



East African Legislative Assembly

RULING ON THE MOTION FOR THE REMOVAL OF THE SPEAKER OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY FROM OFFICE

Hon. Members

We adjourned yesterday Pursuant to a Motion that was moved by Hon. Tiperu Nusura at the conclusion of debate on questions as to whether the Motion for Removal of the Speaker still subsists.

The following were noted.

1. That Rule 82 (2) grants the Speaker of the Assembly the final powers on the interpretation and application of the Rules of Procedure.
2. That the Court declined to take a decision restraining this Assembly from going ahead with a Motion for Removal of the Speaker and ruled that the matter should be resolved using the available Rules of Procedure.
3. That the tabling of the Motion for Removal of the Speaker was interrupted by an adjournment in Pursuit of the Rule on *Subjudice* (43) raised by Hon. Mbidde and thus the same was not tabled.
4. That three Members from the United Republic of Tanzania namely: Hon. Shyrose Bhanji, Hon. Adam Kimbisa and Hon. Maryam Ussi Yahya have withdrawn their signatures that had originally been appended to support the Motion.

I am mindful of the guidance of the CTC in all regards and the debate that ensued the whole of yesterday and the jurisprudence we were introduced to in this House.

I am of the view that let regard be given to principles governing petitions and suits. **“The Plaintiff is dominus Litis”**. The above principle reserves the right of the petitioner as to flow right from the date of filing the petition till the date of conclusion of the Petition.

We are constrained by that principle from holding the Members against their intention to withdraw from the pursuit of the Motion for Removal of the Speaker of this Assembly. In this case, I have to borrow practices on consent fortified under: **Commonwealth V Scott**; where a verification of signatures is paramount before admission of any Motion before this August House.

Rule 9 is a specialized procedure for Remove of the Speaker that should be followed by strict application and in strict observance of the rights protected under Article 6 (d) of the Treaty governing us.

In the instances above; I find that the Motion falls short of the requisite four signatures from all the Partner States as a mandatory requirement under the Rule above. AND also suffers expiry within the meaning of Rule 9 as its tabling was not crystalized within the requisite 7 days. In my considered opinion, it therefore collapsed.

The effect is that it can no longer form part of the business of this House. This is my decision on the matter of procedure that was raised as mandated of the Speaker by Rule 82 (2) of the Rules of this House.

Rt. Hon Margaret Nantongo Zziwa
June 4, 2014