

**CONSTITUTION OF THE
EAST AFRICAN ASSOCIATION OF ANTI-CORRUPTION
AUTHORITIES (EAAACA)**

Table of Contents

Preamble

Article 1: Interpretation

Article 2: Name

Article 3: Office

Article 4: Principles

Article 5: Vision

Article 6: Objectives of the Association

Article 7: Nature of the Association

Article 8: Membership

Article 9: Annual General Meeting

Article 10: Executive Committee

Article 11: The President

Article 12: Secretariat

Article 13: Membership Fees

Article 14: Cessation and suspension

Article 15: Sources of Income

Article 16: Expenses of the Association

Article 17: Financial Records and Annual Reporting

Article 18: Representation, Liability

Article 19: Regulations

Article 20: Amendments

Article 21: Dissolution of the Association

Article 22: Disputes

Article 23: Use of the Name of the Association

Article 24: Official and Working Language

Article 25: Transitional Provisions

Article 26: Launch and entry into force

Constitution of the East African Association of Anti-Corruption Authorities (EAAACA)

Preamble

The Anti-Corruption Authorities that are parties to this association,

Observing that on the 30th day of November 1999 a Treaty for the establishment of the East African Community was signed in Arusha in the United Republic of Tanzania on behalf of the Governments of the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya;

Whereas under Article 5 of the East African Community Treaty the objectives of the Community is amongst other things to develop policies and programmes aimed at widening and deepening co-operation among the Partner States in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs, for mutual benefit;

And whereas under Article 6 of the East African Community Treaty one of the fundamental objectives that shall govern the achievement of the objectives of the Community is good governance including adherence to principles of democracy, the rule of law, accountability, transparency, and social justice amongst others;

Mindful that Article 2(2) of the African Union Convention on Preventing and Combating Corruption 2003 sets out objectives which include among others to promote, facilitate and regulate cooperation among the State Parties to ensure the effectiveness of measures and actions to prevent, detect, punish and eradicate corruption and related offences in Africa;

Mindful further that Article 1(b) of the United Nations Convention against Corruption 2003 provides that the purpose of the Convention is to promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including asset recovery;

Recognising that the Anti-Corruption Authorities of the Republic of Kenya, the United Republic of Tanzania and the Republic of Uganda derive their mandate and powers from their Constitutions and Acts of Parliament namely the Anti-Corruption and Economic Crimes Act, 2003 for Kenya Anti-Corruption Commission of the Republic of Kenya, the Prevention and Combating of Corruption Act, 2007 for Prevention and Combating of Corruption Bureau of the United Republic of Tanzania, and the 1995 Constitution of the Republic of Uganda, the Inspectorate of Government Act, 2002 and the Leadership Code Act, 2002 for the Inspectorate of Government of Uganda;

Acknowledging the need for co-operation towards the common objective, goals and best practices of preventing and fighting corruption within the East African Community;

Now therefore have agreed to form an Association for the common goal of preventing and combating corruption in the East African Community region as follows:

Article 1 *Interpretation*

For the purposes of this Constitution:

(a) “Anti-Corruption Authorities” includes the Prevention and Combating of Corruption Bureau of the United Republic of Tanzania, the Kenya Anti-Corruption Commission of the Republic of Kenya, the Inspectorate of Government of the Republic of Uganda, and similar Authorities in Rwanda and Burundi.

(b) “Association” means the East African Association of Anti-Corruption Authorities.

(c) “East Africa” means and includes the Republic of Uganda, the Republic of Kenya, and the United Republic of Tanzania, and any other country granted membership to the Community under Article 3 of the East African Community Treaty, 1999 which was signed at Arusha, Tanzania on the 30th day of November 1999.

(d) “East African Community” means the Community established by Article 2 of the East African Community Treaty.

(e) “Partner States” means the Republic of Burundi, the Republic of Kenya, the Republic of Rwanda, the United Republic of Tanzania, the Republic of Uganda and any other Country granted membership under Article 3 of the East African Community Treaty.

Article 2

Name

The name of the Association shall be the “East African Association of Anti-Corruption Authorities” [EAAACA].

Article 3

Office

The headquarters of the Association shall be situated in Kampala, Uganda.

Article 4

Principles

The Anti-Corruption Authority of each Partner State remains autonomous with the powers and functions accorded to it by its domestic laws.

Article 5

Vision

The Association shall strive to distinguish itself as an Association that effectively promotes the spirit of zero tolerance against corruption and encourages regional cooperation in preventing and combating corruption.

Article 6
Objectives of the Association

The objectives of the Association are:

(a) To promote, facilitate and regulate cooperation among the Partner States to ensure the effectiveness of measures and actions to prevent, detect, investigate, punish and eradicate corruption and other related offences in East Africa;

(b) To promote and strengthen the development in East Africa by Partner States of mechanisms required to prevent, detect, investigate, punish and eradicate corruption and other related offences in the public and private sectors;

(c) To coordinate and harmonize the policies and legislations between Partner States for the purposes of prevention, detection, investigation, punishment and eradication of corruption in the East African Community region;

(d) To afford one another mutual legal assistance regarding detection, investigations, prosecutions, identification, tracing, freezing, seizure, confiscation and repatriation of property, instruments or proceeds obtained or derived from corruption;

(e) To assist in extradition of any person charged with or convicted of offences of corruption and other related offences, carried out in the territory of an East African Community Partner State and whose extradition is requested by that Partner State Party, in conformity with their domestic laws, any applicable extradition treaties, or extradition agreements or arrangements between or among the Partner States, or Memorandum of Understanding and Bilateral Agreements between the Anti-Corruption Authorities;

(f) To establish the necessary conditions to foster transparency and accountability in the management of public affairs;

(g) To cooperate in the area of witness protection and whistle blower protection system;

(h) To provide each other with the greatest possible technical cooperation and assistance in dealing with requests from authorities that are empowered by virtue of their national laws to prevent, detect, investigate and prosecute acts of corruption and other related offences;

(i) To disseminate information on the work and activities of Anti-Corruption Authorities among private and public sectors, civil society and the media;

(j) To stimulate public awareness about the dangers of corruption and about civil society's role in the prevention and combating of corruption in general;

(k) To carry out joint training programmes of employees of the member Anti-Corruption Authorities;

(l) To conduct research on new and best practices and innovations to improve and enhance the effectiveness of Anti-Corruption Authorities in the East African Community Region, and to promote ethical values;

(m) To make reports and recommendations to appropriate authorities on best public practices and reforms that would enhance the effectiveness of Anti-Corruption Authorities;

(n) To promote cooperation among the Anti-Corruption Authorities in conducting and exchanging studies, researches and expertise on good governance, ethical values, and on how to prevent and combat corruption and other related offences;

(o) To promote cooperation among Anti-Corruption Authorities, where possible, in providing any available technical assistance in drawing up programmes, codes of conduct or organizing joint training, where necessary and for the benefit of their personnel;

(p) To facilitate the repatriation of proceeds of corruption or money laundering or ill-gotten wealth and the seizure of any property when requested by any Party to this Constitution;

(q) To network, associate and co-operate with Regional and International Bodies and Authorities;

(r) To do any other thing for the common interest of the Anti-Corruption Authorities that are members of this Association.

Article 7
Nature of the Association

1. The Association is an independent, non-profit making and non-political association.
2. All monies received and allocated shall vest in the name of the Association.
3. The Association may affiliate to other bodies, within and outside the East African Community region and may accept affiliation from similar bodies.

Article 8
Membership

1. Membership of the Association shall be open to all Anti-Corruption Authorities of East African Community Partner States.
2. Member bodies shall be represented by their members in the different structures as shall be determined from time to time by the Annual General Meeting (AGM).
3. Other organisations with similar objectives may become observers of the Association on application for membership.
4. The AGM shall approve the membership and determine the required status or category of the membership upon recommendation by the Executive Committee.

5. On the recommendation of the Executive Committee, the General Meeting may elect as an honorary member of the Association any person who has made an outstanding contribution to the Association's work and who in the opinion of the General Meeting deserves such recognition.

Article 9
Annual General Meeting

1. The Annual General Meeting (AGM) shall be the supreme body of the Association.
2. The Annual General Meeting shall be composed of:
 - (a) Representatives of the Anti-Corruption Authorities.
 - (b) Honorary members.
3. The powers and functions of the Annual General Meeting shall be the following:
 - (a) To approve membership of the Association,
 - (b) To receive and consider annual reports from the Executive Committee,
 - (c) To determine policy for the Association,
 - (d) To elect the Executive Committee,
 - (e) To amend the Constitution of the Association,
 - (f) To suspend the membership of or expel members after the recommendation of the Executive Committee
 - (g) To determine the sequence of the rotation of the Presidency of the Association.

4. Voting at the General Meetings shall be subject to the following rules:

- (a) Each member body shall have one vote.
- (b) The Chairperson of the Annual General Meeting has a casting vote.
- (c) Members are permitted to vote by proxy.
- (d) Decisions shall be by simple majority.

5. The following rules shall generally apply to the Chairmanship of the Association and the holding of General Meetings:

- (a) The meeting shall be held once every calendar year;
- (b) A simple majority of the members will constitute a quorum;
- (c) The President of the Association shall chair the meeting;
- (d) The venue of the meeting shall be rotational in the Partner States;
- (e) The extra-ordinary general meeting may be held at the request of a simple majority of the members;
- (f) The Annual General Meeting may adopt its own rules of procedures;
- (g) The Annual General Meeting shall observe the general principles of natural justice and shall seek to ensure that members affected by its actions shall have adequate opportunity to be heard.

6. The notices of the meetings of the Association shall be as follows:

- a. Notice for an Annual General Meeting shall be sixty (60) days.
- b. Notice for the Extra-ordinary General Meeting shall be twenty-one (21) days.
- c. Notices of meetings shall be delivered by registered mail, fax or e-mail to the head the Anti-Corruption Authority or an honorary member.

Article 10
Executive Committee

1. There shall be an Executive Committee of the Association which shall be the managing and administrative body of the Association.

2. The composition and terms of office of the Executive Committee shall be as follows:

- (a) The Executive Committee shall consist of:
 - (i) The President;
 - (ii) The Vice President;
 - (iii) A General Secretary; and
 - (iv) Not more than three (3) additional office bearers as determined by the General Meeting.

(b) The General Secretary and the three additional office bearers shall be elected for a term of two years.

3. The Executive Committee of the Association shall have the following powers and functions:

- (a) To oversee the affairs of the Association.
- (b) To prepare and submit annual budgets and financial statements.
- (c) To recommend annual membership fees to the Annual General Meeting.

- (d) To recommend honorary members to the Association.
 - (e) To implement the objectives of the Association.
 - (f) To manage, borrow and receive funds on behalf of the Association.
 - (g) To schedule the Annual General Meeting.
4. Voting at the Executive Committee meetings shall be subject to the following rules:
- (a) Each member of the Executive Committee has one vote.
 - (b) The Chairperson has a casting vote.
 - (c) A majority of votes is needed for any decision to be valid.
 - (d) Proxy voting is not permitted.
5. The following rules shall generally apply to the meetings of the Executive Committee:
- (a) The Executive Committee shall meet on a regular basis, but not less than once per calendar year;
 - (b) A simple majority of the members of the Executive Committee shall form a quorum;
 - (c) A decision shall be taken by a majority of the members present and voting;
 - (d) Notice of the Committee meeting shall be thirty (30) days.
 - (e) Notice of an emergency meeting shall be ten (10) days.

- (f) Notices of meetings shall be delivered by registered mail, fax or e-mail to the individual members of the Committee.

Article 11
The President

1. There shall be a President of the Association.
2. The President shall hold office for a term of two years. The Presidency of the Association shall be rotational amongst the Heads of the Anti-Corruption Authorities.
3. The President shall be assisted by the Vice President. The Vice President shall be from a Partner State other than the one holding the Presidency. The Vice President shall hold office a term of two years.
4. The Vice President shall have and may exercise the powers and functions of the President in the absence of the President.
5. The President shall:
 - (a) Be the Executive Head of the Association
 - (b) Chair the General Meetings of the Association and the meetings of the Executive Committee.
 - (c) Be responsible for the external relations between the Association and other partner organisations.
 - (d) Perform such other functions and duties as may be assigned by the General Meeting.

Article 12
Secretariat

1. There shall be a Secretariat of the Association responsible for the day to day running of the Association. The Executive Committee will be responsible for the management of the Secretariat.
2. The Secretariat shall be based in Kampala, Uganda.
3. It shall be headed by the General Secretary who shall be appointed by the Executive Committee.
4. The functions and responsibilities of the Secretariat will be as follows:
 - (a) To implement the decisions necessary for the functioning of the Association in accordance with the plan of operation and the annual work plans approved by the Executive Committee;
 - (b) To submit an annual work plan and budget to the Executive Committee for approval;
 - (c) To compile an annual report on the Association's activities and finances to the Executive Committee;
 - (d) To fulfil any other duties entrusted to it by Annual General Meeting or the Executive Committee;
 - (e) To execute and communicate where appropriate the resolutions and decisions of the Executive Committee and the Annual General Meeting.

Article 13
Membership fees

1. The annual membership fees shall be determined by the Association at the Annual General Meeting based on the recommendations made by the Executive Committee from time to time.
2. Membership fees shall be payable by 31st December of every year for the following financial year.
3. The Association's financial year shall run from January 1st to December 31st of each calendar year.
4. Honorary members shall not pay membership fees.

Article 14
Cessation and suspension of membership

1. Sanctions like suspension or expulsion from the Association will be taken against a member who fails to pay the membership fee after a period of one year. The defaulting member will lose voting rights.
2. A member may resign at any time by giving notice in writing to the Executive Committee.
3. Resignation shall not discharge a member from liability for the payment of annual dues which had become payable at the date of resignation.

Article 15
Sources of income

The income of the Association is derived from:-

- (a) Membership fees;

- (b) Contributions from member Authorities;
- (c) Grants, donations, sponsorship or any other kind of contributions from national or international organizations or individuals;
- (d) Proceeds from the sale of publications and other activities of the Association;
- (e) Any other form of income that may accrue to the Association and approved by the Executive Committee;

Article 16
Expenses of the Association

The income and property of the Association must be used solely for the promotion of the objectives of the Association as set forth in this Constitution and no portion thereof may be paid or transferred, except for reasonable and proper remuneration including payments of out-of-pocket expenses, to any officer or member of the Association in return for any service rendered to the Association, and expenses for office accommodation.

Article 17
Financial records and annual reporting

- (a) Proper accounts must be kept of the sums of money received and spent by the Association.
- (b) The accounts shall be audited annually within two months of the end of the financial year.
- (c) The Annual General Meeting shall appoint the auditors annually.
- (d) An annual report on the activities and the audited financial statement of the Association shall be presented to the Annual General Meeting.

Article 18
Representation, Liability

1. The Association shall be represented in legal affairs by the President, or by a member of the Executive Committee nominated by the President and the General Secretary acting jointly. The Executive Committee may by resolution grant to the General Secretary an individual power of attorney to represent and act on behalf of the Association in particular legal affairs specified in the resolution.
2. No member shall by reason of membership of the Association be liable for any debt or obligation of the Association in the absence of an express promise or agreement in writing to accept such liability.

Article 19
Regulations

1. For the purpose of better carrying out of the objectives and functions of the Association, the Executive Committee shall have powers to propose regulations and rules or codes of conduct under this Article.
2. The proposed regulations and rules or codes of conduct shall be tabled at the Annual General Meeting for approval.
3. A majority vote at the Annual General Meeting shall be necessary for the approval of the regulations and rules or the codes of conduct.

Article 20
Amendments

1. The Constitution may be amended by Annual General Meeting upon a submission of a proposed amendment by either the Executive Committee or a member.

Provided that the proposed amendments from a member shall be moved by the proposer and seconded by another member.

2. The amendments shall be approved by simple majority at the Annual General Meeting.
3. An amendment shall come into force immediately it is passed or on such a date as the General meeting may decide or on fulfilment of such conditions as the General meeting may determine.

Article 21
Dissolution of the Association

1. Subject to any law, the Association may be dissolved by simple majority of the voting members at the General Meeting.

2. If upon dissolution of the Association, there remains after the satisfaction of all its debts and liabilities any property whatsoever, it shall be equally distributed among Anti-Corruption Authorities.

3. Where an Anti-Corruption Authority is in arrears of membership fees, the arrears shall be recovered upon dissolution and before distribution of any property.

Article 22
Disputes

Any dispute with regard to the application and interpretation of this Constitution may be determined by an arbitrator agreed upon by the parties.

Article 23
Use of name of the Association

No member, group or members of the Committee may organise any conference, seminar or other meeting using the name of the Association without prior written authority of the President.

Article 24
Official and working language

English shall be the official and working language of the Association.

Article 25
Transitional provisions

- (1) The first meeting of the General Meeting shall be convened by the three heads of Anti-Corruption Authorities who have signed this Constitution.
- (2) The first meeting of the General Meeting shall appoint its first President and other Officers.

Article 26
Launch and entry into force

1. This Constitution shall enter into force and become binding upon the members on the date of the launch of the Association.
2. The Association shall be launched on the date when this Constitution shall be adopted and signed by the heads of not less than three Anti-Corruption Authorities of Partner States.

DONE at Nairobi, Kenya, on the 9th day of November 2007.

AND ADOPTED on

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IN WITNESS WHEREOF the undersigned have appended their signatures hereto:

For and on behalf of the
Inspectorate of Government of the
Republic of Uganda, P.O. Box
1682, Kampala, UGANDA

For and on behalf of the Kenya
Anti-Corruption Commission
of the Republic of Kenya, P.O.
Box 61130-00200, Nairobi,
KENYA

For and on behalf of the
Prevention and Combating of
Corruption Bureau of the
United Republic of Tanzania,
P.O. Box 4865, Dar es Salaam,
TANZANIA

JUSTICE FAITH E.K. MWONDHA
INSPECTOR GENERAL OF
GOVERNMENT

JUSTICE AARON G. RINGERA
DIRECTOR

EDWARD G. HOSEAH
DIRECTOR GENERAL