



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

Official Report of the Proceedings of the East African Legislative Assembly 58TH SITTING - THIRD ASSEMBLY – SIXTH MEETING – SECOND SESSION

Tuesday, 3 June 2014

The East African Legislative Assembly met at 10. 15 a.m. in the Chamber of the East African Legislative Assembly, Arusha.

PRAYER

(The Speaker, (Dr) Margaret Nantongo Zziwa, in the Chair.)

The Assembly was called to order.

Mr. Abubakar Ogle (Kenya): Point of procedure, Madam Speaker.

The Speaker: Procedure, hon. Ogle.

Mr Abubakar Ogle (Kenya): Madam Speaker, I stand here as a member of the Commission. The Commission, according to the Act normally plans the plenary program. The Commission had an agreement that today's Order Paper was going to start with the motion that seeks to impeach the Speaker. It is not there. So we are really dissatisfied that – *(Interruption)* -

The Speaker: Thank you very much, hon. Ogle.

Mr Ogle: I am seeking through you, guidance from the Counsel to the Community on the way forward on this matter. Thank you.

The Speaker: Okay, but I want first to inform you that the Counsel to the Community was not the Commission. I think I should relay the information from the Commission. It is true that the Commission sat yesterday and we agreed that the motion to censure the Speaker would come on the Order Paper and I want to say that the program as amended was done and it was circulated to you. Consequently in the course of the afternoon, members of Tanzanian chapter namely hon. Shy-Rose, hon. Kimbisa and hon. Ussi wrote and said they are not art of the motion,. They also sought that the movers of the motion should now reconvene and have an opportunity to discuss

how you proceed. So I had not yet got any further information to that effect and considering that when I adjourned on Thursday, I made it categorically clear that we shall begin with the budget and then we do the censure motion.

I want to rule that you proceed by consulting yourselves, those who are concerned with the motion so that you formerly bring it to the House. I can see hon. Abdul Karim, he is saying order, I do not know whether hon. Ogle you are saying procedure. So I think order precedes... have you conceded hon. Abdul Karim?

Mr Harelimana: I wonder whether two or three members will always be halting the work of the House. Is it in order, Madam Speaker, that I come this morning and tell you that I am unhappy about this or that and I request you to change the Order Paper and you change it?

The Speaker: Is that order? Hon. Abdul Karim, is that order? Okay if it is order, I will say that the Commission draws the program, The Order Paper is drawn by the Speaker. Hon. Ogle?

Mr Abubakar: Madam Speaker, in view of your explanation, can I possibly seek for the interpretation of the import of the so-called withdrawal by the Tanzanian members from the Counsel to the Community regarding this matter? Thank you.

The Speaker: Hon. Counsel to the Community.

The Counsel to the Community (Mr Wilbert Kaahwa): Thank you Madam Speaker, I want to- (*Interruption*)

Ms Hajabakiga: There is a member who is on the phone in the House; hon. Shy-Rose is on the phone.

The Speaker: If it is true, hon. Shy-Rose, your phone should be switched off. If it is not true, because I have not seen, please resist from using the phone. Proceed, hon. Counsel To The Community.

Mr Kaahwa: Madam Speaker, I believe I will have your protection during my intervention.

The Speaker: Honourable Counsel to the Community, I have always protected you and I will continue to do so.

Mr Kaahwa: Thank you very much for the reassurance, first of all let me say something regarding the report the House is getting that the Commission met and agreed on an approach. I want to point out that according to Section 4 of the Administration of the East African Legislative Assembly Act, 2011 4(1) "*The Commission shall manage, organise the business and program of the Assembly.*"

According to the information my honourable friends and I received, the reorganised program included the motion and as you are rightly pointing out, Madam Speaker, the motion should have been on the Order Paper.

Madam Speaker, let me proceed and say something about the motion because that is the gist of the discussion about the effect of the alleged withdrawal of signatures by some members who

had in the first instance signed in support of the moving of the motion. I will refer you to Rule 9 of the Rules of Procedure, which is the relevant provision on this matter.

Madam Speaker, paragraph one provides that the House may pass a resolution to remove the Speaker from office. That does not require debate at this point in time. Paragraph 2 provides that a motion for a resolution to remove the Speaker shall be signed by at least four elected members from each Partner State and submitted to the Clerk. That is a procedural and administrative requirement. Going back to the journals of this House, the House will establish that there was a point in time when there was a motion for a resolution signed by at least four elected members from each Partner State and submitted to the Clerk.

The purpose of signatures was to enable the motion to be brought to the Clerk for his action and according to the journals of this House, the Clerk received the note sand within 24 hours, he submitted it to this august House.

According to paragraph 4, the Clerk shall table the motion in the Assembly within seven days of its receipt and 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.

Madam Speaker, as far as the relevance and bringing to use of that paragraph is concerned, allow me to refer you to the *Hansard*. The *Hansard* on the proceedings of this august House on 1st April 2014 indicates that one, hon. Peter Mathuki moved that this Assembly, pursuant to the provisions of Rule 9 of the Rules of Procedure do resolve to remove the Speaker from the office.

Madam Speaker, consequent to the requirements of paragraph 9, the motion reached this House because it was moved by hon. Mathuki. It is the property of this House. Now historically what happens is that after the motion had been moved, there were some interruptions and there were some arguments and then you adjourned the House *sine die* but that act did not have the effect of withdrawing the motion from this august House. The motion remains in the House.

Madam Speaker, the requirement for signatures had already been fulfilled. It was a requirement, it was a condition precedent preparing the motion, and passing on to the Clerk and that had been fulfilled. In my humble view, the withdrawal or any attempt to add on signatures as had been done in the month of April is of no consequence. There was a time in April when communication was brought to my attention that in addition to those who had signed, there were more who wanted to sign, and I indicated to the Clerk that the addition was of no consequence because the signature part had already been effected, it had played its role and the motion was before this House.

As a consequence, Madam Speaker, I would advise you very candidly and very honestly as your adviser and the adviser of this House, that in accordance with the decision of the House Business Commission where we deliberated on this matter, you come back to your motion which is pending and handle it to its logical conclusion and it ought to be on the Order Paper. I thank you.

Ms Susan Nakawuki (Uganda): Madam Speaker, with all the due respect to the Counsel To The Community, it is very evident that in our Rules of Procedure, Rule 9 sub rule 2 is to the effect that if that motion is to be tabled, it must be supported and it has to be supported by at least four members from each Partner State.

Madam Speaker, as of yesterday, three members of the Tanzanian chapter had withdrawn from this motion. They withdrew their consent to the motion so if the Counsel to the Community is going to stand here- Actually this morning the Counsel to the Community was bragging of being an in-law to one of the members in this august House and- (*Interruption*) Madam Speaker-

The Speaker: Hon. Nakawuki, there is order from the Counsel to the Community. Hon. Kaahwa is seeking order, hon. Zein is seeking order...I do not know. I think hon. Kaahwa stood first, let him take – (*Inaudible interjection*) - To Kaahwa or to yourself? I think we are guided by rules, let the Counsel to the Community take the order or make his order.

Mr Kaahwa: Madam Speaker, much as I referred to one hon. Member as my sister in law, which nobody can challenge me on, is the hon. Member in order – (*Interruption*) -

The Speaker: Hon. Shy-Rose, it is hon. Kaahwa on the floor.

Mr Kaahwa: Is the hon. Member in order to- (*Interruption*) -

The Speaker: Hon. Abdul Karim, it is hon. Kaahwa on the floor.

Mr Kaahwa: Is the hon. Member in order to use the language that I was bragging, or she is about to use the language that I should be castrated?

The Speaker: Hon. Nakawuki, the Counsel to the Community did not brag according to his words so proceed by not referring to him that he is bragging.

Ms Nakawuki: Madam Speaker, I would still say – okay, maybe he did not brag, but he said this morning that he is an in-law to one of the members. I think now it is clearer to the Counsel to the Community, and I know where he comes from is where hon. Dora Byamukama's husband comes from. But now I will try to peruse the – (*Interruption*)-

The Speaker: There is procedure; will you take it?

Ms Nakawuki: Madam Speaker, I beg you to protect me from hon. Ogle because he is acting rather un-honourably. If he is hailing insults at me when Rule 43(3) prohibits use – (*Interruption*) -

The Speaker: Hon. Nakawuki, the arrangement in this House is that when a member wishes to give procedure, the member on the floor either concedes or does not concede. So, hon. Nakawuki, are you conceding to taking the procedure from hon. Dora?

Ms Nakawuki: No thank you, Madam Speaker.

The Speaker: Proceed.

Ms Nakawuki: Madam Speaker, I would like to allude to the fact that I have been looking at the Treaty, which is the Constitution of this – (*Interjection*) - I am not taking any procedure. Madam Speaker, if people have decided to turn this august House into a market, I have no option but to continue because I have a right of speech. I am neither intimidated by hon. Zein, who has a hoarse voice – (*Interjections*) -

The Speaker: Hon. Nakawuki, resume your seat. Hon. Members, when you do not behave honourably then the honourableness of this House is eroded. If a member wants to rise on a point of order, you rise and say “order.” If a member wants to rise on a point of order, the Speaker will give you the opportunity. If it is procedure, the member on the floor can accept or not accept, and I have been seeing it on the floor. So, let us proceed in that way and take a decision either way because whether the motion is here – because the motion is yours anyway. It is not mine. The motion is yours and you are going to discuss it. Proceed, hon. Nakawuki – (*Interjection*) - there is order.

Ms Byamukama: Madam Speaker, is it in order for hon. Nakawuki to bring up an issue that was outside this particular framework and to misinterpret what actually happened? Madam Speaker, before I make my order, let me just make it very clear. This morning we had a small meeting and before the meeting begun – (*Interruption*) -

The Speaker: I think let me first rule on the order because when you add both they will say that-

Ms Byamukama: Is it in order to make an allusion that simply because I asked for the telephone number of the honourable Counsel to the Community and he jokingly said, “How can my in-law not know my number?” is it in order – (*interjections*) - wait a minute, is it in order that this is interpreted otherwise? Honourable Speaker, I always refer to hon. Murunya Bernard here as my “*shemegi*” in that context because he is married to a Ugandan. So, is it in order for a person to stretch the issue of a person being an in-law of another by virtue of being married to that region to this House? Is it in order?

The Speaker: Let me rule by saying that nepotism should not be insinuated. Therefore, if the Counsel to the Community said it casually that he is an in law to hon. Dora, that should not have any other implications but I think the fact is he is her in law. Proceed, hon. Nakawuki.

Ms Nakawuki: Madam Speaker, before some members deliberately tried to divert me, I had been perusing this Treaty about the office of the Counsel to the Community, and what I have gotten from the Treaty is that the Counsel to the Community is an adviser to the Community. The Counsel to the Community advises the Community which Community also includes the Secretariat, EALA, the Summit among others but one thing I have not found in the Treaty is the fact that the Counsel to the Community’s opinion is binding.

When Counsel to the Community was making his submissions, he did not quote for me any authority. Counsel to the Community is my learned friend, Counsel to the Community is a lawyer, I am also a lawyer, and I know one thing. If you have to bring out your argument of such a magnitude, you must back it with an authority, maybe case law or a provision of the law, which my Counsel to the Community has not done. Because this Treaty does not tell me that his decision is binding on this House, I do not see any reason for me to follow the Counsel to the Community’s opinion.

Madam Speaker, it would be against the rules of natural justice and equity to force a motion on people who have disowned it. The principle seconder of the motion has withdrawn her signature. The Tanzanian chapter has chosen to withdraw so for me this is bad blood. If a full country has

withdrawn that means, this motion is no longer compliant with our Rules of Procedure that is Rule 9 sub rule 2.

Madam Speaker – (*Interruption*) -

The Speaker: There is order from hon. Patricia Hajabakiga.

Ms Hajabakiga: Honourable Speaker, I call for order because I want clarification from the Counsel to the Community – (*interruption*) -

The Speaker: You moved on order.

Ms Hajabakiga: Yes, it is on order under Rule 9, and I am asking whether it is in order for a person whom the motion is intended to impeach to actually sit to rule on the same motion. I want that clarification.

The Speaker: You sought order and it is the person in the chair who is ruling that, according to my Order Paper, the Speaker's Order Paper, this motion is not on the Order Paper. Proceed, hon. Nakawuki.

Ms Nakawuki: Thank you, Madam Speaker. Hon. Hajabakiga, I would beg that you stop being diversionary, give me a chance to say whatever I have to say. You will have your chance as well. Anyway, I do not have to indulge in that.

The Speaker: Proceed, hon. Nakawuki.

Ms Nakawuki: Madam Speaker, I would like to request your wise guidance in as far as my colleagues of the Uganda chapter who have decided to have a human face and save Uganda once again from this kind of humiliation. I know history has it that the United Republic of Tanzania has been there to save Uganda many times, as it is doing right now, and I beg that we should accord them that respect by accepting their opinion, by accepting their desire to withdraw from this motion. And if my colleagues, with all their intentions, want to reinstate it, they are free to go and collect fresh signatures from whoever is willing to give them the signatures. I do not see why we should chicken from the fact that people can gather new signatures. Go ahead, look for the signatures, solicit for them and then we will come back in this very House and do the needful but we should not...as lawmakers we swore - I remember holding the Treaty and the Bible so I am not ready to compromise on the principles for which I made my oath. We have to respect the Rules of Procedure of this House by not tabling this sham motion. Thank you, Madam Speaker.

Mr Zein Abubakar (Kenya): Thank you very much, Madam Speaker. Since we have been called to talk about principle and authorities, I will seek to limit myself to principles and authority.

According to the Roberts Rules of Order, first published in 1876 by Major Henry M. Robert by AC Griggs Company, which is widely accepted as an authority on parliamentary rules of order, on page 24 he identifies certain special motions that are not treated like normal motions. Within this set of special motions falls what is called privileged questions, or motions that raise the question of privilege. He says that in order of precedence, and in order of what should come first

in any House, he identified three things that cannot be overtaken by any other matter because they are of utter most importance. In number one on page 24, he says, because of their importance, these matters take precedence over all other questions whatsoever. Number one is to fix time to which the Assembly shall adjourn as expounded by section 10 of these rules of order. Number two is on adjournment, which is expounded in section 11. Number three is on questions relating to rights and privileges of the Assembly or any of its members as expounded on section 12. Number four calls for orders of the day.

So, these matters, even supersede the Order Paper. Questions that relate to the rights and privileges of the Assembly or any of its members precede even the Order Paper. On how to proceed on matters that touch on privilege, Joseph Minboat explains on page 217 in his seminal book, "*Parliamentary Privilege in Canada*", (Second Edition) and I quote, "*The purpose of raising matters of privilege in either House of parliament is to maintain the respect and credibility required of each House in respect of these privileges, to uphold its powers and to enforce the enjoyment of the privileges of its members.*" A genuine question. So, privilege is therefore a serious matter not to be reckoned with lightly, and accordingly, it ought to be rare and thus rarely in the House of Commons, which is the mother parliament of the Commonwealth.

There are certain conditions that have been identified. Let me start with how rare these types of questions are. In the short life of EALA and we are going into the 13th year, no such motion has ever been contemplated. Therefore, this is the first time.

When you talk about the principle of protecting the credibility and respect of the House, this is a matter of magnitude. So it is my humble view that a motion pursuant to Rule 9 of our rules is not an ordinary motion, it is a special motion it is a motion raising the question of privilege.

When you seek to remove the Speaker, it is not easy business. It is not business as usual. It is provided for in the Treaty under Article 53 (3). It says, "*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 inability to perform the functions of his or her office: whether arising from infirmity, privilege of the mind -that is a privilege- or body -that is privilege- or misconduct -that is a question of privilege. Under such, it means once a question of privilege has been raised -and I may be able to, with the permission of Madam Speaker, speak both in English and Kiswahili, which is my mother tongue, so that maybe I will not be misunderstood. I will speak in both Kiswahili and English. Ikiwa bungelolote limekubali kupokea swala lanithambu - (Interruption)*

Ms Nakawuki: Madam Speaker, our Treaty for the establishment of the East African Community provides that the official language for this Community is English and the language of this august House is English. Therefore, is it in order for my honourable colleague to start using Kiswahili in this House well knowing that some of us do not augur well with that language anyway? Madam Speaker, is he in order?

The Speaker: Hon. Zein, as you state the physiology of your statement, please translate it so that it is captured effectively on the *Hansard*.

Mr Zein: Thank you very much, Madam Speaker and I think – (*interruption*) -

The Speaker: Proceed with the -

Mr Zein: Let me continue, Madam. I think I said that I was going to translate, knowing very well that hon. Nakawuki -which is a word in Kiswahili as well- (*Laughter*) - was listening to me.

The Speaker: Proceed.

Ms Nakawuki: Madam Speaker, hon. Zein has insinuated that my name is a Kiswahili name and as far as I am concerned, I am not Mswahili and neither is my name a Kiswahili name. My name is Nakawuki and it is a Kiganda name. So, is he in order to insinuate that my name is a Kiswahili word? Is my name a word?

Mr Zein: Madam before you rule, if I could say I was very clear.

The Speaker: Hon. Zein, our rules say that when it is an order, the Speaker rules. Hon. Zein, stick to your debate, do not quote hon. Nakawuki's name. Let the Speaker take the privilege of quoting her name. Hon. Zein, proceed.

Mr Zein: I stand guided, Madam Speaker. I was saying that *ikiwa bunge*, if Parliament *imepokea swala la lithamu* has received a question or a matter of privilege, *taratibu zabunge* the procedures of parliament *zina hitaji* they require *jambo hilo wanithambu* that matter of privilege *bishuuli kilo kwanza* that should be transacted first *kabla yajambo lingine lolote* before any other matter.

Madam Speaker, I will address myself to the question of Rule 9 and its requirements. Rule 9, and I would like to say that the Counsel to the Community is right on this matter and I know that sometimes we follow his advice sometimes we do not, but this matter of Rule 9...one of the issues that came up here was that what does tabling mean?

The South African Parliament guides tabling of papers in Parliament. ZA Dingani, who is a Secretary to the South African Parliament, states on page 1, "*Tabling means the presentation of a paper to Parliament, as a means of reporting to Parliament, for the paper to be officially before Parliament for its consideration. The term tabling comes from the early days of parliament when ministers would physically lay papers on the table by the House. The papers would be recorded in the minutes of the House and they would then be officially before Parliament for its consideration.*"

Under the heading of refer of papers tabled to committees on page 7, he says, "All papers are in terms of the rules of Parliament, referred to committees when tabled. The referral of a paper to a committee means the placing of the paper before the committee for its consideration. In some cases, the paper may be referred to more than one committee due to the nature of that paper. A paper is either referred to a committee for its consideration and report or information depending on the nature of the paper tabled." Under Rule 9, this matter needs to be referred to the committee like all other papers that are normally placed before the table.

Why is the question of privilege such an important matter to an Assembly such as this? The question of privilege is so important for the words that you use, Madam Speaker to protect the respect of the House - [*Hon. Nakawuki, "Information*] - I gracefully decline to receive

information from...I do not know what to call the lady because you told me not to call her by her name...the honourable Member. (*Laughter*)

You see, the question of privilege is at the heart of the integrity of the House. One, I have said it takes precedence over any other matter. Two, it is of serious nature. Why is it of serious nature? It is of serious nature because this Assembly enjoys certain privileges that are not accorded to East Africans. The Treaty protects us, we are protected by the East African Legislative Assembly powers and privileges, but the East African Community Immunities and privileges Act of this same Assembly also protect us.

Now these privileges give us certain immunities and make us immune from the reach of accountability by other institutions. So accountability must be enforced by the members themselves and Madam Speaker, members are seeking for you to recognise that matters of privilege are not first being transacted by an Assembly such as this. They have been transacted by many other assemblies for long times of periods and they have found the same answer all the time.

Let me finish with two points. The first one is this that, the Counsel to the Community -rightly and I agree with him- referred to the *Administration of the East African Legislative Assembly Act, 2011*. Under four, “*the Commission shall (a) manage, organise the business and program of the Assembly.*”

We can only do justice if we respect the institutions that are established by law. The Commission is established by law and when the Commission has made a decision, the only way to vary that decision is – There are only two ways of varying that decision; one, by going back to the same Commission and seeking a re-evaluation, a re-thinking, and a change of that decision, and two, by coming back to this honourable Assembly, which even supersedes the Commission and seek the intervention of this House.

The last point I would like to make, motions of privilege once tabled become active and they are referred on its journey for its execution. They are not debatable by any tradition unless you seek to make a new tradition in this House and under the authorities that I quoted, any attempt to bring any matter that supersedes a matter of privilege, a question of privilege is illegal and we are a House of laws. We make laws, we must be the first ones to respect these laws. If we do not respect these laws then this House is meaningless, all of us are meaningless.

The oath that we are reminded continuously that each one of us undertook is a solemn oath that calls for the best of us to be noble, to be dignified, to be honour able. But when any member of this House falls short of that description and allegations are made that they have not been able to live within privilege and the immunities that are granted by this House, this House must be moved to resolve that issue first and foremost otherwise, I am sorry to say this Madam Speaker, it undermines the very fundamental of the existence of this Assembly. I thank you.

Ms Mumbi Ng'aru (Kenya): Thank you, Madam Speaker. I want to say I am a member of the Commission and for me it is a sad day for the 140 million East Africans. This House is made up of men and women as members with a wealth of experience in our own different ways and I

thought when I came here that we should bring our wealth of experience but remain focused on why, from the different Partner States, we were elected to come to this House.

I think with a lot of respect that we have lost that focus. We have a county in my country I want to give as an example and it is like the agendas of that county and the county assembly there is some obsession of a kind that they come to the House like we are doing, high sounding, big titles and big names and big experience and we have failed to be focused. Why are we here?

I thought in the wealth that we have, in the books that we have read, and I respect professionalism but also wisdom. Wisdom demands that we step back and look at where we are going. Today I have heard a member say that a country has withdrawn. I want to respect that country. Wisdom demands that I respect as a member that country. If – [*Member, “Which country has withdrawn?”*]

The Speaker: Hon. Shy-Rose, hon. Mumbi are you- (*Interruption*) -

Ms Mumbi: The four signatures from Tanzania are as important as we try to say how important our motion is. I also want to say I have heard the member who seconded the motion, hon. Shy-Rose has withdrawn- (*Interruption*)

Mr Mwinyi: Honourable Speaker, is my Rt. honourable friend in order to insinuate that the entire country has withdrawn? The United Republic of Tanzania was mentioned- I am a member of the United Republic of Tanzania and I have not withdrawn my signature. Could my Rt. hon. Friend refrain to specific individuals that were withdrawn? Thank you. Is it in order?

The Speaker: Hon. Mwinyi, I am going to rule on that order. Hon. Shy-Rose, I think we need to listen to each other. Hon. Mwinyi says he has not withdrawn as hon. Mwinyi so can you refer to the members who have withdrawn other than maybe the country?

Ms Mumbi: Madam Speaker, I accept- (*Interruption*) -

The Speaker: Hon. Members, let us listen to each other then we can make a way forward. Proceed.

Ms Mumbi: I appreciate that the rules say that four members from a Partner State, and when you do not have four members, common sense demands that that country is out, simple. When I say that- I want to say this as I conclude. If the feeling of this House is that we have the required signatures, we will get them anyway. We need to proceed with the business that affects the 140 million East Africans so that we can go back, sign again, and bring the motion. We really do not have to derail the Assembly’s agenda because of that.

The other prayer that I would request members of this House is the act of respect- (*Interruption*)

Mr Mathuki: Madam Speaker, is it in order for this hon. member to imply that speakership of this Assembly is not a matter of great public importance and therefore she implies that whatever it is she is calling important is more important than the issue of speakership? Is it in order for the member to imply that it is not a matter of public importance? To us, that is very important, and it must take precedence. Is it in order, Madam Speaker?

The Speaker: One, I did not hear her mention speakership so she can proceed.

Ms Mumbi: Thank you, Madam Speaker, the matter that is not important at this particular sitting this morning is the removal of the speaker to precede the budget of the East African Community. That is what I meant and when I talk about respect, Madam Speaker, I sometimes hear the words that we throw at each other. I am ashamed to belong to this House many times. I wish respect; I wish that humility could take over this House. We will be able to be a good example, to claim the very privileges that have been given to us, the very honourable titles from Partner States that have been given to us as hon. members. But when we talk and foam at the mouth saying nothing, I feel very worried. Thank you.

Ms Shy-Rose Bhanji (Tanzania): Thank you, Madam Speaker for giving me the floor so that I can also first of all confirm that three members from Tanzania namely our chair chapter, *Mheshimiwa* Adam Kimbisa and the secretary of the chapter Shy-Rose Bhanji- (*Interruption*) I am not taking any orders- (*Interruption*) – and *Mheshimiwa* Mariam Ussi, we have withdrawn our signatures. I will take the order.

The Speaker: Hon. Shy-Rose, it is the Speaker to grant the order. You can grant procedure, clarification, or information. Hon. Ogle.

Mr Ogle: Yes, Madam Speaker, the Speaker is on the floor on her own behalf. Is she in order to be talking on behalf of hon. Kimbisa and honourable who else she is referring to?

The Speaker: I am going to rule. The member you are challenging is not in the House also to say that she is not speaking on his behalf. So with that, I will take what she says. Proceed.

Ms Bhanji: Thank you, Madam Speaker, and as I said, three members from Tanzania out of five, have withdrawn their signatures. Madam Speaker, as per the requirement, there are supposed to be four signatures from five Partner States and in this case, Tanzania is remaining with only two signatures - [*Ms Byamukama, "Order!"*]

The Speaker: Hon. Dora, I would like to give each one of you a chance. If at least you could listen to each other, it would help. Okay, proceed if you want to give order or to seek order.

Ms Byamukama: Madam Speaker, I pray that we remain consistent. The order I would like to raise is that earlier the honourable Counsel to the Community informed us that there was a group, which had wanted to add their signatures and they were refused. We were also told that there was a group, which had wanted to withdraw their signatures, and they were refused.

Madam Speaker, you also know very well at the time of your very nomination when hon. Opoka and hon. Susa Nakawuki wanted to withdraw their signatures they were refused- [*Member, "Order"*] – I am on order. I would like to say clearly, is it therefore in order- And the clerk we are told gave this advice to the honourable Counsel to the Community. I would like to seek for order. Is it in order for us to continue with this debate in view of the fact that there are apparent inconsistencies and what we are doing is against the advice of the honourable Counsel to the Community? Is it in order?

The Speaker: Hon. Dora, as far as the Speaker is concerned, the Order Paper did not have the motion you are referring to. This debate has arisen because there are different views on this issue and I think everybody has a right to be heard. I have heard right from hon. Zein and I am ready to listen to everybody. That is one of my rules as your Speaker. Hon. Shy-Rose.

Ms Bhanji: Thank you, Madam Speaker, I know that because I am standing here to show my stand, some members are going to be interrupting me because they are afraid because of what I am going to say. If they are not afraid, I am challenging them to listen to me from the moment I begin making my point to the end. I dare you.

Madam Speaker like I was saying, Tanzania has decided not to support this motion because we have taken full interest of all East Africans. Three members from Tanzania, myself included have decided not to support this motion. Initially, we had signed this motion, Madam Speaker and I was the main seconder of this motion. I thought we were going in the right direction but I was wrong, Madam Speaker because there is a hidden agenda to remove Madam Speaker. I want Tanzania to be respected. It has to be four signatures from every Partner State. I am not going to stand here to listen to the Counsel of the Community mislead this Community and EALA in particular. All I want to say, Madam Speaker if we are not going anywhere- (*Interruption*) you are not going anywhere, nobody is going to remove you. I want to assure you, hon. members, nobody is going to remove Madam Speaker from that chair. We elected her for a period of five years- (*Interruption*)

The Speaker: Hon. Shy-Rose, there is- Hon. Shy-Rose, there is order from the Counsel To The Community, there is order from hon. Odette. I will take hon. Odette first. Order from hon. Odette.

Dr Nyiramilimo: Thank you Madam Speaker. I wanted to seek for an order. Is it in order that hon. Shy-Rose refers to herself as the main seconder, because this motion was been moved by hon. Peter Mathuki, and I signed following his signature as the first seconder. So now I wonder and ask hon. Shy-Rose to explain why she refers to herself as the main seconder.

The Speaker: I am the one to rule. I think this one- You are the people responsible for your motion and I think it is not fair on the Speaker. I do not know who the seconder is, who is not the seconder, who is the mover, who is not the mover. So I think between the Commission and today's sitting, members who were requesting to re-convene and look at this motion because it is your motion, it was in order. So this time I will not rule in any direction. Counsel To The Community-

Mr Kaahwa: Madam Speaker, first of all I stand on a point of order under Rule 39 of our Rules of Procedure. Is it in order for my honourable friend Shy-Rose Bhanji to insinuate and actually state that the Counsel to the Community is misleading the House when my advice, Rt hon. Speaker is based on a reflection of the journey of the House and also on Rule 34 of the Rules of Procedure regarding withdrawal of motions?

The Speaker: Hon. Shy-Rose, can you refrain from stating that the Counsel to the Community is misleading the House? Proceed and try to-

Ms Bhanji: Madam Speaker, I am not going to withdraw, and I repeat that the Counsel to the Community is misleading. [*Mr. Mathuki: Order*]

The Speaker: Hon. Shy-Rose- Hon. Mathuki, please resume your seat. Hon. Mathuki- Hon. Shy-Rose, when the Speaker rules that the Counsel to the Community is not misleading, that is the position of the Speaker's ruling. It may be your opinion that he is misleading but do not insinuate it and do not refer it to the Counsel to the Community. So, you can proceed but not infer to him -

Mr Zein: Proceeding without withdrawing it?

Ms Bhanji: Madam Speaker, I respect your ruling but in my opinion. The Counsel to the Community is misleading and I am wondering- (*Interruption*) Madam Speaker, according to our rules-

The Speaker: Hon. Shy-Rose, resume your seat. Hon. Zein, I think let us first clear this. I have instructed hon. Shy-Rose not to persist in that direction. Can you-

Mr Zein: But Madam Speaker, she has persisted.

The Speaker: Please hon. Members, I think it is important that whatever point you want to present, it is important to listen to each other. That is why we are a *parler*; that is why we are a parliament. It is important to listen to each other as you are listened to. So I want hon. Shy-Rose to withdraw the misleading and then proceed on your opinion but not stating that the Counsel to the Community Is Misleading. Withdraw.

Ms Bhanji: Thank you, Madam Speaker. I withdraw.

The Speaker: Thank you. Proceed.

Ms Bhanji: Thank you, Madam Speaker. The point I was trying to put across is that in this Community, there are five Partner States namely Uganda, Kenya, Rwanda, Burundi, and Tanzania and according to our rules, we require four signatures from all five Partner States. In this case, we three members from Tanzania do not want to go ahead with this motion. I do not want to believe that in this Community there are other countries who want to be superior to the others. There are no countries who are more super powers than the others. From what I know and understand and I believe, we are all equal five Partner States. Let that be respected.

I am standing here, Madam Speaker to say that Tanzania as we are speaking is remaining with two signatures. That being the case, this motion will not go ahead, this motion will not see the light of day as long as we three members from Tanzania have withdrawn our signature.

Madam Speaker, is there any other agenda other than the motion for the removal of the Speaker? What is the reason behind this? Initially we said, yes. Madam Speaker, I was one of the signatories to that motion but in my view, we were supposed to go step-by-step. Why do we want to give priority to the motion for the removal of the Speaker and not reading of the budget? The other day we were here, we were paid US\$ 400 per day. You know most East Africans eat US\$ 1 a day. We are sitting in this House and all we do is conduct- (*Interruption*)

The Speaker: Hon. Shy-Rose, there is order from hon. Zein.

Mr Zein: Thank you, Madam Speaker. I stand on a point of order and our Rule 43(3), which says, “*It shall be out of order to use offensive, abusive, insulting, blasphemous, or unbecoming words to impute improper motives to any member or to make personal allusions.*”

Hon. Shy-Rose has continuously imputed improper motives including by saying, is there a hidden agenda. She has imputed improper motives to the Counsel to the Community. You have consistently told her to withdraw and she is persistently continuing, Madam. Therefore I am asking, is that in order, Madam under our rules?

The Speaker: Hon. Shy-Rose said that in her opinion so I would say- You asked for order from the chair and I am ruling. She said it in her opinion and in her opinion, she was stating a fact and from that fact, I would say that those are the facts as they pertain. So, hon. Shy-Rose, proceed. Try to wind up so that I take the next person.

Ms Bhanji: Thank you, Madam Speaker, it hurts me to see that we are in this House giving priority for this motion of the removal of the Speaker. We are paid a lot of money to come to this House so that we deliberate on issues that are of interest to East Africans. Today in the eyes of many East Africans, we have created very bad public relations, a very negative image of this House.

Madam Speaker, I was saying we are paid a lot of money to sit in this House, but do we ask ourselves how many East Africans are living on US\$ 1 a day? Do we ask ourselves these questions? Do we take full interest of East Africans at heart? We have over 142 million East Africans who are looking up to us, and what are we doing?

We were supposed to read the Budget speech the other day. What did we do as an Assembly? I do understand and respect that maybe you guys want to go ahead with the removal of the Speaker motion, okay fine.

The Speaker: Speak to the microphone so that the *Hansard* can get you and we are able to-

Ms Bhanji: Thank you, Madam Speaker, but then I am wrong, Madam Speaker. I want to call upon my fellow members to make sure that the money we get is worthy the cause. US\$ 400 a day is a lot of money, Madam Speaker- (*Interruption*)

The Speaker: There is an order from hon. Abdul Karim.

Mr Harelimana: Is it in order to call members guys?

The Speaker: Members are hon. members, hon. Shy-Rose.

Ms Bhanji: Okay for that Madam Speaker, I withdraw and apologise because I am just a newly elected member and I am sorry to refer to you as guys. I should actually refer to you as hon. MPs a term, which many East Africans are opposing. We should just be called by our names or *Ndugu*. Anyway, for me I do not want to be called *Mheshemiwa*. Let that be respected. Call me *ndugu* or just call me Shy-Rose. Thank you.

Madam Speaker, if I can proceed-

The Speaker: Proceed and try to wind up because I have hon. Bazivamo, hon. Mbidde, hon. Taslima, hon. Pareno.

Ms Bhanji: As I am winding up, I want to say that the withdrawal of signatures of three Tanzanian members has to be respected. I want to say that this motion-

The Speaker: Hon. Ogle, please resume your seat or- Proceed.

Ms Bhanji: This motion was not tabled in this House and that is the reason members are seeking again to want to table this motion. This motion, the proceedings of which had not yet begun and that is why they are insisting on the motion to be put on the Order Paper. In the Commission yesterday I categorically made clear- (*Interruption*) – I am not taking the information, Madam Speaker. I have enough information.

Yesterday in the Commission, I made it very clear that this motion should not be given priority. We have budgetary issues here. Why don't you want to understand that? What do you think East Africans are going to think of this House if even for the second day we are going to reuse to listen to the budget of the Community?

I am begging you, *Waheshimiwa* if you want to be called so, let us withdraw our signatures from this motion. If you want to continue with this motion, you can go ahead but one thing I want to guarantee, Madam Speaker is not going nowhere and this is a promise. Thank you, Madam Speaker.

Mr Christophe Bazivamo (Rwanda): Thank you, honourable Speaker. I have been following the debate. I was in the Commission yesterday. We have discussed enough about the program of today. It was clear that all members of the Commission including hon. Shem Bageine as Chair, Council interim and everyone wanted the budget speech to be read and the budget to be passed. It is for that reason that the Commission has proposed to have both the motion and the budget on the program.

This has been a decision from the Commission. The reason was to begin with the motion so that when the budget speech is done, there is no more interruption; we keep on going to the vote of the budget. All members were committed to pass the budget.

Madam Speaker, you have changed the agreed and adopted program and in my view, you have intercepted the process and this is the reason why we are debating and debating otherwise, we would have done what was planned and finished with it.

The Counsel to the Community has advised how to proceed, considering the sources withdraw and considering the views of the Commission and the decision, which has been taken on those above decisions. Madam Speaker, we have always been advised to respect the advice of the Counsel to the Community as a member of this House. Could we proceed by respecting what is advised by the one who is given us by the Community to advise us and not being led by some kind of emotion?

As lawmakers once again I repeat, the law should guide us, our Rules of Procedure should guide us, otherwise, we are not respecting our House. Thank you.

Ms Judith Pareno (Kenya): Thank you, Rt hon. Speaker. I wish to make just a few comments. For me I think the issue now is whether the motion is supposed in the Order Paper or not so that then from there we are able to proceed as an Assembly.

I accept or agree that the Commission has the right to plan for the business of this House but I also respect that the Speaker also has the prerogative when it comes to the Order Paper. This is in accordance with our rules and in fact I already see homework for the legal team that is reviewing our rules because it is because of this disconnect between your powers, your prerogatives and the powers of the Commission that we are now discussing this particular item of the Order Paper being different from what the Commission has passed. I think that is one thing that we need to iron out and unambiguously state in our rules how we want this separation of powers to be.

Madam Speaker, when I look at Rule 9 of our rules, - (*Interruption*)

The Speaker: Hon. Dora, I will give you chance at an appropriate time to debate substantially. Let honourable- I know, she has not conceded.

Ms Pareno: You have had your time, let me have my time.

The Speaker: That is what I was saying exactly. Let her proceed, I will give you time, hon. Dora.

Ms Byamukama: Thank you very much, hon. Pareno and this is how learned friends operate. I really respect you. The information I wanted to give which is objective is that actually we have the Administration of the East African Legislative Assembly Act of 2011 which was duly passed by this august House and assented to by all the five heads of state of our Partner States of the East African Community and in particular, Section 4 (a) of the Administration of the East African Legislative Assembly Act of 2011 which provides for functions of the Commission provides inter alia under 4 (a) that the Commission shall (a) manage, organise the business and program of the Assembly.

Madam Speaker, hon. Pareno and hon. members, the word 'shall' is mandatory. As far as we are concerned, the management, the organisation of business and program of the Assembly is the sole responsibility of the Commission and the Administration of the East African Legislative Assembly Act of 2011 takes precedence over the rule that was being quoted and therefore, if the Commission has managed and organised the business and program of the Assembly, we have no other recourse but to adhere to this particular Act of the Community. I thank you.

Ms Pareno: Thank you for that information although it still does not cure what we have right now because the rules should ordinarily flow from the Act so if there is any conflict then we should have been able to address it within our rules so that it flows. So to me I think we still have homework to align our rules into speaking the same thing with the Act.

I was going to read Rule 9(2) which says a motion for a resolution to remove the Speaker from office shall and 'shall' is mandatory be signed by at least four elected members from each

Partner State and submitted to the Clerk. I want to repeat the word 'shall' for purposes of emphasis.

The question then is, if it says 'shall', can we then say that now that members have withdrawn their signatures it is of no effect? Can we say that this same Act of ours has said that we shall have four members but at the same time when they withdraw we say it has no effect when it is mandatory? So to me, we need to address this issue and the effect of withdrawal of these signatures first. (*Interruption*) Give me my chance please to talk.

The Speaker: Kindly respect and give opportunity to hon. Pareno and we listen to her.

Ms Pareno: I want to say that personally I do not agree that they are of no effect. They have an effect and that is why in the first instance, that Act or our rules require that they be there. To me what should have happened is this. Upon receipt of withdrawal of these signatures, it was incumbent upon the Clerk and the Speaker to inform the Commission that we have a new development. That actually this should have been a subject of discussion by the Commission so that as it sets or reviews its agenda for today, they have information that some members have actually withdrawn.

Madam Speaker, it looks like after receipt of these signatures, it is only you who addressed yourself to those signatures and probably the person who received them. To me it should have been brought to the attention of the Commission.

I even wondered this morning when it was indicated that people have withdrawn. Last time when members withdrew, a circular was made to all of us that these members have withdrawn. This time, no such circular- We come to the House and we just get information from the chair. To me I think we should be able to- (*Interruption*) – I do not want any more information, I want to proceed with my submission.

The Speaker: Proceed, hon. Pareno.

Ms Pareno: Madam Speaker, if we look at the effects of this withdrawal then it is only from there that we will be able to ask or address ourselves as to the validity of this particular motion. Is it valid without all the signatures? If it is not valid then there shall be no motion before this House. If it is valid then the motion should proceed as per our proper provisions of our procedures.

I want to comment on what my senior member of Parliament, hon. Hajabakiga had indicated and was wondering whether you should as Speaker be sitting there when we are discussing the motion. One, at the moment we do not have a motion before this House but I also agree that secondly, once we go ahead and say we have a valid motion then our procedures also require that Madam Speaker, you step aside for purposes of that particular motion.

I want to urge this House that we have to uphold the integrity of this House as we have always done but I also want to urge that we should give each other democratic space for us to be able to ventilate onto this motion in such a way that we respect each other, in such a way that we give each other room to be able to support this motion, to be able to even withdraw those signatures,

to be able to even abstain. It is the right of every parliamentarian to do just that. It is parliamentary to do what we are doing in this particular house. Thank you, Madam Speaker.

Mr Fred Mukasa Mbidde (Uganda): Thank you, Rt. hon. Speaker. Let me begin by correcting the impression that has been created that probably the position of the Counsel to the Community within the Assembly is contentious. The position of the Counsel to the Community is not the position of a judge in this Assembly but it is a very serious position which can be canvassed in particularly chapter 10 of the Treaty titled the Secretariat and staff of the Community and with particular regard to Article 69 thereof, the Counsel to the Community while here sits as an *ex officio* member of this august House.

Madam Speaker, further reference can then be made to Rule 82 (2) on who has the final position on interpretation of rules in this august House. It reads, should doubt arise and this is in contemplation of all members available in this House, once they have spoken, should doubt arise over the application or interpretations of these rules or where any matter is not expressly provided for by these rules or any law including the Administration of EALA Act, that question shall be decided by the Speaker.

Madam Speaker, these are the rules that are available for us to sue. These are the rules that we are mandated to enact under Article 60 of the Treaty for the establishment of the East African Community.

Now particular regard should be made to Rule 16 of the Rules of this Assembly for purposes of determination of the Order Paper here. The Speaker shall determine the order of business of the House. Madam Speaker, since this is the business before the House, they say you make hay while it still shines. While you can still make a ruling, Madam Speaker, you must now make a ruling. Your hands are tied Madam Speaker. The law points to your office to make a ruling and this is my submission.

What is the question at hand? It is that signatures were required for purposes of a motion to be brought before the House and that now the removal of such signatures is no longer material for purposes that it qualifies to be tabled here. Madam Speaker, we must – (*Interjection*) -

The Speaker: Let the member be heard in silence.

Mr Mukasa Mbidde: Madam Speaker, we must be the kind of parliament that respects our own laws. We make the laws, we must be by them.

I have tried to read everywhere to find an alternative view. I have read until I had to read no more than to just rest on my bed and I consulted a book namely the *Idiot* by Theodore D because I found many references that would be material for debate. Madam Speaker, this House cannot be treated as a mortuary for dead motions. The principles are clear on signatures accompanying motions, the equivalent of affidavits accompanying applications before court. Once an affidavit is struck out, you can no longer talk of an application at whatever stage and then withdrawal.

Now the signatures are treated as signatures *ad idem*; the signatures appended to a motion with the free will of those appending signatures. Now the law is clear, they cannot be maintained *in invitum* against the will of those that have appended the signatures. We should not be debating as

if the committee where I sit which is very important, of Legal, Rules and Privileges. We cannot debate here as if it is a museum that where motions collapse before the House, they can now be delivered to the committee. For what purpose, Madam Speaker?

Madam Speaker, your hands are tied, you have no alternative but to rule on this matter on whether or not the motion has collapsed so that we handle the business of the House. Madam Speaker, I am here pursuant to an election. I stood before the Parliament of the Republic of Uganda and the promised to perform my Treaty duties once elected. At that stage, Madam Speaker I was not even aware of who would be Speaker of this Assembly. It continues to be immaterial that I must perform my services pursuant to who is Speaker of the Assembly.

Madam Speaker, I think this Assembly has a lot to live for. It must live beyond even the speakership of the Assembly. This Assembly needs to be respected by even ourselves. Madam Speaker, the problem that we are still grappling with and I think my colleagues should appreciate is that for the first time in the history of this integration process, we had a speakership that was contested. It was not a speakership that had been arrived at by way of consensus as it had been. So probably then one would know that the contention still exists, not in the manner in which it was but sentimentally, one would still believe that a constabulary has been maintained for purposes of furthering of such contests.

Madam Speaker, I have spoken, we have attended several meetings including the meeting of today that had been convened by our Rt. hon. Minister. The meaning is and of course which has been punctuated by the removal of signatures that the trend of things has changed. The mood of the House has now taken a reverse gear. There is no longer any material urge available before this House to continue with the censure business of the Speaker and I think that should be identified as material.

Madam Speaker, let everybody understand that this is a motion whose movement has now suffered the movement of a vehicle whose tyres have punctured. It cannot be left on the road, it cannot be left within the middle of the road, it must be set aside. This motion has collapsed by our very own here. But the movers still- Once they still maintain the DNA capable of sustaining such a motion, they can now look for further alternatives of looking for again fresh signatures because we are dealing with an administrative decision on whether to include it in the Order Paper. We are not dealing with a parliamentary decision on whether it should be transmitted to the Committee of Legal Rules and Privileges. Madam Speaker, these two scenarios are different.

When you look at the Administration of EALA Act, it has a title. What is the title of that law? That law was not established to determine the order of business of the House so Madam Speaker, the way that this motion stands- I would like my hon. members to look at the principle of *dominus litis* that a plaintiff in this case petitioners are *dominus litis*. They choose when to petition, who to petition and in fact whether to petition. Madam Speaker that is a principle of law that cannot be circumvented. Once they choose to go away from the petition, it collapses because these are very serious inquiries. The removal of the Speaker is a very serious matter that was given a specialised rule for consideration. This is not a matter that you can handle by way of ordinary motions of the House. Now the specialised rule gives specificities on what to follow. You must follow with equal force *pari persu* and once you falter on any of the provisions of the specialised procedure, you have no motion to talk about and this is what ruled. Court said

Parliament because we had raised many issues, Madam Speaker including that we have a committee that is biased but it is waiting to perform quasi tribunal functions against the Speaker. They said yes but now Parliament can go and handle its work and that is what happened. I shook the hand of the Counsel to the Community because I had lost the petition; he had won it because now the ball has been set.

Now in this august House, there is a new judge. Madam Hon. Speaker, you are the judge, the ball is in your court. Rule 82(2) provides the avenue within which you must make a final decision on this matter for this Assembly to proceed. I beg Madam Speaker finally and this is my final submission on a matter to do with a motion for removal of the Speaker.

The Speaker: Hon. Shy-Rose- Hon. Mbidde, resume your seat for one minute. Hon. Shy-Rose, the procedures of the House- If you want to relate to a colleague or a member in the House, you write a note and ordinarily in other Commonwealth parliaments where the sides are actually divided, one could be a side of government and another one- You are not even supposed to cross the floor. So, just take note of that, and if you want to communicate to hon. Mbidde, you just have to write a note. Hon. Mbidde, resume your floor.

Mr Mukasa Mbidde: Madam Speaker, the motion that was seeking to remove the Speaker of the Assembly should be given a decent burial and that is my request that the ruling reflects the permanent burial of this motion but that cannot be used as a decision to expunge the right to continue with any other motion.

Madam Speaker, for purposes of this motion, it has collapsed and the business of the house requires that we need to move ahead with Treaty business. I thank you, Madam Speaker.

MR ABDULLAH MWINYI (Tanzania): Thank you very much, honourable Speaker for giving me an opportunity to say a few words in relation to this matter. Rt. hon. Speaker, I feel that it is incumbent upon me to rephrase or re-look what is before us here today. I was one of the people and I am still am to have put a signature upon the motion. I appended my signature not for the removal of the Speaker and I think this has to be very clear. Not for the removal of the Speaker but for the investigation of the allegations that have been put. It is not automatic that the allegations would be proven and it is not automatic that the speaker will be removed.

We are all creatures – *(Interruption)*

The Speaker: You are moving on order, hon. Mbidde? Okay, there is order from hon. Mbidde.

Mr Mukasa Mbidde: Madam Speaker, the only avenue under which a Speaker is investigated is under Rule 9, which is for removal of the Speaker. Is the hon. Member in order to insinuate that for him he needed that a Speaker would be investigated without following Rule 9 which is for removal?

The Speaker: Hon. Mwinyi, if you appended your signature following Rule 9, it is removal of the Speaker. Another order?

Ms Bhanji: Madam Speaker, the heading of that motion is removal of the Speaker not for the investigation of the Speaker but rather it is for the removal of the Speaker.

The Speaker: Okay now I think since you have brought it as an order I would say that those who want to investigate the Speaker could actually do so away from the motion as it appears in (9). Hon. Mwinyi, proceed.

Mr Mwinyi: Madam Speaker, I agree with my Rt. honourable friends that order 9 is the removal of the Speaker but any matter has to follow due process and due law. You cannot just remove the Speaker when you just wake up in the morning and decide to do so. That is why there are procedures, that is why there are signatures, that is why it is not an easy matter that you can deal with trivially.

So the process under Rule 9 stipulates clearly that the matter will be sent before the Legal, Rules and Privileges Committee to investigate, to prove those allegations beyond reasonable doubt. The person who is accused has a right to be heard, has a right to bring an advocate or a legal representative before that committee and it has to be proven.

The conclusion may have been that there are no allegations or these allegations are unsubstantiated. The reason I appended it is because there were serious allegations, they needed to be investigated, the process was followed as per the requirements but I am surprised to feel that there is a mood that suddenly because there is an allegation, it will be proven correct and ultimately the Speaker will be removed. That may not have been the case.

This is the process. We are stopping a legal process that would have cleared this mess up. If there is no evidence, if these allegations are unsubstantiated- (*Interruption*)

The Speaker: Hon. Shy-Rose, let hon. Mwinyi be heard in silence.

Mr Mwinyi: The report would have been submitted before this very House, no one can invent evidence that is not there, no one can fabricate anything that does not exist. So if we have sworn to uphold the Treaty, if we have sworn to follow our rules, if we have sworn to respect our laws, this is a process that should have been allowed and if there is no proof, the report would be vindicated- (*Interruption*) Madam Speaker, I need your protection from hon. Shy-Rose.

The Speaker: I am protecting you. Hon. Mwinyi proceed, I am protecting you.

Mr Mwinyi: So this is the point. I think it is not correct that this motion was for the removal. This motion ultimately may have ended up being the removal of the Speaker. This motion was for the investigation of serious allegations and they needed to be proved. No one shall be removed from the chair without any due process or any evidence being presented in a forceful manner. The ultimate could have been that everything is unsubstantiated, we apologise Madam Speaker, please proceed, and continue with the process of the House. That could have been the case but we do not know.

The second matter is in relation to the removal of the signatures. I must admit that is something that is truly touching and it is not an issue that can be- on any matter, I think the intention has to be paramount but at the same time when we are dealing with institutions, there are processes and there are time lines. If you are before a court or a parliament, there are laid down procedures for a manner in which any subject matter can be dealt with. There are time frames and they have to be respected. If one wishes to withdraw their signature, there is an opportunity to do so in time

but it is incumbent upon us to respect the very rules and regulations that we have put ourselves into so that rule of law is respected, due process is respected. What we are doing here is interfering with due process. If we have nothing to hide, if you do not believe any of these allegations are substantiated or valid, what is the problem with us proceeding with due process? It has been six months now. We are doing absolutely nothing because of this subject matter. If there is no evidence, these allegations will not be proven.

I urge my honourable members to re-look into this. We swore an oath to protect the Treaty. We swore an oath to protect the laws. We swore an oath to protect our rules and the rules govern. I urge everyone to re-look into this and to take it as it is that these are allegations, they may be true or they may not be true.

Second point, hon. Speaker, I do not feel- I think I have to raise something that – It is very difficult for me to say so but I think it is an opportune time to do so. I feel with this entire saga we have let down the people of East Africa. We have given a very important trust to spearhead and to be a fundamental part of our integration process. This is not a small project, this is the largest geo-political project on the continent. The effect of our integration process will have continental geo-political changes if we get where we want to get. This House is the very epicentre of it. I feel we have let down the people of East Africa and I propose to the Chair, Council of Ministers to institute, to start a process of Treaty amendment to allow the Summit the powers to dissolve this House.

There are so many East Africans out there who are committed, who are smart, who are professional, they can do a better job than what we have done in the last six months. I think it is time for these Treaty amendments to be put in place, I urge the Council of Ministers to institute this through the Summit and to institute fresh elections for this House. Maybe – (*Interruption*) – I will take the information from my honourable friend.

Mr Zein: Thank you, Madam Speaker. I would like to inform my brother. It is much easier to say let us have a fellowship of integrity and agree among ourselves to all resign. I will persuade you not to go to the route of getting one arm or organ of the Treaty to interfere with another organ of the treaty. We can resign en masse.

Mr Mwinyi: I will take my Rt honourable friend's advice to heart. Perhaps I was getting too emotional and I can see his point but we have let down the people of East Africa. There are more worthy people out there that could come here and represent us. The impasse has been a shame, we have let down the people and we should be ashamed of ourselves. I thank you, Madam Speaker.

Mr Twaha Taslima (Tanzania): Thank you very much, Madam Speaker. Much has been said to the extent of my brother hon. Mwinyi thinking of this august House to be dissolved. Hon. Zein thinking of all of us resigning at the same time and hon. Mwinyi's decry of the six months that have passed with an impasse; without going anywhere with this particular thing while we have the Treaty, we have the rules, we have the experience amongst us, we have the integrity and exposure.

Madam Speaker, I do not envy the Counsel to the Community's position of both being the adviser of this august House and at the same time being the counsel for the respondents in the court who are against the Speaker. It is a position, which lands him into – (Interruption)

The Speaker: Information, are you willing to take it?

Mr Kaahwa: Madam Speaker, may I inform my honourable learned friend that in the matters in court, I was not representing any member of this House. I was not representing any member who signed for the motion for the removal of the Speaker. I was in court to defend the Secretary General and the Community. Those were the respondents and are still the respondents. I thank you.

Mr Taslima: Madam Speaker, I know when someone is representing as counsel, he is representing the counsel, which on the reading of that case, it is so and so versus so and so. When you say versus- I just did not use the word versus, I said against and there is no way the Counsel to the Community can say, he is not against what the Speaker has gone to court for. That is all I am saying. I am not saying hon. Kaahwa but I am saying by his office, he finds himself in an awkward position here being the chief adviser for that matter but he has to be a representative of those who have been taken to court who are against the Speaker. That is all I am saying.

I remember the history of this thing. When signatures were not enough, the movers of this motion relentlessly went around looking for more signatures and when they were some people who withdrew, efforts were being seen for them to come back on the list of signatories. Right now, people are asking questions; what about those people who have only recently withdrawn their signatures just as other people had done before? They had withdrawn their signatures and some withdrew and then returned them and then withdrew. We are here and we know what the history is.

Now where we are right now? Some are saying the signatures cannot be tampered with at this moment. Some are saying, no it is not yet time for saying that signatures cannot be withdrawn, cannot be tampered with. What is between these people is the interpretation of Rule 9. The interpretation of Rule 9 is such that it gives the order of the happenings that have to come by, that have to be undertaken in order to reach the end of the exercise of censuring the Speaker.

I invite all of you members, I invite you, honourable Speaker, to look at the rule, and we go one by one and see how these paragraphs are arranged. When some legislature is for procedure as we have the rules here, that procedure is going to be given in the manner that the first step is talking about, the second step is talked about until you go to the last step, and exactly Rule 9 is what is stating. Let us look at Rule 9, which is arranged in a sequence showing what comes first and what comes last.

Number one talks about the authorisation, the legal authorisation of the members to remove the Speaker. We have the authority to remove the Speaker as far as the law is concerned, but we have to remove the Speaker according to what is provided by the law itself. Let us go to number two. Number two says, "*A motion for resolution to remove the Speaker from office shall be signed by at least four*"... the word "four" before we go to "elected members", is bolded. I do not know, whoever printed this had something in his or her mind that the number four is so vital

that you cannot cross it over and go to another thing thinking that you are in order. So four - whoever has these rules will see that the word 'four' under (9) here is bolded. It says, "...shall be signed by at least four elected members from each Partner State, and submitted to the Clerk." The four signatures were there, they were submitted to the Clerk, and the Clerk informed the whole House, we all know it. Let us look at the third one. The third one says, "the Clerk shall, within 24 hours of receipt of the list of names - not the receipt of the motion, the receipt of the list of names- forward a notice to the House." This one he did. We received it here and we all know that.

The procedure continues; let us go to number four. Number 4 says, "A motion shall be tabled in the Assembly within seven days of its receipt by the clerk and the House shall refer the motion to the Committee of legal Rules and Privileges to investigate and report its findings to the Assembly for debate." The catchword here is that we should all put in serious mind are the words 'the motion shall be tabled'. The word is 'tabled'. We have to ask ourselves, is the motion tabled? As you can say, people are showing- Some are saying yes it was tabled, some are saying no but the answer is within the rules.

I invite you to look at Rule 1, which has interpretations and when we look at the words to be interpreted, the word which is last but one is table. When we say something has got to be tabled, what is the word table? The word table here is interpreted as table means the clerk's table.

The Clerk is performing- (*Interruption*)

Mr Kaahwa: Madam Speaker, in the interpretation of these Rules of procedure, we are not interpreting them but we have to understand them and I have to guide the Chair, the Rt hon. Speaker that in Rule 1, the Rules of Procedure define table as a noun-

The Speaker: Are you giving information to hon. Taslima?

Mr Kaahwa: Yes, I am giving information to hon. Taslima who has kindly conceded to receiving this useful information. The words table as defined and the word he has referred to is used as a noun to refer to the table in the House, which is provided for in the rules where we lay papers and so on. What is being defined is not a verb, to table but a noun table meaning a definition of this piece of furniture. I thank you.

Mr Taslima: Madam Speaker, I thank the Counsel to the Community for his attempt to define what a table is. Actually, I was going that way. I was going to put a question, where is that table? If this is the table, let us now rewind and see what happened on that day. What happened on that day my friend hon. Mathuki stood up in an effort to table that motion? Before he tabled that motion, there was an interruption from hon. Mbidde- (*Interruption*)

Ms Byamukama: I thank my learned brother hon. Taslima for allowing me to give a point of information and I sincerely appreciate his effort to go through the procedural matters but I would also like to say that when you look at the ruling of the East African Court of Justice on this particular issue; the most recent ruling on this particular issue, it states under ruling 22 that at this stage, we find that the presentation of the petition to the House was in compliance with rules duly promulgated under the EAC Treaty and therefore in compliance with the Treaty.

As far as I am concerned, no matter how much we may want to deliberate on this matter, as long as this ruling still stands then our hands are tied until otherwise so I really would like to understand from him as to where his procedural issue he is elaborating on is going to take us as a House when court has already found that this was done in compliance with the rules promulgated and I dare to say – (*Interruption*) -

The Speaker: Are you seeking clarification?

Ms Byamukama: I said information, Madam Speaker.

The Speaker: Okay. Giving him information or seeking information from him?

Ms Byamukama: To give him information, that is what I am saying. Secondly, I also remember very clearly that the affidavit, which was deponed by your good self, Rt hon. Speaker, you did assert the fact that the process had started, that the motion was tabled. So I would like my learned friend hon. Taslima to take into account the affidavit which was before the court and the ruling of the court as he makes his deliberations. I do it in good faith to my learned brother.

Mr Taslima: Madam Speaker, I thank my learned sister for the attempt again of two things. Let me start with the affidavit she is talking about. The affidavit is full of non-legal words and those words were uttered by a layman for that matter. It is not a legally binding document as far as we are concerned here. It cannot bind us. Here we are talking of a single-

The Speaker: There is order from hon. Kiangoi.

Mr Kiangoi: Is it in order, Madam Speaker for my colleague who is a learned colleague in the profession of law to refer to the deponent of that affidavit who is none other than our Speaker as a layperson when the Speaker was represented by a counsel?

The Speaker: Well, the fact is in this House people are referred as learned friend and the others who are not learned are lay people.

Mr Taslima: Thank you, Madam Speaker for that. I will go to the second limb of my learned sister's arguments where she says-

The Speaker: Let us listen to each other so that we can get a way forward.

Mr Taslima: She says that in the court, the judges have said that the presentation of the motion in the House was done. I am sorry to say that I am not talking about presentation. I am talking about a legal term which has been put here to interpret and which is tabling. When we talk of tabling, we cannot talk of presenting. Presentation- Someone can come with a paper and just throw it here across. That is not tabling or if you meet the Clerk walking even here in the House and give him a document, that is not tabling.

Tabling has one meaning which has been given and I am sorry whoever does not want to go by this can do that but here, the tabling as the Counsel to the Community said that the tabling is this here. On that day, hon. Mathuki tried to table it, and when he was – (*Interruption*) -

The Speaker: Hon. Shy-Rose, let us listen to each other.

Mr Taslima: When he was interrupted by hon. Mbidde, he could not go further. We all know that. He did not go further. He did not bring that document with him and put it before the Speaker on that particular table. That means the tabling was not done. Let me continue.

The Speaker: Hon. Taslima, hon. Hajabakiga is rising on a point of order.

Ms Hajabakiga: Madam Speaker, under Rule 9, the same Rule 9, it is not for the mover it is for the Clerk to table the motion in the House. So it is not the mover. It is written that it is the Clerk to bring it in the House.

The Speaker: That was order and I would say that the Clerk procedurally does not table. He is always at table and receives those papers to be tabled. That is the procedure I always knew.

Mr Taslima: Madam Speaker, let us go on. That is why I started by saying, let us all come together. Let us all look at- Mind wise let us all come together and look at the very rules that we have before us and nothing else. No extraneous considerations. I am just talking about what we have here and I was at number three. *(Interruptions)*

The Speaker: Hon. Members, let us listen to each other.

Mr Kaahwa: Clarification. Madam Speaker, allow me to Rule 9 paragraph 4 the motion and that is referring to the motion, which has been initiated by the signatures, shall be tabled in the Assembly within seven days of its receipt by the clerk and the House. What happens subsequently is that the member moves the motion in the House and that is exactly what hon. Peter Mathuki- *(Interruptions)* Madam Speaker-

The Speaker: Hon. Counsel to the Community, proceed. You are protected, proceed. You were giving information to honourable-

Mr Kaahwa: Would you mind if I changed position and sat very far from my honourable sister here?

The Speaker: That is a government bench, you can abdicate it but that is the government bench.

Mr Kaahwa: Madam Speaker, what I was trying to clarify is that Rule 9 is very succinct. The motion shall be tabled by the Clerk to be moved by the member, and the rules of moving motions are well clear in Rules 29 and 30 and the rules for withdrawing motions are very clear in Rules 34 of the Rules of Procedure. I thank you.

Mr Mukasa Mbidde: Madam Speaker, I would like to inform the august House that the proper reading of sub rule 4 is that the Clerk shall table the motion in the Assembly within seven days of its receipt. It is the receipt by the Clerk that is provided for here and the House shall refer the motion to the committee. Now the performances therefrom are those that are performed by the House.

Mr Zein: Madam Speaker, on a point of order - and I am very sorry to my brother hon. Taslima. Hon. Taslima was on the floor. He conceded to a point of information by the honourable Counsel to the Community. After that, it was up to hon. Taslima to resume on his feet.

The Speaker: He conceded to hon. Mbidde so that is why- (*Interruption*) -

Mr Zein: No, he did not. He was not on his feet.

The Speaker: I saw them.

Mr Zein: But he was not on his feet, it is being recorded live. I am saying it should have been hon. Taslima to accept another point of information. Let us just follow the rules of the House, Madam.

The Speaker: Thank you. My advantage here is that both are facing me and I saw each one looking at the other and that is how I let the other – (*Interruption*) -

Mr Zein: I am guided, Madam.

The Speaker: Proceed. There is hon. Tiperu on the floor behind, I do not know whether she is seeking information or – (*Interruption*) -

Mr Taslima: Madam Speaker, I have seen the reason why others are refusing interruptions because we may reach a point where you go somewhere else where you did not expect. But Madam Speaker, the reading made by the Counsel to the Community is unfortunate to say the least. It is unfortunate because in the law of interpretation of laws, every word refers to the last preceding word. Here, we have the sub rule saying, the motion shall be table din the Assembly- nobody is mentioned as to table, within seven days of its receipt. Who receives? By the Clerk. So here we are talking about the Clerk's receiving and not the Clerk's tabling because- Let me explain. Madam Speaker.

The Speaker: Hon. Member, give hon. Taslima an opportunity. He has always listened to you. Give him an opportunity.

Mr Taslima: Let me explain, Madam Speaker. Number 4 is in reference with number three where number three, the clerk is said to be the person to receive. Number 3 says, the clerk shall, within 24 hours of receipt of the list of names, forward the notice. So who is receiving? It is the clerk. And in number four, number four cannot say otherwise. Number four is just talking about receipt by the clerk and the motion being tabled. It is tabled those people who table the motion, it is never the clerk.

Now Madam Speaker, let me continue I would like to wind up. I am sure that I will sound boring.

The Speaker: Hon. Member, I think it is important to respect each other.

Mr Taslima: That is okay. (*Interruption*)

Ms Nakawuki: Madam Speaker, allow me to refer to Rule 43 (3) of our Rules of procedure. I want to read it verbatim. "It shall be out of order to use offensive, abusive, insulting, blasphemous- I said that can be done in self defence so do not bear me. It shall be out of order to use offensive, abusive, insulting, blasphemous, or unbecoming words or to impute- Madam

Speaker, I beg your protection from hon. Dora, hon. Hajabakiga- I am hesitant to say old woman. Please do not try me.

The Speaker: Hon. Nakawuki- (*Interjection*) -

Ms Nakawuki: I am on a point of order.

The Speaker: Hon. Hajabakiga, resume your seat. The issue of old woman was brought on the floor of this House by hon. Mbidde and I ably ruled on it. It is sexist and it should not be referred to any member in this House. Two, I ruled on it. Do not move to others because when the words castrate and others were maybe made I had closed the House *sine die*. Now when a member came on this floor because the House was on to apologise, I think all of us heard it. This time I think it is important that we respect each other because in the proceedings of the House, during debate, you win over your colleague to support your cause and I think that is how we should move. So we should not refer to each other in either blasphemous way or abusive way because the rule is very categorical and I will not proceed to allow hon. Nakawuki or hon. Patricia. Let this end here and I invite hon. Taslima to wind up.

Mr Taslima: I thank you, Madam Speaker. I was just saying that on that day we were all here. Hon. Mathuki my friend did not go to the point of tabling that motion. The reason is that he was interrupted by way of procedure, it carried away, and we did not go back to the tabling business.

Now here we are - (*Interruption*)

Ms Hajabakiga: Rt. hon. Speaker, is it right that the member, hon. Taslima reads Rule 9 piece meal and only ends where he feels is advantageous to him and did not go all the way to number 5 because he was going in order one by one. He should have finished the entire rule to show-

The Speaker: Hon. Patricia, he is still holding the floor. He may go up to the last so give him chance. Hon. Taslima.

Mr Taslima: Madam Speaker, I have not finished. Since it is very interesting just like mine with the hon. Patricia, I was going one by one. The only thing is that I was interrupted. I was still at number four, the tabling of the motion and I was concluding by saying that what is legally mentioned to mean as tabling did not happen on that day and I am firm on that. People are going to say no, it is okay.

The Speaker: Proceed, hon. Taslima.

Mr Taslima: Much obliged. Madam, let us go to number five- Before we go to number five, the-

The Speaker: Hon. Nusura Tiperu is giving you information.

Ms Tiperu: Madam Speaker, actually I am not giving information. I thought that he had finished and I was standing so that you can - (*Interruption*) -

The Speaker: Okay, I will give you substantive time.

Mr Taslima: Madam Speaker, Number four, in order to finish it, it says, shall be tabled as received by the clerk and the House shall refer the motion to the committee of Legal Rules and Privileges to investigate the report and report its findings to the Assembly for debate. Now, as ably said by hon. Mwinyi that this is a process, which we should undergo, this process we cannot jump from one point to another. For example, now, we cannot jump to tabling because tabling is there and we have been told what tabling means. Now from there, I will come back to the import of rule 9. Let me go to sub rule 5, which says, the Speaker is entitled to appear in person and to be assisted or represented by a lawyer or any other person when the committee is investigating- That has no problem.

There is number six, which says, the Speaker in respect of whom proceedings for removal have commenced, shall not preside over the proceedings. Some people are saying, why are you, Madam Speaker at this moment in time in the chair? As we all know, when the proceedings for removal have commenced. We are not in the proceedings because it is not on our Order Paper and it has not been tabled.

Number seven says, if the Assembly passes the motion for the removal of the Speaker by not less than two thirds majority of elected members of the Assembly, the Speaker shall cease to hold office. As you can see, the Speaker ceasing to hold the office is the last thing. From the first one which is authorisation to the last thing.

I would like to challenge anyone to tell me that those people who are saying that if we introduce this matter of censuring the Speaker, at this moment, and supposing everything goes by what the provisions of Rule 9 are saying, it means- I am challenging anyone to tell me whether after we have decided to go into that motion, whether we are going to continue with the budgetary considerations which we have before us.

The answer as far as I am concerned is that we cannot. The reason is that first of all the Speaker is going into the procedure of being censured and we have no provision in this particular rule saying that the committee may go on considering that case or that matter meanwhile other things will go on as usual. It cannot. We do not have that provision. Had we that provision in the rules, someone could stand up and say, we have this rule and we can go on but as I have seen the rules, that provision is not there.

So what is going to happen is that the Speaker is going to the case in the committee, the business has stopped and now in this session we have been left with three days only- Two and we cannot go on with this budget business. It is because people have been interrupting me and that is why I look like I have the floor or a long time but I have been accepting the interruptions. They are in order.

Now Madam Speaker, I am ending by saying, let us cool down. Let us look at the people of East Africa. Let us look at the provisions of the law and the procedure. I have said it all. What I am saying is that we do not have a motion on the table. (*Interjection*) Madam Speaker, these people are saying – (*Interruption*) -

The Speaker: Hon. Taslima, resume your seat. He is seeking order.

Mr Harelimana: Hon. Members is the hon. Member and maybe all of us in order to be seated here while defying some members- Some members are defying the Treaty, the rules of the House? People here are going against the Treaty, are going against the rules, are going against the House; what it demanded and asked from the speaker for now six months almost. We are just coming here and going-

The Speaker: What is the order, Hon. Abdul Karim?

Mr Harelimana: So hon. members, I think all of you including myself are not in order and that is why I am going out.

The Speaker: That is not the way we debate. Hon. Taslima-

Mr Taslima: Madam Speaker, thank you very much. I think some people can be tired, yes because they are continuously hearing what they do not like to hear but I am saying we are all- (*Interruption*) - I am not taking the information. Now for the first time I do not take it.

Madam Speaker, I am winding up by saying that since we do not have that motion, let us refrain from discussing about it here. Let the procedure be followed by whoever wants to pursue the motion going through the procedure and let us go on with the business of today that is before us. Thank you, Madam Speaker.

The Speaker: Hon. Tiperu. I had wanted to take the last two members so that we are able to wind up. Actually I had thought I would take hon. Tiperu and hon. Odette so that we are able to conclude on this but now I can see hon. Jeremie on the floor, I can see hon. Hafsa Mossi and hon. Celestin Rwigema. If each one of you can take three to five minutes then all of you will have an opportunity to speak otherwise on my list I had hon. Tiperu and hon. Odette but I will accommodate the three provided those I have mentioned can be a little more brief than those who started. Hon. Tiperu.

Ms Nusura Tiperu (Uganda): Thank you very much, Madam Speaker. For the record of this House, I am one of the ten commissioners that work under your chairpersonship for the administration of this Assembly.

Madam Speaker, I also come from the country Uganda referred to as the pearl of Africa. I am proud of my country, proud of East Africa as a region and committed to the ideals that are stipulated in the Treaty.

Madam Speaker, I love you so much that it hurts to see what is happening today. I will be the last person to lie to you that all is well. I stand for justice and you know me for that. I stand for fairness, I am not tribal, I love my country Uganda but also acknowledge the fact that my country Uganda is a proponent of the ideals of regionalism including pan Africanism. So when a regional matter is at hand, I look at the regional interest but also look at my country but now the region comes first in this case, Madam Speaker.

Madam Speaker, you are seated in a chair and we all elected you with honesty and love. In you we saw a mother, in you we saw an honourable citizen commensurate to the decorum of the

Speaker. That is why the Speaker must put on a gown and the hood and we are all supposed to respect you. Madam Speaker.

I am a Muslim but from some of the Bible teachings I have, I was told about a story where two mothers were fighting over a child. The other mother said, let us divide this child into two and the other one said, please let her take the child instead of cutting the child into two. The judges then decided that the mother, who said, let us not cut the child into two take the child.

I am happy about the sentiments about Tanzania saving Uganda- It is some members from Tanzania and I am happy – (*Interjection*) -

The Speaker: Hon. Ogle, let s listen to hon. Tiperu in silence.

Ms Tiperu: And I am happy when Tanzania as a country comes to save Uganda but Madam Speaker, Uganda as a country has a mechanism whereby if there is a problem with Uganda. There are mechanisms under which Tanzania as a country is requested to come in and help. We have done that in cases of insecurity or security among others. Uganda as a country has no problem.

The Treaty gives us the responsibility to elect a speaker and it is on rotational basis for the purpose of fairness but it does not say that because a speaker is from Uganda, you have the right to rule with impunity, Madam Speaker. You come from a country that is governed by the rule of law. I sit in the commission where we literally refused to have the program of the House until the Counsel to the Community comes in to give us advice. When the Counsel to the Community came in, he said the Speaker has taken Parliament to court and court has said status quo. We respected the advice of the Counsel to the Community, came up with a program, and said the Speaker remains Speaker until when court makes its ruling. You accepted that, Madam Speaker.

Yesterday, you chairing us with all the members seated here- I remember hon. Patricia, hon. Sebalu, hon. Mumbi, hon. Hafsa, hon. Ogle were in the commission. We agreed under Rule 18(2) from the advice of the clerk that there was a matter, which was pending on the Order Paper and that to make progress in this Community; it is fair we dispose of the motion and then have the budget.

Madam Speaker, to sit here and begin deliberating on a matter which is already in process, I do not feel good. I thought that today we would have had that matter on the Order Paper. It is therefore on that request that I tell you- That I kindly request you, we adjourn the House because if the matter changed and the Order Paper now looks different, it is only fair that this House be adjourned, the Commission sits to reanalyse and you give us the contents as to why the Order Paper appears as so, so that we can come back here and proceed with an urgent matter pertinent to the Community and that is the budget.

I therefore stand under Rule 41(1), 14(2) and 31(b) that this House adjourns because of an urgent matter which is supposed to be deliberated upon and that is the budget. The motion- the issues being discussed here are prejudicial because they pertain to you and you are there seated listening, people are talking, it is not fair. The Counsel to the Community, a man in whom I have great respect has advised and therefore as the adviser to the Community, I do not think I can continue here, Madam Speaker. My conviction is that this matter be disposed of and all those

who have withdrawn their signatures, those who want to disassociate themselves can now handle this at the committee stage and we proceed, Madam Speaker.

I would like to stop here but ask that we adjourn based on the rules that I have quoted, Madam Speaker.

The Speaker: Thank you. Since you did not move a motion, I will now take hon. Odette.

Ms Tiperu: I have moved a motion, Madam Speaker.

The Speaker: I did not see anyone to second you.

Ms Tiperu: Madam Speaker, I move a motion that the House adjourns under the rules I have quoted.

The Speaker: Can you quote your rule, otherwise, I will take-

Ms Tiperu: I am moving a motion, Madam Speaker-

Mr Mukasa Mbidde: Madam Speaker, is it in order for a hon. member to quote Rule 41 (1) which does not exist amongst the rules relied upon?

The Speaker: That is why I was asking her to read the rule and for her I think she has read- Hon. Tiperu, resume your seat. The hon. Member was moving under 31(b) and that is why I wanted her to read it and then I could see the seconder and again we go into debate.

Ms Tiperu: Madam Speaker, thank you very much, I move under Rule 31(b) that the House adjourn.

The Speaker: Okay. Who is seconding you? Okay. Seconded by hon. Ogle, hon. Mathuki and hon. Dora. Hon. Members, the motion on the floor is that this House do adjourn. That is another debate. Let me start with hon. Odette.

Dr Odette Nyiramilimo (Rwanda): Thank you, Rt hon. Speaker. If we need to debate now the motion, I will start by that one and support that motion. I have been listening to the debate from 10 this morning and indeed it is sad that we are losing so much time debating on things that are very clear to all of us.

The hon. Taslima was wondering if the motion was tabled or not tabled but we all know that that day, it was if I remember well, the 3rd April or the 1st- the 1st April, that motion was in the House. It does not mention at what time of the plenary the motion is on the table but what I know is that I saw the motion on the table and –

The Speaker: Hon. Odette, I request that you support hon. Tiperu so that we dispose this off. After disposing this off, we will know how to proceed. So you could support hon. Tiperu and then we see how to proceed because you are entitled to substantive time on the floor of this House.

Dr Nyiramilimo: Thank you very much, hon. Speaker for the guidance. I beg to support hon. Tiperu's motion so that the Commission can sit and administrate the House, how should we proceed. Thank you, Madam Speaker.

Ms Dora Byamukama (Uganda): Thank you, Madam Speaker. I support the motion and I will concisely go to the- Because we are confined to the matter of the motion. Number one, the Commission met and made a decision and we have to abide by the EALA Administration Act.

Number two, Madam Speaker in your dignity and respect, you made a commitment to this House to bring this motion on the Order Paper on Tuesday. It is on the *Hansard*.

Number three, there is a court ruling-

The Speaker: I would add that I said let us have the budget and let us have the motion.

Ms Byamukama: Madam Speaker that may have been overtaken by events when the Commission met because the Commission shall is mandated and I think when you chair, it does not take into account the fact that you may have your own opinion. So with due respect, that is my thinking.

Number three and for me most important, the honourable Counsel to the Community has given advice to this honourable House and this is in accordance with the Treaty. I therefore find it very difficult and actually, it is an illegality on our behalf to disrespect and ignore the honourable Counsel's advice.

Finally, we also have a budget to discuss. Madam Speaker, I want to refer you to Rule 14(3) of our Rules of Procedure. It says unless it appears to the Speaker that the motion is an abuse of the Rules of the House or an infringement on the rights of a member, the Speaker shall put the question on the motion without debate. In my humble opinion, since you have already allowed that the motion is put for debate, I believe we should go on and put the question without debate as Rule 14(3) of our Rules of Procedure says. I beg to move.

The Speaker: She quoted 31(b) and 31(b) gives chance for people to debate and they are the people who are going to vote. I will take hon. Mumbi, hon. Ogle, hon. Susan Nakawuki.

Ms Mumbi Ng'aru (Kenya): Thank you, Rt. hon. Speaker. I rise to oppose the motion and I am doing this with a very clear mind. It is true the Commission met yesterday and we deliberated. I think the problem we have here is that we mistrust each other so much that after meetings, we caucus in the night and we come back to the House sounding legal procedures and many other things and we waste East African time. We are on a tax holiday. This is unacceptable. We have better things to do. We have three days, we have the budget of the Community, and the motion is not a matter of life and death. The Speaker can go in November, she should have gone in January as far as members are concerned but we have a very important duty for the East African Community. For how long members are we going to hold the Community at ransom? Is this what we were sent here to do?

I agree with the member who said because we are too selfish to take the decision, to resign *en masse* and the East Africans are paying for our tax holiday here at the Community, maybe

somebody else who has the authority to give general guidance at the political level, should have a chance to recall this House. The agenda today-

The Speaker: There is information from hon. Rwigema. Will you take it?

Ms Mumbi: I am of the opinion and I am actually opposing this motion. Thank you.

The Speaker: Hon. Rwigema you can deliberate. Take the floor.

Mr Celestin Rwigema (Rwanda): Thank you, Rt. hon. Speaker. I want to give information concerning the budget.

The Speaker: You can proceed to debate on the motion.

Mr Rwigema: No, it is according to what-

The Speaker: Okay, she has conceded to information. Okay.

Mr Rwigema: I think even if the budget is not debated or passed, there are provisions to use the budget by taking one twelfth which means according to one mouth, and you can do it three times which means we are not paralysing the Community. Do not make all MPs as becoming the scapegoat of passing the budget. Thank you, Madam Speaker.

The Speaker: Proceed and conclude.

Ms Mumbi: Thank you, Madam Speaker for that advice. I come back and say, what a waste that the members in this House are members with experience, from government, from the opposition, from the corporate world yet we cannot get it. We have lost focus. Thank you very much.

The Speaker: hon. Ogle, are you still interested to take the floor? Can you use the microphone?

Mr Abubakar Ogle (Kenya): I am standing on a point of procedure under Rule 13(1). There is no quorum in this House since the Rwandan members are not three.

The Speaker: Proceed. Quorum. Members from Rwanda- I can see hon. Odette, hon. Rwigema, hon. Bazivamo, hon. Valerie. I think since specifically Rwanda was mentioned, I can verify that Rwanda is in the House.

Mr Fred Mukasa Mbidde (Uganda): Madam Speaker, I am rising to oppose what is referred to as a motion for the adjournment of the House on the following account. One, it is premised on non-existing Rules of Procedure. Rule 41(1) does not exist. What exists is Rule 41 and it only talks about personal explanations. That is an illegally, Madam Speaker. We cannot even vote on it. It is *ab initio void*.

Number two, Madam Speaker, the Rule 14(1) itself refers not to the adjournment. It states, a member may at any time, for reasons stated, seek leave to move that this House do now adjourn. Madam Speaker, no leave has been sought by the intended of the intended motion. Accordingly, it is still *void ab initio*. It has merely come within the submissions of the hon. member and Madam Speaker, we had a subsisting debate on which ruling was pending under Rule 82(2) – (*Interruption*) – I do not need any information, Madam Speaker. (*Interruption*)

The Speaker: Okay, but I think it should be order right from the word go but when you start flip-flopping, it becomes difficult.

Ms Byamukama: Is it in order for my honourable colleague to state before this House that this motion has been improperly moved when our Rule 31(b) provides clearly that the following motions may be moved without notice (b) a motion for the adjournment of the House. Is it in order?

Mr Mukasa Mbidde: Madam Speaker, that order is merely diversionary. I did not mention Rule 31.

The Speaker: I will rule by saying that the Rule 31 and 31 (a), (b), (c) and so forth talks about specific aspects and of course when you talk about the specific aspect of (b) it means adjournment of the House. Preceding are other qualifications, which bring the 31(b) which you now want to justify that this was not the reason why the 31(b) was being quoted.

Mr Mukasa Mbidde: Madam Speaker, the legal import of Rule 31(1) is clear. It is on motions, which may be moved without notice, and I have not stood in this august House to challenge that this motion would be brought without notice. I have not done that. Madam Speaker, I moved on a premise that Rule 41(1) that is one of the rule son which it is purported that the motion is also anchored does not exist and I said the only rule that exists is 41 which is on personal explanations and I rose on that point to say- (*Interruption*)

Ms Tiperu: Madam Speaker, is the hon. member in order to refer to a rule that was quoted as a mistake and corrected with immediate effect?

The Speaker: What I heard was 31(b) and 41(1) and 14. Proceed. She quoted those ones.

Mr Mukasa Mbidde: So Madam Speaker, since it has been declared a mistake, Madam Speaker, we can continue to receive as many declarations on the same motion as mistakes.

Madam Speaker, the pending business now, where we have all deliberated is the ruling of your Right honourable seat under Rule 82(2) on whether or not the motion exists and not an adjournment. To refer the same business which is already here by the way to the Commission- Now the Commission is a sub set of this august House. When this Assembly sits, it has the weight and powers to dispense with the business of the House, Madam Speaker. All members of the Commission are members of this august House. No reference can be made to a Commission on a business that is already before the House. This business has already been determined and it is before the House for your wise ruling, Madam Speaker. We cannot now be oscillating and criss crossing between Commission and the Assembly when we have much business spending in this august House.

The Speaker: She has sat down. I will take hon. Rwigema to substantively debate. Counsel To The Community, do you still have information to give?

Ms Bhanji: Madam Speaker, you had mentioned my name and now you are not looking at me. Initially she had mentioned my name.

The Speaker: I will give you a chance to debate. Hon. Rwigema, proceed so that we are able to wind up.

Mr Rwigema: Thank you, Rt hon. Speaker. First of all I want to say that I support the motion brought by hon. Tiperu. Why? Because from 10 till now, almost three hours, we are debating something which is not even on the Order Paper and I am asking myself how to end this debate and what will be the outcome of this debate. It seems for me that we are debating a motion of removal of the Speaker. Unfortunately, it is illegal because we are doing so under your speakership, which means we are not really in the legal process.

Before I go far, I want to first thank the honourable Counsel to the Community. I have followed your intervention that you made. He made an intervention as a responsible man, as a wise man but I do not think we really pay attention to him and see if we have to go ahead on our own debate.

Secondly, Madam Speaker, we have the Treaty. We have the Rules of Procedure, we have the Counsel to the Community, and we have ourselves as MPs. I have tried to follow how we are debating and you know debating three hours for something which is not in the papers is any kind of effectiveness or efficiency in the debate- These cannot even ask us to use some effectiveness ratio or formula but we will be judged by history.

Madam Speaker, when you are seated over there on a very high chair and you see there are really no truthfulness with the members, the good thing is to know how and when it is time to go. I think if my understanding is well, you can let the members have time alone to discuss this matter and then see if the outcome is really positive to you or negative to you but the outcome will be the right one. I thank you.

The Speaker: Thank you.

Mr Dan Kidega (Uganda): Thank you, Madam Speaker. I rise with a very heavy heart this afternoon. I did not expect us to reach this far but this is where we are. It is indeed painful and history will judge us.

Madam Speaker, we are not a herd of elephants or a herd of cows gathered here. We are people and leaders of people. Laws have been quoted, arguments have been presented. Madam Speaker, at this point I invoke your leadership to do the right thing for this House. That is the only thing I plead to get from you.

People elected by other citizens seated here cannot consult and agree on a simple matter of this nature? Madam speaker, I believe that if we sit with purity of hearts and honesty, we can come out of this kind of situation but when people sit, agree and they do the opposite of what has been agreed then we lose the sense of leadership.

I am supporting the motion raised by hon. Tiperu that we adjourn that I plead with you, all members here present that let us talk as leaders and come up with viable solutions on how to get out of this thing. The integration process is bigger than all of us. We cannot just harden on trivial issues and delay the totality of the integration process and it is also not right for people to

use certain provisions of the budget as shields to protect certain things which should be disposed of. Right can only be delayed, right can never be denied.

Madam Speaker, with a lot of purity of heart, if you are innocent, you will enjoy your leadership. I am a believer, I am a Christian and I believe that what is right can never be taken from somebody who is practising the right thing.

I would like to plead with you members that we support the motion of hon. Tiperu and we adjourn. Members of the Commission, take time and talk and sit and come out with viable position if you cannot come up with something viable and implementable, can you please dissolve yourselves? We need leadership now, we do not need legal advice. It is time to exercise leadership now and I am looking at the silver line in this whole thing. I like it, we would not have known the character of some of our friends. It has helped some of us to know how we shall relate for the next three years. I plead with you, honourable colleagues. Let us respect each other. The decorum of the House is not necessarily who wins and who loses but the composite of our total behaviour and the kind of language we use in this honourable House.

Madam Speaker, I am not a happy guy this afternoon. I support the motion.

The Speaker: Thank you.

Ms Shy-Rose Bhanji (Tanzania): Thank you, Madam Speaker. Madam Speaker, we have deliberated on the issue that is not on the Order Paper-

The Speaker: Hon. Shy-Rose, we are on hon. Tiperu's motion.

Ms Bhanji: Yes, I am going there, Madam Speaker. It is in line with that. Madam Speaker, I am standing here to request you to make a ruling. The motion for the removal of the Speaker is not in the Order paper of today and neither is it going to appear in the future unless there is going to be four signatures from every Partner State. That has to be respected. Madam Speaker, it has to be respected that if there are only two signatures remaining from Tanzania, how will this motion see the light of day of this House?

Madam Speaker, we are not going to be forced to put or intimidated to out-

The Speaker: The motion on the floor is that we adjourn-

Ms Bhanji: Yes I was going there, Madam Speaker. I am just trying to build my argument.

The Speaker: Restrain yourself to the adjournment, hon. Shy-Rose.

Ms Bhanji: Madam Speaker, before I support the motion, please make a ruling that there is no motion for the removal of the Speaker. We have an important- I support the motion that we adjourn because we need to take a break so that we resume with the most important agenda for the reading of the budget and not the motion.

My fellow members please-

The Speaker: Speak to the microphone because the *Hansard*-

Ms Bhanji: You have enough time if you want to continue with the impeachment of the Speaker, if that is so important for you- I was going to say guys but luckily now that is no longer in my vocabulary. But look for signatures, look for-

The Speaker: Hon. Shy-Rose, this is not part of the motion. Hon. Shy-Rose-

Ms Bhanji: Because they know these signatures from Tanzania they will not be obtained come rain or sunshine. You are not going to get- You are the one who is confused Mathuki because now you are frustrated, the motion has collapsed, the motion is dead now you are confused how you are going to-

The Speaker: Hon. Shy-Rose, respect the House. Now I want to move to put the question on hon. Tiperu's motion. Hon. Members, the motion on the floor is that this House do adjourn. I put the question.

(Question put and agreed to.)

The Speaker: House stands adjourned until tomorrow 10 o'clock.

(The House rose at 1.14 a.m. and adjourned until Wednesday, 4 June 2014 at 10.00 a.m.)