



## 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

#### 79<sup>TH</sup> SITTING – THIRD ASSEMBLY: THIRD MEETING - THIRD SESSION

Wednesday, 17 December 2014

*The East African Legislative Assembly met at 10:15 a.m. in the East African Legislative Assembly Chambers, Arusha, Tanzania*

#### PRAYER

*(Speaker, Mr Chris Opoka-Okumu in the Chair.)*

*(The Assembly was called to order.)*

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#### COMMUNICATION FROM THE CHAIR

**The Speaker:** Honourable Members, I would like to make the following communication. Allow me to welcome all of you for today's sitting. I want to put it on record that this sitting is convened under the Rules of Procedure governing this august House, and under the provisions of the Treaty establishing the East African Community.

Honourable Members, the House was adjourned to today, 17 December 2014. In our last sitting on 2 December 2014, it was agreed that the Committee on Legal, Rules and Privileges be given sufficient time until 16 December 2014 to finalise its report. I am happy to inform you that the Committee submitted its report to me by close of business on Monday, 15 December 2014 - *(Applause)*. We congratulate and commend them for their efforts and a job well done. *(Applause)*

May I also inform this House that since our last sitting, a reference was made in the East African Court of Justice to bar the House from proceeding with the process of removing the Speaker? The Court, in its ruling delivered yesterday, did not find merit in the application, thereby paving the way for us to proceed with this matter - *(Applause)* - as provided for under the Rules of Procedure and the East African Community Treaty. We shall, therefore, proceed, taking into account the relevant provisions.

I wish to extend our appreciation to all persons and teams, which participated in the just concluded East African Community Inter Parliamentary Games - *(Applause)*. This House

congratulates all the winning teams and all those who participated in the games - (*Applause*). At an opportune time, we shall express our gratitude in the form of letters to all the East African Community Parliaments.

Last but not least, I wish to thank the Kenya National Assembly, the Speaker, the Rt. hon. Muturi, the President and the people of Kenya for allowing us to use the facilities of their Parliament during the last meeting - (*Applause*). I thank you very much. Next item.

### **MOTION FOR A RESOLUTION OF THE ASSEMBLY TO REMOVE THE SPEAKER FROM OFFICE**

“THAT, This Assembly, pursuant to the provisions of Rule 9 of the Rules of Procedure of the Assembly, do resolve to remove the Speaker from office.”

*(Business interrupted on Tuesday, 2 December 2014, resumed)*

**The Speaker:** As I had indicated before, there is a report from the Committee on Legal, Rules and Privileges. I wish to call upon the Chairperson of the Legal, Rules and Privileges Committee to present the report. Thank you.

### **REPORT OF THE COMMITTEE ON LEGAL, RULES, AND PRIVILEGES ON THE INVESTIGATION OF THE COMPLAINTS RAISED IN THE MOTION FOR THE REMOVAL OF THE SPEAKER**

**The Chairperson, Committee on Legal, Rules and Privileges (Mr Frederic Ngenzebuhoro) (Burundi):** Thank you, Mr Speaker. I would like to lay on the table the report of the EALA Committee on Legal, Rules and Privileges on the investigations of the complaints raised in the motion for the removal of the Speaker from office. I beg to lay - (*Applause*).

**The Speaker:** Thank you. Now, can you read the report?

**The Chairperson of the Committee on Legal, Rules and Privileges (Mr Frederic Ngenzebuhoro):** Thank you, Mr Speaker. I am now going to present the Report of the Committee on the investigations of the complaints raised in the motion for the removal of the Speaker from office.

#### **Preamble**

1. The Legal, Rules and Privileges Committee (The Committee) is established by the East African Legislative Assembly (hereinafter referred to as “the Assembly”) pursuant to Article 49(e) of the Treaty for the Establishment of the East African Community (The Treaty).
2. The mandate of the Committee is provided for under the Rules of Procedure. In particular Rule 9(4) in respect of removal of the Speaker provides that the House shall refer the motion to the Committee on Legal, Rules and Privileges to investigate and report its findings to the Assembly for debate.
3. Article 53(1) of the Treaty provides for the manner the Speaker of the Assembly is elected, and under Article 53(3) the Treaty provides that the Speaker of the Assembly may be

removed from office by a resolution supported by not less than two thirds majority of the elected Members for misconduct, among others.

### **Background**

4. The facts giving rise to this investigation are as follows:
  - (a) On the 26<sup>th</sup> of March 2014, a notice for a motion for a resolution to remove the East African Legislative Assembly (EALA) Speaker from office (*see Annexure 1*) was presented to the Clerk of the Assembly in accordance with the provisions of Rule 26(1) and (2), and Rule 9 of the Assembly's Rules of Procedure (2007 Edition).
  - (b) On the 27<sup>th</sup> of March 2014, a motion for a resolution of the House to remove the Speaker of EALA from office (*Annexure 2*) was presented to the Clerk of the Assembly in accordance with the provisions of Rule 9(2) and 9(3) of the Assembly's Rules of Procedure. The motion was supported by 33 Members, namely: 9 Members from Burundi; 9 Members from Rwanda; 5 Members from Tanzania; 5 Members from Kenya; and 5 Members from Uganda.
5. On the 1<sup>st</sup> of April 2014, the Motion was placed on the Order Paper of the day (*Annexure 3*), and as Hon Peter Mathuki proceeded to move the Motion to the House, the proceedings were interrupted when the Speaker adjourned the House *sine die* (*see Annexure 4[a], [b]*).
6. On 14<sup>th</sup> of April 2014, the Speaker filed Reference No. 5 in the East African Court of Justice (EACJ) challenging the Rules of Procedure for Removal of Speaker (*see Annexure 5*). This was beside an earlier Reference No. 3 filed by Mbidde Foundation Ltd. (*see Annexure 6*) alleging that the procedure for the removal of the Speaker infringes on the provisions of the Treaty. Thereafter the Court issued a temporary injunction to stop the EALA proceedings until the determination of the main application, which the Assembly adhered to accordingly.
7. On the 29<sup>th</sup> of May 2014, the issue of the removal of the Speaker was raised in the House, the Counsel to the Community (CTC) guided the House that the Court had dismissed the two applications, and the House could, therefore, proceed with the motion using the existing Rules (*see Annexure 7[a] and [b]*). However, the Speaker ignored the advice of the CTC and adjourned the House without concluding on the matter.
8. On the 3<sup>rd</sup> of June 2014, the Speaker in her ruling informed the House that three Members from the United Republic of Tanzania had withdrawn their signatures from the Motion for Removal of Speaker, rendering the motion null and void. The CTC, once again, guided the House on the implication of the removal of signatures that the requirement for signatures had already been fulfilled. Further, he stated that the act of adjourning the House *sine die* on the 1<sup>st</sup> of April 2014 did not have the effect of withdrawing the motion from the House because the Motion was properly moved in the House. The extract of the relevant Hansard record is attached (*see Annexure 8[a] [i] and [ii] and 8[b]*).
9. On the 26<sup>th</sup> of November 2014, upon petition by 32 Members (*see Annexure 9*), the Clerk convened an informal meeting of the Assembly to elect a person to chair proceedings of

the Assembly in accordance with Rule 9 and Annex 3 of the Rules of Procedure. The Assembly also received the advice of the CTC on the matter (*see Annexure 10 [a] and [b]*).

10. On the 26<sup>th</sup> November 2014, the Motion for the removal of the Speaker was referred to the Committee on Legal, Rules and Privileges. The House further, resolved to suspend the Speaker pending the outcome of the investigation (*see Annexure 11*).
11. It is against this background that the Committee was convened pursuant to Rule 9 of the Rules of Procedure and provisions of Article 53(3) of the Treaty to investigate the matter and report to the House within 21 days (*see Annexures 12 and 13*).

### **Terms of Reference**

12. The resolution of the House of 26<sup>th</sup> of November 2014 referred the motion dated 27<sup>th</sup> of March 2014 (*see Annexure 2*) to the Committee in accordance with Rule 9 of the Rules of Procedure and mandated the Committee as follows:
  - (a) To investigate complaints raised in the motion for the removal of the Speaker from office; and,
  - (b) To report back its findings to the House for debate.

### **Methodology**

10. On the 27<sup>th</sup> November 2014, the Committee met at Commission Room, County Hall in Nairobi, Kenya to elect a chairperson for purposes of proceedings as the substantive chairperson of the Committee had previously resigned alongside other three chairpersons of standing committees (*see Annexures 12, 13 and 14*). Hon. Frederic Ngenzebuhoro was unanimously elected chairperson of the Committee.
11. To carry out its mandate, the Committee employed various methods, which included:
  - a) identifying various complaints contained in and arising from the motion dated the 27<sup>th</sup> of March 2014 (*see Annexure 2*);
  - b) developing rules of procedure for purposes of proceeding;
  - c) developing and approving a work schedule for the Committee (*see Annexure 15*);
  - d) drafting and serving notice to the Speaker to appear before the Committee in person and or be represented by a lawyer or any other person (*see Annexure 16*);
  - e) drafting and serving notifications for the Members of the Assembly and the Staff and approve the date for commencement of the investigation to enable any person wishing to give any information to the Committee to do so within a given time (*see Annexures 17 and 18*); reviewing of Commission meeting minutes; Staff meeting minutes; official proceedings of the Assembly (Hansard); Audio Visual Recordings of the Assembly proceedings; photographs; EACJ proceedings and references; motions, resolutions and statements and letters from EALA Members; media extracts; EAC Audited and Budget Reports; as well as other relevant materials;
  - f) holding hearing sessions and taking evidence from witnesses in support of complaints, evidence from the Speaker if any, and any other relevant information on the matter;
  - g) considering issues and evidence received by the Committee and making findings; and
  - h) Reporting findings to the House for debate.

## Observations and Findings

### Observations:

12. The Committee received evidence from three honourable Members as witnesses herein referred to as a, b and c (*see Annexures 19 [a], [b] and [c]*) who appeared before the Committee in response to the notice issued by the Committee to all Members of the Assembly (*see Annexure 17*).
13. At the invitation of the Committee, the Clerk of the Assembly appeared before the Committee and produced documents namely Commission Minutes (*see Annexure 20*), EALA Members' register for travel as per nominations (*see Annexure 21*), list of staff in employment of the Assembly (*see Annexure 22*) and made clarifications sought by the Committee (*see Annexure 23*).
14. The Committee further reviewed the records and documents of Commission meeting minutes; Staff meeting minutes; official proceedings of the Assembly (Hansard); Audio Visual Recordings of the Assembly proceedings; photographs; EACJ proceedings and references; motions, resolutions and statements and letters from EALA Members; media extracts; EAC Audited and Budget Reports; as well as other relevant materials.
15. The Speaker did not appear in person but was represented by Mr. Jet John Tumwebaze, a lawyer from Kampala Associated Advocates and Hon. Susan Nakawuki. However, the Committee ruled that Hon. Nakawuki being a Member of the Assembly could not appear as an advocate before a Committee of the same Assembly; although she was at liberty to be present during the proceedings. The Speaker's lawyer Mr. Jet John Tumwebaze addressed the Committee on behalf of his client and his submissions are recorded in the Hansard and are attached as *Annexure (24)*.
16. The Committee deliberated at length and considered the complaints which were extracted from the Motion (*see Annexure 2*) for ease of reference and accordingly numbered together with all evidence adduced, oral or documentary and made the following observations:
  - (a) The Honourable Members who gave evidence assisted the Committee to investigate and not as prosecution witnesses, or accusers. The Clerk of the Assembly also gave evidence in his official capacity as the custodian of the documents required by the Committee;
  - (b) The Committee on its own was obliged to call for and consider any documentary or other evidence to enable the Committee to adequately address itself to the complaints raised in the Motion (*see Annexure 2*);and
  - (c) The Speaker by refusing to appear before the Committee denied the Committee the opportunity to hear the Speaker's response to the complaints. Her lawyer, Mr. Jet John Tumwebaze appeared before the Committee and stated thus:
    - (i) The Speaker did not wish to appear before the Committee because it was carrying out an illegality;
    - (ii) That twelve members out of fifteen members of the Committee should not sit in the Committee because they signed the motion for the removal of the Speaker.

17. The statement that the lawyer had instructions to inform the Committee that her client, the Speaker, would not appear before the Committee was categorical and unequivocal. The Committee was not left with any option under the circumstances as the Committee does not have the power to compel the Speaker to appear before it. In respect to the alleged court ruling on the matter in the consolidated Reference No. 3 and 5 of April 2014; the Committee noted that the application for interim order in the said consolidated Reference was dismissed on the 29<sup>th</sup> May 2014.
18. The Committee noted that the provisions of Article 53(3) of the Treaty and Rules 9(2), 78(2) (b), 78(6) and Annex 5B of the Rules of Procedure are very clear. The Rules of Procedure provide that the whole House debates the issue of removal of the Speaker including those who have signed the Motion of removal pursuant to Rule 9(2). Considering that the total membership of the Assembly is 45 including the Speaker and the required two-thirds majority to remove the Speaker is a minimum of 30 Members, it cannot be said that the makers of the Rules of Procedure and the Treaty intended to exclude any Member or class of Members from participation in such a motion. Situations where peers are called upon to investigate, try or call to account one of their own are part of parliamentary practice.

### **Findings:**

Unilaterally making a decision to stop rotation sittings contrary to provisions of the Administration of EALA Act, 2012

19. Section 4(a) of the Administration of EALA Act, 2012 mandates the Commission to manage, organize the business and programmes of the Assembly. According to the evidence of witnesses (*see Annexure 19[a] and[b]*), the Speaker announced during a dinner hosted by the Rt. Hon. Mukantabana Rose, the Speaker of Parliament of Rwanda in honour of EALA and national parliament members in April 2013, in Kigali that there would be no more rotational sittings. The issue is whether the Commission had resolved to do away with rotational sittings when the Speaker made the announcement.
20. The Committee searched through the Committee minutes and found that the issue first arose in Entebbe, Uganda on the 10<sup>th</sup> of June 2013 but there was no consensus (*see Annexure 25*). Hon. Christophe Bazivamo objected to this decision and produced a minority report (*see Annexure 26*). At a subsequent Commission meeting on the 15<sup>th</sup> July 2013 (*see Annexure 27*) Min. No. 14/Comm/2013, the Commission resolved that an abrupt change might be counterproductive; and

The Committee concluded that by the time the Rt. Hon. Speaker announced in Kigali, Rwanda that there was not going to be any future rotational sittings, there was no Commission resolution to that effect. The Speaker's act was, therefore, unilateral and contrary to the provisions of the Administration of EALA Act, 2012.

On the complaint about wasting the resources of the Community in particular of EALA by poor time management, unnecessary delays, postponement of meetings and *laissez-faire* attitude to Assembly responsibilities contrary to provisions of the Rules of Procedure

21. Evidence adduced to attest to this allegation:

- (a) In addition to the submission of a witness (*see Annexure 19 [b]*), the records show that there was a planned Commission meeting on the 9<sup>th</sup> to 12<sup>th</sup> of April 2013 four days preceding the plenary meeting scheduled for 12<sup>th</sup> to 26<sup>th</sup> April, 2013 in Kigali, Rwanda to consider the draft EALA Strategic Plan for 2013 to 2018. The Members of the Commission travelled to Kigali arriving on 8<sup>th</sup> April 2013. On 9<sup>th</sup> April 2013 the Speaker did not show up for the Commission meeting, neither did she communicate, nor delegate the responsibility of chairing the meeting. The Commissioners stayed idle in Kigali for the whole day utilizing the Assembly's resources without work. The notice of the meeting and the programme are attached as *Annexures 28 and 29* respectively.
- (b) In August 2013 all Members of the Assembly went to Mombasa, Kenya as programmed in the EALA Annual Legislative Calendar for 2013/2014 Financial Year. According to the evidence available (*see Annexure 30*) the members of the Commission and Chairpersons of all the Standing Committees arrived one day before the workshop for a consultative meeting. The Speaker who was supposed to chair the meeting did not come as scheduled, nor did she delegate responsibility of chairing the meeting.
- (c) Some Members for instance Hon. Fred Mukasa Mbidde was nominated on two occasions to attend none EALA activities for example the Uganda North America Association Convention Political Forum which are not EALA activities (*see Annexure 21*).

The Committee finds that the Speaker gave priority to unscheduled and personal engagements and failed to discharge her duties in respect of the Assembly thereby wasting the resources of EALA.

On the complaints of constantly flouting and manipulating the Rules of Procedure with impunity to foster personal interests;

22. Article 55(1) of the Treaty provides that the meeting of the Assembly shall be held at such time and place as the Assembly may appoint. The Rules of Procedure facilitate the House to make resolutions that are binding. Rule 11(7) provides that the Assembly may, on a resolution adopted by a majority of its Members, decide to hold one or more sittings elsewhere within the Partner States, other than at its seat.
23. Contrary to the provisions of the Treaty and Rules as stated above, the Speaker made an announcement in Kigali, Rwanda concerning rotational sittings at a dinner party.

The Committee finds that the evidence above is sufficient to hold the Speaker accountable.

24. On the 1<sup>st</sup> of April 2014 the Speaker adjourned the House *sine die* (*see Annexure 4[a] and [b]*) whereas the programme for the plenary session for the period under review shows that the sitting would have ended on the 3<sup>rd</sup> of April 2014 (*see Annexure 31*). In making the decision to adjourn the House *sine die* the Speaker did not have the authority of the Commission or a resolution of the House to that effect. Section 4(a) of the Administration

of EALA Act, 2012 mandates the Commission to manage, organize the business and programme of the Assembly. Upon coming into force of the Administration of EALA Act, 2012 the functions hitherto undertaken by the House Business Committee were transferred to the Commission. Rule 12(4) of the Rules of Procedure provides that the House Business Committee (Commission) shall fix the time when a sitting of the House is adjourned *sine die*.

The Committee finds that the action of the Speaker to adjourn the House *sine die* was in contravention of Rule 12(4) of the Rules of Procedure of the Assembly and Section 4(a) of the Administration of EALA Act, 2012.

25. On the same date of 1<sup>st</sup> of April 2014 the Motion for the removal of the Speaker was placed before the House. The Speaker in contravention of Rule 9(6) insisted and proceeded to preside over the proceedings of her own removal.

The Committee finds that the Speaker's action was deliberate and contrary to provisions of Rule 9(6) of the Rules of Procedure.

26. When the Speaker adjourned the debate on 1<sup>st</sup> of April 2014 (*see Annexure 4[a], [b]*), the matter remained pending on the Order Paper. Rule 18(2) provides that such matter which was interrupted ought to have been placed on the Order Paper for the next sitting. From April 2014 to November 2014, comprising of three plenary sittings the item was never placed on the Order Paper.

The Committee is of the view that the Speaker's action was deliberate and in total disregard of the provisions of Rule 18(2) of the Rules of Procedure.

27. On the 25<sup>th</sup> of November 2014 during a plenary session in Nairobi, Kenya, the Speaker purported to rule on a motion for the removal of Hon. Shy-Rose Bhanji from the Commission (*see Annexure 32*) which motion was pending before the House at voting stage and which was not on the Order Paper (*see Annexure 33*). The CTC subsequently gave an opinion regarding the Speaker's action and stated that it was contrary to the Rules of Procedure (*see Annexure 34*).

The Committee finds that the Speaker again flouted and manipulated Rules of Procedure and in particular Rules 14(3) and 25 to protect Hon. Shy-Rose Bhanji for the Speaker's own interests.

28. Rule 8(2) (c) of the Rules of Procedure requires the Speaker to maintain order in the House. However, by various acts or omissions Hon. Margaret Nantongo Zziwa has flouted this rule as evidenced by the following actions of:

- (a) saluting and dancing in the House by some Members (*see Annexure 35*) contrary to Rule 49(i);
- (b) undressing and dressing in the House by a member (*see Annexure 36*) contrary to Rule 49(i) and Annex 4;
- (c) use of abusive language by a member (*see Annexure 37*) contrary to Rule 43(3);

The Committee finds that the Speaker failed to maintain order in the House contrary to Rules 43(3), 49(i), 49(viii) and Annex 4.

29. On the 4<sup>th</sup> June 2014 the Speaker made a ruling that the Motion of her removal from office had fallen short of the prerequisite mandatory requirement under Rule 9(2) of the Rules of Procedure (*see Annexure 38*). The Committee noted that she ruled on the Motion which was not even on the Order Paper (*see Annexure 39*). The Committee notes that previously on the 3<sup>rd</sup> of June 2014 the Speaker had been advised by the CTC (*see Annexure 8[ii]*), which advice on the matter she disregarded.

30. The above incident led to the Secretary-General of the Community to make a strong statement in the House expressing his disappointment on the way the Speaker flouts Rules of Procedure and disregards advice of the CTC (*see Annexure 40[a] and [b]*).

The Committee finds that the Speaker deliberately contravenes Rules of Procedure to foster her personal interest.

Mr Speaker, Sir, on the complaint of unofficially being absent from duty station contrary to the terms and conditions and hence giving inadequate supervision to work of the Assembly;

31. In a letter written to the Chairperson of the Council of Ministers on the 28<sup>th</sup> of January 2013 (*see Annexure 41*), the Speaker admits that she gets house allowance of US \$3,000. This is done to enable the Speaker to permanently reside in Arusha in order to supervise the work of the Assembly. Considering that the Speaker refused to appear before the Committee, the complaint still stands.

On the complaint of misusing resources earmarked for EALA plenary by hosting a meeting for Global Parliamentarians for Habitat (GPH) to foster personal interests on days programmed for plenary;

32. The Committee received clarification given by the Clerk of the Assembly that the decision to host GPH as an activity was approved by the Commission (*see Annexure 42*). The Clerk explained to the Committee that the source of funding was unutilized line budget under the Speaker's conference vote. However, the Committee notes that the Speaker had no authority

to reallocate the unutilized line budget to fund the GPH. Accordingly, the Committee finds that this complaint is substantiated.

On the complaint of undermining the authority of the Commission by changing the activities for 2013/2014 to suit personal interest;

33. The evidence received was that previously the Commission had approved EALA Annual Legislative Calendar 2013/2014 (*see Annexure 43*). The plenary for Kigali was planned for 9<sup>th</sup> to 22<sup>nd</sup> of March 2014. The Speaker caused the change of the date of the plenary to accommodate her to attend the World Urban Forum in Medellin, Colombia. This change affected the plenary sitting that was to be held in Kigali.

The Committee finds that the Speaker caused the change of the already approved Legislative Calendar for 2013/2014 to attend an unscheduled meeting. As chairperson of the Commission, the Speaker was undermining the authority of the Commission.

On the complaint of practicing favouritism by unilaterally nominating members to attend foreign trips and hence denying other members equal opportunity;

34. EALA Members' register for travels as per nomination was produced by the Clerk of the Assembly (*see Annexure 21*). The contents of *Annexure 21* disclose that:

- (i) some Members were nominated to travel in as many as nine trips while others had only one nomination;
- (ii) some Members, for instance, Hon. Fred Mukasa Mbidde was nominated on two occasions to attend none EALA activities, for example, the Uganda North America Association Convention Political Forum (*see Annexure 21*);
- (iii) Some Members are deliberately nominated for up to three overlapping activities.

The Committee finds that the complaint is substantiated to warrant putting blame on the Speaker.

Giving false information to the Chair, Council of Ministers in respect of the Speaker's per diem entitlements vis-à-vis Members' entitlements in order to induce the Council to recommend increments of the Speaker's emoluments;

35. The Speaker wrote a letter to the Chair of the Council of Ministers Hon. Shem Bageine on 28<sup>th</sup> January 2013, which was also re-submitted to Hon. Phyllis Kandie on 15<sup>th</sup> July 2014 (*see Annexure 41*). A witness in Annexure 19(b) referred to the same letter. The Committee after scrutinizing the content of the letter noted the following misrepresentations:-

- (a) that each Committee of the Assembly sits at least once every month for five to six days;

- (b) that the Speaker only gets housing allowance of US \$3,000 per month and does not get per diems during plenary sessions outside Arusha;
- (c) that the Members of Accounts Committee at least receive a sum of US \$16,300 every month whereas the Speaker receives only US \$11,300;
- (d) that the Members of the Assembly only spend US \$100 per day to cover meals and accommodation;
- (e) that per diem purports given to Members is an income;
- (f) that the Speaker's entitlement is only US \$1,000 above a Member's entitlement when in fact her total earnings are US \$11,500 in comparison, a Member only gets US \$6,500 all inclusive

The Committee notes that in the same letter, the Speaker stated that: "*I request that my request is considered in the meantime when Uganda and you are still the Chair of the Council of Ministers.*" This was when Hon. Shem Bageine was still chairing the Council of Ministers.

The Committee finds that in publishing falsehoods to support her claim for increment of emoluments, the Speaker lacks integrity. (*Applause*) The Speaker also demeaned the status and position of Members by implying that they only spend US \$100 a day. The Speaker failed to disclose other allowances. The details of the Speaker's entitlements are attached as *Annexure 44*.

Now, on the issue of allowing members of her family and in particular her husband to interfere with the operations of the Assembly and threaten staff and Members;

36. The Committee was shown a photograph in which a man identified as Capt. Francis Babu, the husband to Rt. Hon. Margaret Nantongo Zziwa is shown attempting to enter the Assembly's VIP holding room where the Chairman of the Summit was holding a meeting with chairpersons of EALA Chapters (*Annexure 45[a], [b]*). The Committee was also shown live video clips from Urban TV Uganda in which the husband of the Speaker insults Members of the Assembly and castigates them for trying to remove the Speaker from office (*watch video clip Annexure 46*).

The Committee finds that this conduct interfered with the operation of the Assembly, was defamatory in nature and against the Webern Principle of separation between public and private life.

On the issue of fraudulently bringing members of her family and friends to participate in EAC Inter-Parliamentary Games to enable them gain financial benefits from EALA in which organization they were not employees;

37. The Committee was shown a photograph of a section of EALA Netball Team of 2013 during the Inter-Parliamentary Games in Kampala, Uganda (*see Annexure 47*). The Committee upon investigation noted that one of the players was not an employee of EALA. The Committee took into consideration the facts giving rise to the complaint and in

particular that some of the EALA Members were left out while non-employees were allowed to play. The purpose of allowing the non-employees to play was to give them an opportunity to get payment from EALA, which they were not entitled to.

The Committee finds that the buck stops with the Speaker of the Assembly particularly when it is alleged that non-employees were her relatives. The Speaker must, therefore, take the blame.

Treating honourable Members of the Assembly and staff with disrespect and using abusive and derogatory language against members and staff;

38. According to the evidence received, the Speaker is arrogant. She does not take advice from even members of the Commission. The Speaker consistently makes false allegations against Members and is disrespectful to them. During the plenary sitting in Kampala, Uganda in January 2014, she dared Members to de-elect her; before the Chair of the Summit in Arusha, Tanzania at the EAC Headquarters' Complex in March 2014 she referred to Members as displaying adolescent behaviour; during the Dar-es-Salaam plenary session in August/September, 2014 at a dinner hosted by the Speaker of Tanzanian Parliament, the EALA Speaker said that Members are berserk; and during the same dinner the Speaker described an honourable Member of the Assembly as sly.

39. Members have been variously referred to as bullshit, jihadists, broke, and quacks, to mention but a few. The Speaker was also shown in video recordings from various TV stations in the region in which she threatens to deal with Members and staff involved in her removal process (*watch the video on Annexure 48*).

The Committee finds that the allegations contained in this complaint are true and hold the Speaker responsible for her misconduct.

Using the media and other fora to defame, slander and character assassinate Members of the Assembly;

40. Interviews made by the Speaker in the East African Newspaper of June 21-27, 2014 page 29 and the New Vision of Friday November 28, 2014 were shown and analysed by the Committee (*see Annexures 49 and 50*) respectively. Various video clips from different TV stations in the region were also shown to the Committee (*see Annexure 51[a], [b] and [c]*).

After analysis of the evidence availed, the Committee finds that the actions of the Speaker were intended to defame, slander and character assassinate the Members of the Assembly.

Deliberately refusing to submit to the will of the House and the supremacy of the Rules of Procedure and thus creating mistrust and paralysis in the Assembly;

41. The Assembly as an organ of the Community has under the Treaty a mandate to establish its own Rules of Procedure. The Assembly operates under the same Rules. The Committee

notes that the Speaker filed Reference No. 5 on the 14<sup>th</sup> of April 2014 at the EACJ to challenge the Rules of Procedure of the Assembly (*see Annexure 5*). This Reference was dismissed on the 29<sup>th</sup> of May 2014.

42. Creation of mistrust and paralysis can be evidenced by persistent lack of quorum and unnecessary adjournments of the Assembly on various occasions including the March/April 2014 plenary in Arusha; the August/September 2014 plenary in Dar-es-salaam; the September/October 2014 plenary in Kigali; and the November/December 2014 plenary in Nairobi.

The Committee finds that the Speaker as head of EALA deliberately refused to submit to the will of the House and supremacy of the Rules of Procedure and thus provoked paralysis in the Assembly.

By unlawful actions and omissions failing to provide leadership in the Assembly resulting in loss of confidence in the person of the Speaker;

43. The Committee considered a statement made in Kigali, Rwanda expressing loss of trust and confidence in the leadership of the Speaker signed by more than two-thirds of the membership of the Assembly (*see Annexure 52*). The same statement was repeated in Nairobi, Kenya. The Committee considered the cumulative events that have taken place since March 2014.

The Committee finds that the trust between the Members and the Speaker has been highly eroded to the extent that restoration of a normal working relationship is impossible to achieve. The Committee further confirmed that there is certainly loss of confidence on the part of Speaker by the greater majority of Members of the Assembly, her peers.

Mr Speaker, before I go ahead to conclude and make recommendations, I would like to ask for your permission so that I can ask the audio-visual technician to project the video recordings and photographs, which we have as evidence to support our report. After that I will proceed to the conclusion and recommendations.

**The Speaker:** Proceed accordingly.

**Mr Ogle:** Mr Speaker, with all respect to your ruling regarding the screening of these videos, and with a lot of respect to the Chair and members of the Committee, I think we are not strangers to these proceedings. Some of us have seen all these things; we were witnesses to all these things. I think they can appear as an annexure to the report. Any Member who wants to view them can do that later at their own time. But in the interest of time, I suggest that we move on and just regards these video clips as annexures to the report. Thank you.

**The Speaker:** Thank you, hon. Ogle. The point is that this is a report of the Committee of Legal, Rules and Privileges - (*Applause*). There may be things that you have not seen; I don't know. Let us give them the opportunity to present the report in its entirety so that hon. Members can make informed decisions. Thank you.

*(The honourable Members were shown some video clips)*

**Mr Ngenzebuhoro:** Thank you very much, Mr Speaker. Now we are going to the photographs about Captain Francis attempting to make his way into the VIP holding room. You will see on the screen...but first, that is the Netball Team. You can see that person is not an employee of EALA.

*(The honourable Members were shown some photographs)*

**Mr Ngenzebuhoro:** Mr Speaker, after the report I have presented to this House and after the video clips that you have watched, I wish to conclude on this report and on behalf of the Committee make the following recommendations:

### **Conclusion and Recommendation**

44. The Committee has critically looked into issues raised in the motion and the Speaker's actions before and after her suspension, which smacked of arrogance and incompetence in handling the Speaker's office at the EALA.
45. Further, the way she handled the motion, and particularly the matter of the investigation into her conduct, through unnecessary litigation and challengeable decisions while presiding over the sittings of the Assembly has drawn the Assembly into embarrassment, failure to discharge obligations, and general paralysis with adverse consequences to the East African Community as a whole.
46. In light of the Committee observations and findings, the Committee recommends to the Assembly that the Speaker, Rt. Hon. Margret Nantongo Zziwa, be removed from office with immediate effect for inability to perform the functions of her office arising from misconduct in accordance with the provisions of the Treaty and Rules of Procedure. *(Applause)*

Mr Speaker, Sir I beg to move. *(Applause)*

**The Speaker:** Thank you, hon. Chair. Hon. Members, I would like to remind you that the motion on the floor is that this Assembly, pursuant to the provisions of Rule 9 of the Rules of Procedure of the Assembly, do resolve to remove the Speaker from office. That is the motion on the floor. The report you have received was made by the Committee pursuant to a reference under Rule 9 when that motion was tabled. Now that you have received the report from the Committee on Legal, Rules and Privileges on the complaints raised in regard to the motion, it is now an opportune time to debate the motion.

Debate is open. I recognise hon. Nkanae, hon. Leonce, hon. Dr Odette and hon. Dr Ndahiro; in that order. Thank you.

**Mr Saole Nkanae (Kenya):** Thank you, Mr Speaker, for giving me this opportunity to contribute to this motion. I totally thank the Committee for bringing an obvious and clear report. *(Applause)* If I was asked, I would say that we should not waste a lot of time debating but rather go straight to the voting. *(Applause)* But allow me, Mr Speaker, to say a few things.

In front of us here today we have seen the impunity which was mastered by our outgoing Speaker. *(Applause)* We have seen and learned how power can corrupt. Somebody has been mesmerised with power and has forgotten that she was elected.

I remember, on the 5<sup>th</sup> of June 2012, we elected her because she purported and behaved like a mother, and we went and voted her after the second round on that basis. She forgot she was elected; she forgot she was our colleague, a comrade, and she became authoritative and biased, a liar...I withdraw that one because it is un-parliamentary - *(Laughter)* - somebody who doesn't know the element of truth. And we saw it here.

I remember - and I will not be biased – when we were in Kampala, her eye never caught one Member of this House but who is a very important Member now.

We have seen - and you have seen - people dancing here. Two musketeers pretending to be a majority. For nine months, the four musketeers ruled this House. They exploited the resources of this House, and it is obvious.

Mr Speaker, allow me to say a few things. You will remember when we were in Dar-es-Salaam, one person - a Member of this House – had the audacity to say, “You are not going anywhere, Madam Speaker.” Another one in Nairobi said “over my dead body, the Speaker cannot go”. Another one here told us we should be lunatics... castrated fellows...and that is a Member of this House. All those were said in the presence of the Speaker!

Mr Speaker, sir, I said last time - and I normally repeat what I say - we elected her thinking she was going to be a she-elephant- since Africans respect a she-elephant. You remember Nandi, the mother of Shaka Zulu; Nosekeni the mother of Nelson Mandela; and Dobula, the wife of Sobhuza. These were respected mothers. But now she has behaved like a she-porcupine! I am using animals to avoid un-parliamentary language. *(Laughter)*

So, Mr Speaker, sir, we have seen in this House Members behaving like peacocks; we have seen in this House people behaving like chameleons; we have seen in this House the tyranny of the minority, but today, be aware of the tyranny of the majority! *(Applause)* The differential of the minority will be seen today! *(Applause)*

So, Mr Speaker, as it is said in the report, the outgoing Speaker - and I am happy to say that – created a monster out of this House. Today, we are not friendly; we are gladiators!

I remember one Member of this House said that some time in 1636 in the British Parliament...I don't want to say it to somebody – *(Laughter)* - so today, I am urging this House, as gladiators, let us unleash our tornadoes to torpedo the Speaker. I thank you. *(Applause)*

**Mr Leonce Ndarubagiye (Burundi):** Thank you very much, Mr Speaker. I honestly do not believe that after so many months of waiting for this superb moment, we should be wasting time debating things that we have been speaking to each other. I just stand up to request you to let people exercise their democratic right.

We elected her and, indeed we were right to elect her, and so we can dismiss her because that is our democratic right to do so. I beg to support the Motion, thank you. *(Applause)*

**Dr Odette Nyiramilimo (Rwanda):** Thank you, Rt. hon. Speaker. I rise to support the motion, and to thank the Committee on Legal, Rules and Privileges for the very good research they have done and all the evidence they have provided to us today. *(Applause)* We knew most of these things, but when you hear and see them, especially from the video clips, you cannot believe hon. Margaret Zziwa has been the Speaker of this House.

I am sorry to remind my honourable colleagues that I seconded the nomination of hon. Margaret Zziwa to be elected the Speaker of the East African Legislative Assembly on the 5<sup>th</sup> of June, 2012. When I supported her candidature and seconded that nomination, I was sure that the honourable lady would be a good Speaker and a good Member of this Assembly. I had never thought that she would become divisive; making us divided into groups for and against each other. I couldn't think that she would do that.

When I started seeing her taking decisions, which, in my view, were not appropriate - I have gone to her office - I went to her hotel rooms, and I even once went to her car to try to talk to her as to why she was taking certain decisions. You are accusing staff that they are doing this and that, why don't you invite them, sit them down and tell them that we are here for the Assembly, please, tell me what you want?

I remember that time we were leaving for Mombasa, she said no, these people are saying that they will poison me. I said no, don't say that. A Speaker cannot say that. And then she asked me what I had wanted to tell her.

The following day when we arrived in Mombasa, she continued with the same topic saying you and the staff are behind it all. That we shouldn't blackmail her, but I just looked at her because I thought that since we had talked about it the previous day, she would invite the staff to sit together, have a nice dinner and discuss. So, that very day, I understood that our Speaker was getting lost and that she was accusing every Member and staff instead of trying to unite us and have this Parliament work as a normal Parliament.

Frankly, I was very deceived by her conduct, and as we all wish here, I would like this Parliament to recover its dignity - *(Applause)*. And because of that reason, we have to remove hon. Margaret Zziwa from being the Speaker of this Assembly and elect another Member who will bring that dignity back to all of us Members of this House. I thank you - *(Applause)*.

**Dr James Ndahiro (Rwanda):** Thank you, hon. Speaker. Hon. Members, I would like to declare that I am not a member of the Legal Committee, but I would like to thank them for the report they have tabled. I think it is a job well done - *(Applause)*.

Mr Speaker and hon. Members, I want also to thank the patience of this House. It has been nine months, but we gave a chance to everybody to witness what we are witnessing in this House. We gave a chance to the Summit; we gave chance to the Council of Ministers; we gave a chance to every organ; we even gave a chance to the East African Court of Justice. I think everybody knows the kind of person we have been dealing with.

I am not debating this report; I am supporting the report, but I am requesting members of the Committee, through the Chair, to allow me to move an amendment on page 10, which singles out one Member. We know that there are very many beneficiaries of poor leadership, and there are annexures to the report. I would call upon Members to allow this

august House to remove the names of hon. Mbidde Mukasa from page 10 because he has been singled out and yet we are many beneficiaries of poor leadership in this august House. *(Applause)*

The second reason is that although hon. Mbidde Mukasa has been on the forefront of that hon. Lady's tyranny, at least he has maintained his professionalism. I have not seen anywhere where hon. Mbidde Mukasa has abused any Member or made reference to others using words like "bullshit" and so on - *(Applause)*. I would, therefore, Mr Speaker, like to support the motion, but allow me to move that amendment. Thank you.

**The Speaker:** Before I give a chance to hon. Zein, I have heard what hon. Dr Ndahiro has proposed. And in view of his proposal, under Rule 25 (2) you need the support of at least two Members – *(Several honourable members stood in their paces)* - I see hon. Dora Byamukama, hon. Tiperu, hon. Kidega, hon. Patricia, hon. Valerie, hon. Martin, hon. Nkanae, hon. Hafsa, hon. Kessy and hon. Celestine. So, that being the case, since the matter and the name that have been raised are of a confidential nature, and taking into account what hon. Ndahiro has proposed – *(Interruption)* – the hon. Counsel to the Community is rising.

**The Counsel to the Community (Mr. Wilbert Kaahwa) (Ex-Officio):** I am sorry to interrupt you, Mr Speaker, sir, as you were about to make your ruling. The matter, which hon. Dr Ndahiro has raised in his contribution, and which has been supported appears on page 10 of the report. Logically, if it is adopted, it would lead to expunging the name of hon. Fred Mukasa Mbidde from that part of the report.

Mr Speaker, you will notice that there is a similar reference to hon. Fred Mukasa Mbidde on page 7. So, as you make your ruling, you should take into account that his name appears on two pages in two instances and the same sentiments may apply to what appears on page 7. I thank you. *(Applause)*

**The Speaker:** Thank you, hon. Counsel to the Community. So, in view of the support by Members, including that of the hon. Counsel to the Community, I direct that the name of hon. Mukasa Mbidde be expunged from the records on pages 7 and 10. Thank you. *(Applause)*

**Ms Hajabakiga:** Rt hon. Speaker, while we are dealing with this question of practicing favouritism by unilaterally nominating Members, I wish also to request that as much as the data was given by the office of the Clerk, let it get more concretised and investigated because some of the names and data of meetings, which people have supposedly attended are not true. So, I wish that the data gets further verified to see to it that the data is true because I have seen myself about five times and yet I have never travelled anywhere apart from the meeting I attended in Italy together with hon. Nancy, and another one in Kigali. So, you may find others in the same category. Let it be verified at a future date so that we can get the proper record.

**The Speaker:** Thank you, hon. Patricia. I am advised that the lists arise out of nominations and I think the office of the Clerk will do so accordingly. I had recognised hon. Zein.

**Mr Abubakar Zein Abubakar (Kenya):** Thank you, Mr Speaker, Sir for giving me an opportunity to speak to the motion. First of all, I would like to thank the Committee for the

diligence of their work and give them courage because some of this work needs courage. I appreciate all the work they have done in order to come up with this report – (*Applause*).

Mr Speaker, I would not belabour the points that have been raised by others. I would just like to speak to only one point, not more than that, but just one point. I think this honourable House is called to perform a solemn duty to purge itself of emotions and to remove the source of division. I will say that this House is facing the proverbial crossroads. We have reached a junction, one going to the right and one going to the left. One, I will call the path of honour and dignity to the right, and one, the path of shame and dishonour, to the left.

If we the Members of this House choose today to walk on the path on the right, we shall reclaim the dignity and honour of this House and start to perform the duties and the obligations that we have been bequeathed by the people of the East African Community to perform - (*Applause*).

That path on the right seeks to reconcile all of us. That path on the right is calling to us to mediate our differences using civilised norms. That path on the right calls upon us to do our work diligently with honour, dignity and integrity. That path on the right calls upon us to forget petty squabbles and petty differences and keep our eyes on the prize. I will come back to this just path on the right, but allow me to point out the dangers on the left; the dangers of the honour that is brought and sanctioned and clothed in dishonour and lack of integrity; the path on the left. I pray and beg each and every one of us, let us not walk on the path on the left. This path of shame and dishonour is built on the quick sand of division. Rather than bringing honour and respect, it brings to us dishonour and lack of respect - (*Applause*).

This path has been going on for the last nine months. This path has been taking advantage because the majority of the Members are dignified. This path has exploited every conceivable difference that exist in the Community. Some of it imaginary, dangerous and truthful and based on a pack of lies.

Allow me, Mr Speaker, to tell you that when you see someone trying to leverage ethnicity in the Community – Mwalimu Julius Kambarage Nyerere said, “Avoid this person in the way you avoid a leper.” When you see somebody trying to introduce where there is no religious division, religious division, avoid this person with a 12 mile pole. When you see a person trying to bring discord between countries in order to regain a seat - (*Applause*) - avoid this person. When you see a person or a small clique of individuals insulting Heads of State, has no honour for the Summit, has no honour or respect for the Council of Ministers, has no honour or respect for the Secretary General and the Secretariat, and has no honour for anybody and any institution or anyone who is not willing to become a sycophant - more than 140 million people...

There was a politician in Kenya - who has passed on now - whose words of wisdom still ring through even today. When he was faced with a choice of giving up his own ambition for a greater cause, he said, “It comes a time when the interest of the nation are more important than the interest of an individual” - (*Applause*). I repeat that by saying that it comes a time when the interests of the Community are more important than the interests of an individual - (*Applause*).

Let me go back to the other path. I stand here to give you a solemn oath as an honourable Member of this House that if we choose to walk on that path - I do not bear any ill will to any of the sitting Members who are here - I will walk 1,000 miles to build bridges. I will work hard to mediate peace and reconciliation, and I will not sleep any night if I knew there was a division among us. I will work day and night tirelessly to mend fences in order to allow us to regain our honour and dignity - (*Applause*).

So, Sir, I say to you, and I say to this House, by your presence of sitting here, you are telling the whole Community that we are back in business, that we have reclaimed our honour, that we have reclaimed our dignity, and that we are no longer willing to be the sick institution in the Community - (*Applause*).

I finish with these words: There are those who say that we are an illegality. All these Members sitting here...some were misled to say we are an illegality, but I am happy to see them here, and I will embrace them. I will say to you, sir, that I will not be the selfish person who, having had the chance to speak, would say cut this debate, but I am urging you to give me an opportunity to exercise my will. I want to vote - (*Applause*).

**The Speaker:** Thank you, hon. Zein. I would like to give hon. Taslima the opportunity to say something, and then hon. Hafsa. After hon. Hafsa, I will ask the Council if they would like to say anything on this, including the Counsel to the Community, if there is anything to say.

**Mr Twaha Taslima (Tanzania):** Thank you, honourable Speaker. My dear fellow members, this matter has taken us a considerably long time. We have been on this matter, and that situation, undoubtedly, is unfortunate. During this time, honourable members have found themselves in diverse positions against one another, ranging from suspicion, mistrust, even risking our own honourable and valuable image in front of the East Africans, the poor East Africans for that matter, our development partners, and the world at large.

Honourable members let me borrow what hon. Zein has said that we are at crossroads, and at that crossroads, every one of us has in his or her own mind what direction to take, and take a direction we will, and we will not abstain or abscond from that. The only suggestion or word that I have to give to my fellow members is that let whatever direction we take lead us to success. Let any direction that we take lead us back to our fame. May the direction we take, by the will of the Lord our creator, be to the advantage and to the satisfaction of the East Africans, the East African Community, and the World at large – (*Applause*).

Thank you, Mr Speaker. If I continue, I will not be myself again. I feel something in my own biology that I cannot continue. Thank you very much.

**The Speaker:** I will give hon. Hafsa and hon. Counsel to the Community, in that order.

**Ms Hafsa Mossi (Burundi):** Thank you, Mr Speaker. I rise to support the motion, and I want to declare that I am a member of this committee, and I have been supporting the motion since the beginning because I am one of the seconders. I seconded the motion, not because I am a Muslim, because Islam is a religion of peace and I believe those people who use Islam to kill each other are wrong.

I have been singled out that I am one of those who what to behead the Speaker. Some people went to see my Vice President in Nairobi saying that I want to behead the Speaker. I want to declare here that I am not a violent person.

I supported the motion since the beginning, not because I am Burundian because some people say Burundi wants to take over. We respect the principle of rotation and even if today the Rt. hon. Margaret Zziwa was removed, it is Uganda to take over still.

Mr Speaker, I read somewhere that when Bill Clinton, the former President of the United States of America, was once asked, “what does leadership mean to you?” He said, “Leadership means bringing people together in pursuit of a common cause, developing a plan to achieve it, and staying with it until the goal is achieved.” (*Applause*) I did not see this in Margaret Zziwa; she was the source of division. People have been going against each other, and I think this is not leadership.

I also read somewhere about leadership characteristics, that a leader is someone who is proactive and reactive - I did not see this in the Speaker; a good communicator - instead I saw a dishonest communicator; a leader is respectful, because treating others with respect will ultimately earn respect. I did not see this in the Speaker. A leader has quiet confidence - I did not see this in the Speaker; a leader is interested in feedback - this was not one of the characteristics of the Speaker. Rt. hon. Speaker, I saw impunity, poor leadership, and I think what we are going to do today will bring back the integrity of this House. (*Applause*)

Having said that, Mr Speaker, I want to move that we incorporate the issue of geo-politics. In one of the video clips that we were shown, the Speaker was alluding to some members wanting to move the headquarters from Arusha to another country, and I think this is not right. This is not true, and it can have very bad consequences on our countries.

With these few remarks, Mr Speaker I beg to support the Motion – (*Applause*).

**The Speaker:** Thank you, hon. Hafsa. I call upon the hon. Counsel to the Community, and then since hon. Dora is very persistent and because she has been mentioned a lot in some of these things, I will give her the opportunity.

**The Counsel to the Community (Mr Wilbert Kaahwa) (Ex-Officio):** Mr Speaker, I do not intend to debate the motion. All I want to do is to propose a slight amendment on the wording contained in one of the paragraphs, the inclusion of which may cause unnecessary prejudice to this august House.

I am referring to paragraph 6 on page two, and specifically to the third sentence in that paragraph, which, with your permission, I can read to the House. “*Thereafter, the court issued a temporary injunction to stop the EALA proceedings until the determination of the minor application, which the Assembly adhered to accordingly.*”

The offensive words, Mr Speaker and with profound respect to the committee are “*issued a temporary injunction.*” Mr Speaker, injunctions are a technical remedy within the law; they are a technical interlocutory remedy, and when we refer to them we should be very sure of what we are referring to.

The East African Court of Justice, which has had opportunity to handle litigation at various stages in this matter, has never issued a temporary injunction to stop the EALA proceedings or the Assembly from proceeding with this motion. What happened on the 9<sup>th</sup> of May, and what the committee was referring to from the evidence it received was a request, which was made by the Court after listening to the parties, for the Assembly to stay proceedings until it issued its ruling on the 29<sup>th</sup> of May, and that is correctly reflected in the *Hansard* because it is me who had the opportunity to relay the information and the request of the Court to this august House.

I therefore propose that we substitute for the words “*issued a temporary injunction*” these words, “*thereafter the Court requested the Assembly to stay proceedings until the determination of the minor application, which the Assembly adhered to accordingly.*” Should you accede to my request, it will be in tune with what exactly transpired in court, and with what happened after the 29<sup>th</sup> of May proceedings, which was relayed to this House and which accordingly, led this House to adhere. I thank you.

**The Speaker:** Thank you, Mr Counsel to the Community. I think the committee chairperson will take note of that. That is a very important request, and I think ... (*Several Members stood in their places*) – I can see there is support from hon. Zein, hon. Patricia, hon. Valerie, hon. Straton, hon. Kidega, hon. Kiangoi, hon. Sarah, hon. Odette, hon. Hafsa, hon. Bazivamo, hon. Kessy, and hon. Pierre Celestin Rwigema. Therefore, the correction will be done accordingly.

I now give the opportunity to the Chair of Council, hon. Dr Abdallah.

**Ms Dora Byamukama (Uganda):** Mr Speaker, procedure. I thought I got you right when you had given me an opportunity.

**The Speaker:** That is correct, I remember. Hon. Abdallah will speak after hon. Dora Byamukama. We need to proceed quickly with this matter, and I think hon. Tiperu has risen.

**Ms Byamukama:** Mr Speaker, I just want to thank you very much. I am a member of the Committee of Legal, Rules and Privileges, and as such, I felt that I should not say much because my signature is already appended to the report. I fully support the report, but because of what has transpired and what has kept on being shown in this House, I felt that I should say something at this particular time.

I would like to start by quoting the Bible, and I think all religious books also talk about this concept of truth. The Bible in particular says that you shall know the truth and the truth shall set you free. The Bible also talks about another concept, which is that you shall know them by their fruits. For example, you cannot plant a bean and get maize.

Connected to this, I would like to say that many things have happened and, truthfully, when we came into this House on 5<sup>th</sup> June, or just before we came and were sworn in, we did not anticipate to go through what we have gone through. I would like to say that from the onset, obviously when it came to the election of Speaker, all members were given different views because most members were new, but I thank God, and I thank you members, because notwithstanding what happened in the first instance - none of us made the two-thirds - the members still had confidence to elect me to chair the Committee on Legal, Rules, and Privileges, and for this I am eternally grateful. It clearly showed that from the offset I was ready to serve, notwithstanding what had happened.

Therefore, when you hear the slander, the character assassination, the perpetual perception that I remained an open net for these two and a half years, it is not true because you, honourable members have seen me at work. I did not have to pretend, and I have always said I give 100 per cent to the work I do. I want to thank God because he has given me an opportunity to be what I am, and for you to understand me for what I am.

Therefore, I would like to say clearly, to all members who are here, including my sisters and brothers, that what happened did so in our professional life; we should not internalise it – (*Applause*). We should take the lessons...let us pick the lessons and move this Assembly forward. That is my humble plea. (*Applause*)

Finally, I would like to pledge that in the next two and a half years, God willing, and like hon. Zein has said, I stand committed to do whatever it takes this Assembly to regain its glory, its honour and its dignity. I thank you. (*Applause*)

**The Speaker:** Thank you, honourable members. Let me make it clear. My last speaker from among the members will be hon. Mbidde. He has made a specific request, so I am giving an opportunity to hon. Tiperu, hon. Mbidde, and thereafter to the Chair of Council, and for the chair of the Legal Committee to reply. Is that okay? Thank you.

**Ms Nusura Tiperu (Uganda):** Thank you very much *Meshimiwa* Speaker for giving me the opportunity. I had no plans to speak today, but in memory of the Late hon. Eriya Kategaya, I opted to say a word.

Honourable members, it is true -and it is on record- that I was the one who did second the honourable Speaker who has become a matter of contention in the House today. I must say that at the time, knowing that it was the time for my country Uganda to present a candidate, and that Uganda, through the Late hon. Eriya Kategaya, decided to present to the floor two women, it was my duty to pursue the position of the country that we present two ladies on the floor, and let the House choose who among the ladies would best serve as Speaker. So, my nomination of the hon. Margaret Zziwa was a fulfilment of the position of Uganda, which was communicated to us through our minister then, the Late hon. Eriya Kategaya, a man I respect, a statesman, a Pan-Africanist, a freedom fighter, a man who was never tribal. He loved the East African Community, pursued its ideals, has always championed the Pan-African agenda, and is among those who have been looking at the East African integration process as a stepping-stone towards the African unity. (*Applause*)

Honourable members, as some colleagues have said, in the Speaker we had expectations. In her each one of us had one or two qualities that they thought they would live to enjoy, but I must say that when the hon. Eriya Kategaya was sick in hospital, I managed to visit him and he told me, “Nusura, I hope the Speaker will serve with my comrades; I hope she will cooperate with the Organs, and I hope she will consult members, unite members and not shame Uganda as a country.”

Honourable members, I have served as a commissioner, we have been together and I have seen the manner in which the hon. Speaker has chaired sessions. I have seen the manner in which she has chaired meetings of the Commission, I have seen the manner in which she has taken the House to the public and ridiculed members, and made defamatory statements on members with impunity. I must say that today I am the most disappointed.

I am very disappointed, and more so because the Speaker refused to help the members of Summit to help the House to dialogue and help the situation. I was party to meetings where our President tried to dialogue but of course, leaving the matter in the hands of the House. The Speaker refused to take the position of Uganda on how to help her overcome the crisis. She took the law into her hands, and I am disappointed in the fact that in the media she said that we did not respect the position of the President and yet she was the one who refused to yield to the position of Uganda on how to get her out of the crisis!

In that regard, honourable members, I want to say that Uganda as a country does not condone impunity. Uganda as a country has championed the liberation of women and has seen very many women in leadership positions, but what we have seen here is a case study that must be investigated further.

Honourable members, at the time when I stood to nominate the Speaker, I thought she knew me, that I would never yield to intimidation, that I was not the kind who would succumb to blackmail. I was shocked beyond redemption when I heard the Speaker say that I had not been there for her because she did not give me tenders - amazing! And she thought she would use that as a tool to make me run to her and say, "Please, do not defame me!"

My record is known. No amount of defamatory statements will change Nusura from what she is to what she would want me to be. (*Applause*) I want to be on record that I have – (*Interruption*) -

**The Speaker:** Can you summarise, hon. Tiperu?

**Ms Tiperu:** I want to be on record that I have never applied for a tender in this Parliament, and neither have I ever asked the Speaker for any favour. I have served my country and this House with dignity, and I believe that Uganda should be given the opportunity to let this House elect a honourable Speaker who can take us to the next phase, pursue the ideals of the integration process, the dreams of our forefathers and the members of our Summit instead of the disunity, the suspicion, the intrigue – (*Applause*).

I have served, as a Member of Parliament, for 15 years, and this is the first Parliament where I have served that members fear to take tea or eat together, where members view each other with suspicion, and where members even run away from residing in the same hotels!

I want the Speaker, wherever she is, to know that nobody hates her. We love her, but we love East Africa more. (*Applause*) It is because we do not want to see an impasse in one of the Organs of the Community that we have opted to say enough is enough. It is time to move and put our pieces together and build this institution to what it ought to be. (*Applause*) Her method of work has been our problem, not her as an individual. It is her methodology of work. *Asanteni sana.* (*Applause*)

**The Speaker:** Thank you very much, hon. Nusura Tiperu for that compelling submission. As I had promised, I will call upon hon. Mukasa Mbidde who wants to say something to the House. Thank you.

**Mr Fred Mukasa Mbidde (Uganda):** Thank you very much, Mr Speaker. Honourable members, mine is specifically to thank this Assembly. When I read the report and I saw my

name, it took me a very long effort to discuss with my psychology whether I should come and attend. I consulted several members of this august House on phone while in Uganda. Finally, I consulted my wife and friend, who told me that “you go; you will tell us whether the process has been fair.” At least I can tell you, honourable members, that now I know the answer. I will go back and tell her that actually the process was too fair to the extent that I am not considered guilty. (*Applause*)

Honourable members, there is always a problem with us lawyers, that once you perform a professional duty, you are treading a very narrow path in the mountains to the extent that any slight false step, you are down the precipice. Thank you for recognising that I have been that professional, and I have done my work and that I am not guilty. (*Applause*)

Honourable members, I thank you so much. I thank those people I consulted but I cannot name them. Thank you for giving me the advice to come and attend. I have attended, and now I have a full story. You can imagine what I would have if I missed this. (*Applause*)

By the way, this arrangement is good because then we have had a reflection, even by way of television, as to what took place. Some of these were worth remembering and, Mr Speaker, if we could be given some of the recordings, I think we would be able to teach our children, those who will also contemplate being representatives that this you do and this you do not do. I thank you very much, honourable members. (*Applause*)

**The Speaker:** Thank you, hon. Mbidde. I give opportunity to the honourable Dr Abdallah Saadalla.

**The Chairperson, Council of Ministers (Dr Abdallah Saadalla Abdalla) (Ex-Officio):** Thank you so much, honourable Speaker, I am really inspired by hon. Mbidde’s words. To be very specific, from the Council of Ministers I can say that you are welcome back, thank you so much - (*Applause*).

Mr Speaker, because this is my first time to stand here since Tanzania became the Chair of Council, as is my custom, I would like to pray to the Almighty God Allah to provide me his esteemed guidance so that I will perform, together with my Minister and the Council of Ministers, this job in a very obedient and committed manner, and that I will share together with the members in a participatory workmanship towards attaining our common goal of having an integrated East Africa, *Insha Allah*.

Mr Speaker, concerning this motion, the Council of Ministers very carefully followed the whole process right from the low tides up to the high tides of it, and all through the process, you will have noticed that we stood aside, not because we did not want to contribute anything, but as you will also have noticed, somehow indirectly and behind the curtains, we tried to slip in and make things move. However, we have to pronounce ourselves on the matter, and on behalf of the Council of Ministers, I have to pronounce that we really respected the principle of separation of powers, and we will always do that - (*Applause*) - even if we have tried in between. It is not because we wanted to interfere with the work of this august House, but it is just because we decided that we should come together as East Africans and make things move forward. That is the only thing that we have done, but in reality, we all respect the principle of separation of powers, and we will continue to respect it.

Mr Speaker, again, we will continue to respect the democratic exercise of your decision-making. And, in fact, my members here had told me not to stand up, but I told them that this motion was a historic motion, and without a word from the Council, it was not going to be spicy, like the Zanzibarian spices - (*Laughter*). Therefore, I just wanted to put in spices so that we respect it and we follow whatever you are doing. We will remain here as observers, and we will, if necessary, chip in to make things move for the benefit of not a person, not an individual country, not an individual issue, but the integration of East Africa. Let it be political, economic or social integration. Thank you so much - (*Applause*).

**The Speaker:** Honourable members, it is now time to give the Chair of the Legal Committee an opportunity to reply. After that, the mover of the motion, hon. Peter Mathuki, will also make a reply. Thank you.

**The Chairperson, Committee on Legal Rules and Privileges (Mr Frederic Ngenzebuhoro):** Thank you, Mr Speaker. First of all, let me say that I am very pleased that I have been honoured to chair the Committee on Legal, Rules and Privileges Committee during this time of the investigations, and that all the contributors here have commended the work done - (*Applause*).

I do not see that I have to give many responses, except to say that the name of hon. Mbidde Mukasa will be removed as agreed here - (*Applause*).

The second thing I would like to emphasise here is the issue raised by the Counsel to the Community about the use of “temporary injunction.” It will be correctly put as he proposed.

Last is the issue of the list of nominations. I would like to clarify that the list of nominations that I put here is not necessarily the list of attendance. But, the Office of the Clerk will clarify this and put the right information so that members can be informed rightly.

Otherwise, Mr Speaker, I just wish to thank the contributors for their contributions, and especially the extra information that they gave, which shows that our report can be adopted. I would like to thank, namely, hon. Nkanae, hon. Leonce, hon. Odette, hon. Dr Ndahiro – (*Interruption*) -

**Mr Christophe Bazivamo (Rwanda):** Thank you, honourable Speaker, I wish to clarify that there is also an amendment proposed by hon. Hafsa Mossi on the issue of impunity and geopolitics, which has to be included in the report because these are things that we had already discussed in our committee. Thank you.

**Mr Ogle:** Mr Speaker, in order not to appear selective by expunging the name of hon. Mbidde from the proceedings, I suggest that any other member’s name that has been mentioned in this report in an adverse way should also be expunged. Thank you.

**The Speaker:** Hon. Ogle, I see members shaking their heads on that issue. We need to go into the context of every matter, it cannot be very generic the way it is.

**Mr Ngenzebuhoro:** Thank you, Mr Speaker. I agree with the proposal of hon. Hafsa. It has been captured and there is no problem. Otherwise, to delete or remove all names here would be against the evidence we have. It is exactly as we have put in the annexures; what they have

presented. If there is a problem, you can go to the annexures where we have all the witnesses. So, I do not take that.

I was thanking hon. Dr Ndahiro, hon. Zein, hon. Taslima, hon. Hafsa Mossi, hon. CTC, hon. Dora Byamukama, hon. Tiperu, hon. Mbidde and the last one, the honourable Chair of the Council. I am very grateful for their contributions and, once again, I submit the report to be adopted by this House. Thank you, honourable Speaker.

**The Speaker:** Thank you very much. Hon. Mathuki, you can give your reply to the motion that you moved.

**Mr. Peter Mathuki (Kenya):** Thank you, Rt. hon. Speaker for giving me an opportunity to comment, but I do not want to take a lot of time because much has been said. As a mover of this motion, I must confess that it has been very tedious, difficult and a long journey. We have come to an end at last, and I have learnt a lot of things out of it going forward.

I want to thank members of this Assembly for standing in solidarity to this motion and on issues affecting the Community. To me that is very important. To hon. Margaret Nantongo Zziwa, I want to say that there was nothing personal on this. We were looking at the bigger picture of the Community and, therefore, she must not leave with the feeling that there was anything personal from Peer Mathuki. *(Applause)*

Let me also thank the Council of Ministers for their non-interference and encouragement to us to pursue this issue independently. *(Applause)*

I also want to thank the members of the Summit for their understanding, for their patience at a time when everyone thought that this Organ of the Community was ending. I thank them so much. *(Applause)*

Before I finish, let me salute hon. Hafsa Mossi and Dr Odette who were the seconders of this motion for standing very firm and for their outstanding courage. *(Applause)*

Lastly, I want to make a comment on an article that was written by the Secretary General about three weeks ago where he wrote a letter to the founders of this Community. I want to thank him for that proactivity because that shows that he felt duty bound to report to the founders of this Community. That should be the spirit, and I think to all of us as members, that should be the spirit. *(Applause)*

I want to ask the Secretary General that now as we finish this, please update the founders of this Community; give them the progress report on what we have done today because we are writing history. I am sure wherever they are they are also supporting us and, therefore, tell them that we had to do this for the good of this Community. I thank you very much. *(Applause)*

**The Speaker:** Honourable Members, it is now my humble duty to put the question that the report of the EALA Committee on Legal, Rules and Privileges on the investigations of the complaints raised in the motion for the removal of the Speaker from office be adopted.

*(Question put and agreed to.)*

**The Speaker:** Honourable members, the second stage would be to vote on the motion on the resolution for the removal of the Speaker. It is now after 1 o'clock. If the members are in favour of going ahead, we will do so. However, allow me to suspend the House for 30 minutes to allow the Clerk's office to bring in the materials for voting. In the time when the Clerk's office is bringing the materials for voting, I would like to entreat members to remain in the Assembly so that everybody will have the opportunity to vote on this very important motion.

The House stands suspended for 30 minutes – (*Loud consultations*) - the Clerk's office has asked for 30 minutes; let us respect the logistic requirements. Therefore, we will come back at 1.30 p.m. The House is suspended.

*(The House was suspended at 1.12 p.m.)*

*(On resumption at 1.59 p.m., the Speaker presiding\_)*

**The Speaker:** Honourable members, before we start voting, first let me congratulate you on the very high quality of debates that have ensued resulting from the report of the Legal Committee – (*Applause*). We had hon. Hafsa telling us about the qualities of leadership, which was a very important quotation. We had Dr Odette giving us very good insights, we had hon. Taslima coming out with an insight into temperaments; we had high quality from hon. Zein, as usual, from hon. Dora, hon. Tiperu and a touching tribute to the House on its impartiality from hon. Mbidde. Now we are proceeding to vote.

As you well know, the motion by hon. Peter Mathuki has occasioned this vote. The voting shall be effected through secret ballot to allow the honourable members to exercise their right without fear or favour. For this purpose, the voting materials have been prepared and the ballot box is very transparent. The Sergeant-at-Arms will display the ballot box so that honourable members can see that it is transparent, that there is nothing hidden.

For the voting, in accordance with Rule 56 and Article 58 of the Treaty, the ex-officio members are not entitled to vote. In that regard, in accordance with Rule 9(7), the elected members will be the only ones allowed to vote. It will include the person presiding, who retains his right to vote under Article 58(3) of the Treaty and Rule 82(2).

For the motion to succeed and pass, the rules call for absolute numbers, requiring two-thirds majority of elected members to vote in favour of the motion. My quick arithmetic is that two thirds of 45 elected members is 30. The motion will however be lost if the two-thirds majority is not realised, that is if we get less than 30 votes in favour of the motion.

So, if the Clerk is ready, I am going to request that for ease of voting, members vote according to the countries from where they come. I would like to start with the Republic of Uganda. The ballot paper will be given to each of you and the process will be explained. As I indicated, we will start with the Republic of Uganda. We will start with hon. Byamukama Dora, but before we start the voting, let me take the roll call to establish the quorum.

The Republic of Burundi;

Hon. Bucumi Emerance – present

Hon. Hafsa Mossi - present

Hon. Ndahayo Isabelle – present

Hon. Ndarubagiye Leonce – present  
Hon. Dr Martin Nduwimana - present  
Hon. Nengo Emmanuel - present  
Hon. Ngendakumana Jeremie - present  
Hon. Ngenzebuhoro Frederic – present  
Hon. Nsabimana Yves - present

The Republic of Kenya:

Hon. Abisai Nancy - present  
Hon. Abubakar Zein - present  
Hon. Bonaya Sarah - present  
Hon. Mathuki Peter - present  
Hon. Ng'aru Mumbi - absent  
Hon Nkanae Saole Ole - present  
Hon Ogle Abubakar Abdi - present  
Hon. Ombasa Joseph Kiangoi - present  
Hon. Pareno Judith - present

The Republic of Rwanda:

Hon. Bazivamo Christophe - present  
Hon. Hajabakiga Patricia - present  
Hon. Harelimana Abdul Karim - present  
Hon. Kabahizi Celestin - present  
Hon. Dr Ndahiro James - present  
Hon. Ndikuryayo Straton - present  
Hon. Nyirahabineza Valerie - present  
Hon. Dr Nyiramilimo Odette - present  
Hon. Rwigema Pierre Celestin - present

The United Republic of Tanzania:

Hon. Bhanji Sadrudin Shy-Rose - absent  
Hon. Kimbisa Omar Adam - absent  
Hon. Kizigha Angela - present  
Hon. Murunya Musomi Bernard - present  
Hon. Mwinyi Ally Hassan Abdullah - present  
Hon. Dr Kessy Perpetua Nderakindo - present  
Hon. Nyerere Charles Makongoro - absent  
Hon. Taslima Issa Twaha - present  
Hon. Yahya Ussi Maryam – on maternity leave

The Republic of Uganda:

Hon. Byamukama Dora - present  
Hon. Kidega Daniel Fred - present  
Hon. Mukasa Mbidde - present  
Hon. Mulengani Bernard – present  
Hon. Nakawuki Susan - present

Opoka Chris - present  
Hon. Sebalu Kennedy - present  
Hon. Tiperu Nusura - present  
Hon. Zziwa Nantongo Margaret - absent

We have established that from the Republic of Burundi all nine members are present. From the Republic of Kenya, eight members are present. From the Republic of Rwanda, all the nine members are present. From the United Republic of Tanzania, five members are present. From Republic of Uganda, eight out of nine members are present. Therefore, we have full quorum. *(Applause)*

Now that we have established the quorum, I would like to start by calling the Republic of Uganda, hon. Dora Byamukama to proceed to vote. The Clerk will explain how the voting will be done.

**The Deputy Clerk (Mr. Alex Obatre Lumumba):** Honourable members, as you proceed to vote, I will table the List of Members. *(The Deputy Clerk tabled the List of Members)*

The voting material has been displayed. That is the ballot box, and the pens are there. *(The Deputy Clerk pointed out to the Members the voting materials placed at the front of the Chamber)*

The ballot paper is in this format: It has three places to mark. You will tick only in one box to make your vote valid - *(Loud consultations)*. You can tick or cross, but you must indicate in one box. We have the title of the ballot paper as, *“Removal of Speaker from office in terms of the motion moved by hon. Peter Mathuki. Done in the EALA Chamber, EAC Headquarters, Arusha.”* It is labelled “Ballot Paper” in black and bold. *“Note: tick one of the three.”*

We have (1) is for “Yes”, (2) is for “No”, and (3) is for “Abstention”. The rules provide that the three should be established. “Yes” has its own box, “No” has its own box, and “Abstention” its own box.

Should you mark your ballot paper in error, you are free to come back. We will issue you another ballot paper but we shall destroy the one that you had - *(Interjections)* - The ballot paper is prepared in the terms of the motion moved by hon. Mathuki.

On completion, we shall count the votes together in your full view, and for this purpose, I would request - because the ex-officio members will not vote but observe the entire process, they could also serve for the “Yes” and “No” sides, but mine is to request them to observe the entire process.

**Mr Ogle:** For the purpose of clarity, I want the Clerk to clearly tell the members that “Yes” means that a member is approving the removal of the Speaker, and “No” means you are not. Let us be clear on that please.

**The Deputy Clerk:** I would like to clarify as follows, with your permission, sir that “Yes” is for the removal of the Speaker in the terms of the motion introduced by hon. Peter Mathuki. “No” is an objection to the removal. “Abstention” is when you are not certain of either “yes” or “no”.

**The Speaker:** Let us proceed; give the ballot paper to hon. Dora Byamukama. Next is hon. Fred Daniel Kidega. Followed by hon. Mukasa Mbidde. Hon. Mulengani should prepare himself. Hon. Susan Nakawuki. Hon. Mike Sebalu. Hon. Nusura Tiperu. After is hon. Zziwa Nantongo Margaret.

The United Republic of Tanzania:

Hon. Bhanji Sadrudin Shy-Rose - absent  
Hon. Kimbisa Omar Adam - absent  
Hon. Kizigha Charles Angela - present  
Hon. Murunya Musomi Bernard - present  
Hon. Mwinyi Ally Hassan Abdullah - present  
Hon. Dr Kessy Perpetua Nderakindo - present  
Hon. Nyerere Charles Makongoro - absent  
Hon. Taslima Twaha - present  
Hon. Yahya Ussi Maryam – absent

The Republic of Rwanda

Hon. Bazivamo Christophe - present  
Hon. Hajabakiga Patricia - present  
Hon. Harelimana Abdul Karim – present  
Hon. Kabahizi Celestin - present  
Hon. Dr Ndahiro James – present

**Dr Ndahiro:** Mr Speaker, if you do not mind, can I call upon hon. Patricia Hajabakiga to assist me in voting? Is it acceptable?

**The Speaker:** Hon. Patricia, can you assist Dr Ndahiro?

Hon. Ndikuryayo Straton - present  
Hon. Nyirahabineza Valérie - present  
Hon. Dr Nyiramilimo Odette - present  
Hon. Rwigema Pierre Celestin – present

The Republic of Kenya

Hon. Abisai Nancy - present  
Hon. Abubakar Zein Abubakar - present  
Hon. Bonaya Talaso Sarah - present  
Hon. Mathuki Mutuku Peter -  
Hon. Ng'aru Mumbi – she is absent  
Hon. Nkanae Saole Ole - present  
Hon. Ogle Abubakar Abdi - present  
Hon. Ombasa Joseph Kiangoi - present  
Hon. Pareno Judith Nayiai – present

The Republic of Burundi should prepare:

Hon. Bucumi Emerance – present  
Hon. Hafsa Mossi - present  
Hon. Ndahayo Isabelle – present  
Hon. Ndarubagiye Leonce – present  
Hon. Dr Martin Nduwimana - present  
Hon. Nengo Emmanuel - present  
Hon. Ngendakumana Jeremie - present  
Hon. Ngenzebuhoro Frederic – present  
Hon. Nsabimana Yves – present

**The Speaker:** Honourable members, we have now completed the voting, witnessed by the Council of Ministers, and by the citizens of East Africa in the gallery. Now we shall go on to the counting of votes. The Clerk will conduct it.

**The Deputy Clerk::** Honourable Members, as we proceed to count the votes, we shall empty whatever is inside that box and the Sergeant will read aloud what you have voted. The Council will again observe the process. After the exercise, we shall establish the number of ballot papers that are left out of the total number of ballots. We will also establish those who have voted “Yes”, those who have voted “No” and the “Abstentions”. After all that, the presiding officer will announce the results and declare the vote. After that, whatever voting materials we have used will be placed back inside the ballot box, sealed in your full view and we shall take safe custody of it – (*Loud consultations*).

Could I clarify this? The reason we are doing this in full view of the Members is that we are going to do it together. I will return the results to the presiding officer, but you will countercheck with yours. The Sergeant will make the announcements on the *Hansard*. I think that clarifies your mind.

A member of the Council will receive the returns for “Yes”, another member of the Council will receive for “No”, and the Secretary General will receive for the “Abstentions”. I think that clarifies it.

*(Counting of ballots ensues, and on completion\_)*

**The Assistant Minister for East African Cooperation, Tanzania (Dr Abdalla Saadalla) (Ex-Officio):** The “Yes” votes are 36.

**The Minister of State for EAC Affairs, Uganda) (Mr Shem Bageine) (Ex-Officio):** Two votes against the motion ‘No’.

**The Secretary General of the EAC (Dr Richard Sezibera) (Ex-Officio):** There is one abstention.

**The Deputy Clerk:** Honourable members, as I indicated earlier, the result of the vote will be announced by the presiding officer. Mine is simply to confirm that 39 members took the vote and the number of ballot papers we produced for this exercise were 51. The remaining ballot papers unused are 12. They will also go into the ballot box. I will now transmit to the presiding officer to announce the results of the ballot – (*Interruption*).

**Mr Mathuki:** On a point of clarification, I thought the unused ballots would be marked as such so that they are not kept unmarked in the ballot box. They should be marked “unused” and kept along with the rest.

**The Speaker:** Is it the wish of the House that the unused ballot papers be marked “unused”? (*Hon. Members: Yes!*) Okay. It seems to be the consensus. Mark them “unused”.

**The Deputy Clerk:** Honourable members, the 12 unused ballot papers are accordingly destroyed and kept as such.

**The Speaker:** Thank you honourable members. I take the opportunity to announce officially the results of your voting.

The yes votes had 36. The no votes had two. There was one abstention. Accordingly, the motion of hon. Peter Mathuki for the removal of the Rt. hon. Margaret Nantongo Zziwa as Speaker of East African Legislative Assembly has been carried. (*Applause*) Effective now, she ceases to be Speaker of the East African legislative Assembly. (*Mr Kiangoi rose in his place*) Hon. Kiangoi, I have seen you.

**Mr Joseph Kiangoi Ombasa (Kenya):** Thank you, Mr Speaker, now that the office of the Speaker has become vacant pursuant to Rule 9(7) of our Rules of the Assembly as you have just announced, and considering that Rule 7(2) provides that no business shall be conducted other than the election of the Speaker, henceforth, if we read that together with Rule 7(3), I now want to move for a resolution of this House that this House hereby direct the Clerk of the Assembly, immediately following this resolution, to invite and issue nomination papers to the honourable members from the Republic of Uganda who may wish to be elected Speaker at the expiry of 48 hours from now in accordance with that Rule 7(3).

*(Several members stood in their places in support of the motion by Mr. Kiangoi)*

**The Speaker:** I can see hon. Christophe, hon. Mossi, hon. Odette, hon. Martin, hon. Ole, hon. Nengo, hon. Rwigema, hon. Frederic, hon. Mathuki, hon. Valerie, hon. Bucumi, hon. Jeremie, hon. Isabelle, hon. Judith, hon. Patricia, hon. Straton and hon. Yves and hon. Leonce, hon. Abdul Karim. There is overwhelming response. Hon. Kiangoi, can you justify?

**Mr Kiangoi:** Mr Speaker, the work of this Assembly has been stalled for long. The office of the Speaker is now vacant. We want to take up our responsibilities immediately so that we are able to do what East Africans expect of us. Many questions have been raised about the function of EALA, and having come to the conclusion to which we have now come of removing the former Speaker, the office is now vacant and, therefore, we should proceed immediately to elect a new Speaker.

Our rules provide that before we elect a new Speaker, the Clerk of the Assembly should issue nomination papers, hence this motion to direct the Clerk to issue nomination papers immediately so that we are able to elect a new Speaker - (*Interruption*) -

**Dr Sezibera:** Mr Speaker, I rise on a point of order. The business of this House has been concluded, and there was only one item on the Order Paper. I think that whatever follows after what this House has done is the preserve of the Clerk, whose office is duly mandated, able and

capable of doing the job that it was set up for. Mr Speaker, I am at a loss as to why we are having this discussion now.

**The Speaker:** Thank you, honourable Secretary General. I think the point that you have raised is spot-on. Hon. Kiangoi, we will leave this matter to be dealt with by the Office of the Clerk, and I am sure he will act accordingly.

**Mr Kiangoi:** Now that the Secretary General has assured this House that administratively that can be done, it is the desire of this House that that be done forthwith. Therefore, I will now, with that assurance – (*Interruption*) - I stand guided, Mr Speaker.

**The Speaker:** Thank you very much. Honourable members, you have concluded a very important and odious task, which has been hanging on the Assembly for a very long time. I would like to congratulate you for accomplishing this task, and I would like to profoundly thank you for entrusting me with the responsibility of presiding over this proceeding. (*Applause*)

As has already been indicated by hon. Mbidde that the proceedings that you have undertaken this afternoon has been free and fair, I think we are encouraged that we have concluded this matter and that the matter that remains, as has been alluded to, is the matter which can be dealt with by the Clerk. In that regard, I would say that honourable members should stay around and wait for the communication from the Clerk.

With that, honourable members, I thank you so much. I therefore hand over to the Clerk to make an announcement to you when this House may convene. Thank you so much. (*Applause*)

**The Deputy Clerk:** Honourable members, Rule 7(2) indicates, “*No business shall be transacted in the House other than an election of the Speaker at any time the office of the Speaker is vacant.*” The office is now vacant. We have a number of matters and decisions to carry out, and this requires the existence of a Speaker.

In the absence of the Speaker, as already decided by the House by way of a vote, you will elect from amongst your number of the elected members, and the rules in (3) require me to give a 48-hour notice. Now that the decision has been made, the 48-hour notice - I will take it that the House will adjourn about 4.00 p.m. and the 48 hours in my reading will be on Friday at the same time. If it is the wish of the members, considering that you require a Speaker to direct the activities of the Assembly, then so be it.

After adjournment of this sitting, I will send out notice of the vacancy. Is it your decision that you can be in Arusha until Friday 4.00 p.m.? [*Members: “Yes”*] I will be able to issue the notice around 4.00 p.m. I require many administrative arrangements.

**Dr Sezibera:** I am not sure who is presiding. I assume it is the Clerk who is presiding. Going by the Treaty, which requires the Assembly to have a Speaker at any given time for purposes of presiding over the House, and going by what has transpired it cannot be the wish of the members to have a Speaker. It is the Treaty, which obliges us to have a Speaker in place. So with profound respect, I advise the Clerk not to solicit for the wish of the members because the Treaty and the Rules are very clear. So, all that the Clerk has to do is to give the notice, which is deemed now to be constructive. You are now notified, and it will be followed by actual notice

of the vacancy and of the need, pursuant to Rule 7(3), to make nominations. I thank you, Mr Clerk, sir.

**Mr Opoka Okumu:** Honourable members, in view of the announcement that you have heard, in view of the fact that I have accomplished my duty, I now wish to adjourn the House *sine die*.

*(The House rose at 3:00 p.m. and adjourned sine die.)*