

CONSTITUTION

OF

**THE EAST AFRICAN MAGISTRATES
AND JUDGES ASSOCIATION**



2015

ARTICLE 1. NAME

The name of the association is **EAST AFRICAN MAGISTRATES' AND JUDGES' ASSOCIATION (EAMJA)**.

ARTICLE 2. HEADQUARTERS

The Head Quarters of the Association shall be **Arusha, Tanzania**

ARTICLE 3. AREA OF OPERATION

The Associations' Geographical area of operation shall be the East African region.

ARTICLE 4: INTERPRETATION

Words in this constitution, if not inconsistent with the subject or context hereinafter Contained, shall bear the following meaning:-

"Assembly" means the General Assembly of the association established by Article 7 of

This constitution and includes Extra-ordinary General Assembly.

"Association" means the East African Magistrates' and Judges' Association.

"Committee" means a committee of the Association established by the Executive Council pursuant to the provisions of Article 10 of this Constitution.

"Council" means the Executive Council established under Article 10 of this Constitution.

" East African Community" means the East African Community established By the Treaty for the Establishment of East African Community.

"Founder Organizational Members" means the Judges and Magistrates Association of Tanzania, the Kenya Magistrates and Judges Association and the Uganda Judicial Officers Association and their successors in title.

"General Meeting" means a meeting of the Assembly and includes Annual General Meeting and Extra – ordinary General Meeting.

“Individual Member” means an individual admitted under the provision of article 6 of this Constitution.

“Member” means a member within the provisions of Article 6 of this Constitution.

“National Organizational member” means an organization of members of the bench in any country, which can, in the opinion of the Council, reasonably claim to be substantially representative, in that country, of the members of the Bench.

“Non-Founder Organizational member” means an Organizational Member other than a founder organizational member.

“Officers of the Association” means the President, Vice-President, Secretary General, Vice-Secretary General, Treasurer, Vice–Treasurer, Publicity Secretary, Vice Publicity Secretaries.

“Organizational member” means a member of the Association admitted as an organizational member under the provisions of Article 6 of this Constitution.

ARTICLE 5. OBJECTIVES:

The objectives for which this Association is established are:-

1. To promote measures that will contribute to the improvement and efficiency in the Administration of Justice, Adherence to the Rule of Law, Good Governance, and the independence of the Judiciary.
2. To promote and protect Human Rights.
3. To advance education in law within the East African Community member states.
4. To enhance knowledge and understanding of judicial functions through research, dissemination of information, training and exchange programs.
5. To advance the Science of Legal Jurisprudence.
6. To harmonize the Administration of Justice in the member countries.

7. To promote, and protect the Legal interests, Welfare, Dignity, and Honor of Judicial officers in member countries.
8. To establish close working relations, and exchange expertise and ideas, among **EAMJA** member Associations.
9. To get Observer Status in The East African Community, and promote the principles and aims of the Community, especially in the legal and judicial aspects hereof.
10. To cooperate and coordinate with, and where possible be affiliated to other organizations, regional or International, with similar objectives as those of the **EAMJA**.

ARTICLE 6. MEMBERSHIP

There shall be five types of membership:- Organizational, Associate, Individual, Honorary, and Life.

1. a. Organizational membership

- (i) The Founder Organizational Members.
- (ii) Any other organization, whose objectives and programs are not inconsistent with those of the Association, admitted to organizational membership in accordance with the provisions of the Constitution.
- (b) An application for organizational membership shall be submitted to the Executive Council. It shall be accompanied with
 - (i) A copy of the Constitution of the applicant or other principal instrument.
 - (ii) The name and addresses particulars of its President or Chairperson and other officers:
 - (i) A certificate signed by the President/Chairperson of the applicant stating the number of applicants members;
 - (ii) Evidence of payment of such application fees as may be determined by the Council.
 - (iii) Evidence of payment of the annual subscription for the current year;

- (c) The Executive Council may require any additional information necessary to determine the qualifications of the applicant for membership.
- (d) The Executive Council shall, as soon as possible, furnish particulars of the application to all organizational members, if any, in the country of the applicant and seek their views, within reasonable time, as to the qualifications of the applicant with respect to the applications.
- (e) Copies of the application, accompanied by any views expressed in accordance with the preceding paragraph, shall be discussed and a decision on the matter taken by the Executive Council
- (f) The Executive Council may establish a Credentials Committee to examine applications and advise the it as to the suitability of an applicant prior to the vote on the application in a report attached to the copies of the application forwarded to the Members.
- (g) Any applicant shall be admitted to membership if such application is approved by a two-thirds-majority vote of the members of the Executive Council.
- (h) The Executive Council, shall notify the applicant as soon as possible of the outcome of the application.
- (i) An applicant for organizational membership, whose application has been rejected, shall not thereby be barred for subsequently applying for full organizational membership if it is able to show evidence of changed circumstances or new facts which would merit consideration of a fresh application by the Executive Council.
- (j) Should there be in any one country more than one national organization with competing claim to represent the interests as a whole of the members of the bench concerned, the Executive Council may decline to admit to full organizational membership, an applicant from that country whose claim is, in the opinion of the Council inferior to that of a competing organization in that country whether or not the competing organization has already been admitted to full organizational membership.
- (k) **FOR AVOIDANCE OF DOUBT** the founder organizational members are exempted for the aforementioned procedures for application for organizational membership.

2. Associate Membership

- (a) Any organization of members of the legal profession which is not a national organization or one which has been declined full organizational membership in terms of the provisions of paragraph 1 of this article, shall be eligible for Associate membership, subject to the written approval of all full organizational members if any, in the country concerned.
- (b) Any such Associate may make a written application for associate membership to the association addressed to the Executive Council accompanied by the payment of the subscription for the current year.
- (c) Associate members shall enjoy access and use of all the facilities of the Association.

3. Individual Membership

- (a) Individual membership is open to members of the legal profession administering law by whatever name called with graduate qualifications in law and whether or not she is a member of the national organization in his country.
- (b) Any such individual may make a written application for individual membership to the association addressed to the Executive Council accompanied by the payment of the subscriptions for the current year.
- (c) If there shall be any doubt as to the qualifications of an individual applicant, confirmation of such applications shall be sought from any organizational member in the country of the applicant or if, there shall be none, from such other body or person as the Executive Council may deem appropriate.
- (d) Individual members shall have access to all facilities of the Association and shall participate actively in all activities of the association.

4. Honorary Membership

- (e) Honorary Membership shall be offered by the General Assembly, on the recommendation of the Council, to individuals and organizations that shall have offered the Association an outstanding and exemplary assistance or have made an outstanding contribution to the work of the association.
- (f) The Executive Council may grant honorary membership to any former officer of the Association by virtue of an outstanding contribution to the work and advancement of the Association.
- (g) The Executive Council shall make procedures of the selection of honorary members.
- (h) Honorary members shall not be required to pay subscriptions.

(i) Honorary members shall have access to all facilities of the Association any may participate in all activities of the Association as observers but shall have no voting rights.

(j) Honorary membership shall be for life.

5. Life Membership

Anybody who qualifies to be an individual under Article 6(3) of this Constitution can acquire life membership by paying such subscription as the Executive Council shall determine.

ARTICLE 7: PATRONS

The Honorable Chief Justices of the EAMJA Member States shall be the Patrons of the Association.

ARTICLE 8: ORGANS OF THE ASSOCIATION

There shall be established the following organs of the Association:

(a) The General Assembly

(b) The Executive Council

(c) Committees and sub-committees to be established by the executive council, and

(d) The Secretariat

ARTICLE 9: GENERAL ASSEMBLY

1. The General Assembly shall be the supreme governing organ of the Association and shall be composed of all members.

2. The assembly shall be responsible for the general policy and direction of the Association and ensure the proper functioning of the Association.

3. The Assembly notwithstanding the generality of the provisions of paragraph 2 of the Article, shall

(a) Adopt the agenda for general meetings of the Assembly.

- (b) Consider the minutes of the previous general Assembly.
 - (c) Consider the report on the programmes and activities of the Association.
 - (d) Consider the report of the accounts of the Association.
 - (e) Consider the budget of the Association.
 - (f) Consider the annual audit report of the Association.
 - (g) Elect office bearers of the Association
 - (h) Determine the host country for the next General meeting.
 - (i) Consider such other business as may arise or be presented.
4. Annual General Meeting of the Assembly shall rotate within and amongst member countries.
 5. If for any reason there is need to change the host or the date for the Assembly the council shall resolve the matter.
 6. The Assembly shall meet at least once a year.
 7. The decision of the General Assembly shall be binding on all the subordinate organs of the Association and on all members to whom they are addressed.
 8. Subject to the provisions of this Constitution, the Assembly shall adopt such procedure as may be necessary for the transaction of its business.
 9. The quorum of the Assembly shall be at least $\frac{3}{4}$ of the member associations.

ARTICLE 10: THE EXECUTIVE COUNCIL

1. The Executive Council shall be the principal executive organ managing the Association and shall be composed of:-

(a) The officers of the Association.

(b) The Presidents or Chairpersons of organizational members.

(c) One representative of each organizational and associate member.

(d) CMJA East Africa Council Member

(e) Immediate EAMJA past President

2. The officers of the Association shall be elected to hold office for a period of two years on a rotational basis from among member countries.
3. The Executive Council shall be free to invite any person or persons with special knowledge and skills to attend the Council meeting where deemed necessary.
4. The Executive Council shall be responsible for the General supervision and direction of the Secretariat and it shall ensure that the Association is being managed according to the provisions of this Constitution with a view to attaining the objectives of the Association.
5. For the purpose of the provisions of paragraph 4, the Council shall keep in constant review the functioning of the Association and may direct such studies or activities which it may find necessary for advancing the objective of the Association.
6. Notwithstanding the generality of the provisions of paragraph 3,4 and 5 above, the Council shall specifically have the following functions:
 - (a) Recommend the policy, programmes and activities of the Association to the Assembly;
 - (b) Consider the annual accounts of the Association and make appropriate recommendations to the Assembly;
 - (c) Consider the annual audit report of the Finances of the Association and make appropriate recommendations to the Assembly;

- (d) Consider the budget of the Association and make appropriate recommendations to the Assembly;
- (e) Make rules governing the administrative and financial management of the Association;
- (f) Determine the subscriptions for the members;
- (g) Source funding for the Association;
- (h) Have the power to grant observer status to any individual or organization to attend the General Meeting without voting rights upon such terms as the Executive Council deems appropriate.
- (i) Determine the manner by which the positions of the officers of the Association shall be held by each member country PROVIDED that the principle of ROTATION shall be respected.
- (j) To approve the Auditor for the Association accounts.

7. The Council shall meet at least thrice a year but may meet as often as necessary for the proper discharge of its duties.
8. The Council shall be collectively responsible to the General Assembly.
9. The decisions of the Council shall be binding on all the subordinate organs of the Association and on all members to whom they are addressed.
10. The rules of transaction of business of the General Assembly, subject to necessary modification, shall apply to the Council.

ARTICLE 11: COMMITTEE

1. The Executive Council may establish such committees of the Association, as it deems necessary, whether permanent or ad hoc, with such powers and functions as it may determine.

2. The Committees shall meet as often as necessary for the proper discharge of their functions.
3. The decisions of each committee shall be by simple majority without the Chairperson having a casting vote in the event of a tie of votes.
4. The quorum of each Committee shall be 2/3 of the membership thereof.
5. Subject to the provisions of this Constitution and the directives of the Assembly or Council, each Committee shall adopt its own rules of procedure of the transaction of the business of its meetings.

ARTICLE 12: FUNCTIONS AND DUTIES OF OFFICERS AND COUNCIL MEMBERS

1. PRESIDENT

The President shall:

- (a) Be the executive head of the Association.
- (b) Chair meetings of the Council and the Assembly.
- (c) Be responsible for the external relations between the Association and the other partner organizations.
- (d) On behalf of the Council, oversee the management of the Secretariat.
- (e) Shall be a signatory to the association accounts.
- (f) Present a report to the Annual General Meeting on the state of affairs of the Association.
- (g) Be an ex-officio member of all committees and sub-committees of the Association.
- (h) With the consent of the Member Organizations, be accorded observer status to all General Assemblies of organizational members.
- (i) Call emergency meetings of the council to address urgent and important matters.
PROVIDED that the President may take a decision on behalf of the Council pending ratification by the Council.

- (j) Perform such functions and duties as may be assigned by the Council or Assembly.
- (k) Represent the EAMJA where it is affiliated.
- (l) Be the Spokesperson for the Association.

2. Vice-President shall

- (a) Deputize the President.
- (b) Perform such other functions and duties as may be assigned to him or her by the President, Executive Council, or the General Assembly.

3. SECRETARY GENERAL

The Secretary General shall be responsible for:

- (a) Organizing meetings and taking minutes of the council and the Assembly.
- (b) Documentation and record keeping of the affairs of the Association.
- (c) General correspondences of the Association.
- (d) In consultation with the President, call meetings of the council and the Assembly.
- (e) Be co-signatory to the Association Accounts.
- (f) Perform such other functions and duties as may be assigned by the President, Council or General Assembly.

4. VICE-SECRETARY GENERAL

The Vice-Secretary General shall:

- (a) Deputize the Secretary General.
- (b) Perform such other functions and duties as may be assigned by the President, the Secretary General and Executive Council or the General Assembly.

5. TREASURER

The Treasurer shall:

- (a) Be responsible for the finances of the Association
- (b) Be the Principal signatory to all the Association's accounts
- (c) Present a financial report to the Council and General Meeting
- (d) Perform such other functions and duties as may be assigned by the President, Council or General Assembly.

6. THE VICE – TREASURER

The Vice – Treasurer shall:

- (a) Deputize the Treasurer.
- (b) Perform such other functions and duties as may be assigned by the President Council or General Assembly

7. PUBLICITY SECRETARY

The Publicity Secretary shall:

- (a) Be responsible for all publications of the Association.
- (b) Chair the Editorial committee of the Association's publications
- (c) Foster the good public image of the Association.
- (d) Publicize the objectives and activities of the Association.
- (e) Perform such other functions and duties as may be assigned to him by the President, Council or General Assembly.

8. VICE – PUBLICITY SECRETARY

The Vice – Publicity Secretary shall:

- (a) Deputize the Publicity Secretary.
- (b) Do any other work as may be delegated by the President, Executive Council and the General Assembly.

9. COUNCIL MEMBERS

The Council members shall:

- (a) Liaise between the Executive Council, the General Assembly and the general membership.
- (b) Assist the officers of the Association to effectively do their work.
- (c) Do any other work as may be delegated by the Executive Council and the General Assembly.

ARTICLE 13: VACATING OFFICE AND FILLING VACANCIES

- (1) A member of the Executive Council or the entire Executive Council shall relinquish office
 - (a) Upon expiry of their term of office as stipulated in this Constitution
 - (b) By ceasing to be a member of the Association
 - (c) By written resignation tendered to the President or in the case of the President to the entire Council
 - (d) By death, insanity or bankruptcy
 - (e) By a vote of No Confidence passed by two thirds majority of the voting members present at a General Meeting or Extra- Ordinary General Meeting as the case may be

PROVIDED THAT a motion for such resolution shall not be passed until the officer sought to be removed has been given 21 days notice of such motion and afforded a reasonable opportunity to present a defence at the meeting.

- (2) Where an office falls vacant by way of a vote of no confidence, the meeting passing the resolution shall proceed to fill any resulting vacancies in accordance with the procedure for elections set in this Constitution.

- (3) Where an office falls vacant for any reason other than a resolution for removal from office:
 - (a) The officer who is immediately deputy to the office fallen vacant shall act in the vacant post until the Executive Council appoints someone else to fill the vacant post.

 - (b) The Executive Council shall appoint a person from the same country as that of the vacating officer to fill the vacant office.

 - (c) In the case of the entire Executive Council vacating an extra-ordinary General Assembly shall be called by the Secretary General to elect a new Executive Council.

ARTICLE 14: THE SECRETARIAT

- (1) The Secretariat shall be responsible for the day to day running of the Association. It shall be headed by a person appointed by the Executive Council.

- (2) In the implementation of his/her responsibilities, the person appointed shall perform the following functions:
 - (a) Keep the functioning of the Association under constant review to ensure that the objectives of the Association are achieved.

 - (b) Implement programmes, activities and studies approved by the General Assembly and, from time to time submit appropriate reports to the Executive Council.

 - (c) On his/her own initiative or at the direction of the Council or the General Assembly carry out such function or activities as are necessary for the advancement of the objectives of the Association.

 - (d) Be responsible for the management and supervision of the specified voted funds of the Association.

- (e) Be responsible for the general administration of the Secretariat.
- (f) Have the power to recommend for appointment, promotion or dismissal of employees servants or agents of the Association to the Council.
- (g) Supervise all the activities of the Association and its offices and follow up all correspondences.
- (h) Responsible for keeping membership records for the Association.
- (i) Carry out any other functions and duties given under this Constitution or by the President, Council or General Assembly.

ARTICLE 15: VOTING AT MEETINGS OF THE GENERAL ASSEMBLY AND EXECUTIVE COUNCIL

1. The decisions of the General Assembly or the EXECUTIVE Council shall, except for a decision relating to the amendment of this Constitution or the dissolution of the Association, be by simple majority

PROVIDED that in the event of a deadlock on any matter requiring simple majority the President shall have a casting vote.

2. The voting at the General Meeting shall be by Secret ballot or by show of hands.
3. Voting at the General Meeting during elections and on contentious matters shall be on the principle of one person one vote and shall be by the following:

(a) Member of the Executive Council

(b) Not more than 10 voting delegates from each member country whose names shall be forwarded to the Secretary General before the beginning of each election. PROVIDED that a paid up delegate may vote by proxy.

4. The General Assembly shall appoint one person from the meeting or amongst its members, not being a member of Executive Council or a voting delegate, to be the Returning Officer for the purpose of an election.

ARTICLE 16: NOTICE AND QUORUM FOR MEETINGS

1. Notices for meetings of The Association shall
 - (a) For a General Meeting be not less than 60 calendar days.
 - (b) For an Extra-ordinary General Meeting be not less than 21 calendar days.
 - (c) For Executive Council meeting be not less than 21 calendar days
2. Notice for a General Meeting shall be delivered by registered mail, fax or e-mail to the head of an Organizational Member or an Honorary, individual, Associate or Life Member as the case may be
3. Notice for a Council meeting shall be delivered by registered mail, fax or email to the individual members of the Council.
4. A simple majority of the voting members of the General Meeting or the Council shall constitute the quorum of the meeting to which it relates.
5. Where the quorum for the General Assembly or the Executive Council is not realized, the meeting may be held and shall be deemed a valid meeting.
PROVIDED that resolutions made at such a meeting without quorum shall be subject to ratification at the next duly constituted meeting of the relevant organ.

ARTICLE 17: ANNUAL SUBSCRIPTIONS

1. Each member shall pay such annual subscription to the Association as shall be determined by the Executive Council.
2. Subscriptions shall be payable into the account of the Association.

ARTICLE 18: FINANCES

1. The funds of the Association shall be derived from

- (a) Membership subscriptions
 - (b) Donations and grants
 - (c) Sale of publications, memorabilia and souvenirs
 - (d) Fundraising activities approved by the Council
 - (e) Any other appropriate source approved by the Council
2. There shall be an annual budget for the Association which shall be prepared by the Treasurer and approved by the Executive Council.
 3. The Executive Council may maintain separate special accounts for special projects.
 4. The financial year for the Association shall begin on the 1st day of July and end of the 30th day of June of the following year.
 5. Two of the signatories may transact bank business on behalf of the Association provided that the Treasurer shall be a mandatory signatory.
 6. The Executive Council may make regulations for the better management of the finances of the Association.

ARTICLE 19: AUDITING OF ACCOUNTS

- (1) The accounts of the Association of the previous financial year shall be audited annually.
- (2) The Treasurer shall present the Audited accounts and financial report to the Council and later the Assembly.

ARTICLE 20: WITHDRAWAL AND SANCTIONS

- (1) Any member may withdraw from membership at any time, by giving four months written notice to the Association addressed to the Executive Council.

- (2) Member organizations that default on the payment of subscription for three consecutive financial years shall not be represented on the Executive Council.

ARTICLE 21: PROPERTY RIGHTS

Property in all papers addresses and reports submitted at any meeting of or organized by or on behalf of the Association shall be vested in the Association.

ARTICLE 22: USE OF NAME OF THE ASSOCIATION

No member, group of members, or committee may organize any conferences, seminar or other meeting using the name of the Association without prior written authority of the Executive council.

ARTICLE 23: AMENDMENT

1. Any proposal to amend this Constitution has to be considered and passed by the Executive Council prior to being tabled before the General Assembly.
2. A general Meeting shall require not less than two thirds of the voting members to decide on a proposal to amend the Constitution.
3. An amendment shall come into force immediately it is passed or on such date or on the fulfillment of such conditions as the Assembly may determine.

ARTICLE 24: DISSOLUTION

- (1) Subject to any law the Association may be dissolved by a two-thirds majority vote of the voting members of the General Assembly.

- (a) If, upon the dissolution of the Association, there remains, after the satisfaction of all its debts and liabilities, any property whatsoever, the same shall not be paid to or distributed among the members of the Association.

- (b) The remaining property after dissolution shall be given or transferred to some national organization or a charitable organization having objectives of the Association and which prohibit the distribution of their income or property among their members, as shall be determined by the members of the General Assembly before the dissolution.