

**REPORT OF THE EACO LEGAL AND CONSTITUTIONAL AFFAIRS COMMITTEE TO  
THE CONGRESS, JULY 2021 TO JUNE 2023**

**1.0 ACTIVITIES PERFORMED BY THE COMMITTEE**

**1.1 Consideration of issue of signing of the Constitution by members**

**Noted 1:**

- a) Article 21 of the EACO Constitution requires that for the Constitution to come into force, the Constitution must be signed by at least 2/3 of the EACO members. LCAC however noted that only 22 out of 74, (29.7%) of the members of EACO had currently signed the EACO Constitution (As at June 2023).
- b) Only National Regulators signed the Constitution, majority of members had neither signed the EACO Constitution nor responded to the questionnaire circulated by the Secretariat seeking for views on why members had not signed. No feedback from those members.
- c) Consequently, the EACO Constitution had not come into force, following non-sign off by the required members.
- d) The obligation to sign off the Constitution was necessary for commitment of members of EACO to their obligations no one predicted that members would not sign the constitution. The Constitution is silent on the obligation of signing off the Constitution by members.

**Recommendation:**

The EACO Secretariat to circulate letters addressed to those members who didn't sign the constitution through the National Regulators requesting members to sign the Constitution and make follow up with members who had not signed the same.

**2. Consideration of category of members who had signed the EACO Constitution, paid membership fees but were not active in EACO activities**

## **Recommendations:**

- a) The Secretariat through the Human Resource Committee to engage all members especially those who signed the constitution and pay regularly membership contribution in the elaboration and preparation of annual calendar of training and other activities that are relevant to the membership of EACO.
- b) That the EACO Secretariat was to develop a document that highlights the benefits of being a member of EACO and outline the activities scheduled for the financial year with paid up members to encourage them to attend activities.

### **3. Category of members who have not signed the EACO constitution, not paid membership fees and are not active in EACO activities**

#### **Noted:**

Whilst the EACO membership register has 74 members, only 22 had signed the Constitution, it was not clear what the membership status of the rest was.

Article 24 of the EACO Constitution provides for the procedure for withdrawal from membership of EACO, which did not include non-payment of membership dues, failure of signing of the Constitution and non-participation of members in EACO activities.

No penalties for those members who did not sign the constitution, who do not pay the membership contribution and who do not participate in EACO activities. The constitution is silent on that.

#### **Recommendation:**

Members in this category would be given 9 months to confirm their willingness to remain as members of EACO short of which they shall be removed from the list of membership, subject to amendment of the Constitution to allow for this.

### **4. A proposal be made to Congress to amend the Constitution of EACO Constitution to provide for the following:**

- i) Members who don't participate to EACO Activities to be given a period of two consecutive financial years to lose their right to vote in meetings and the Secretariat to issue an enforcement notice of withdrawal from the list of members.
- ii) An automatic withdrawal from membership of repeated non-payment, non-attendance of at least 50% in EACO activities in each financial year,

and failure to sign the EACO Constitution, after a period of 6 (six) months upon approval of the Constitution by Congress.

- iii) To amend the article Article 23 of the EACO Constitution and to make the obligation of contribution of membership fee mandatory with penalties where applicable.

## **5. General deliberations on the EACO Constitution by LCAC**

### **Noted:**

Proposed changes to the EACO Constitution were driven by the need to:

To make the current Constitution more sustainable, effective and efficient to prepare the organization in anticipation for the creation as an East African Community (EAC) institution to coordinate ICT issues. And that in line with EAC guidelines.

**Proposals for changes in the Constitution would cover amongst other issues the following:**

- a) ***The Function of the Assemblies, approval of WGC reports***
- b) ***The Function of Congress*** – In the existing structure
- c) ***EXCOM:*** functions of EXCOM
  - i. ***Membership:*** who will be member of EACO for the time when it will be Established as EAC institution in charge of the coordination of ICT matters.
  - ii. What will be the status of Government postal, broadcasting and Telecommunication operators with regard to their membership.
  - iii. ***Constitutional Sign-off:*** LCAC Proposed that the Constitution be signed by funders members, who are Regulators and members who were government postal, broadcasting and Telecommunications operators. Once approved as it is proposed by LCAC.

## **General Recommendations :**

### **Secretariat should:**

- a) Prepare a communique to Members with an explanation/rationale for the proposed amendments, and seeking comments from members.
- b) Convene a Meeting of the LCAC to deliberate on and consider comments from EACO Members.
- c) LCAC to prepare the Draft Constitution for consideration by the EXCOM.
- d) LCAC to prepare the Draft Constitution for adoption by Congress.

## **6. RECOMMENDATIONS**

**6.1 The CONGRESS** is invited to note, consider and adopt the report of LCAC for the period July 2021 to June 2023.

**6.2 PROVIDE GUIDANCE** as it may deem fit.

**Presented by:**

**CHAIRPERSON OF LCAC ( RUDASESWA Timothee)**

**30<sup>TH</sup> JUNE, 2023**