a subtle way, that this is a problem that the whole nation of Uganda with all its resources and military might has been unable to solve for 17 years. It is sad that we in the neighbouring countries have stood by quietly for many years without doing anything, and I think it is time now for us to go in.

Having briefly mentioned the feelings and what I believe should be the way forward, I would like to congratulate hon. Marando for suggesting an amendment to paragraphs (a) and (b), and I think the House should look for ways and means of enabling the Committee on Regional Affairs and Conflict Resolution to be fully involved, and to enable this Committee to look at both the aspects of conflict resolution, prevention and management.

With these remarks, I support the Motion.

Mr Daniel Ogalo (Uganda): Thank you, Mr. Speaker, Sir. Let me begin by thanking all Members for giving this Motion overwhelming support. I will not deal with all their submissions, neither will attempt to say anything more because it was well put, but I have only one area I want to address, and that is the proposal by hon. Marando.

I want to persuade hon. Marando to consider, after hearing me, dropping his proposed amendment. Hon. Marando's amendment is based on the thinking that we are giving directives to the Summit; that we are telling them to form committees, and that it is not good manners to go around ordering the Summit.

Mr Speaker, sir, I as an ordinary man from the shores of Lake Victoria would not dream of doing so. The resolution on page three reads: "Now therefore do resolve to recommend to the Council of Minister..." These resolutions are recommendations to the Council of Ministers. They can take them or refuse them. It is not a directive. What the House is saying is that this is our thinking; consider it. We are simply saying that we think there should be a committee of two people from each country, three members from the Assembly should join them, and they should be allowed to negotiate for peace. If the Council of Ministers sees sense in that, they will take it. If they think there is no sense in it, they will drop it.

Honourable members, I do not intend and I do not think the Motion directs or orders the Summit around. But most important – *(Interruption)*–

The Speaker: Order, hon. Ogalo. Could I ask one of the members to propose that we extend the time and continue with our deliberations until

we come to the end of the Motion before the House?

Mr Mabere Marando (Tanzania): Mr Speaker, sir, under the relevant Rule, which provides for this type of Motion, I propose that the House extends its sitting time beyond 6.00 p.m. until such a time that it completely disposes of this Motion.

(Question put and agreed to)

Mr Ogalo: Thank you, Mr. Speaker, Sir. What is most important here is grounded in some of the submissions of members here, and I will quote some of them. Hon. Kate Kamba said, "We need to see results." Hon. Ovonji-Odida said, "The resolution should be given the attention it deserves." Hon. Kawamara said, "Where is the mechanism in case nothing is done?" So there is a need to take this into account when we are making this resolution.

I humbly submit that there must be a residual power in the House to follow this up. There must be a time when we can ask what happened. That is why the resolution requires that those three members appointed by the Speaker would need, in two months time, to come back to the House and inform it what the position is – *(Interjection)*.

Mr Jared Kangwana (Kenya): Mr. Speaker, sir, I rise to seek clarification. The mover of the Motion is dealing with a proposed amendment in detail, yet we have not, as a House, seen that amendment. So, I am seeking for the guidance of the Chair.

The Speaker: The amendment has not been formally presented, and I believe the honourable member should be brief and move to other items because you have taken too long on this matter.

Mr Ogalo: Thank you, Mr Speaker, sir, for your wise ruling. I was actually responding to the debate of hon. Marando. When the amendment comes, I will then deal with it – *(Laughter)*.

In summing up on this, we need to be able to keep a residual power, which enables us not to let this thing die out. If we do not have any control over it thereafter, then if it is forgotten it is forgotten. That is why I was encouraging hon. Marando not to move his amendment.

Mr Speaker, sir, I also want to express my appreciation on my own behalf and on behalf of the Ugandan members to our colleagues from Kenya and Tanzania for the trip they undertook to Gulu by road. I would also wish to bring to the attention of the House that while I and hon. Kanyomozi were at Entebbe International Airport, the bishops met us and asked how far we had gone, and we informed them that we were actually on our way here to do something about it, and make sure that something would come out of our promises.

Lastly, Uganda as a country has done all that it could do, and it is now time to give peace a chance through the region.

The Speaker: Honourable members, I am just about to put the question on this Motion. But before I do that, can I ask whether any member has any amendments?

Mr Ochieng-Mbeo: Mr Speaker, sir, I beg to move that the Motion be amended as follows; That_ Delete the words ‘the above mentioned three districts’ between the words ‘in’ and ‘of’ and replace with the word

‘northern’, and delete the ‘the last’ between the words ‘for’ and ‘seventeen’ and replace with the words ‘more than’ in the fifth paragraph.

(Question on the amendment proposed)

Capt. Ddudu: Mr Speaker, sir, in my opinion, it is more than 17 years, taking into account the origin of it.

Ms Kawamara-Mishambi: Mr Speaker, sir, I think the war in northern Uganda, if we are being honest, started right after the toppling of Idi Amin. So, I think let us go by the facts. So, it is for more than 17 years.

(Question on the amendment put and agreed to)

Mr Mabere Marando: Mr Speaker, sir, I beg to move that the Motion be amended as follows; That_

The resolutions are changed to read as follows:

- (a) The Council of Ministers makes representations to the Summit that it considers setting up an East African Peace Committee for Uganda to work for the quick and amicable resolution of the suffering of the people of northern Uganda.
- (b) That as promised to His Excellency President Yoweri Museveni while the members were in Gulu, this Assembly is at the disposal of the Summit for inclusion and participation in the proposed East African Peace Committee for Uganda.
- (c) The Council of Ministers do report back to this Assembly on the progress made within three months of the passing of this resolution.

Mr Speaker, sir, as you will see, it is my humble opinion that the proposed amendments are inclusive of all the proposed resolutions appearing in the last page. While hon. Ogalo was replying to the debate in a rather combative manner, he usefully suggested the need for residual powers for this House to follow up on the resolution. That triggered one of the members to propose the third amendment that the Council of Ministers does report to this House on the progress of this resolution. This is more so because the members of the Council of Ministers are members of this House, and we can easily call upon them to report back to us and give account of what they have done. So, it effectively takes care of the suggestions made by hon. Ogalo about the residual powers.

In conclusion – (*Interruption and Applause*) - (*The Chairman of the Council of Ministers, Hon. James Wapakhabulo, entered the Chamber*)

Mr Mabere Marando: Mr Speaker, sir, I cannot comment on the subject of that interruption because it is not within my mandate - (*Laughter.*)

I was concluding by saying that we think that this is adding decorum to the process of work we are trying to do so that we bring the Summit fully on board with what we are doing, considering the very seriousness of the undertaking.

Mr Kangwana: Mr Speaker, sir, I rise to second the amendment. Because Members have not been availed the new Rules, you can see the confusion in which the House is as far as the Rules are concerned. We urge the Clerk, through the Chair, that those amendments that were made to the

Rules be brought back to the House for Members as soon as possible.

In seconding the amendment, I would like, first of all, to reiterate with humility, sincerity and honesty, the points that hon. Marando touched on in proposing the amendment.

Looking at the resolutions as drafted by the mover, it is obvious that this is going to impose a financial cost on the Community, and I believe no money has been provided for this kind of activity. Without going into provisions of the Treaty, there is a duty imposed on the House to observe the provisions of the Treaty in so far as imposition of expenses is concerned, when it comes to Bills and Motions. Therefore, without funds, it would be very difficult for this House to undertake this mission. On that point, I would like to propose that the Mover accepts the proposed amendment.

Secondly, although we are not directing the Summit to act in a certain way, the way the resolutions are proposed do call into issue the question of sovereignty of Partner States. I think this House has to be sensitive to that very important matter. We should be seen to be conducting our affairs, not only in a mature way, but also in the full realisation of what this House can do and what it cannot do.

I would suggest, most respectfully, that we phrase the amendment as it has been done by hon. Marando in such a way that the House expresses, not only what it saw in northern Uganda, but also demonstrate, through the wording of the Motion, how they felt. That has been done. But at the same time, we need to also request the powers that be, in a way that recognises their role, their position in society and the sovereignty of States.

With those remarks, I beg to second the amendment.

Mr Mwatela: Thank you, Mr. Speaker, Sir. May I thank hon. Marando for his spirited efforts to suggest amendments to the resolutions? May I also thank hon. Kangwana for his spirited efforts to support that amendment?

I think we have missed the point here. This Motion is resolving to recommend. We are not ordering anybody. We have only recommended! That automatically means that the Council of Ministers may choose not to keep to the recommendations. That is what it is. It is a recommendation.

I do not understand how a recommendation, which the Council of Ministers have a right to take or reject, is interpreted to mean that we are imposing a charge on the Community's funds. Indeed, almost all the Motions we have passed here, if that is the interpretation, would have failed - (Applause).

The Council of Ministers has been ably represented in this House from the beginning up to now. They have not raised any objection to this Motion up to now - (Applause).

This means the Council is fully satisfied with this proposition. I do not think we should do any amendment to this resolution. The Council understands its role. I think their silence says they have accepted our proposal. With those remarks, I object most strongly, to any amendment to this Motion.

Mr Kalonzo Musyoka (Member of the Council of Ministers (Kenya)(Ex-Officio): Thank you, Mr.

Speaker, sir. I take it that the matter of the amendment, having been proposed and seconded, is now the subject of debate.

May I, first of all, thank those honourable members who took it upon themselves to say some kind words about me? I will indeed endeavour to be a faithful member of this Assembly as I swore to, amongst other things, uphold the Treaty.

Mr Speaker, sir, I have been listening to this debate and what I have to say here may surprise some members. It is indeed true that I have been involved fairly deeply in trying to resolve some of the conflicts in our sub-region.

After I left Arusha last week, I had the opportunity to visit the neighbouring country to Uganda, which has no direct boundary to Kenya, of Rwanda. One of the things I did, if Members will forgive me, is that I had a visit with the mountain gorillas in Ruhengeri National Park on the other side of Uganda. While there, I was face to face with the reality of the conflict in the Democratic Republic of the Congo (DRC). I took the opportunity to compare notes with my colleagues who had invited me there for a Joint Ministerial Commission. Of course, I was able to know that there are certain tensions, and I want to congratulate my brother, hon. James Wapakhabulo here, because I know he has worked very hard to reduce the tension between Kampala and Kigali - (Applause).

As you all know, we are busy with the Somali conflict. Right now the reconciliation process is underway at Mbagathi in Nairobi. The Sudanese conflict is also getting attended to in the town of Machakos, in Kenya. We are very optimistic that there is progress being made, both on the

Sudanese conflict as well as the Somali conflict.

But even as I think about this, I am indeed very encouraged that East Africa has come together again. I said that when I made my maiden remarks. I want to firmly place it on record that as the saying goes charity begins at home - *(Applause)*.

We cannot, in all sincerity, be seen to be honest with ourselves if we can pretend to resolve conflicts from without the Community while there are some parts of the Community that are hurting, and we are oblivious to that fact. Therefore, I want to congratulate hon. Ogalo for this Motion - *(Applause)*.

I also want to congratulate the mover of the amendment for being a little bit more diplomatic than I am, and more importantly, I want to congratulate President Museveni for being very open about this matter - *(Applause)*.

Mr Speaker, sir, this Assembly is an East African Assembly. I want to stress that because, unless this Assembly rises to the occasion and asserts its presence within the Community, then nobody will take it seriously - *(Applause)*.

I therefore want to sound a little less diplomatic. You see, this matter could not have come to the Kenyan National Assembly because of the reasons of sovereignty that hon. Kangwana has alluded to. It could not come to Kenya, and neither could it go to Dodoma. In Uganda, it was receiving a different dimension. A resolution of force, and it has taken this long. Therefore, the wisdom of this matter coming from the East African Assembly becomes rather obvious - *(Applause)*.

I want to say that in fact, this could be a test case on the relevance or otherwise of this Assembly. That we are seen to drag our feet, and to sound very diplomatic, we do not want to cause annoyance to the Council of Ministers and to the Summit - *(Applause)*

Mr Speaker, sir, in my considered view, the days when East Africans could just be curled is gone. If we are serious about governance issues and transparency... indeed, I wanted to go beyond hon. Ogalo's recommendation and add that this Assembly comes up with an East African Committee on peace, not just for Uganda - *(Applause)*.

I am saying this so that we can have a legislative committee of this Assembly on peace everywhere in our three countries. So, if it is the cattle rustling issue in northern Kenya or wherever, at least we know that the Members of the East African Legislative Assembly and they are firm, they should be able to tell the Heads of State that much as we respect your sovereignty, we are here for you East Africans. And I think this is very important - *(Applause)*.

As a test case, we could begin with this matter where President Museveni has graciously opened up and said, "Let me see whether you can play your role." We cannot afford to see those children waste their childhood. One Member just mentioned that children who were born at the time this insurgency started are now old enough to get married, and they never went to school! They have lost a lifetime opportunity. How do we begin to help them?

The churches were crying out there and the bishops want to hear what this Assembly is able to do. I think we

could even mobilise so that we go out there with some measure of help in addition to trying to resolve the conflict. I understand one member wept there because of what she saw. I think that should be addressed by this Assembly. A humanitarian approach to the conflict is one way of looking at it.

Mr Speaker, sir, I wanted to say that words like “the Council of Ministers makes representations...” you are even cowering the Council itself. You cannot even make a recommendation; you are just supposed to go there and when their Excellencies are having their cup of tea, we try to make certain representations. We are not serious! *(Applause)*

I think the Assembly should call on the Council to make recommendations to the Summit because ‘representations’ is not quite sure. This is what I feel. I also think that three months is a very long time for the Council to take so as to report back to the Assembly on this matter, considering that people are actually dying and we want to make a difference - *(Applause)*.

However, what I think is more challenging, and I think this is what hon. Ogalo and hon. Marando should be able to tell us, is the level of intervention. I can take the example of the Sudanese and the Somali peace initiatives. In the Somali peace process, we have a technical committee led by an ambassador, in this case Ambassador Bethwel Kiplagat. If we have a committee of ten people, what is the point of engagement? At what point do we talk to the Lord’s Resistance Army or whoever? Is it that we take two or three people? I think we need to define that and this can be done when the Heads of State will have given their go-ahead on this matter. But I wanted

to urge the Assembly to feel emboldened because East Africans take this Assembly very seriously. But if we are not certain whether we are going to cause annoyance or whether we are all going to get sacked, I think we will not be making progress - *(Applause)*.

Having said that, I am not quite sure whether to support the amendment or indeed go by the earlier resolution. I think the original resolution looks okay, but even this other one is easier. But perhaps we could come up with a firm recommendation, reduce it from ‘representation’ to ‘recommendation’ and the Council to report, perhaps, within one month. We are hoping that the Summit will meet soon after our meeting of 29th. I think this matter is serious, and since you raised it with President Museveni, I think it is only fair that we move forward - *(Applause)*.

The Chairman of the Council of Ministers (Mr James Wapakhabulo) (Ex-Officio): Thank you, Mr. Speaker, Sir. If I were to say only three or four words in respect of the speech given by my colleague, the words would have been “I have nothing useful to add ” - *(Laughter)*.

However, let me say, just in addition, that the question of the conflict in northern Uganda has received attention in the Parliament of Uganda. Hon. Ogalo was there and so were other members who are here. We have had it discussed at various levels, by church groups, social groups, but it has not been articulated in East Africa because it always remained a Ugandan problem, and a northern Ugandan problem.

Members of the Parliament of Uganda, hon. Kaggwa will testify to this, did

appoint a Committee. The Sixth Parliament did appoint a Committee. They carried out a lot of work out of which came a proposal for an amnesty legislation, which has been given. So, there have been attempts. But now, given that this is an East African Assembly, this House can validly look into this matter. This is because here, the question of sovereignty does not arise as clearly stated - *(Applause)*.

It is a question of East Africans identifying a problem in one State and saying "can we also try our hand at it in addition to the efforts already being undertaken?" That, to me, should not, as my colleague said, be prefaced by apologetic language - *(Applause)*.

We should state the problem and look for a solution, which in my view should be a statement addressed to the Summit through the Council so that the Summit can now be caused to discuss the matter. For us as Council of Ministers, we would say that at its meeting, the Assembly resolved as follows and, therefore, your Excellencies, in your wisdom, you may wish to address this matter in the manner you consider appropriate. They may say the Committee should go ahead and be strengthened or assisted in a manner that the Council may also, by way of a recommendation, make to the Summit.

My view is that we should start with a Committee of the House, and because of the costs involved it should be a small one, which would then be able to carry out the mandate on behalf of this House. For us as Members of the Council, we would carry that message to the Summit.

So, I just wanted to clarify that there is nothing we should fear. We have a problem in northern Uganda that has

run for 17 years; we have tried to resolve it as Ugandans and, in fact, as we speak now, it is discussed in other forum other than East Africa. Why should Olara Otunnu go to Geneva and say I would like the matter of Uganda to be discussed so that a Rapporteur is appointed?

You see, this issue of a Rapporteur under the UN System, they appoint a fellow and tell him to come with a report every year. The unfortunate thing about the UN is that that becomes a full-time job forever and it never ends and they would not want the crisis to end. But instead of going to Geneva to get the UN Secretary General to appoint a special representative on northern Uganda, we do it as an East African institution, and we say we identified a problem here and resolve it as East Africans.
(Applause)

But in this context, I would like to go the same way as my colleague here. Maybe let us not call it a peace committee on Northern Uganda; let us make it a committee of this Assembly on peacemaking and conflict resolution. For example, we could give the similar existing Committee of the House the mandate to report to us about the situation in Northern Uganda, and to try to bring parties together. I may be wrong in this, but it is something you can look at.

As the minister said, then we have a mechanism everywhere and attend to any conflict in East Africa. If it is the problem of the Uganda-Kenya border, of the Pokot versus the Sebei and all the rest, we may want to go there and see what the conflict is all about. It may be historical, but what can we do? Maybe we could broaden it. But anyway, my view here is that, I support fully what my colleague said, and I

will end there and leave it to the Chair and Members of the House to proceed the way you see fit - *(Applause)*.

The Speaker: Honourable members, this debate has to come to an end now. However, since it is getting late, can I ask the following three members, hon. Ogalo, hon. Kaggwa and hon. Marando, to sit down, after having listened to all the ideas, and come up with an agreeable position to all of us tomorrow morning, considering the points made.

A Hon. Member: Mr Speaker, sir, you did not consider the gender issue.

The Speaker: Order, honourable members. The House does not work along those lines - *(Laughter)*. Hon. Ogalo is the mover of this Motion, and the other two Members have brought up the amendments that led to further amendments. So, I think the three members should be enough to bring us a comprised position tomorrow morning - *(interjection)*.

The Secretary General (Mr Amanywa Mushega) (Ex-officio): Mr. Speaker, Sir. I just wanted to point out that this very House was actually elected on the basis of gender, and in fact the issue of gender delayed the Assembly from being launched in time because of the controversy it raised in Kenya - *(Laughter)*.

The Speaker: I have taken note of your point - *(Laughter)*.

ADJOURNMENT

The Speaker: Honourable members, it is now time for the interruption of business. The House is adjourned until tomorrow at 9.00 a.m.

(The House rose at 6.45 p.m. and adjourned until Thursday, 21 May)