



## **EAST AFRICAN COMMUNITY**

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### **IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

*The Official Report of the Proceedings of the East African Legislative Assembly*

### **140<sup>TH</sup> SITTING SECOND ASSEMBLY: FIFTH MEETING – FOURTH SESSION**

**Thursday, 26 April 2012**

*The East African Legislative Assembly met at 9.00a.m. in the County Hall, Kenya  
National Assembly, Nairobi*

### **PRAYER**

*(The Speaker, Mr Abdirahin Abdi, in the Chair.)*

*The Assembly was called to order.*

### **PAPER**

**The Chairperson, Committee on General Purpose (Ms. Nassor Sebtuu)(Tanzania):** Hon. Speaker, I beg to lay on the Table the Report of the Committee on General Purpose on the East African Community Regional Inter-Parliamentary Forum field visit on spot assessment, public hearings, peer review, monitoring and evaluation of various regional and national level health and HIV/AIDS interventions and responses in the Republic of Kenya.

Report of Committee on General Purpose on Mutual Perception towards the EAC Budget by way of Motion.

**Ms. Sebtuu:** Hon. Speaker, Sir, I beg to move that the Report of the Committee on General Purpose on the interactive meetings with stakeholders in partner States to develop mutual perception towards the East African Community Budget be adopted. I beg to move.

**Hon. Kwekwe:** Seconded.

**Ms. Sebtuu:** Hon. Speaker, pursuant to the provision of Article 19 of the Treaty establishing the East African Community and in accordance with Rules 72 and 79 as well as Annexe 5(f) and 2 of the

Rules of Procedures of the Assembly, the General Purpose Committee is mandated to handle matters pertaining to the East African Community Budget.

While executing this function, the Committee requires to have a good understanding of the process and have specific background information for making decisions. Therefore, the Committee decided to carry out interactive meetings with all stakeholders and officials of Ministries of East African Community (EAC), Ministry of Finance, Planning, Members of Parliamentary Committees dealing with finance and budget of the national parliaments and all other officials, the institutions dealing with budgets of partner States of EAC.

Hon. Speaker, the main objective of the interactive meetings was to develop and come to a mutual perception of the EAC Budget in order to sensitize stakeholders and share the following:

The EAC Budget, the challenges of the Budget process faced by the Committee and the EAC Secretariat and the partner States officials. The challenges and constraints faced by the Community in terms of financing and disbursements by the partner States as well as the prioritization vis-à-vis the priorities set by partner States officials in meetings. The challenges faced by the partner States officials in the execution of their duties in relation to the EAC and the pre-budget and the budget process in particular.

The Committee, through dialogue and discussion, undertook to create a mutual perception and the understanding on the dynamics of the Community Budget with regard to the priorities that balance the needs, projects, and programmes of both the Community and partner States. Learn and analyze the dynamics of issues and challenges faced by all the concerned State stakeholders. Given opportunity to the stakeholders to give feedback and raise any pertinent issues and share challenges faced by all parties concerned on the budget process in particular the integration process in general and establish clear budget for budget tracking, budget review and budget performance.

Hon. Speaker, the Committee worked in two teams from 9<sup>th</sup> to 14<sup>th</sup> October, 2011 in all partner States. The Committee held interactive meetings with Members of Parliament of the finance and budget Committees, Ministers in charge of Finance and Economic Development, Permanent Secretaries in the Ministries of Finance, Economic Development, the Permanent Secretaries in the Ministries of Finance and the East African Community Ministries.

Group One covered the Republics of Uganda and Tanzania while Group Two covered the Republics of Rwanda and Burundi. The entire Committee converged in the Republic of Kenya.

Hon. Speaker, although most of the issues raised in different countries were almost similar, however, there were specific issues raised by different countries and they are:

In the Republic of Uganda, the specific issues were on the budget cycle. That the budget cycle of the partner States was incompatible with the EAC in that by April ceilings have already been set by the time of convening of the pre-budget meeting in October. Therefore, during that time the officers have nothing to offer but only emphasize on the ceilings.

2. Co-ordinating Ministries in the partner States also face challenges in funding.

3. Reporting on implementation by Ministries of EAC and duly focuses on implementation of council decisions and not on activities that later would show accountability.

In the Republic of Tanzania, the stakeholders have this to say: It is apparent that the goals of the Community are over ambitious and yet individual countries have got their challenges. There is also poor management of faces of integration in terms of poor monitoring, evaluation, inconcurrent implementation of all faces without proper evaluation.

Thirdly, poor budgeting skills with too many priorities and at the same time having unsatisfactory reporting.

Finally, misuse of the MTF principle of the Budget by the Secretariat. The procedure they are using is that instead of being output-based it is more of activity-based budget which is prepared.

In the Republic of Rwanda, there is a structural problem that prevents national parliaments from getting reports. The national MPs do not have clear role in the budgeting process. They also indicated that there should be a reporting system on how funds are being utilized in the EAC. There is an extraordinarily high overhead costs registered by the EAC which are not linked to key priorities. Finally, there is late disbursement of funds by partner States.

The Republic of Burundi had two concerns. One, was lack of collaboration and co-operation with regard to budgetary spending and that the EAC needs to institution checks and balances. Second, is lack of co-operation and synergy in the planning process.

In the Republic of Kenya, there is only one which states that national priorities or programmes should not under any circumstances delay disbursement of contributions to the EAC Budget.

Hon. Speaker, after the specific issues of different countries, the Committee came up with issues which emerged. The following issues appeared in almost all the partner States. The Committee feels that these have to be highlighted and given due consideration. It is apparent that the Ministries of EAC Affairs or Co-operation need to step up their efforts and be supported to give even more visibility to the Community and its activities. The Committee appreciates that the Ministries have ongoing sensitization drives and activities, but for visibility and deeper integration there is a long way to go.

The second one is that there is a glaring information gap in the national parliaments, EALA and the EAC in general. According to the partner States, there is no clear mechanism for official reports on projects and programmes of the EAC in the partner States, rather they only report on the implementation of summit and council decisions.

There is also a problem in respect to Secretariat meetings. Staff level performance and host commitments. The Committee explained and assured the stakeholders that the internal weaknesses would be rectified hand in hand with the Secretariat. The Community finds it regrettable that such impressions are held about the EAC by stakeholders, but also note that while there are some problems, there has been remarkable improvement across board in the functioning of the EAC Secretariat, but more can still be done.

Poor work ethics by some members of staff should not be allowed to mar the credibility of the EAC and should be dealt with. The dissatisfaction with arrangement and disorganization of meetings, reports and budgetary practices was common to all partner States and the Committee notes that this is a serious matter.

The Council of Ministers should take serious note of the comments and commendations of the officers from the partner States on the following and find remedial action where it is required.

1. Apparent lack of clear monitoring evaluation and follow through systems on programmes and projects. Setting up and commissioning of bodies, funds, researches, studies that start and end without any clear follow up through outcomes of results if at all. There is need to thoroughly evaluate the faces of integration and share the findings, fears, challenges and prospects with all stakeholders. There was an impression that the faces are being fast tracked without proper and due monitoring evaluation.

2. As far as the partner States are concerned, the principle of financial contribution in equal amounts to the Community was both unfair and not sustainable and should rather be according to GDP and economic capabilities. The Committee explained the projects for option. There is a project for option financing in the EAC and the stakeholders expressed appreciation. Lack of financial integrity and general work ethics indiscipline denotes poor or lack of adequate supervision by the Council of Ministers and the Secretariat staff. The Committee has for a long time advocated for the Ministers to share and supervise designated dockets as well as the Council having a specific time in Arusha to supervise the Secretariat, but this has not been addressed.

There was a misguided impression from all partner States that there is no planning unit in the EAC. The Committee explained to the stakeholders that it was an understaffed department whose staff had been deployed to Common Market Protocol, but was now carrying out its appointed mandate with an additional officer. This impression reinforces the fact that this Department needs to be urgently staffed and visibility urgently enhanced through service delivery and productivity.

The Committee is often informed that the institutional review will sort out these issues but short-term gap stopping measures need to be taken to improve the performance of this Department and other understaffed departments.

Finally, due to the fact that after the pre-budget conference, the priorities are sent without the corresponding budgetary estimates, the partner States find it impossible to articulate and include the budgetary needs of the Community during their own budgetary cycle.

Hon. Speaker, finally, we have a number of recommendations. There is need for massive sensitization of the EAC by the Ministries of East African Community Affairs or Co-operation in the partner States. This includes engaging with parliaments and reporting on the activities of the EAC.

The EALA should, in a planned, consistent and systematic manner reach out the national parliaments particularly as soon as the new legislatures are sworn in to fill in the information gap on both EALA and VAC in general.

A framework should be established for regular reporting by the partner States on projects and programmes in the partner States. If this already exists, it should be strengthened particularly so that the Secretariat is up to date with the implementation in the partner States. At the moment, however, there is an impression that there is no such framework or mechanism that partner States do not report on any projects and programmes except the implementation of directives and decisions from the Summit, Council and the Assembly. We had one on the Annual Report but it has been taken care of considering that it was debated last week by this House.

A very clear framework for monitoring the integration process should be unveiled and circulated widely clearly articulating all the different faces of the integration, highlighting challenges, success and fears. It is clear that there is no single document showing the above even in synopsis form.

Partner State parliaments should consider establishing specific standing committees for the EAC. At the moment I think it is Uganda only which has established this Committee.

Members of Parliament from Budget Committees from the partner States need to constitute stakeholders and participate in the pre-budget conference and create clear working relations to strengthen capacity and share best practices between national parliaments and the Secretariat.

The pre-budget conference needs to be held out with all corresponding budgetary estimates available to ease the work of the Ministry officers that have to request for financial requirements of the EAC in their own budgets. The figures, in any case, need to be submitted before the end of October each year.

The EAC Secretariat needs to improve in terms of supervision of staff, hosting, co-ordinating and facilitating EAC meetings, prioritization and budgeting during the budget process and overall manpower efficiency and output. These trickle down to improve service delivery to the integration agenda into the East Africans.

The Committee sees that there is need for a mindset change among partner State officials who in some instances criticize the EAC Secretariat unfairly and do not recognize the hard work and tireless effort of officers who work under a lot of stress, poor staffing and have to organize and host many meetings while at the same time trying their utmost with regard to delivering the integration to East Africans.

Therefore, the Committee would like to recommend in this case where specific concerned officials are requested by EALA Committees, senior officials should allow the concerned officers to meet the Committee rather than state that they had no knowledge of the subject matter as this does not add any value or give due value diligence to the Assembly's oversight visits.

The Committee would like to emphasize the fact that integration process is for all East Africans and efforts are required to correct all management and administrative errors. Partner State officials while not compromising on principles can give the Secretariat a chance to make improvements, be capacity built and trained to ground and give direction to the EAC integration process. The overly critical stance of officials from the partner States is often neither positive nor up building. There should be a meeting of minds on how these can be delivered to all East Africans so that all can benefit maximally.

The impression created in the partner States is that there is a glaring failure to rationalize, prioritize and ensure coherence with clear outputs and outcomes. This should awaken us all to improve planning and budgeting links to develop a strategy also considering the inter-relations and linkages in all organs and departments. This will spill over budgeting, excess, double budgeting and contradiction in all that we do.

This will finally give the EAC integrity and confidence to avoid the tendency of partner State officials dominating and sometimes disregarding officers of the EAC.

Another recommendation is that from Recommendation 12, the Council of Ministers, the Office of the Secretary-General and the Executive staff of the Community should enhance their supervisory role on the personnel projects, programmes and activities of the EAC. The Council of Ministers needs to consider spending a specific amount of time in Arusha on supervisory duties on all urgent and emergent issues.

At the same time, each partner State is urged to take note of the comments at national level including those pertaining to termly disbursements of contributions of the EAC and the accumulation of arrears to organs and institutions of the Community.

Finally, whereas the Committee is aware of and explained the treaty provisions on equal contributions to the EAC, it took a note of the stakeholders comments and hereby passes them to the council.

Hon. Speaker, Sir, I beg to submit. Thank you.

*(Question proposed)*

**Mr. Speaker:** Hon. Sebalu, please, if you remember we are going by hon. Michume's guidance in terms of how we debate.

**Mr. Mike Sebalu (Uganda):** Yes, those standards will be kept because the honorable has even made it to the Third Parliament joining hon. Mwinyi whom I found in Abila's office negotiating a loan on his Third Term. I am already back. That is a light moment. It should not be taken. However, they are leading a very enviable life. When we look at them we feel like we should get there at some point.

Right honorable Speaker, I rise to support the Report. Definitely, it is a very good Report. It is very comprehensive and it dealt with very important issues that we need to give thorough thought as we move to widen and deepen the integration of the EAC.

Mr. Speaker, Sir, and right honorable Members, I do appreciate the recommendation on the sensitization by the EAC Ministries. Some exercises of sensitization are going on in partner States and I want to put the case for Uganda. However, there is something that is still lacking in these processes. The involvement of national Parliaments is glaringly not on board yet. Even EALA because there are some cases when you hear there were some meetings in some place and you do not have any prior invitation. So, I do request that the Ministries of East African Community Affairs do collaborate with EALA Members from that partner State and the national parliaments because these have good multiplier effects because we need to get this sensitization to constituency level so that Members of Parliament do integrate these sensitization programmes within the activities of their constituency work so that we raise debate on issues of EAC right from the grassroots in fulfillment of our strategic objective of having this integration as people centred.

Furthermore, Mr. Speaker and hon. Members we were told that the EAC was developing and information, education and communication strategy. I wonder whether that is in place so that we are guided by a common and harmonized communication strategy so that we send information that is corroborated. It would not be a good idea doing it differently in different countries. At least we should have a package that is applicable to the entire region and appear to be co-ordinated and organized in the way we sensitize our people. This is because this is a strategic activity and we need to offer leadership. You can only offer leadership when you package the information well. People in Uganda and Tanzania need to get more or less the same focus in terms of where we want to go.

Right honorable Speaker, and hon. Members, I do also appreciate the issue of engaging with parliaments when they have just been sworn in. This subject is very important and all leaders need to accept, appreciate and own it. Therefore, it is imperative that we take advantage of new parliaments that get sworn in to give them ideas that we are following in terms of our integration. I want to report that the Uganda Chapter of EALA took advantage of this kind of arrangement and we organized a sensitization workshop for the Members of the Ninth Parliament of Uganda. The results are quite encouraging because the focus, appreciation and the interface with the hon. Members clearly show that the interest is there. They want to collaborate and co-operate with us to ensure that we take forward this integration. Our workshop was supported by Trademark East Africa and we were able to engage with Parliament.

Right honorable Speaker, I just want to find out whether the Committee in its interaction was able to interface with national planning authorities of the partner States. The reason I am bringing this is to get to a point where we start harmonizing our planning as a region. You find that we have so many visions within the EAC. We have Vision 2030 for Kenya; we have Vision 2020 for Rwanda; Vision 2025 for Uganda; Vision 2025 for Tanzania and so on. We are in the same region and I believe we



should be working towards a point of a common vision for the EAC. Our national planning function forecast and vision is the one that should feed the common vision of East Africa. When we start talking of Vision 2020 or Vision 2030 then we are not gearing towards having a harmonized one.

There is the issue General Muntu brings about of the end State. What is our end State? If we are working towards integration and at some point we will be one, why do we not start working towards a same vision so that the activities that are undertaken within partner States fit in the big picture of a regional vision?

So, I do call upon the Council of Ministers to look at that issue of a harmonized vision so that we start working towards that and build synergies to be able to achieve that. This is because even the annual budgets that we make are aimed at feeding into the long-term development goal expounded by the country vision. So, our planning and budgeting likewise should be geared towards feeding into the process of our long-term strategic development objective as a region. The issue of a regional vision needs to be given priority so that the planning functions are feeding into that process.

Hon. Speaker, I would like to thank you for the time you have afforded me to share my thoughts regarding this Report. I support the Report and call upon other Members to do likewise. Thank you.

**Ms. Margaret Zziwa (Uganda):** Thank you Right Honorable Speaker, Sir. I want to add my voice to the Committee in thanking you for according this Committee this very important opportunity. I want to thank my Chair for a beautiful Report and the way she had presented it.

Hon. Speaker, this was a very important opportunity that we were able to actually touch base with the people in the region who are actually responsible for the budgets we see when it comes to totaling it up for the effectiveness of implementing the desires of East Africans.

I want to add one or two points. It was candidly observed, Mr. Speaker, Sir, that our budget is highly sponsored and funded by international donors. This was observed in Burundi, Rwanda, and Kenya. It was mentioned that we must be seen to propose tangible measures on how we should improve on our budget to be funded by East Africans themselves. I think at an appropriate time we must call upon Council to continue proposing measures which should be seen to fund our budget – *(Interruption due to technical fault)*

A scientific roadmap of how we are going to have contributions made by our partner States. I think Tanzania talked about population size, GDP among others. It has been talked about, but we need to see that roadmap – *(Interruption)* -

- *(Technical Hitch)*-

--- and it was quite ashaming that, at least, when we were interfacing with the Chair, Council of Ministers in Kenya, he said that “I now must make sure that this date is cleared.” I want to say that that was a very important statement to us considering that the Inter-University Council is actually at the brink of almost not paying emoluments for its staff. They do not have money. We must have a positive affirmation within the budget that this money is going to be paid. There are also other areas which of course at that juncture some of our partner States were still at 50 per cent, 60 per cent, or 30 per cent contribution. So, we are calling upon this issue of funding and clearing of dates to be put in serious focus.

The third one is the fact that - *(Technical Hitch)* - Social projects like say Emodo Hospital. Tangible projects like the Namanga Athi River Road. Tangible projects like a railway system, which should be East African, orientated and should be seen to be promoted and implemented by the EAC. They say that this will be more associated to what the EAC delivers than just what maybe some of the--- *(Technical Hitch)*

I want to conclude by thanking all the chairpersons of the subcommittees because they were able to guide us through this very important exercise. I want to thank you Rt. hon. Speaker.

**Ms. Nassor Sebtuu:** (*Technical hitch*) I want to thank hon. Sebalu and hon. (*technical hitch*) for supporting us. Also, I wish to thank hon. Zziwa for bringing about this issue of dependency. (*Technical hitch*)

Also, I wish to inform hon. Sebalu that we did meet the planning authorities of partner states and had a very good interaction and advice. But what we found is that in most of these partner states, their planning does not at all look at issues regionally, but nationally. So, I think that there is a need for the secretariat in the council of Ministers to try and see to it that this is relayed to all those partner states.

Hon. Speaker, I thank you and beg that this Report be adopted. (*Applause*)

*(Question put and agreed to)*

**MOTION**

REPORT OF THE COMMITTEE ON AGRICULTURE ON

LAKE VICTORIA WATER SUPPLY AND SANITATION PROGRAMME

**The Chairperson Committee on Agriculture, Tourism and Natural Resources (Ms. Safina Kwekwe):** Mr Speaker Sir, I beg to move: -

THAT, the Report of the Committee on Agriculture, Tourism and Natural Resources on spot assessment of the Lake Victoria Water Supply and Sanitation Programme, Phase 2, be adopted.

**Hon. Hayabakiga** Seconded

**Ms. Safina Kwekwe:** Mr. Speaker, the Lake Victoria Basin Commission, Water and Sanitation programme Phase 2 is one of the projects and programmes that are undertaken by the Lake Victoria Basin Commission. As a follow up of the Committee's previous assessment undertaken in 2009 on the LEVEMP(?) 2, the Committee undertook a five –day on spot assessment on Lake Victoria and this project with a call on all relevant agencies to increase the pace of its implementation on the ground, to enable the citizens benefit from it.

Mr. Speaker, the general objective of the visit was to explore the needs, challenges and opportunities that the Lake Victoria Basin Commission (LVBC) faces in the implementation of the Lake Victoria Water Supply and Sanitation Project, Phase 2, and specifically, to appraise members on the opportunities and challenges of the programme, get information and facilities that are necessary for achieving the objectives, meet with key officials to share the experiences and establish the impact that this project will have on the community as a whole.

Hon. Speaker, we did this through workshops, courtesy calls, focused group discussions with local governments, UN Habitat and other public officers relevant to the programme, field visits to actual project sites---- (*Technical hitch*)----- Keroka, Isebania Town including Sirare, Mayuge; interaction with the Lake Victoria South --- (*Technical hitch*)----- The Committee met --- Lake Victoria Basin Commission (*Technical hitch*)of the visit and agree on the way forward.

Mr. Speaker, those who participated in this visit are annexed as Annex 1. But I wanted to say that throughout the entire visit, the Committee was accompanied by the implementing agency officials, which in the case of Uganda, is the Ministry of Water Resources and Environment and for the case of Kenya, was the Lake Victoria South Water Services Board and the staff of LVBC who are responsible for this programme.

Mr. Speaker, this programme is Phase 2 which means that there was Phase 1. The LVBC itself is an institution of the community as provided for under Article 11426 of the Treaty and Article 33 and 34 of the protocol for the sustainable development of Lake Victoria Basin. Now, the Commission is complex not only in terms of the stakeholders that it works with, but also in terms of the projects that it undertakes. It is executing at the moment seven projects, amongst which the Lake Victoria Water and Sanitation Phase 2 Project, is one of them.

Mr. Speaker, on page 5 of the Report, the rationale for this programme is that rapid urbanization is placing an enormous burden on the secondary towns(?) around Lake Victoria and its associate catchments in all the five partner states of the EAC. This is particularly becoming critical as we all strive to achieve the Millennium Development Goals for water and sanitation. Therefore, the formation of the EAC and LVBC gives us a very unique opportunity for these countries to co-operate and share experiences towards ensuring that there is access to safe water supplies, improved sanitation and the lake's ecosystem.

Mr. Speaker, the programme is targeted at promotion of regional co-operation, partnership building, institutional capacity enhancement and sense of joint ownership of the resource of the lake and its basin. The beneficiary terms of this program in Phase 1 were ten in the original EAC partner states, which were Kisii, Homa Bay and Bondo in Kenya; Ng'endo Sinyange, Bugenda and Chotera in Uganda; Bukoba, Bunda and Muleba in Tanzania and the (?) of Mutukula.

The second phase now brings on board 15 towns which are Viza Ngozi, Muyinga and Kayanza in Burundi; Keroka, Kericho and Isebania in Kenya; Kayonza, Nyagathare and Nyanza in Rwanda; Geita, Sengerema and Nasio in Tanzania; and, Mayuge, Bugua Makayaba and Bukatata in Uganda, which are on the shores of Lake Victoria and in Tungamo.

Now, the investment plan preparation for (?) towns was supported by the African Development Bank water facility and this led to the support by the bank for the physical implementation of the second phase of the programme, which is expected to run up to 2015. It is envisaged that this programme will be expanded to other towns in the basin, with subsequent phases. Currently, the project estimates is US\$121 million, which comprises of 89 per cent funding by the African Development Bank (ADB), which translates to US\$180 million and partner states contribution of 10.9 per cent, which translates to US\$13 million.

There are five components of this project.

1. Development of sustainable water supplies systems.
2. Provision of hygiene and sanitation facilities.
3. Solid waste management systems and social marketing.
4. Urban drainage improvements.
5. Capacity building to town councils and service providers.

When fully implemented it will achieve 85 per cent coverage in water supply and 80 per cent coverage in sanitation in the targeted towns. This will, definitely, reduce the waste entering into Lake Victoria and improve the ecosystem of the lake.

Mr. Speaker, hon. Members, the Committee learnt that the preparation for this programme started in April, 2009 and was complete by April, 2010 (one year), but the disbursement began in February, 2012. The overall purpose of the initiative is to meet the Millennium Development Goals targets in water and sanitation in the project towns and ensure the long-term sustainability of the physical interventions. The specific objectives of the water and sanitation programme is to support pro-poor water and sanitation investments in the secondary urban centres in Lake Victoria region, build institutional and human resource capacities at local and regional levels for sustainability of improved water and sanitation services, facilitate the benefits of upstream water sector reforms to reach the local level in the participating urban centres and reduce the negative environmental impact of urbanization in the Lake Victoria Basin.

It uses a phased approach which focuses on immediate interventions designed to deliver immediate results and followed by long-term interventions requiring larger investments. The components are:-

1. Water supply, which is looking at infrastructure, training and capacity building.
2. Sanitation, which again, is addressing the rundown and (?) basic infrastructure to improve the health and livelihoods of residents as well as the quality of the water.

3. Solid waste management, which is to minimize the negative environmental and health impacts associated with poor waste management. The strategy is to provide a sustainable solid waste management system for each focal town, capable of collecting, transporting and disposing of, or, if possible, recycling the projected volumes of solid waste.
4. (?) drainage, which is to accelerate collection, transportation of solid and liquid waste, to address siltation and pollution of water causes, caused by soil erosion.
5. Capacity building component is to ensure effective delivery of capital investment and long-term sustainability of proposed intervention.

The short-term interventions will run up to 2015 and the long-term interventions will go beyond 2015, to 2025.

Overall, the LVBC is responsible for oversight at regional level, capacity building and reporting. It is supported by the regional policy steering committee, which is composed of the sector Ministries of the five partner states. These provide operational and high-level policy guidance. Each partner state is responsible for the execution of some programmes and programmes within their respective towns.

Now, hon. Members, on page 9 the implementing agencies for this programme are in Uganda; the Directorate of Water Development, which is within the Ministry of Water and Environment; and, Burundi, REJDESO(?), which is a parastatal for the Ministry of Energy and Mines, but the focal Ministry is that of water, environment, lands and urban planning. For Rwanda, it is Energy Water Foundation Authority. In Kenya, it is the Lake Victoria South Water Services Board and Tanzania, the Mwanza Urban Water and Sewerage Authority.

Mr. Speaker, hon. Members, in addition to this, the LVBC is responsible for overall regional co-ordination and execution of cross-cutting issues like, for example, capacity building. Under a memorandum of understanding with the UN Habitat, the LVBC will make progress reports of the technical assistance and capacity building components the LVBC, which will further consolidate them for submission to the ADB.

Mr. Speaker, the financial management of this programme is that that the programme accounts for the ADB component for each of the implementing agencies, and LVBC will be audited by an independent auditor acceptable to the African Development Fund (ADF) and appointed by the East African Community Audit Commission. This audit and programme accounts plus the management letters will be submitted to the bank within six months after the end of each fiscal year.

The disbursements and replenishments will be headed by the Disbursement Handbook for the ADB grant. However, replenishments to each implementing agency will not be linked to other implementing agencies progress.

The management and reporting structure of the programme is annexed to the report as Annex 2.

Mr. Speaker, under the findings and observation, Phase 1 of the programme realized fundamental achievements which included adequate water for the ten towns, strengthen capacity of water services providers, promotion of access to adequate sanitation through micro(?) schemes, improvement of capacity for environmental and solid waste management, *et cetera*.

There was also amongst them the implementation of the urban inequity survey, which in secondary urban centres in Kenya, Uganda and Tanzania was completed and the results have been used to establish an information system.

Phase 2, which is the subject of this assessment, at the programme formulation phase, has resulted in diverse achievements which include identification of appropriate actions to be taken to address various challenges around the basin, facilitating mobilization of financial and material sources from both local and external support partners, appraisal of the Phase 1 programme, resulting in the production of the programme appraisal report and negotiation with the ADB on the implementation of the programme, resulting in the signing of the grant protocol of agreement in April, 2011. I need to inform the hon. Members that at the time of programme formulation, the ADB component was part loan and part grant. However, as I speak now, that facility is wholly a grant. So, it is no longer a loan.

If and when fully implemented, the Phase 2 programme will address water and sanitation challenges to marginalized groups, particularly the poor women and children heading households that comprise one-third of households in the target population, due to the rising prevalence of HIV/AIDS, will directly benefit from the project. The lake water (?) as whole will be most holistically managed and the perception of a free good (?) gradually (?) to be the interventions.

Challenges will be solved in short-term and medium terms. The integrated approach and use of appropriate technology that require minimum input for operation and maintenance will ensure that the synergy necessary for sustainability is built; protection of the environment through public education awareness and water resources monitoring and protection of the basin and its ecosystem including mainstreaming of gender concerns will be achieved. Another achievement will be ring-fencing the water and sanitation funds from other councils or government revenues. This will allow for the right use of internally generated funds for operations and recurrent costs of the investments. Currently, procurement plans have been prepared and concluded; terms of reference for consultants for design and supervision have been done and memoranda of understanding between different parties have also been done. Two, there is a publication of the general procurement notice. This was done in January, 2011. The publication of the specific procurement notice was done by June, 2011. Signing of the subsidiary grant transfer agreement between the EAC and each of the five partner states was done by April, 2011. Preparation of the programme implementation manual is ongoing. The launch of the programme was done in May, 2011. Expression of interest for engineering consultancy services for supervision of the implementation of short-term interventions and design and supervision of long-term intervention. Short-listing has been done for this by all partner states. The Republic of Uganda has already awarded the design and supervision contract, while other four are the process of evaluating the proposals of engineering firms. Most implementing agencies have applied for the first disbursement and are awaiting the response of no-objection from the ADB. The partners are in the process of procuring contractors for short-term intervention and implementing agencies have commenced the procurement of some goods, services and works.

There are challenges though, some of which are:-

1. Provision by partner states of incomplete or inaccurate information, resulting into delays by the ADB in giving no-objection for various requests.
2. Delays by partners states in fulfillment of their obligation. The bank was to issue, for example, a disbursement letter before commencement of disbursement in May 2011, but



this was not achieved as the partner states did not meet their obligations in time. There is an annex to show the requirements that is attached to the report.

3. There is also very high expectation of the stakeholders.
4. Language barrier in some partner states has been a challenge.

On the specific findings in each of the areas visited, starting with Kericho, the programme will support the rehabilitation of the water supply intake, which is in the very heart of Mau Forest. But it was observed that the intake does not have enough water to feed the whole town of Kericho. The Committee noted the lack of understanding of who is responsible for the delays in the implementation of the project.

Mr. Speaker, members as well as local authorities of Kericho were keen to know the lessons learnt from Phase 1 of the project and were informed by the project coordinator. The leadership of Kericho cited the frustration and delayed project implementation and called for the construction of a dam to store and avail water to the population. Lake Victoria South Water Services Board, which is the implementing agency informed the Committee and other participants that they have done all the procedures and are awaiting a no-objection letter from the ADB. The local authorities said that they already had land for the solid waste management project as well as for the treatment of water.

The Committee also was privileged to visit the supply site for Kericho Town.

In Keroka, the Committee visited a dysfunctional water intake and was informed that Keroka Town experiences lots of water shortages because the current supply system processes water for 4,000 people, yet the current population is 40,000 people. Therefore, this shows the enormous expectations that the community has towards this project.

The Committee noted that there was need for urgent project implementation with called upon the Lake Victoria South Water Services Board to fast-track the implementation process. The Keroka Water Supply Company, which is the operation and utility company, was concerned by the inordinately long processes that were being undertaken before the implementation of the project. There is a greenlight, however, to start the implementation of the project and the programme will ensure that Keroka Town gets the required quantities of water for the citizens for the next 25 years.

The Committee noted that there is need for the town councils to manage the expectations of the people and cultivate ownership of the project. There is need for the councillors and implementing agents to work together and speak in one voice with the central Government to address the problem of delays due to democracy. We were informed by that by June this year, the water supply works by contractors on short-term interventions will have commenced. The intake for Keroka which is Kiro River is enough. However, the challenge was that it needs double pumping to the treatment plant, yet there is only one pump operating and, therefore, the need for another pump to ensure that the water gets to the treatment plant. The treated water is pumped to a distribution tank on rest ground using electricity which is very expensive. So, Keroka actually does triple piping and the programme will bring new pipes and tanks. The land for all interventions has been already availed for water treatment and solid waste management.

In Isebania and Sirare, we visited a water treatment site and the intake. Through the briefs made by the LVBC project coordinator and the implementing agency, the Committee was informed about how far the activities of preparations had gone. According to the Committee, what we observed is that

there is urgent need for members of EALA to push for the immediate commencement of LVBC Watson(?) II. This was a call made by the stakeholders there. The current water supply was designed for 3,000 people and currently, the population is over 24,000, either times over. Therefore, the programme needs to increase the water intake, treatment and storage facilities, to serve the increased population. There is a lot of pollution in Isebania because its water table is very high. Since each household and town are serviced by pit latrines for sanitation, the underground water is heavily polluted with fecal matter, making the water unfit for human consumption, thus resulting in chronic cases of typhoid and other water related elements.

In Sirare Tanzania the project will only comprise the water supply component and be managed by the Mwanza Water Authority. Currently, the Sirare part of the town channels water to high grounds using pumps.

Long-term interventions for the Isebania-Sirare Project include capturing water from higher grounds further upstream and directly channeling it to the treatment plant by gravity, so that pumping is only done to the storage facilities from where it will be distributed through the force of gravity. This will reduce the pumping costs effectively.

The Committee then crossed over to Uganda and visited Mayuge, which is in eastern part of Uganda. Here, the implementing agency is the Ministry of Water Resources and Environment. We noted that the case of Mayuge is peculiar as the town has no existing intake, but only has a protected spring where everybody gets their water from. This water is distributed manually by people. We notice that the local authorities are very prepared to receive the project and the people are anxious because there is water scarcity and the coming of the project in their view is timely. They also emphasized that the main challenge of project is the delayed disbursement of funds, but the Ministry of Water Resources and Environment is in the process of tendering for services provision. Here in Mayuge the project entails channeling water from an existing pipe, which is the Jinja-Iganga line to Mayuge through pipeline. So, there is no treatment in Mayuge. The main challenge for Mayuge is scarcity of water and growing population, hence the need for more facilities for water, sanitation, water drainage and management of waste. Due to the fact that Mayuge is densely populated, the solid waste management site is in a residential area. The Committee noted with concern that this could be a cause of health hazard to the populace. In terms of sanitation, there are only two public toilets for public use in the town for the entire population. This, indeed, highlights the need for the sanitation component of this project of Mayuge.

Generally, all visited areas are in need of water as the key intervention. All key stakeholders expressed concern on the delays and bureaucracies that are related to the implementation of the project. The Committee observed a gap in information sharing, especially in Keroka and Mayuge local authorities where the local government leadership and the civil servants had varied information on the programme. There was apparent lack of knowledge of the responsibilities of stakeholders involved in the programme, hence the cause of delays were not well understood. The Committee noted the high expectations from both local authorities and population and are advised on managing such expectations, so that the population does not suffer fatigue and apathy towards the project.

Reasons for delays are the same everywhere and interventions are mostly the same, namely, reinforcement or raising the quality of water from the intake and rehabilitation of infrastructure, except for Mayuge. Local authorities responsibilities are the same everywhere; that is, to avail land for intake, treatment of water, sewage and solid waste management. All stakeholders requested

interventions of EALA Members to ensure that the line Ministries and lawmakers in partner states address the long processes pegged before project commencement. All stakeholders appreciated the visit and found it as a commitment of the EALA to really assist the people.

Mr. Speaker, in Mayuge this was the first delegation of Parliamentarians. So, people really appreciated our visit. There was apparent absence of involvement of environmental agencies throughout the visit. The project will change positively the livelihoods of people if it is well implemented. There is also lack of rain water harvesting techniques in the project areas. While the programme has many components, the citizens only emphasized the need for water supply. Therefore, there is need by the programme implementers to sensitize the community on other components because they complement each other. The programme does not have any specified activity to protect the water catchment areas in Mau Forest, but the Committee was informed that another programme, which is the LEVEMP(?) II is addressing this. There is a stark difference of development between mega cities and the secondary towns in East Africa. Evidently, there is more development projects and funds channeled to mega cities at the expense of rural towns, where the majority of rural population get their basic services. This could aggravate rural-urban migration, hence exert more pressure on urban and rural areas of much needed manpower for development.

In conclusion, this activity was very long, but the Committee appreciates the visits as very enlightening and affirms that the project is very relevant. The Committee appreciates that physical infrastructure implementation of this project is anticipated by June 2012 and is of the view that if well implemented the project will augment the relevance of integration and the EAC would be seen as delivering tangible benefits to East African citizens. The Committee is of the view that LVBC, as a coordinator at the regional level, should remain responsible and continually encourage the implementing agencies and monitor the implementation processes keenly. It also needs to appreciate and ably handle all the dynamics that come with this project, to avoid project failure and unnecessary embarrassment of the EAC.

Mr. Speaker, the Committee makes the following recommendations:-

1. The EAC partner states should ensure that all secondary towns are served by this programme by providing the expertise as well as the funds required to have the project implemented in the remaining 170 towns, which are secondary towns, along Lake Victoria and its basin. This will be a gesture of the partner states that they own this project and programme.
2. Partner states should avoid unnecessary bureaucracies in the implementation of the project and send accurate information to the coordinating institution for smooth and sustainable implementation of the project to serve the needs of East Africans.
3. The EAC partners states and LVBC should fast-track the implementation as preparations are at a very heightened stage
4. The LVBC should opt for the use of gravitated water system while supplying water instead of using pumping systems which is expensive. Where pumping is inevitable, therefore, alternative sources of energy such as solar pumps, should be given priority to reduce maintenance and operating costs of the projects.
5. The partner states should ensure that there is involvement of environmental management agencies in the implementation of the respective projects and involved environmental and social experts.

6. The development needs of secondary towns should be addressed by investing more programme funds into development of the rural areas, so as to level the standards of development and living between mega towns and secondary towns.
7. The senior officials at the council and municipal offices need capacity building to enable them understand and appreciate the project and manage the high expectations of the public.
8. The LVBC should start and enhance mass sensitization activities on the necessity of all the components of the project as they are all useful for the people and wholesome sustainability of the programme. This can be attained by demonstrating the link between and amongst all quality components during its implementation.
9. EALA should find means to allow the Committee assess the projects in the Republics of Rwanda, Burundi, Tanzania and the remaining towns in Uganda.
10. The EAC partner states should ensure that local authorities are fully involved and participate to allow the projects to run smoothly and for ownership.
11. As far as it is feasible, the LVBC should involve the EALA Committee to support the project and this should be sustained and continued.
12. The LVBC should urge the Council of Ministers to bring back the LVBC Bill to the Assembly, to enable the Commission function best on a legislative instrument.
13. As the project is meant for the needy people, it should move to other places, particularly after successful completion of Phase 2.
14. The LVBC should replicate best practices from Phase 1.

Mr. Speaker, may I take this opportunity to thank you and the office of the Clerk for facilitating this activity. I also wish to thank the city and town fathers of Kericho Municipal Council, Keroka Town Council, Kehancha Council and Mayuge Town Council for sharing information, concern and views of the programme of the Committee. The Committee also appreciates the Executive Secretary of the Lake Victoria Basin Commission and the staff who welcomed us and co-operated with the Committee at all levels, by availing information to allow us understand the needs, challenges and opportunities of LVBC in implementing the programme.

Mr. Speaker, last but not least, we would like to thank the staff of the Lake Victoria South Water Services Board, the staff of the Ministry of Water Resources and Environment in Uganda, representatives of water utility companies, water coordinators and all other stakeholders who work with the LVBC in the implementation of this project.

Mr. Speaker, I now beg to move that the Committee's Report on the On-spot assessment of the Lake Victoria Water and Sanitation Programme Phase 2 be adopted. Thank you. (*Applause*)

*(Question proposed)*

**Mr. Lotodo:** Mr. Speaker, I want to declare from the onset that I am a Member of this Committee and fully support the Report.

Mr. Speaker, I want to point out that the major challenge encountered by us during the tour is that there is a poor linkage between our partner states, the institution of Lake Victoria Commission in Kisumu and also the people who are supposed to be the beneficiaries on the ground. This actually became apparent that since this programme started in 2009, the projects are yet to start. We were informed that the project is supposed to start this August. So, it is this kind of bureaucracy that we are talking about, that needs to be addressed. This is because meeting the people of Kericho, Kericho, Isebania and Mayuge, we found that the people were aware that this project is supposed to start, but the issue is the conditionalities and the pace at which the government was supposed to fulfill those conditionalities. So, by reaching there the people really were asking us: "Where is the water?" So, that is an issue that we noted.

The issue that I also want to point out is the pace at which the partner states need to adhere to conditionalities. That is the main challenge that delays these projects from taking off.

I want to support the programme and LVBC for helping the process.

Thank you, Mr. Speaker.

**Ms. Patricia Hajabakiga (Rwanda):** Mr. Speaker, I want to speak on two issues. I wanted to speak about bureaucracy. The enthusiasm shown by the towns is not the same when it comes to the bureaucracies at higher level in the partner states. That shows why there were delays in the implementation of the requirements of the bank as far as the grant is concerned.

Mr. Speaker, I also want to talk about sanitation and hygiene, which is also an important component of this project. During our visit, we realized that most of the towns are really in bad shape as far as sanitation and hygiene is concerned. By the data we received from the Ministries of Health, more than 60 per cent of the diseases in the local towns and villages are sanitation-hygiene related. This means that if we could sensitize and prevent, we will cut down a lot of funding which goes to the Ministry of Health, to deal with issues of hygiene and sanitation.

Mr. Speaker, this calls for partner states to look at these issues and particularly, in those other towns. When we are talking about 170 towns and today this project is only covering 15 towns, and that will go to 2015. If we go by that trend and wait for the bank, how many years will it for our community to get clean water, sanitation and be able to solve some of the issues which we always talk about in terms of health problems in our region?

Mr. Speaker, the other issue which we noted, which is a problem, is that when we have water supply we do not sustain it as long as environmental management is not a component of various projects which we implement. For example, when we visited Kericho and went as far as the mountain, where there is the water source, the water intake has dried up completely. Compared to Ten or 15 years ago, the water levels have really gone down, because of encroachment of the water catchment of Mau Forest. If this is not restored, even the infrastructure that we are building is useless because we have an infrastructure without water in them.

Mr. Speaker, I just wanted to emphasize those three issues.

I beg to support.

**Mr. Clarkson Otieno Karan (Kenya):** Thank you, Mr. Speaker for giving me this opportunity. I promise that I will not go against the standard that has been set in regard to discipline, by being very brief and to the point.

Mr. Speaker, there is one fundamental problem which has to be addressed. If it is not addressed we may allow its importation at the regional level and will affect most of the project. We must be concerned at the time of signing agreements for these projects. This is because if you find an agreement which requires partner states to start implementing the projects at the same time, even if Kenya was ready and then Burundi becomes ready in the next two years, Kenya has to wait for Burundi to meet the conditionalities so that the projects could start. I have never known such kind of agreement which enable the people to be able to given the necessary service.

There is no doubt that if these projects were completed, then the issues of sanitation will improve in the lake region and as a result, will ensure control of pollution. But it is important to note that the bureaucracy in the central Government must be checked. It is upon the national parliaments to be able to find a way of going through this mechanism so that they are checked. This is because if these ones are not checked, we will be importing people who will not be able to ensure that the region moves at the pace in which it is required to be able to---(*Technical hitch*) --- the flow of information. The people who were on top of the project raised the expectation of the population. In some cases they were told that the water is coming by July and by July there was no water. In some times, the project had a very bad tag in some town. When you go there you are told "*hawa ni wezi wa maji*". So, we must be able to control the expectations of the population. We should be able to pass information to beneficiaries at reasonable times so that they know the actual time of the project implementation – (*Interruption*).

**Mr. Sebalu:** Point of information, Mr. Speaker, Sir.

**Mr. Karan:** I will take it.

**Mr. Sebalu:** Mr. Speaker, Sir, thank you for giving me this chance and also to Mr. Karan for giving way. The information, I would like to give regarding the anxiety and managing the expectations of the people, in one of the towns where we went, a mayor told us that he almost lost an election because of this water. They said that we go and spoil their politics with promises which we never fulfill in time.



**Mr. Karan:** Thank you, Hon. Sebalu for that information. You can see the level we can be pushed if we do not manage these projects. Otherwise, Lake Victoria Basin Commission is doing a good work. I think they need support from the partner states. That is what is lacking. If they are given support from partner states, implementation of the requirements within reasonable time then we will have a transformation in the region. There is no doubt that if this project is implemented it will support the integration of a number of issues within the East African Region.

With those few remarks, I want to support the report. I am also a Member of this Committee.

**Ms. Kwekwe:** Mr. Speaker, Sir, I want to thank all the hon. Members who have made contributions in support of this report. I want to say that this is the project that will bring East Africa real tangible benefits about the East Africa integration. I call upon all those concerned to play their rightful roles to ensure that this project is delivered within a very reasonable time period and in the very near future.

I thank you and again beg that this report be adopted.

*(Question put and agreed to)*

**MOTION**

RESOLUTION SEEKING EAC COUNCIL TO IMPLORE ICC TO  
TRANSFER THE CASE OF THE ACCUSED FOUR KENYANS FACING TRIAL

**Mr. Ogalo:** Mr. Speaker, Sir, I beg to move:-

THAT this assembly do resolve to move seek the EAC Council of Ministers to implore the International Criminal Court (ICC) to transfer the case of the accused four Kenyans facing trial in respect of the aftermath of the 2007 Kenya General Elections to the East African Court of Justice and to reinforce the treaty provisions.

**Mr. Gervase Akhaabi:** Seconded

**Mr. Ogalo:** Mr. Speaker, Sir, this is a Motion seeking for the resolution of this House for the EAC Council of Minister to implore the ICC to transfer the case of the accused four Kenyans facing trial in respect of the aftermath of the 2007 Kenya General Elections to the East African Court of Justice and to reinforce the treaty provisions.

Mr. Speaker, Sir, whereas Article 49(d) of the Treaty vests into the assembly the authority to discuss all matters pertaining to the community and make recommendations to the council of Ministers are deemed necessary for the implementation of the treaty. Whereas Article 123(4) of the Treaty provides for peaceful resolutions of disputes between and within partner states, whereas Article 123(3)(a) of the Treaty sets one of the objects as pursuit of foreign policy intended to safeguard the common values, fundamental interests and independence of the community; whereas in pursuance of its mandate, this assembly observes and monitored the Kenya General Elections and in its debate noted that a dispute had risen touching on the matters of compliance with Article 6(b) and 7 of the Treaty by the competing political parties; whereas in furtherance of its mandate, the assembly appointed a good will mission which carried out an evaluation of the effects of the dispute and reported back to this House recalling the mediation efforts that were instituted by a number of international bodies such as the East African Legislative Assembly, the African Union, the United Nations and the heads of the EAC partner states; noting that under Article 123 of the Treaty the East African Court of Justice is mandated to ensure adherence to the law and compliance to the Treaty; further noting that under Article 38(3) of the Treaty, a partner state is under obligation to implement the judgment of the East African Court of Justice; aware from the debates of the two reports on the Republic of Kenya General Elections that the dispute between the parties and ensuring actions by various actors may have contravened the provisions of the Treaty as to governance, rule of law, democracy, accountability, social justice and settlement of disputes and such a trial by the East African Court of Justice, concerned that it is now almost five years since the unfortunate incidents and the ICC at the Hague is still in preliminary stages and that justice delayed is justice denied, convinced that the indictment of the four by the ICC may alone not and will not resolve the underlying issues that led to the said violence that grasped the entire nation of Kenya, fully noting that a sizable number of the people of Kenya including the resolution of the Kenya National Assembly to that effect as well as the Governments of the partner states of East African and the AU were not in favour that this matters should be referred to the ICC but rather be dealt with locally in order to promote reconciliation; aware of the continued agitation by the Government and the people of Kenya to have the matter resolved locally by the relevant Kenya institutions in order to move Kenya forward following a successful coalition Government for the last five years including the enactment of the new Constitution which has established a new favourable constitutional order, now therefore this House resolves as follows:

1. The people and the Government of Kenya with support from their sister republics of the EAC, are congratulated for the maturity and fast pace of reconciliation exhibited in such a short time that has enabled Kenya to move forward.
2. Recognizing the efforts made by the Republic of Kenya in the last five years and in support of that, allow Kenya to locally to resolve the matter once and for all having demonstrated that it has the capacity to do so by having the successful coalition government and the new Constitutional Order aimed at resolving the issues that manifested in the aftermath of the 2007 General Elections.
3. Support the call by the Kenya Government in the pursuance of the need to have a local mechanism of handling of the post-2007 election violence.
4. That the council of Ministers immediately embarks on the process of requesting the transfer of the proceedings for the accused four suspects in respect of the 2007 General Elections from the ICC and instituting them in the East African Court of Justice on the basis that the acts complained of are also contraventions of the Treaty.
5. That the council of Ministers request measures from the court for the contravention of the Treaty provisions if so proved.
6. That the chairpersons Council of Ministers...honourable Members, there is an amendment here which I propose. It reads:-  
That, "the Chairperson Council of Ministers submits this resolution to the 10<sup>th</sup> Extra Ordinary Summit of the EAC Heads of States sitting on 28<sup>th</sup> April, 2012 for it to cause amendments Article 27 to provide for such as a jurisdiction as it is necessary to bring similar actions within the ambits of the jurisdiction of the East African Court of Justice and give it retrospective effect."

Mr. Speaker, Sir, under your wise guidance, you appointed a committee in 2007 to come and observe the General Elections of Kenya. I was privileged to serve on that Committee and I was based in Kakamega. I spent my Christmas in Kakamega. I observed elections in that part of the country and by the time I was leaving Kisumu, acts of violence had started. By the time I arrived in Nairobi, things had got almost out of hand, deteriorated and got worse. This House always being cognizance and taking care of issues of the Community, debated the report of that committee because this House was very concerned about what had happened here. Indeed, thereafter I proposed a Bill for enactment into law to set up an East African Election Commission as a reaction to what we had observed here. I am grateful that this House yesterday passed into a law a version which creates a board of the commission. It is against that background that I bring this Motion aware that we have a Treaty in this region which states how we should deal with our matters. The very first thing under the Treaty as had been noted in the resolution, a provision which requires that the Community safeguards our independence. The question which comes to mind is; do we safeguard our independence? Do we put the provisions of that treaty in effect when we have citizens of the Community being tried outside the Community? I say no. I say we would be going against one of the provisions of the Treaty by giving away our independence.

Mr. Speaker, Sir, independence came and the people who are said to be giving independence did not give it willingly. So, we should not expect that they will be very happy with us. They still wanted control. At the time of colonialism, the judicial system was that appeals from East African Countries led to a court called the British Council. They sat in Britain. So, trials of our martyrs eventually were in Britain. I was surprised when I cross-checked that that court is still in existence. So, I wondered why. What I found in Wikipedia and I want to quote:-

“The judicial committee of the British council originated at the highest court of civil and criminal appeal for the British empire.”

In other words it was the court for Uganda, Kenya and Tanzania because we were part of the British Empire. It goes on to say:-

“Until October 2009 the judicial committee heard appeals in the council chamber in Downing Street.”

Today, it shares a building and many administrative functions with the Supreme Court and usually sits in court number three. So, today the British Council of the British Empire is still in existence. But to try what? Why are they keeping it? To try who? They are keeping it and hoping that later on some of us would say we want it. We can still hear appeals. To me this is what has happened in this case. That independence was given but they still wanted control but then there is ICC which is supposed to continue to try us, just like we were being tried by those courts under the British. So, where is the difference? Where is the independence we got if we are still going to be tried by the same courts which tried us?

As a community we must not let down those who fought for independence of this region. Those who fought for the independence of this region should be allowed to lie in peace where they are and not to turn in their graves and say that we have negated all the things they did.

Mr. Speaker, Sir, there is then the question of the jurisdiction of the East African Court of Justice. I content that even the Treaty as it is now, taking into account the fact that there are certain basic principles in the Treaty like good governance, democracy, rule of law and accountability were enshrined in the Treaty and require us to respect them. If we do not respect them--- The Treaty says that the matter should be handled by the East African Court of Justice by way of inter-bridging. So, if there is any action which contravenes those basic principles then the East African Court of Justice can determine whether there had been a breach. If there was a breach, the East African Court of Justice has wide powers to make disorders arising from that breach. To me there is a mechanism in the region to which we can turn to. It is not necessary for us to be turning to another court elsewhere.

Mr. Speaker, Sir, under the rules of that court, some registries have been established and beginning next financial year are going to start running in all the five capitals of EAC. In other words, it is possible for the court, because of the sub-registry in Nairobi, it is possible for the court to come and sit here and dispense justice from here in the presence of Kenyans. They will be able to see what is happening. How many Kenyans are going to pick air-tickets to fly to The Hague to witness what is going on because there are many who want to see justice but this justice can be served to a court which can come to Nairobi? The Hague or the ICC will not come to Nairobi. So, we serve our people by bringing services to them. We give them justice by having this done here. People would be able to see what is happening which would not be possible if the case is in The Hague. Even those who can manage air tickets to fly there would be expensive yet here is the court is sitting here people just walk into the court and see what is going on.

Mr. Speaker, Sir, the Treaty also says that one of the basic fundamental provisions is peaceful resolution of conflicts and disputes arising in any partner state. So, there is a law saying that if there is

a conflict in Kenya, there is an obligation for that dispute to be settled or resolved. It is an obligation on us as regional institutions. There is the summit, the council and this assembly to enforce the provisions of the Treaty. I submit that we should rise to the occasion, using our own laws which we make for ourselves and have the peaceful resolution of conflicts done here. By doing that, we would be using our laws here. Right now the laws being used are laws called the Rome Statute. The Rome Statute may not take into account the local circumstances. They were made somewhere in Rome then we signed it. If we are settling it according to our norms, traditions and our laws we are likely to give justice more than just being convicted.

Mr. Speaker, Sir, lastly this is a matter which can be resolved expeditiously. The Chairman, Council of Ministers is here, the Summit is meeting on 28<sup>th</sup>. If this House passes this resolution, the Summit can deal with this matter this week and we resolve it.

I commend this Motion to you and seek your support.

**Mr. Speaker:** Hon. Members the proposal on the Floor is that this assembly do resolve to seek the EAC Council of Minister to implore on the ICC to transfer the cases of the accused four Kenyans facing trial in respect of the aftermath of the 2007 Kenya General Election, the East African Court of Justice and to reinforce the treaty provisions. Debate is open.



**Mr. Gervase Akhaabi (Kenya):** Mr. Speaker, Sir, this is a Motion that calls for the support of every one of us here. It is a Motion that is critical to our integration as East Africans. As has been pointed out by the Mover of this Motion, my friend Hon. Dan Ogalo, and I thank him for moving this Motion, this assembly has been extremely concerned about the events that occurred in this country, Kenya as a consequence of the declaration of election results in December, 2007. It is for that reason that a special committee was sent to Kenya. It made recommendations which were submitted to the House and a resolution followed. Subsequent to that there have been a number of pronouncements by the House to the effect that we need a mechanism for resolution of conflicts and for management of our disputes because disputes will always be there. This is yet a further attempt and a further effort on the part of this assembly to bring to the fore the need for establishment of a suitable mechanism for resolution of disputes locally. When we look at the Treaty provisions Article 5(3)(f) , 6, 8(I a and c), 123 and 124, the core of these articles is the need to have disputes within the Community resolved. As Hon. Ogalo Argues it cannot have been intended by the framers of this Treaty that we should have our disputes settled amicably outside of this region. The intention must have been that these disputes should be resolved amicably and peacefully right here. It is in this context therefore that with regard to the East African Court of Justice and jurisdiction, it is imperative that these court= have jurisdiction to resolve these disputes.

Mr. Speaker, Sir, coming specifically to the matter in the Motion, the post-election violence of 2007/2008 in Kenya was a blemish not only on Kenyan body politics but in the entire EAC. It is in the interest of the Community that we have a peaceful environment. Under Article 123 of the Treaty, we have undertaken to co-operate in matters relating to politics. With your permission, I will read just a portion:-

Article 123 (3)(a) states:-

“The objectives of the common foreign policy and security which has been discussed shall be to safeguard the common values, fundamental interests and independence of the community.”

The key words are “common values”, “fundamental interest” and “independence of the Community.” Community is defined to mean partner states of the community. How do we say that the Community is independent when we are not in control of the destiny of our people, when we are not in control of ourselves? How do we say that we shall safeguard our common values when these values are being evaluated by people outside of ourselves in The Hague? When you look at the Kriegler Report and the report by this assembly after the violence, the Kriegler Report and Waki Report enumerated a number of underlying causes that led to the violence. How will these underlying causes be resolved if the people attempting to resolve them are not here? They do not know the local circumstances obtaining. It is best that the disputes or the factors that led to the dispute that resulted in the violence be evaluated and considered by people in Kenya and in this region. Why in this region? It is because we as East Africans have agreed to co-operate. We have said that the security and peace in Kenya is such as the security and peace in the rest of East Africa. So, it is in the interest of the Republic of Burundi, Rwanda, Uganda and Tanzania that there be peace and security in Kenya. What opportunity are these countries being afforded to contribute towards establishment of a peaceful environment when the so-called principal actors are being tried out there? That is a criminal process that does not necessarily lead to justice and fairness. The process that we need is a process that will lead to reconciliation in this country and in this region. A criminal process like the one in The Hague is going

to result not in reconciliation but most likely in a situation where there will be bitterness left behind. For peace and security in this region so that we may advance economically and socially, we need peace and reconciliation. It is for this reason that I urge hon. Members to support this Motion that the Council of Ministers, takes up this matter as of urgency to approach the ICC and the United Nations to have these proceedings that are now pending in ICC back in the country.

Mr. Speaker, Sir, we do appreciate the support that the international community has given to Kenya and to our region to see that there is stability and peace. We are particularly grateful to Ambassador Dr. Kofi Annan, other eminent persons under the AU but the people of Kenya and the people of this region need more than criminal responsibility. The people of Kenya want justice that is not measured on the criminal liability. Kenya has made a lot of progress. I am proud to stand here as a Kenyan and say that Kenya has probably one of the most progressive Constitutions in this region. The Constitution of Kenya has established institutions and organs including the judiciary that is extremely competent. I am proud of my teacher, the Chief Justice, Willy Mutunga for the work that he is doing or helping to do in the reforms in the judiciary. The institutions that have been put in place and the reforms that are taking place in Kenya now point to the establishment of an environment that makes it possible and indeed necessary for the withdrawal of the prosecution of the four suspects from Hague to be brought back here so that they are tried locally under our institutions that are competent and manned by competent people. If it is seen that the Kenyan courts might not then the best choice is to have the East African Court of Justice try these matters. If we do not do that, we are selling our independence and our dignity. What are we telling the world? That the East Africa people are incapable of solving their problems and that they should be solved elsewhere. So, what are we telling the world? I urge my colleagues and hon. Members to support this Motion.

Now that the Chairman of the Council of Ministers is here, I support Hon. Ogalo in urging that this matter be treated as extremely urgent and that a resolution passed by this assembly be immediately forwarded to the Summit of the Heads of State that is meeting on 28<sup>th</sup> April, 2012.

I thank, Mr. Speaker, Sir, and I support the Motion.

**Mr. Leonce Ndarubagiye (Burundi):** Mr. Speaker, Sir, thank you for giving me the Floor. I think we have to realize in which world we are living. This is a world of double standards. Human beings cannot accept humiliation and betrayal. We are being betrayed almost daily from the time of slavery, colonialism and neo-colonialism. They only change strategies and words, today they say “developing world” or “partners in development” but the objective is the same. If you look around in the world there are too many crimes committed but they are not committed by Africans. Were they punished? No. Let us not be like a goat. A goat is a very stupid animal. When they are cutting the head of its brother they continue grazing instead of running away. There are people who believe that a tragedy will only happen to someone else. Tomorrow it might happen to you. So, let us not be like a goat. We have to be very serious with the treaties we sign. Was it by us or through foreign agencies? We should ask ourselves what the ICC is signing. There is a saying in Burundi which says if you cannot feed yourself then you cannot rule yourself. We are getting funds from those people so they sign here or there. Actually, it is blackmail. From now on we make review of our membership in all organizations that are discriminatory. That is why I support the Motion fully. What is happening to those people may happen to you. Be very careful.

I also use the saying in Africa that we should sign things and ask for reciprocity. When you look at Africans, how many of us are in Europe working? They are very few? We have to ask for reciprocity. I fully support the Motion and I not only ask that this Motion to be send very quickly to the Summit but also to ask them to review all our grievances in all international organizations that discriminate Africans.

Thank you very much.

**Mr. Aman Kabourou (Tanzania):** Thank you, Mr. Speaker, Sir. Let me say from the outset that I support this Motion 100 per cent. Why do I do that? It is because I took an oath before this Assembly to defend and uphold the treaty for the establishment of the EAC. Therefore, I do not cast any doubts as to what it means. All that is being said here simply reaffirms to me on the articles of the Treaty that have been set by our learned brothers. They really simply say that the Treaty is right and that we have to uphold as we already have taken an oath to do so.

Hon. Speaker, I am surprised that this case is still pending at the Hague five years after what happened here in Kenya. This is almost like festering a wound. People expect reconciliation in this region and yet this matter is being treated as a criminal affair which I do not think it was. It was a matter of people not agreeing on certain points and they chose the wrong methods. That is all.

Now, when I look at this case and the fact that I was part of the EALA election mission to Kenya, yes, we had to be taken out of Nairobi by the Diplomatic Police because things were not working out very well that evening. What I can say and relying on the Treaty is that the aggrieved party here is the EAC. We are the aggrieved party and we have every right to determine or come to a resolution of this matter because it is provided for by our own Treaty. Therefore, I can only urge the Council of Ministers to do what the Motion seeks because I feel that we are being taken for a ride as hon. Leonce has just said that it is only tactics that change, but really the theme is always the same.

A little history, perhaps, Mr. Speaker, Sir, about how we came into this. I know there is something called the Atlantic Charter of 1942 in which the Europeans were literally forced by the Americans to sign up their colonies to agree to go back to a programme that had been set back in 1920, the League of Nations. After the Second World War all colonies would become members of the United Nations which was formed in 1945 in San Francisco and we all became signatories.

Now, we work under the United Nations system and this is why we have continental organizations like the African Union. They are recognized by the UN. We also have regional economic groupings which are recognized by the AU. Therefore, to me it makes it very difficult to understand why the UN feels unhappy about the devolution of powers. We are working under the UN system which we are all signatories to and now we have the AU which has its own regional economic groupings like the EAC. So, we have our own laws and I think that the UN should give up this process at ICC and let these regional economic groupings like the EAC which has its own court and all the other organs do what is necessary. I am in total agreement with everybody who says that there are special circumstances that make it necessary that this matter should be relocated from the Hague to Arusha, or, perhaps even Nairobi if they have a competent authority.

Hon. Speaker, I do not know. I am not very tribal. I do not come from a specific tribe but I know that in many tribes there are ways of handling matters. You kill somebody they say, "Give us forty cows." They count the pieces of your body and they know what a person is worth. Maybe we may want to do that here. Again, I do not want to belabor this point. I am in total agreement with the Motion for the reason that I already took an oath to protect and defend the Treaty for the establishment of the EAC.

Thank you.

**Mr. Charles Nakuleu (Kenya):** Hon. Speaker, first I wish to thank the mover of the Motion, hon. Dan Ogalo for thinking it wise to bring this issue at the regional level. Hon. Speaker, in 2010, Kenya promulgated the new Constitution. In this Constitution Kenya also got to be a signatory to international conventions and treaties which ICC is one of them. Therefore, it is good for the international community to support Kenyans call for referral of the ICC cases to be handled locally or at the East African Court of Justice.

Hon. Speaker, Kenya has shown its interest to co-operate with the international community and that is why the suspects have been attending the pre-trial chambers right from the beginning and they have been co-operating with the ICC and the prosecutors at all stages. Therefore there is no need for the ICC to doubt Kenya's endeavour or the Community's endeavour to handle this case. We are not saying that we are protecting the suspects. We want to customize justice by making sure that if some criminal activities were conducted, those who did that should be brought to book in a local way. We are also saying that by conducting justice locally, justice for the victims will also be taken into consideration. That is one of the reasons why we are saying that these case be referred back to the region so that this justice can be customized instead of conducting it far away at the Hague.

Hon. Speaker, Kenya is the stabilizer in the region and any attempt to destabilize Kenya will create instability in the entire East and Central African region. Right now as we speak South Sudan and Sudan are in conflict over oil. There are so many southern Sudanese trooping into Kenya through the northern part and they have been given homage in Turkana County in Kakuma Refugee Camp and more are coming. Therefore, the international community should be too sensitive to put this country into further chaos.

Hon. Speaker, with regard to Somalia, Kenya is also fighting Al Shabaab combined with Al Qaeda. Therefore, Kenya does not have the capacity to fight simultaneous wars. Since Kenya is headed for another general election and we are not yet through with the war on Al Shabaab in Somalia. Also, Sudan and Southern Sudan are there in constant conflict. Kenyan IDPs have not been resettled. So, we have so many multiple problems to be handled simultaneously. Therefore, that forms the basis why we are requesting the international community to be careful when handling this matter.

The Chairman to the Summit when addressing the Kenya National Assembly made his own personal commitment as the Head of this country to make sure that Kenya gets the justice it deserves and that there will be smooth transition. Some of the issues that will trigger violence have to be contained as much as possible.

Hon. Speaker, another reason why we are saying that this case should be referred back is for the international community to test the effectiveness of the local instruments of justice in the region. If we keep on taking all cases outside the region, how shall we know that we have effective constitutions and treaties for the region?

Hon. Speaker, by so doing again we shall be victims of geopolitical theatres outside there. That will also indicate that we are not independent and that we only exist as pariah States. Therefore, there is every reason why the ICC should refer back these cases back to Kenya and be handled at the East African Court of Justice.

Hon. Speaker, the DPs in Kenya still remain unsettled. The Government is grappling with the little resources to make sure that they are resettled. We in East Africa should be careful of the influence

that civil societies have in our own countries. At the end of it all we would have sold our independence to civil societies whose motives could not be known. Now we are debating as an Assembly that justice for both victims and suspect should be sought locally, but tomorrow in the media you will read somewhere, “MPs are interested parties. Why are they involved in resolving matters for the suspects only and not victims?” You will get that in the media later. However, we are saying that we want justice for everybody. The four who are facing trial are also suspects. Maybe the real perpetrators are not yet there and the ICC is not able to handle all the 5,000 cases which can be managed effectively locally. That is why we are saying a local tribunal has to be set up to handle all the cases. If we handle the four cases outside, who will handle the 4,996 cases?

With those few remarks, I beg to support the Motion.

**Ms. Dora Kanabahita Byaraukama (Uganda):** Mr. Speaker, Sir, thank you very much for this opportunity. I would like to say from the outset that I support the Motion and I want to congratulate hon. Ogallo for coming up with this Motion.

I have four points. The first one refers to our report of the EALA goodwill mission to Kenya. Permit me, Sir, to read some of the recommendations which are very pertinent here.

We recommended that given the confidence expressed by all the parties to the conflict regarding the role of the East African Countries and EALA in helping to resolve the country that the Summit should appoint a team of eminent East Africans acceptable to the parties in order to facilitate reconciliation amongst the parties.

We also resolved that EALA should continue to be seized with the question of the conflict in Kenya until its resolution and there should be established an East African Electoral Commission to manage future elections in partner States and that we should set a criteria and establish a mechanism to respond to situations of breakdown of peace in partner States.

Mr. Speaker, Sir, allow me to congratulate you and this House because we have followed through with these resolutions and we shall continue to be seized with the question of conflict in Kenya until its resolution.

Mr. Speaker, Sir, in Uganda there was a Motion which was moved in respect to the Republic of Rwanda. At that time the issue was that Rwanda wanted to have some of these suspects who were being tried at the ICC in Arusha to be tried in Rwanda. We supported this Motion. I think it also has a bearing on what we are doing today. Like my brother hon. Nakuleu has said, much as the East African Court of Justice may intervene and assist in this case there will be some circumstances where we shall ask the Republic of Kenya to also step in so that justice is also given to those very people who may be in camps. I am saying this because the ICC justice is symbolic – it does not really go to the heart of the issue and yet we would like to go to the heart of the issue. We would like to talk about the causes. We would like to have a sustainable way of ensuring that there is peace and stability in the region. Therefore, on this account, I hope that this resolution will be given the seriousness it deserves.

Mr. Speaker, Sir, I would like to make some comment on the issue of us taking our people to the ICC. As I said before, this is symbolic. The kind of money that is spent by the ICC is a lot. If this money was for example given to the victims, it would go a long way in addressing the problems. So, the superficiality and the hypocrisy of the whole process should really be shunned. On this I would like to follow through with what hon. Leonce said. We are an East African Community. We have an East African Joint Trade Negotiations Act. We should go further and talk about an East African Joint Interests Act which will take into account the politics, the economics and social aspects. That way, if it comes to the issues of EPAS we will not have some of the East African countries signing and others not signing.

In this particular case, let me laud the Republic of Rwanda. This is the only country in the region which has not signed to the ICC. I believe the reasons are very clear. Given its history, it has come to terms with the fact that what may happen at the ICC may not adequately or sustainably address the issues of East Africa or Africa for that matter.

Mr. Speaker, Sir, there have been questions and we ask: Why target Africa? For example there is a case on the Central African Republic. There are cases in connection with the Democratic Republic of

Congo. We have a case of Darfur in Sudan. We have a case of Northern Uganda and there is a case of Kenya and Libya. There are more coming on in the African Continent. I would like to say quickly that to some extent we should blame ourselves. This is because when politics kicks in then you have countries referring themselves voluntarily to the ICC. We are joining those who are laughing at us and not looking at the long-term interests of our country. I am glad, however, that Kenya has recovered from this very quickly. We have been watching you. I come from Uganda and we have seen how you quickly stopped the violence and we are very impressed. Even from a negative situation there are some positives.

So, we would like to highly recommend you and say that we support you fully in this. I hope this action will be taken in the nearest future. Following our Motion and maybe other activities, I know for a fact that some of the suspects who are supposed to be tried by the ICC in Rwanda were transferred to Rwanda. I am reliably informed that these suspects are now being tried in Rwanda.

Mr. Speaker, Sir, you remember that when we went to Rwanda we were shown the facilities where these suspects were supposed to stay. We know that Rwanda has some of the best personnel in the world and they even allow others to come in. We are, therefore, sure that justice will be done.

Uganda is privileged to have the hon. Justice Sebutinde working at the ICC level. This goes to show that within our region we have the human resource and the facilities to ensure that justice is done.

Mr. Speaker, Sir, I would like to conclude by saying that justice delayed is justice denied. It has taken 18 years for the people of Rwanda to even make this move since 1984. It is already taking five years for Kenya to come to some form of justice and even then it does not seem to be in the near future. For me I think this is another breach of the law. This is what we call double jeopardy because here you are being punished and you are punished again yet it is not clear when you will be free. I will not mince my words. Some of the people who were involved in this are young people and they have political careers. For how long will they wait for justice? I think this is a big anomaly which should be addressed expeditiously.

Finally, as any other court, the ICC makes factual and legal decisions. I will not dwell on the legal because the legal is found in books, but let me talk a little bit about the factual. I do not believe that if, for example you have to take evidence from Kenya to the Hague that evidence will arrive in the same form. I do not believe that even if you pronounce justice out there which you perceive to be justice that the people of Kenya will be able to see that justice has been done. So, I would like to implore all people of goodwill and the ICC in particular to listen to our plea and to work with the Government of Kenya which has been willing and some of the suspects so that we can bring home this justice and be able to ensure that people in IDP camps and other victims also get remedies.

I beg to support.



**Ms. Lydia Wanyoto Mutende (Uganda):** Mr. Speaker, Sir, I would like to congratulate hon. Ogalo for bringing this Motion. It resonates very well for some of us who are passionate about fairness and justice.

Mr. Speaker, Sir, my orientation about justice and fairness is not so much from the legal persuasion although I am a lawyer, but it is from my religious background as a child growing up. In Matthew Chapter 7:7 talks about doing to others, what you would like people to do unto you.

I am proud to be a Member of EALA. As it were in a proverbial saying, this Assembly has proved to be like a giraffe. Recently, I was privy to information that the Council of Ministers and the senior leadership of our countries were able to approve and support the Government of Rwanda to host and take to the archives of the International Tribunal on their genocide. This is because it was about Rwanda and the people of Rwanda. However, it was a tough debate. The Motion in Kampala, I was telling hon. Patricia, came in handy. This Assembly had already seen ahead that it was important to domesticate justice.

For us who come from the African traditional settings, if you lose your loved ones, the way you take care of the graveyard is different from some of these other cultures where the graveyard is in some official cemetery or some other place. So, the way the settings of this will be has a lot of emotional attachment. There is the biological attachment that people lost relatives and family. They will make it their history. It is part of them.

So, I would like to congratulate the Council of Ministers that they were able to support that course and to host and take the archives of those trials and that history. That was supported by the resolution and debate that followed what we had in Kampala. You can see the building of synergies and meeting of minds the way we want to go as East Africans. These should be able to allay the fears of hon. Nakuleu that this Assembly is not talking about this particular resolution because the media will pick on what is happening in Kenya. We have been at this matter even before your local politics came in. We debated many issues about East Africa. We want to be on record that this is not a matter of Kenya, rather this is how EALA does business. We think ahead, we plan for East Africans and we are passionate about the institutions that are going to take us to the next level.

Mr. Speaker, Sir, my next issue is that of the environment under which these cases are tried. As a scholar and an interested party, I have been following the history of the cases that were happening in Arusha under the International Tribunal on the Rwanda Genocide. The standards are different. You people, we are Africans. There are things that you cannot dream that are our rights. The standards of the international court are such that the victims are entitled to good food, good sleeping space, internet, and even, maybe, to some allowances. These things are not with us. For us that is not a right. We do not afford those things. So, the environments under which some of these cases are tried are alien to our own situations. They are not with us.

So, my own support to this is the principle that the environment under which these cases are being tried are not what we as East Africans live in. If you are going to fly witnesses to the Hague, think about the weather. Think about the environment. I am not going to mention about the skin of the people who are trying them. You realize that it is alien and you want to be in your own setting to bring out your emotions and to look at yourself within your own setting and your own environment. I support a principle of domesticating this trial, but also of building our own institutions and that we should be real with these issues. The problems were domestic. Taking from what we have said earlier,

this is the way to go because we have seen what happened in Arusha and other places. It was alien and there was a disconnect between justice according to our own settings and justice according to international system.

Mr. Speaker, Sir, I want to be on record that I support the existence of ICC, but for purposes of a referral. Let us first of all exhaust our own domestic social and criminal systems before we can refer because we are part of the global community. I am proud of the Gachacha Courts in Rwanda. We also have one in Northern Uganda. We also have our national settings in our constitutional jurisdictions. We also have the regional courts. Let us first exhaust the structures and the systems that we have before we go to refer to those international institutions. They are alien to many of us. They can actually deny the flow of justice and fairness.

Mr. Speaker, Sir, as I conclude, I would like to say that this is an important development. Many times when we discuss issues in EALA it looks like we will never come to get results, but for me, I have learnt to believe that many things that we do today we shall be proved right even if it takes ten years from now. I, therefore, would like to support this Motion and to request that every Member supports it because it is important for building institutions for our children.

South Africa had a history of over 100 years of apartheid but they were able to come to terms with it and formed their own local systems of reaching reconciliation and their own justice system. So, we are not yet far from that. We are Africans like any other Africans. We can do things ourselves. We have had this in our traditional settings. I support this Motion and I believe it will go a long way to build the future of our children. It will build confidence in our own justice systems. We should also support the fact that where we fail because of the nature of our politics and the nature of the divide and rule we are part of the global community and we can only refer when we have failed.

Mr. Speaker, Sir, I beg to support.

**Dr. Lwanyantika Masha (Tanzania):** Mr. Speaker, Sir, I want to thank hon. Ogalo for giving us an opportunity to make comments on something that for some of us has been very very embarrassing in our region. I was a Member of the observer missions to the elections in Kenya. Later on I was honoured, thanks to you, Mr. Speaker, to lead a goodwill mission. It is somewhat prophetic that we were able to come up with recommendations that hon. Dora has referred to in her statement. It is also coincidental that today, if the media is correct, the same court is making a judgment on another former African leader in Liberia. However, the circumstances, no matter the merits of the charges on individuals, the question remains that there must have been a mistake in the judgement of our leaders somewhere to have signed off on the ICC without expecting that this might end up being a court against African leaders in the African interest.

I worked with the UN for more than 20 years in New York and I was sometimes privy to some discussions and to some indications of support to some of the resolutions in both the General Assembly and the Security Council. I must say that it is now coming back to roost that, perhaps, we should be requesting our leaders to be a little more sensitive and reflective before they concede to international treaties and obligations.

Yes, there is a lot of hurt for those who were killed or affected somehow when these problems began in Kenya, but this was essentially a Kenyan problem. It was not an international problem. Internal problems however grave they might be to be subjected to a court whose membership has no bearing

or sensitivity to our interests--- As you are aware, the ICC membership is international as, indeed, its title says. I cannot see how a person from outside of Africa will be making judgments on matters of Africa and in this case matters of Kenya. A judge who might not even have set foot in Kenya.

But more telling, Mr. Speaker, Sir, is why we should have subjected ourselves to something like that. There ought to have been a caveat somewhere in the establishment of that court to limit the jurisdiction of that court to international crimes committed either between international parties or in the international waters or whatever. I think there was a lack of sensitivity to what would happen. We have become vulnerable to decisions that are beyond us. Hon. Leonce put the same sentiments I had in different words.

Mr. Speaker, Sir, I want to conclude by saying that we should not, particularly Kenyan leaders, feel embarrassed that they ever took part in a decision which is kind of coming back to roost against them. There must have been an error somewhere and if there is any way to get it back and retain the independence of our countries, the authorities should be able to do that. If the Kenyan authorities can assure us and I know they have the instrumentality to handle this kind of cases, perhaps, this case should not even go to the court in Arusha. It should be coming back to Kenya. However, if Arusha becomes the way out, I support the proposal in the Motion.

Mr. Speaker, Sir, I thank you for the opportunity.

**Mr. Mike Sebalu (Uganda):** Thank you very much Right Honourable Speaker. I would like first of all to declare that I do support the Motion on the Floor. I want to thank you, Mr. Speaker, Sir, for having given this matter priority on our agenda for today because it is a very important matter in my view.

Indeed, this Motion ought to have come yesterday, but even today is not too late because it is desirable that we have to pronounce ourselves as a Parliament on a matter of this kind and magnitude. It is very relevant. It is very well thought out and the mover has done good justice in terms of giving us a foundation as to why we should proceed the way we are proceeding.

Right Honorable Speaker and hon. Members, we had an observer mission in Kenya and we saw and have been part of the process along the way. Indeed, I was honored by your Office to have chaired that observer mission. We had the goodwill mission. We made pronouncements in terms of our reports which were widely quoted by among others international media. Our recommendations have been very useful in the process along the way. Many of them reflected within the new constitutional order of the Republic of Kenya. So, we have been very useful and we continue to be so and this Motion gives us an opportunity to further engage with the process until it gets to its logical conclusion.

Mr. Speaker, Sir, we have a responsibility as Members of the EALA to enhance and emphasize the collective nature of our sovereignty as an entity. It is something I want to call collective sovereignty as an entity because when we put our individual sovereign States together in a community we have the cumulative effect that we have protect as a region and any threat on that from the view point of any partner State is a threat to the entire community. As an Assembly, we must stand and be counted when it comes to defending promoting the collective sovereignty of our region.

We need to come up with East African solutions to East African problems. These problems are local. They are within our operating environment and we know them better. It is in our interest to have them resolved in a manner that is mutually beneficial to all of us. So, we are really best placed to play a meaningful role in this respect. Any attempt to deal with these matters should primarily rest on our shoulders. It should always be a matter of secondary option to leave it to other people to handle them where we have proved that we have failed to handle them. I do not have any evidence whatsoever that the EAC has been found wanting to deal with this matter.

We need to build with our local challenges. I do not even take this to be a problem in my view. It is just a challenge and we can overcome it if we appeal to our innovative and proactive ways as a region.

Mr. Speaker, Sir, this Motion is to me a vote of confidence in our regional institutions and in this case the East African Court of Justice in particular. We have institutions in place and we should be the ones empowering them to deal with any situation. If you leave these matters to go to the ICJ are we empowering our institutions? How are we going to judge them if we never gave them an opportunity in the first place to deal with these issues? I would not have any problem even if they dealt with them and did not solve them. In my view that will be giving them experience to engage with such processes. So we need to give capacity to the institutions we have created to be able to fulfil their mandate.

The EALA is a representative organ of the Community and we need to exhibit our relevance to the Community. We are talking about an integration that is people centred.

The East African people are part of the people centred arrangement that we are talking about, living our people to be handled in a manner that may not be compatible, is reneging in our obligation as people who are working for a people-centred integration. As a Parliament, I want to applaud the Speaker, the Mover and all of us for having come out to show our true representative nature as an organ of the Community. We have to stand for our people. This is a people-centred community. We are not saying that someone is innocent or guilty. We just want a process that is within the environment of East African Community (EAC) and whatever the outcome, it should be respected by the entire EAC and the international community at large.

Mr. Speaker, Sir, there are those responsibilities that are primary and it is always important that you take your primary responsibility as and when an opportunity avails itself so that you then apply the secondary aspect after failing to deal with the primary one. My view and considered opinion is that we have a primary responsibility as a region to deal with these matters. They are well spelt out in the Treaty and we should only look at other levels as being secondary. In my view, even the African Union (AU) in matters that are local within our region should come in as a secondary option after we have failed to deal with the primary responsibility as a region.

Finally, these resolutions are saying that we have the good will. I believe as a region we do have good will to deal with matters affecting the plight of the region. We do have the capacity, the ability and institutions in place. We do have the human resource and expertise in terms of judges of the East African Court of Justice. In case we need to be assisted that can be another matter. We can look out for help then. But within our domain as a region not to abdicate our total responsibility.

The term fast tracking may not be very popular in certain aspects but my view is that when it comes to this matter, let us embrace it and fast-track this process. Like the Mover indicated, we pass it today and within a day or two it gets to the Summit through the Chairman, Council of Ministers so that we can get it resolved sooner rather than later. We do appreciate that even in modern judicial systems there are alternative traditional justice systems which are being promoted elsewhere. Even in our respect, we may not go that length but we may at least give our judicial system preference in this respect and not entirely depend on the dot.com justice in The Hague where concerned parties can only follow on televisions. I wonder who meets the cost of taking the witness there. All these may be serious encumbrances on East Africans who find themselves in this situation. So, we need to make ourselves relevant. In my view, this Motion brings out Parliament as being truly representative and playing its rightful role in protecting and promoting the dignity of East Africa as a region and her people. As we say one region, one people, one destiny. Let the destiny be in Arusha on all matters regarding the EAC. Thank you very much.

**Mr. Speaker:** Hon. Members, I think we are running out of time. We will give you two minutes each and please be brief. We shall start with Hon. Sarah, Hon. Zziwa, Hon. Mari, Hon. Lotodo and Hon. Tiperu.

**Ms. Bonaya:** Mr. Speaker, Sir, thank you for granting me this opportunity. I want to contribute to this historic Motion and I would like to start by saying that I support it. I would like to say that as a Community we came together because we felt that there was a need to work together and those who brought this unity of partner states had their objectives. They wanted us to prosper the region. Stability in the region has been one major hindrance to whatever we have been planning. If we cannot manage insecurity and instability in this region, all the big promises we have given to the citizens of this region will not be realized. The region has come of age and that is why we have come together. We have created mechanisms into place to be able to handle whatever challenges that we come across. In this case we have the regional court which can handle the issues that we experienced in Kenya.

I would like to thank Hon. Ogalo for bringing this very timely Motion. This is a test case for us as a region to be able to prove that we are now mature and can handle our affairs. Our partners can only come in to support us and strength us if they are really truly partners and friends. Let them come, stabilize and strengthen our institutions and this can be a showcase.

**Ms. Margaret Zziwa (Uganda):** Mr. Speaker, Sir, thank you very much for the opportunity. I want to thank Hon. Ogalo for this very important Motion. I want to say that it has given me an opportunity to put on record that twice in Uganda I was appearing in local radio stations and Ugandans called and asked “what are you doing as EAC when fellow leaders in Kenya are being dragged to The Hague. Can you tell the world that we in East Africa are mature to deal with our own issues?” I am happy that this Motion is exactly answering that very important concern by the people of East Africa. So, I am saluting it and supporting it.

I also want to add that the people taken to The Hague are national leaders and we are taking them there without exhausting all the avenues in East Africa of justice. I also want to add that I am not very certain of the reconciliation avenues in the justice system in The Hague. We know very well that in Africa the way we deal with our issues is by justice and reconciliation. I believe that when this issue is brought back to East Africa, we shall have an opportunity to have a reconciliation mechanism.

I want to finally say that the fact that this case was taken to International Criminal Court (ICC) was a complete show of a naked lack of trust in our systems. I am sure that when it is brought back, it will restore confidence, trust and show that the people of East Africa have the capacity to deal with their issues. In that respect, they will be able to propose mitigation measures when another incident occurs. I want to say that I was a member of the goodwill mission, I listened to the painful stories of Kenyans, I witnessed the capacity or the greatness of destruction in various areas in Kenya and I realized the need for open discussion. I am sure that we have reached a level that many East Africans have now come to terms, have the remorse, have the repentance and they are saying never again should this kind of act be repeated. It is for that matter that since we are dealing with the aftermath of what happened as a one-off incident and we know very well that now we have mechanisms in place, like Bills, resolutions, protocols in place to promote peaceful resolutions of conflicts, let us go the East African way. I beg to support the Motion.

**Ms Janet Mmari (Tanzania):** Mr. Speaker, Sir, thank you for giving me this prime time to support what has been said by my colleagues. From the outset, I wish to say that I support the Motion brought up by Mr. Ogalo and I wish therefore to commend all those who have spoken before me for emphatically saying that they support this Motion. There is nobody who has spoken and said that he does not support it. A lot of justifications have been given and I do not wish to go back there.

Allow me to thank Hon. Dora for taking time to remind us all the stages and steps that we took to ensure that this matter is addressed properly since 2007. That is something that has now given us this opportunity to stand and say that something has to be done. What remains is for me to demonstrate what needs to be done. Unfortunately, I do not have an English word to use to show what an African Act is. We have a saying in Tanzania saying “*wanawake tujifunge kibwebwe.*” When a woman does that it is a serious business. I am calling on all the women here present and in East Africa *kufunga kibwebwe.* We go to the powers that be so that we ensure that what has been recommended by Hon. Ogalo is implemented.

After calling upon all the women, I call upon all the children and all the men to demonstrate so that we get our rights. I had only two minutes. Thank you.

**Mr Augustus Chemonges Lotodo (Kenya):** Mr. Speaker, Sir, I want to say that I am not opposed to the Motion but I have a concern and my concern is not to do with ICC but with the EAC. This Parliament has discussed so many issues regarding peace and security in the community. We have a draft protocol on peace and security which has not been concluded for a long time. We do have an EAC draft on conflict prevention, management and resolution mechanism, which has not been concluded. We also have an EAC protocol on foreign policy coordination which has been mentioned but it is yet to be concluded or ratified. As the Chair of the council told us yesterday that it is difficult to put these foreign ministers together to do these issues.

Mr. Speaker, Sir, we need to give justice to the four suspects. We also need to give justice to those who were killed and the Internally Displaced Persons (IDPs). I want to be guided that if this issue is brought to the East African Community how long it will take to put these measures in place such that we say that justice delayed is not justice denied. I think we are all in this community and we know the pace at which decisions are taken. I support this Motion but I do not know what mechanisms can be fast-tracked such that in two days time the issue can be addressed. That is my concern. Thank you.

**Ms. Nusura Tiperu (Uganda):** Mr. Speaker, Sir, thank you for giving the opportunity to wrap up the contributions from hon. Members.

I wish to thank my colleague Hon. Ogalo, in whom I have a lot of respect for having brought this Motion. For us, as Members of Parliament, we are very proud. We feel that this should have been brought in earlier because the demand from East Africans is really immense. These resolutions shows the spirit of Pan Africanism, East Africanist and it also shows that within the region we still have crusaders for integration. We are willing to fight anybody who wants to hijack our integration process. I was one of the observers for elections and I was based in Nyeri. The elections were free and fair there. It was surprising for us as observers, having seen the process at the beginning, being peaceful to see a u-turn of events. I would like to put it in record that I inter-faced with some of the European Union observers who went to have a press conference with their bags packed ready to live Kenya. Therefore, when things turned bad Kenyans found themselves alone. Most of those who had



come to observe elections left it in the hands of Kenyans. I am glad that you came out with a Kenyan solution to have a Coalition Government. As East Africans we were very happy. As Ugandans we were very excited because the problem in Kenya almost led very serious repercussions in Uganda, Rwanda and Burundi since we are landlocked. I want to stand here and make it clear that I support Hon. Ogalo's Motion basically for the purpose of stability in the region. This region has been stable. Kenya is concerned as the hegemony of East Africa, to be precise, the South Africa of East Africa. So, the stability of Kenya is really dear to us. A lot has already been said and I will not repeat. The feeling among East Africans of late is that these issues are politically motivated. The Coalition Government which was admired seems not to be giving a good light at the end. There is already anxiety among the population and our fear is that this anxiety could lead to instability which could affect the integration process.

I also support this Motion because it gives us, as Members of EALA, the responsibility to urge the Summit to work on the legal instruments so as to handle all issues that have currently been referred to other courts. It is our duty to do so and so with this resolution, we will be able to empower the East African Court of Justice. There is already a feeling that there is unfairness in the proceeding of the ICC. We have been told of witnesses who are "manufactured". We have been told of people who are paid money so as to go and lie. So, the feeling of an ongoing injustice is very bad for the Community. I want to commend the Kenyans for their new Constitution. All of us are proud of you because the new Constitution seems to be a model Constitution in the region and we all want something to pick from it.

According to the Kenyan Constitution, all Treaties that have been consented to by partner states become automatically ratified. That therefore means that if this matter is referred to the local courts then there is no fear for any form of injustice in the system. I would like to congratulate President Kibaki for his Statement during the State of the Nation Address when he called upon the transfer of the ICC case to the local courts in Kenya. That is an indication that the people of Kenya would want this matter to be handled locally. I happened to watch Citizen Television when it was carrying out opinion polls on whether President Kibaki's Statements were okay. By the time I went to sleep, over 54 per cent of Kenyans supported President Kibaki's demand. With that, it is clear that Kenyans themselves feel that something ought to be done and a local approach be considered. I would like to conclude by saying that as Pan-africanists I would be a shame for us to see our own sons being dragged outside Africa. I want to commend Mama Marie for the concern that she has expressed and the fear that the women of Africa feel today when they see their sons out there being harassed by people who do not understand our traditions; people who do not understand what it takes to groom a son or daughter in such a position then all of a sudden politics come in their future is marred.

With those few remarks and in fulfillment of your advice to the House, I wish to conclude but thank my colleagues for supporting this Motion. I congratulate Hon. Ogalo and Hon. Akhaabi for having done a good job. I pray that the Summit and the Council of Ministers listen to the prayers of Members of Parliament today and then do justice to East Africans and Africans at large.

**The Assistant Minister, Ministry of East African Community, Kenya (Mr. Peter Munya):** Mr. Speaker, Sir, thank you for giving me the opportunity to contribute. I would like to say from the outset that on behalf of the Council of Ministers that unequivocally support this resolution. We will forward it to the council and to the Summit promptly. I would also like to thank the Mover of the Motion and the entire House for unanimously supporting this resolution. The House is not asking for anything new. The defunct East African Community used to have criminal trials done at Arusha. The East African Court of Appeal existed and dealt with cases. In fact, some of the best judgments that have ever been produced in East Africa are products of that court. So, we have no doubt that the East African Court of Justice can do justice in this case. The existing court is also one of the most respected regional courts. Their judgments are some of the most progressive judgments that have ever been produced in any court in African and even in the world. I am saying this to assure Hon. Lotodo that here we are talking of a case being brought to a court and not other programmes of EAC. That court has been very efficient and very timely in delivering its judgement. So, in that respect, I believe this court would do justice when this matter is eventually brought before it.

Mr. Speaker, Sir, the Kenyan people through their elected representatives have spoken very unequivocally that they would rather have this matter dealt with at home. That is why we are saying that if that is not possible then the nearest home is East Africa. We have judges there who understand our circumstances, culture, language and can be able to properly interpret the evidence before them. One way of ensuring justice is done when we were studying law, we were told that a criminal court is supposed to take place the nearest possible it can be to where the crime took place. That is what we were told in elementary law school because the court is supposed to even visit where the evidence is not clear. It is supposed to make a physical visit to the scene of crime to be able to evaluate evidence to know where that evidence is manufactured or real. So, for it to evaluate facts, how do you do that when you are thousands of miles away from the scene of crime? That is why when you look at the evidence that was relied on to indict the evidence is laughable. For example, the case against Ambassador Muthaura, relies on a single telephone call supposedly done by him to Gen. Ali where he spoke in Kikuyu. Gen. Ali does not know a word in Kikuyu and how he could carry out that conversation is for people to deduce. So, the court did not know that because the court things every Kenyan speaks Kikuyu or the prosecutor things so. The other evidence which emphasizes the need for the court to be closer home so that evidence can be evaluated properly and justice is done to both the victims and the suspects is the story that Mungiki was invited to State House. The information that is given is that when the campaigns were on Meru Council of Elders, known as *Nchuri Ncheke* visited State House just like many other groups were visiting the President. That is given as evidence where Mungiki visited State House. That tells you that this is a prosecutor of a court that does not completely does not understand the local circumstances. I am a Meru and the council of elders is respected there and has nothing to do with the murderous gang of young people called Mungiki. In fact, it was an insult to the people of Meru when somebody tried to purport that their council elders who are involved in conflict resolution can be equated to a murderous gang of young people who live far away from Meru. That is why we are saying that we need these trials to be brought closer home, nearer where these things took place for proper evaluation of evidence against the suspects so that justice can be done.

Mr. Speaker, Sir, I do not want to repeat what most of Members have been able to say very eloquently that clearly there is a neo-colonial element in this trial. Nothing more illustrates this better than the fact it is only Africans so far who are being tried there. There is no single non-African facing

trial before the ICC. Does that mean that crimes against humanity never take place anywhere else? Do you want to tell me that the killing of many innocent people in Iraq and in Afghanistan does not amount to crimes against humanity? Do you want to tell me the wanton destruction of property and killing of innocent people in Libya that took place the other day, pursuing an individual, does not amount to crimes against humanity? They do but the only problem that those individuals who perpetrated those crimes control power. They are the ones in charge of world politics. They are powerful but I believe one day, justice will be done. We can see change coming to the world. We can see power shifting and one day we shall see justice being done against innocent powerless people who were victims of crime but justice cannot be done today because they are not in power.

Mr. Speaker, Sir, to show that this court is a neo-colonial instrument, one of the Prime Minister, that is the former Prime Minister of Britain, when he was asked in Parliament why Britain was joining the ICC he gave a very rhetorical question; he said that do you think that one day a Prime Minister of a country like Britain will ever appear in that court? What was he telling those Parliamentarians in the United Kingdom? He was telling them that that court was set up for purposes of trying individuals who are not prime ministers of countries like Britain. Those are prime ministers of banana republics or weak countries. So, that nothing illustrates better than that statement. In fact, it is a shame that some of our leaders who were appending their signatures on this Treaty were not able to see this. They were caught napping when they put their signatures on this Rome Statute.

I just want to conclude by saying that nowhere, even in Kenya, that nobody has ever said justice should not be done for the victims. There are many families who are victims. Many lost their lives and property but we are saying that justice must be done for the victims and a fair trial must also be done for the suspects. You would not want to drag an innocent man to jail for purpose of ameliorating a damage that has been done. You cannot put somebody in jail so that you please or show an example. That is what the prosecutor said. He said that he had picked six people to show as an example to the rest. So, they were not being picked for purposes of justice but a showcase trial as an example to the rest. What is supposed to happen to a criminal trial is to assess the evidence and pick suspects who are involved in the crime and try them. You do not do it as a way of showing an example. That is why we are saying that let these suspects be brought back home. Let them have a trial by judges who understand our local circumstances. In fact, in the United States of America (USA), one is supposed to be tried by his or her peers. Those are people from your community and who understand what happened and can even read your demeanor.

The other key and last reason for trials to be done locally is the cost involved. If you look at some of the individuals being tried are not people of means. There is a poor journalist Joshua Sang, for him to buy tickets to Europe, paying for accommodation and lawyers and yet he is found to be innocent, who will compensate him? He could be tried at home where he can afford a local lawyer and sleep at home and go to court in the morning.

With those remarks, I support the resolution.

**Mr. Ogalo:** Mr. Speaker, Sir, every day we hear lessons and lectures from Europe and USA on democracy. Every day we are told that democratic principles must be upheld and that we must go by democracy. Therefore, I would expect that they will also go by the same standards. I say so because of the unanimity for this Motion. In this House we do not always agree on everything but on this Motion, we have all agreed. There has been no single dissent. Secondly, there has been agreement from the Council of Ministers which is the policy making organ of the Community. Therefore, if the Parliament of East Africa has said something together with the policy making organ, I would expect that the international community should be able to respect because it is in line with democracy. We are here as the Parliament of East Africa. So, what more reason would the ICC say not accept what we want. So, I expect that the international community if they valued the principles of democracy should be able to support us and facilitate the process of transferring the trials back home.

I want to thank hon. Members for that support and the support from the Council of Ministers. It is a strong message to the international community and the Summit. This is what the people of East Africa want.

Hon. Lotodo had some fear about the speed. Under the Treaty functions of the Summit Article 11(1), is to give directions and impetus. If the Summit is meeting on 28<sup>th</sup> and gives directions on 28<sup>th</sup> that is it. Hon. Lotodo, you do not have to fear. The Summit will be acting within its powers in the Treaty and therefore all those things which will clog the process can be dealt with. If your fear is about the court, I want to assure you that the East African Court of Justice is held in high regard. I have heard opportunity to appear before that court to argue cases. I can assure you that it handles it work expeditiously and you will not find delays. It is professional and its decisions are quoted in many international fora. We have a court which can live up to its name. All we can ask is that the ball is in the court of the Summit and we hope that it will rise to the occasion, listen to the voice of people of East Africa through this assembly and do the needful.

I thank you for your support.

*(Question put and agreed to)*

**QUESTIONS FOR ORAL ANSWERS**

**Question Reference: EALA/PQ/OA/1/2012**

**Hon. Ogalo:** Mr. Speaker, Sir, I request that the Minister answers my Question EALA/PQ/OA/1 of 2012.

**The Assistant Minister, Ministry of East African Community, Kenya** (Mr. Munya): Mr. Speaker, Sir, I gave part of the answer the other day when the Question came up. It is only aspect of the answer that was left out. May I say that I will forward the concerns of the House to the Council and advice it to review favourably the three offices that are referred to without any regard to the institutional review.

**Mr. Ogalo:** I want to thank the Minister. I am completely satisfied with the answer.



**Mr. Speaker:** Hon. Members we have come to the end of business today. Before I adjourn the House, I would like again to thank His Excellency, the President for having found time to come and address this assembly and also the Speaker, Hon. Members of Parliament of the National Assembly of Kenya for having hosted us here for the last two weeks and for all the hospitality that has been accorded as an assembly at the Kenya National Assembly.

I also want to thank you hon. Members for the good work we have done. I think we have had a very busy schedule in terms of the amount of Bills passed and the reports that we have been able to go through. I also want to say that you should pat yourself on the back for the good job you have done for the last two weeks.

## **ADJOURNMENT**

**Mr. Speaker:** I adjourn the House until Tuesday 22 May 2012.

*The House adjourned at*