

**MOTION FOR A RESOLUTION TO REMOVE THE SPEAKER OF THE
EAST AFRICAN LEGISLATIVE ASSEMBLY FROM OFFICE**

WHEREAS Article 53(3) of the Treaty for the Establishment of the East African Community (Treaty) provides that "The Speaker of the Assembly may be removed from office by a resolution supported by not less than two thirds majority of the elected members for inability to perform the functions of his or her office, whether arising from infirmity of mind or body or for misconduct."

WHEREAS Rule 9 of The Rules of Procedure of The East African Legislative Assembly (Assembly) provides for the Removal of the Speaker as follows:

- "1. The House may pass a resolution to remove the Speaker from office
2. A motion for a resolution to remove the Speaker from office shall be signed by at least four elected Members from each Partner State and submitted to the Clerk;
3. The Clerk shall, within twenty - four hours of receipt of the list of names, forward the Notice to the House.
4. The 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 on Legal, Rules and Privileges to investigate and report its findings to the Assembly for debate;
5. 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 his or her removal.
6. The Speaker, in respect of whom proceedings for removal have commenced, shall not preside over the proceedings.
7. 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."



AND WHEREAS in accordance with Rule 9(2) of the Rules of Procedure of the Assembly this Motion for resolution to remove the Speaker from office has been signed by at least four elected Members from each Partner State as per the attached **Annexes** and is hereby submitted to the Clerk;

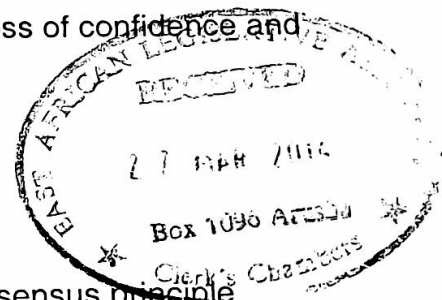
THIS MOTION avers that the Speaker of the East African Legislative Assembly is unable to perform the functions for her office arising from misconduct to wit – poor governance and leadership skills; abuse of office; disrespect and intimidation of Members and Staff; and loss of confidence and trust by Members.

1. Poor Governance and leadership skills

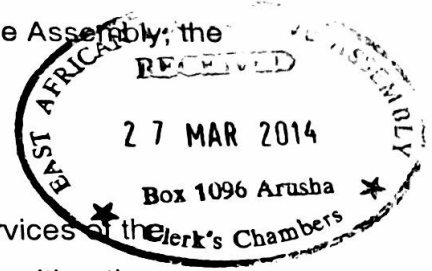
1.1 Unilateral decision making; and abuse of the consensus principle required in decision making of the Commission; for example, the mishandling of the Assembly's established policy and practice of rotational sittings in Partner States whereby the Speaker's unilateral decision was so unpopular to the extent that it paralyzed the work of the Assembly; the decision to stop the rotational Sittings was announced in Kigali prior to any consultation

1.2 Poor time management and laissez-faire attitude to Assembly responsibilities; this causes delays and postponement of meetings - for example, the Kigali Meeting on the Strategic Plan and the meeting for the Commission and Committee Chairs that preceded the Capacity Building Workshop which was held in Mombasa, 2013.

On these two occasions, the Speaker went to a different mission without notifying the Members. As a result, Members spent a whole day at the venue, no Member was tasked to deputize, and this led to loss of resources.



- 1.3 Whereas the Speaker is paid a housing allowance that enables her to reside in Arusha in order to supervise the work of the Assembly; the Speaker hardly stays in Arusha.



2.0 Abuse of office

- 2.1 Unilaterally involving members of her family in the services of the Assembly such as irregular hiring of staff without consulting the Commission and bringing family members to play in the Inter-parliamentary EAC netball games, where these family members were favored by the Speaker above the EALA Members staff.

- 2.2 Family interventions in the Assembly affairs – in particular, the Speaker's husband, whose interventions were in some instances disruptive, disrespectful and posed veiled threats to Members.

- 2.3 Misallocation of resources earmarked for the Assembly Plenary to other matters where she has personal interest, for example the hosting of the meeting for Global Parliamentarians for Habitat where she is an African Chapter Chairperson which utilized days programmed for Assembly activities.

- 2.4 Attendance of most meetings the Assembly is invited to even if it requires changing the approved EALA Calendar of activities, for example, she changed the EALA Calendar of activities for 2013/14 in order to accommodate her attendance of the IPU where EALA is just an Observer. In such an instance, attendance of the IPU could have been delegated to any other Member.

- 2.5 Practicing Nepotism where the Speaker consistently favors some members of the Assembly in, for example, the allocation of foreign missions. Haphazardly nominating members to represent the Assembly in different fora without lay down criteria which loophole allows her to favor some Members over others.

3. Disrespect and intimidation of Members and Staff

27 MAR 2014
Box 1096 Arusha
Clerk's Chamber

3.1 Using the media to slander and character assassinate of Members.

3.2. Being disrespectful to Members:

The Speaker banged the table in a meeting of Chairpersons of Chapters, during the January 2014 Plenary held in Kampala when they went to advise her on a number of issues for the smooth running of the Assembly.

At this meeting, she told the Chapter Chairs that "if you elected me, you can dis-elect me". In this instance, the Chairpersons felt that the Speaker used offensive language. It was felt that this action was abusive, objectionable and portrayed aggressive behavior, arrogance, intimidation and disrespect.

Recently she was heard referring to Members as "adolescents" in terms of behavior in presence of Chair of Summit and Council Ministers.

3.3. Holding of acrimonious staff meetings where abusive language, accusations, threats and intimidation were issued to the staff.

3.4 Refusal to take advice and inability to appreciate positive critics intended to improve the work of the Assembly.

3.5 Dishonesty, slander and intrigue thus creating an atmosphere of mistrust and perpetual disharmony in the Assembly.

4.0 Loss of confidence and trust by Members

Loss of confidence and trust by Members in the Speaker is evidenced by:

4.1 Walk out of the Assembly on two occasions on the issue of rotation;

4.2 The number of signatures appended to the motion to remove the Speaker.

Handwritten signature and initials.

Handwritten signature.

Handwritten signature.

NOW THEREFORE this Assembly do resolve as follows:

1. **THAT** Rule 9 of the Assembly Rules of Procedure which provides for the procedure for the Removal of the Speaker be applied to remove the current Speaker of EALA from office;
2. **THAT** bearing in mind Rule 9(6) which specifically provides that "The Speaker, in respect of whom proceedings for removal have commenced, shall not preside over the proceedings."

THIS Assembly elect a Member to preside the Sitting in accordance to the Article 56(b) of the Treaty which provides that: "There shall preside at any sitting of the Assembly in the absence of the Speaker of the Assembly, such elected Member of the Assembly as the elected Members may elect for the sitting".

Signed by:

HON. PETER M. MATHUKI

.....
MEMBER OF EALA

MOVER OF THE MOTION

SECONDED BY:

Hon. Shy-Rose Sadrudin BHANJI

.....
Member of EALA

Hon. Dr Odette NYIRAMILIMO

.....
Member of EALA

Hon. Hafsa MOSSI

