

# **THE EAST AFRICAN NETWORK FOR PREVENTION AND TREATMENT OF SUBSTANCE USE DISORDERS**

## **THE CONSTITUTION**

**DRAWN BY: MEMBERS**

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## **1.0 PART 1:**

## **PREAMBLE**

**WE, THE FOUNDING MEMBERS OF EAST AFRICAN NETWORK FOR PREVENTION AND TREATMENT OF SUBSTANCE USE DISORDER**, having declared our intentions in Kampala Uganda during the East Africa World Federation Against Drugs (WFAD) Workshop held on the 6<sup>th</sup> February 2020, and building our constitution on that of WFAD, recognizes that civil society organizations and state parties from the East Africa Community have the right to fact-based information about the risks and damage caused by drugs, and that all people have the right to be protected from drug related harm in line with Article 33 of the United Nations Convention on the Rights of the Child (UNCRC), article 28 of African Convention on Rights and Welfare of Children (ACRWC) and East Africa Community Child Policy 2016.

**RECALLING THAT** Civil Society organizations and other non-state actors have an important role to play in assisting their respective governments in the implementation of the existing legislation and the provisions of the Regional treaties.

**REALIZING THAT** the East African Network for Prevention and Treatment of Substance Use Disorder by the virtue of our flexibility and adaptability, we are well placed to experiment and initiate the development of effective intervention strategies and further recognize and share the following concerns.

**REAFFIRM AND DEDICATE OUR COLLECTIVE EFFORTS** to the prevention and reduction of alcohol and substance use in our Region. In recognition that, community effort, voluntary initiatives are needed to complement and reinforce our government organizations in the fight against such abuse,

**WE ACKNOWLEDGE AND REITERATE** the philosophy and spirit of partnership between non-state actors and government organizations to work closely together at the Regional and Country levels.

**WE RECOGNIZE** that alcohol and substance misuse transcends ethnic, geographical, political, cultural and religious boundaries and require the active participation of the CSO's in region to engage all the Countries and the communities within the countries for the control, reduction and eventual eradication of substance use.

**RECOGNIZING** further that human resource is the most valuable asset of any community and that the increasingly widespread multiple abuse of narcotic drugs and psychotropic substances threaten not only the healthy development of the youth but also the social fabric, stability and national security.

**DETERMINED** and **COMMITTED** to enhance our effectiveness and efficiency through creating a platform for developing consensus and a collective voice;

**DO HEREBY ESTABLISH THE EAST AFRICAN NETWORK FOR THE PREVENTION AND TREATMENT OF SUBSTANCE USE DISORDERS TO BE GOVERNED BY THE FOLLOWING CONSTITUTION.**

### **1.1 ARTICLE 1: NAME**

The name of the organization shall be The East African Network for Prevention and Treatment of Substance Use Disorders hereinafter cited as the “*Organization*”.

### **1.2 ARTICLES II OFFICE**

The organization will have her office in Nairobi, Kenya.

### **1.3 ARTICLES III VISION, MISSION & THE CORE VALUES OF THE EAST AFRICAN NETWORK FOR PREVENTION & TREATMENT OF SUBSTANCE USE DISORDER**

Vision

***A Vibrant Regional Platform that advocates for the prevention and reduction of substance abuse in East African Community.***

The objectives:

- 1. To promote research, create platform for vital information sharing on substance abuse and related illnesses among regional members.*
- 2. To engage the EAC in progressive substance abuse policy formulation and implementation;*
- 3. Engagement of East African governments and key stake holders in inclusion of substance abuse and prevention in all sectors.*

## **2.0 PART 11: OBJECTIVES**

### **2.1 ARTICLES 1V: MAIN OBJECTIVE**

Main objective is to work on Drug Demand Prevention, Reduction, Treatment and Recovery from all the East Africa Member states.

### **2.2 ARTICLES V: SPECIFIC OBJECTIVES ARE**

1. To promote research, create platform for vital information sharing on substance abuse and related illnesses among regional members.
2. To engage the East African Community (EAC) in progressive substance abuse policy formulation and implementation.
3. Engagement of East African governments and key stake holders in inclusion of substance abuse and prevention in all sectors.
4. To champion for proper implementation of policies and laws tackling substance abuse.

5. To push for an affordable and accessible treatment for people with drug use problems.
6. To form a vibrant Civil Society Organization (CSOs) network that advocate for safe and healthy East African Community.
7. To be a leading African CSO's network championing and promoting evidence based prevention treatment and advocacy.

### **3.0 PART 111: MEMBERSHIP AND GOVERNANCE**

#### **3.1 ARTICLES VI: MEMBERSHIP**

1. The Organization comprises both Civil Society Organizations and individuals who accept and observe the conditions for membership. The Organization may grant membership and has final decision as regards the membership of such institutions and individuals, in accordance with this Constitution. Membership requires an annual fee to the Network as determined by the Board.

Membership category will be as follows:

- a. Full Membership in the Organization may be granted to any CSO, Institution or any foundation that endorses fully the Network's platform and requires its members to lead a life free from the use of drugs or substances. They shall have full voting rights in the meeting and their members are eligible to hold any office within the Organization.
- b. Individuals may be granted membership to the Network if they endorse the organization's constitution. They shall have voting rights in the meeting and may speak but are not eligible to hold any office within the organization. Only members representing organizations shall be eligible to stand for elective positions.

Admission to membership occurs when a two-thirds majority of votes cast at an ordinary meeting in session is required to admit any new member. Screening shall be done by the Governing Board whereby the approved names shall be shared at the AGA for complete/final approval

- c. Termination of Membership. Membership in the Organization may be revoked or suspended by a majority vote of the National Board if there is evidence of violation of membership conditions. Such a decision by the National Board is subject to approval by a majority at the following Annual General Meeting, after which membership in EANPT

is finally terminated.

A member shall cease to be a member if:

- a. He or she gives one-month notice in writing to the board of their intention to resign from membership. Upon the expiry of such notice he or she shall cease to be a member but his or her liability to contribute to the funds of the organization in the event of its being wound up or dissolve shall continue for one year from the expiry of such notice.

### **3.2 ARTICLES VI1: THE BOARD MEETINGS AND COMPOSITION**

#### **1. The Board meetings**

The board shall meet quarterly every year at an agreed time and venue. The board may meet electronically. The board shall include two senior representatives of World Federation against Drug as special advisors while other international partners can become observers.

#### **2. Quorum of the Board**

At least two thirds must be present to form a quorum of the board.

#### **3. Convening of the Board Meeting**

The meeting shall be convened by notice given to its membership by the Regional Board. Any such notice shall be in writing and shall include the time and place of the meeting, a draft agenda, and the number of delegates each organisation is entitled to send. Such notice shall be given not later than two months prior to the date of the meeting. Motions or other items for consideration by the Board shall be submitted to the Board not later than two months prior to the opening of the Meeting. In cases of urgent matters, the Board can place items on the agenda. The agenda and the documents for the meeting shall be sent twenty one (21) days prior to the opening of the meeting.

A meeting may consist of a representative body consisting of delegates or by a proxy. Each full member of the Organization shall be entitled to send one delegate to the meeting. All members are permitted to attend the proceedings of the meeting and any member may speak by special permission of the presiding officer. Only delegates and members of the Board are entitled to make motions. The names of the delegates shall be submitted to the Board not later than one month prior to the opening of the Meeting. In

the event of names not being submitted and no satisfactory explanation given to the Board, the organisation concerned may, by decision of the Board, lose its right to vote.

#### **4. Extraordinary Meeting**

An extraordinary meeting can be convened when the Board so decides. In the event of an extraordinary meeting, at least one month written notice shall be given to the membership, together with an agenda, two weeks prior to the meeting listing the matters to be discussed. No other business shall be transacted at an extraordinary meeting session.

#### **5. Composition of the Board**

The meeting shall comprise board members and special advisors. The board shall comprise of Nine EAC Member state who will serve as commissioners to the board. The Composition will be comprised of elected chair / International commissioner plus four elected members from EAC countries while four representatives from the special Population which shall include: Women, Youth and Children, People with Disability and a Recovered Drug User who must come from countries that are not elected from the five.

The Board chair / International Commissioner Position shall not be linked to any country since s/he oversees the entire EAC states signatory to the Network. The Board Chair / International Commissioner Position should be rotational.

Board members shall serve for a term of two-years. The Board shall appoint from its membership a Secretary.

Each country shall have country representative with one deputy working closely with the board. The Deputy Country representative will attend the Board Meeting if the Country Representative cannot be present.

Treatment, Prevention and Gender shall be considered in all aspects of the engagement

There shall be provision of three special advisors to the board.

The World Federation Against Drugs (WFAD) holds permanent membership of the EANPT.

#### **6. Voting Procedures**

A simple majority of the votes cast is required for decisions to be binding on the Board, except where a special number is required by the Constitution. Abstentions or invalid votes are not counted. The chair shall not vote except in the case of a tie vote. In cases where the Chair does not exercise the tie breaking vote, the matter shall be decided by drawing lots. Elections shall be conducted by secret ballot if one or more of the delegates request it.

## **7. Closing the Board Meeting**

Where need be, the decision of the board meeting, shall be communicated to the members. Where need be, the Board shall publish the journal of proceedings and provide member organisations, national councils and officers with a copy.

## **8. How to become a board member**

To be elected as an officer of the Board the candidate must have received a majority of all the votes cast, unless there is only one nominee for an office, in which case the presiding officer, after asking if there are any further nominations, shall declare the nominee elected to the office.

## **9. Nominations Committee**

The Board shall elect a Nominations Committee of four members and shall hold office until the next Meeting. This committee shall organise the process of nominations and election to the Board.

## **10. The Board Representatives**

The Board members shall be representatives of the following countries: The East African Countries including Kenya, Uganda, Tanzania, Burundi, Rwanda, South Sudan, Djibouti, Somalia, and Democratic Republic of Congo.

Each country shall have one representative on the Board and one Deputy Board member. If a Board member cannot function, or chooses not to function, the Deputy Board member can act on the behalf of the Board member. Board members shall serve At least two years to get to know the work done until the end of the next Annual General Meeting. Any re-elected member shall serve two (2) terms on a maximum.

The regional chair, vice chair, secretary and treasurer and the two representatives from each country stated above, shall be elected during the Annual general Meeting.

## **11. Audits**

The auditor shall on an annual basis audit the accounts of the organization. The auditor shall examine the accounts and other financial records, the assets of the Network and ensure that the instructions of the board are observed. The auditor shall report to the



next ordinary meeting. The auditing of accounts may be delegated to a firm of auditors by special decision of the Board. In that case the Board shall appoint the firm.

### **3.3 ARTICLES V111: REMOVAL OF BOARD MEMBERS OTHER THAN OFFICIALS**

The Board may by resolution remove any member of their body from office, but if such a member should be aggrieved at his removal he or she may appeal to a General meeting to be called for this purpose. In the meantime, he or she shall cease to act as a member of the Board and to hold any other office under the Organization, and members for the time being of the board may act notwithstanding any vacancy in their body; provided, always that in case the members of the Board shall at any time be reduced in number to less than the minimum number prescribed by this constitution, that numbers shall be the quorum for the purpose of filling up vacancies in their body and of summoning a General Meeting, but not for any other purpose. Provided also, that the Board may co-opt any person to advise it, in any capacity which it shall think fit.

### **3.4 ARTICLES 1X: DISQUALIFICATION OF MEMBERS OF THE BOARD**

The office of a member of the board shall be vacated:

- i.)** If he/she is declared bankrupt;
  
- ii.)** If he becomes of unsound mind;
  
- iii.)** If he fails to attend the meetings of the Board for a period of six months, except by special leave of the Board;
  
- iv.)** If by notice in writing to the organization he resigns his office;
  
- v.)** If he is removed from office by a resolution duly passed under this constitution.
  
- vi.)** If he is removed from membership of EANPT pursuant to a resolution of the Network.

#### **4.0 PART 1V**

#### **4.1 ARTICLES X: GENERAL MEETINGS**

1. EANPT shall in each year hold a General Meeting as the Annual General Meeting, in addition to any other meetings in that year, and shall specify the meeting as such in the notice calling it. Not more than fifteen months shall elapse between the date of one Annual General Meeting of Network and that of the next. The Annual General Meeting shall be held at such time and place as the Board shall appoint.
2. The Annual General Meeting shall be called Ordinary General Meetings and all other meetings shall be called Extraordinary General Meetings.

#### **4.2 ARTICLES X1: MANNER OF CONVENING EXTRA ORDINARY GENERAL MEETINGS**

1. The Board may, whenever it thinks fit, convene an extraordinary general meeting;
2. The Board shall also in the event of an extraordinary AGM, on the requisition of not less than one -third with full membership of the organization, proceed to convene an extraordinary General Meeting together with an agenda listing the matters to be discussed, provided that the requisition must state the objects of the meeting and must be signed by the requisitionists and deposited at the office. No other business shall be transacted at an extraordinary AGA session.

#### **4:2 ARTICLE X11: NOTICE OF CONVING OF ANNUAL GENERAL MEETING**

The AGA shall be convened by notice given to its membership by the Board. Twenty one (21) days' notice at least (exclusive of the day on which the notice is served or deemed to be served and of the day for which it is given), Any such notice shall be in writing specifying the place, the day, the hour of meeting of EANPT and a draft agenda, and the number of delegates each organisation is entitled to send. Shall, notwithstanding that it is called by

shorter notice than that specified in the constitution, be deemed to have been duly called if it is so agreed by all the members entitled to attend and vote provided also that the accidental omission to give notice to or the non-receipt of notice of a meeting by any person entitled to receive such notice shall not invalidate the Proceedings of that meeting. The agenda and the documents for the AGM shall be sent fourteen (14) days prior to the opening of the AGM.

#### **4:3 ARTICLE X111: QUORUM AT GENERAL MEETINGS**

The quorum for the Annual General meeting shall be fifty percent of the general registered membership or by Proxy. That includes both organizational membership and individual membership, attending both physically and electronically (zoom, Skype etc.).

#### **4:4 ARTICLE X1V: PROCEEDINGS AT GENERAL MEETINGS**

1. All Business shall be deemed special that is transacted at an extraordinary general meeting and also all that is transacted at an Ordinary General meeting with the exception of the consideration of the accounts and balance sheets, the reports of the Board and Auditors, the elections of the board, appointment of auditors, and the fixing of the remuneration of the Auditors. Provided, that no business shall be transacted at any general meeting unless a quorum of members is present at the time when the meeting proceeds to business members present in person or by proxy shall constitute a quorum.
2. The Chairman, or in his absence the Vice-chairman of the Board, if present shall preside at every General Meeting. If there is no such Chairman or Vice Chairman, or if at any meeting neither is present within 15 minutes after the time appointed for holding the meeting, the members present shall designate one of their members to be Chairman of the meeting.

The chairman of any meeting at which a quorum is present may, with the consent of the members present adjourn the meeting from time to time and from place to place but no business shall be transacted at any adjourned meeting other than the business left unfinished. When such adjournment extends to more than 30 days

since the original schedule date of the meeting, notice of the adjourned meeting shall be given as in the case of an original meeting.

#### **4:5 ARTICLE XV: VOTING AT GENERAL MEETINGS**

1. Every registered member, be it organizational or individual shall have one vote, provided that when any matter affecting a member personally comes before the meeting, although s/he may be present at it, s/he shall not be entitled to vote on the question and the Chairman may require him or her to withdraw during the discussion, and he shall in the case withdraw accordingly.
2. On a poll, votes may be given personally or by proxy, provided that the instrument appointing a proxy shall be in writing under the hand of the appointer or of his attorney duly authorized in writing, or, if the appointer is a corporation either under seal, or under the hand of an officer or attorney duly authorized, a proxy need not be a member of the organization provided that no person shall be entitled to be appointed a proxy more than two absent members.
3. The instrument appointing a proxy and the power of the attorney or other authority, if any, or a naturally certified copy of that power or authority shall be deposited at the office or at such other place convening the meeting, not less than 48 hours before the time for holding the meeting or adjourned meeting at which the person named in the instrument proposes to vote or, in the case of a poll, not less than 24 hours before the time appointed for taking the poll, and in default the instrument of the proxy shall not be treated as valid after the expiration of twelve months from the date of its execution.
4. At any General Meeting a resolution put to the vote of the meeting shall be decided by a show of hands unless a poll is (before or on the declaration of the result of the show of hands) demanded by at least two members. Unless a poll is so demanded a declaration by the chairman that a resolution has, on a show of hands, been carried, shall be conclusive evidence of the fact without proof of the number or proportion of the vote recorded in favour of or against such a resolution. A demand or a poll may be withdrawn.

A simple majority of the votes cast is required for decisions to be binding on the AGA, except where a two thirds majority of the vote is required by the Constitution. Abstentions or invalid votes are not counted. Elections shall be conducted by secret ballot if one or more of the delegates request it.

Elections may be conducted by secret ballot if one or more of the delegates request it.

5. A poll demanded on the election of a Chairman, or on the question of adjournment, shall be taken forthwith. A poll demanded on any questions shall be taken at such time as the Chairman of the meeting directs and any business other than upon which a poll has been demanded may proceed pending the taking of the poll.

In case of an equality of votes, whether on a show of hands or on a poll, the Chairman of the meeting at which the show of hands takes place, or at which a poll is demanded, shall be entitled to a second or casting vote.

#### **4:6 ARTICLE XV1: Meeting Agenda**

The agenda shall include the following items:

- a. Opening and approval of the agenda.
- b. Election of officers.
- c. Admission of new member organizations.
- d. Selection of committees including nomination committee.
- e. Reports from the Board
- f. Financial reports and the auditor's report
- g. Motions.
- h. Plan of Action.
- i. Election of International office bearers.
- j. Election of Board members (2 representatives from each country).
- k. Election of auditor.
- l. Election of Statements from the Board
- m. Time and venue for the next meeting

#### **4:7 ARTICLE XV11: OFFICE BEARERS**

The organization shall at the Annual General Meeting elect from its members an **International Chairperson / Commissioner, International Vice Chairperson, International Secretary and International Treasurer**. The above officials shall hold office until the next Annual General Meeting, but shall be eligible for re-election. A re-elected member shall serve two terms on a maximum. If the Chairman, during his term of office, should cease to be a member of the Organization, resign from office or die, the board shall elect one of their members to hold office until the next Annual General Meeting when a new Chairman shall be elected. The same procedure shall apply to the secretary and Treasurer.

Besides the aforementioned Board roles, Board members can be commissioners of the following responsibilities to assist the organization meet its objective. They shall include but not limited to commissioner for;

- International Affairs
- Prevention and Regional Affairs African Union,
- treatment, rehabilitation and reintegration of Regional Affairs EAC,
- Resource Mobilization, Lobby and Capacity Building Affairs,
- Gender, Membership services and Advocacy Affairs
- Partnership, Networking and Liaison,
- Young People and Alternative Development,
- Ex-Officio Member,
- The office of the Secretary General.

Each will serve for the period leading up to the next General Assembly.

#### **4:8 ARTICLE XV111: DUTIES OF OFFICE BEARERS/OFFICIALS**

##### **The chairperson**

- ✓ Shall chair all meetings of the Board and general meetings.
- ✓ He shall provide general guidelines related to the affairs of EANPT.
- ✓ In his absence the Vice-chairman shall chair the meeting.

##### **The vice chair person**

- ✓ Shall assist the chair in holding the meetings in his absence.

##### **The Secretary General shall;**

- ✓ Keep minutes of the meetings of the Board and the General Meetings.
- ✓ Carry out all correspondence and publicity on behalf of EANPT.
- ✓ Arrange for meetings of EANPT on instructions from the Board, in Special circumstances, on the instructions of General Meetings
- ✓ Running Daily of operations of the Organization.

### **The Treasurer**

- ✓ Shall in general ensure that proper accounting procedures are adhered to, and shall
- ✓ Keep on a proper accounting basis of all the financial records of the Organization;
- ✓ Open a bank account on the advice of the Board and ensure that all drawings from the account are countersigned either by the Chair or the Secretary General;
- ✓ Provide reports on the financial statement of EANPT and audited accounts to the general meeting.

### **4:8 ARTICLE X1X NATIONAL COMMITTEES**

Organisations should set up national Committees to facilitate an effective network among affiliates in their countries; to encourage mutual support by exchanging information, organising workshops and initiating joint projects. National committees are encouraged to find their own financial support.

The National Committee links the National Board to the International organisations in the area and co-ordinates work in the region. The National Committees may have an office if approved by the Regional Board. National Committees shall abide by this Constitution.

### **5.0 PART V: FUNDS AND RESOURCES UTILIZATION**

#### **5.1 ARTICLE XX: APPLICATION OF FUNDS AND ASSETS**

The funds and assets of the EANPT shall be applied solely towards the promotion of the objects of the Network as set forth in this constitution; and no portion thereof shall be paid or transferred directly, or indirectly by way of dividend, gift bonus or otherwise by way of profit to the members of the Organization provided that, nothing herein shall prevent, good faith, of reasonable and proper remuneration to any officer or servant of the Organization or any member or the Organization, in return for any services actually rendered to the Organization, or prevent the payment of interest at a rate not exceeding current bank rates on money lent or reasonable and proper rent for premises demised or let by any member to the Organization.

Provided also that no non-executive member of the Board of the Organization shall be appointed to any salaried office of the organization or any office of the Organization paid by fees, and that no remuneration or other benefit in money or money's worth shall be given by the Organization to any such Board member except repayment of out-of-pocket expenses and interest at the rate aforesaid on money lent or reasonable and proper rent for premises demised or let to the Organization.

## **5.2 ARTICLE XX1: DISCLOSURE OF INTEREST IN CONTRACTS**

A member of the board who is in anyway, whether directly or indirectly, interested in a contract or proposed contract with EANPT shall disclose the nature of his interest at a meeting of the Board at which the question of entering into the contract is taken into consideration. A member of the board shall not vote in respect of any contract or arrangement in which he is interested and if s/he shall do so his vote shall not be counted.

## **5.3 ARTICLE XX11: INDEMNITY OF BOARD MEMBERS**

Every member and other officers or servant of the EANPT shall be indemnified against (and it shall be the duty of the Board, out of the funds of the Network, to pay) all cost, losses and expenses which such person may incur or become liable for by reason of any contract entered into, or act or thing done by him or her in good faith in the capacity aforesaid, in any way in the discharge of his or her duties, including travelling expenses. The Board may give to any officer or employee of the EANPT who has incurred or may



be about to incur any liability at the request or for the benefit of the board, such security by way of indemnity as it may think proper.

#### **5.4: ARTICLE XX111: FINANCES**

The fiscal year shall commence on January 1st and end on December 31st. The Board shall make a full report of receipts and expenditures, including a balance sheet, for each fiscal year and present it to the next ordinary meeting and shall decide upon a budget for the coming period until the next ordinary meeting.

#### **6.0 PART V1: ARTICLE XX1V: AMENDMENTS**

This Constitution shall not be altered except by a proposal done to the Board and approved by two thirds of the Board members and further, approved by a two third majority of the members present in an Annual General Meeting. Any proposed amendment shall be sent to the Board, six months prior to the opening of the next Annual General Meeting. The Board shall communicate any such amendment to all member organisations at least four months before the date of the meeting. Two-thirds majority of the delegates attending and voting is required for adoption of an amendment. Adoption of an amendment to the Constitution may be at an ordinary or an extraordinary meeting of the Board.

#### **PART 7.0 ARTICLE XXV: DISSOLVING THE EAST AFRICAN NETWORK FOR PREVENTION AND TREATMENT OF SUBSTANCE USE DISODERS**

The Organization can only be dissolved by a 2/3 vote of the Board and the East African member countries.

- I. The EANPT shall not be dissolved or wound up except by a resolution passed at a General Meeting of the members by votes of two-thirds of the members present. The quorum at the meeting shall be fifty per cent of all members of the Network. If no quorum is obtained, the proposal to dissolve or wind up the Network shall be submitted to a further General Meeting which shall be held one month later.

Notice of this meeting shall be given to all members of the Organization at least 14 days before the date of the meeting. The quorum for this second meeting shall be the number of members present. Provided that, no such meeting will be held in the absence of the three top officials.

- II. The Network will not be dissolved without prior consent in writing to the World Federation Against Drugs, the hosting country government and signed by three of the officials of the organization.
- III. Upon dissolution of the organization, its remaining assets shall be distributed to another organization(s) with similar objectives.

#### **8.0 PART 8 : XXVI: MEMBERS' CONTRIBUTION TO ASSETS ON WINDING UP**

Every member of the Organization undertakes to contribute to the assets of the Organization in the event of its being dissolved or wound up while s/he is a member, or within one year of his ceasing to a member, for payment of the debts and liabilities of the Organization contracted before s/he ceases to be a member, and the cost, charges and expenses of dissolution or winding up and for the adjustment of the rights of the contributories amongst themselves.

#### **PART 9.0 ARTICLE XXV11: SUBJECT TO KENYAN LAW**

Any legal disputes or legal interpretations shall be according to the laws governing East African Community. Any disputes shall be resolved by use of alternative dispute resolution mechanism.

#### **9.1 ARTICLE XXV111: ARBITRATION CLAUSE**

Save where by this Constitution the decision of the Board is made final if at any time hereafter any dispute, difference or question shall arise between the Founders, Members, Trustees (if any) or other persons or their personal representatives or any of them respectively touching the construction meaning or effect of this Constitution or any cause or thing therein contained or the rights or liabilities of the said parties respectively or any of them under this Constitution or otherwise howsoever in relation to the Constitution then every such dispute or question shall be referred to arbitration by a single arbitrator appointed by agreement between the parties and in default of such

agreement by the Chairman for the time being of the Chartered Institute of Arbitrators (East African Region Branch) in accordance with and subject to the provisions of the Arbitration Act or any statutory modification or re-enactment thereof for the time being in force.

Dated this ..... day of .....2020 in .....

Signed by the three top officials:

**Chairman**

(Name)

Signature: \_\_\_\_\_

**Secretary**

(Name)

Signature: \_\_\_\_\_

**Treasurer**

(Name)

Signature: \_\_\_\_\_

## APPENDIX 1 FACTS

Drug abuse is a global problem -Drug abuse is any use of illicit/psychotropic drugs (as defined in the UN Conventions) that is not medically approved or the inappropriate use of licit drugs. Millions of people are directly harmed by drug abuse. This includes: drug users and addicts, the parents, relatives, friends or employers of drug users and the victims of drug-related crimes.

The UN Conventions are the Single Convention on Narcotic Drugs, 1961; the Convention on Psychotropic Substances of 1971; and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988.

Various actions are taken to counteract the social, economic, health, spiritual and crime problems caused by drug abuse. Even though the world is against drug abuse, some organizations and local governments actively advocate the legalization of drugs and promote policies such as “harm reduction” that accept drug use and do not help drug users to become free from drug abuse. This undermines the efforts to limit the supply of and demand for drugs. “Harm reduction” is too often another word for drug legalization or other inappropriate relaxation efforts, a policy approach that violates the UN Conventions.

There can be no other goal than a drug-free world. Such a goal is neither utopian nor impossible. Too often, we seem to act according to what we think is possible, rather than what is necessary or desirable. To achieve a drug-free world we declare

1. We support the UN Convention on the Rights of the Child, which stipulates in Article 33 that children have the right to be protected from drug abuse. All people, governments, and organizations should commit themselves to preventing drug abuse among young people. For example, we can do this by ensuring that schools are drug-free.

2. We all have the right to be free from drug abuse. Drug abuse and drug trafficking violate the human rights of the most vulnerable individuals – those whose free will has been compromised by addiction. Drug dependence is a modern form of slavery that robs drug users of their free will, condemns them to crippled lives and often premature deaths, creates massive social burdens and spreads drug-using behavior. All people have the right to expect their governments to protect them and their families from drug abuse and to have a life free of drug abuse.

3. A balanced policy of drug abuse prevention, education, treatment, law enforcement, research, and supply reduction provides the most effective platform to reduce drug abuse and its associated harms.

4. We support and are guided by the 1961, 1971 and 1988 UN Drug Conventions and the resolution resulting from the 1998 UNGASS-meeting. The UN Conventions provide a good platform for cooperation in fighting drug abuse.

5. We urge all people to work with their governments to strengthen, support, and encourage the UN drug control system that includes the Office of Drugs and Crime, the Regional Narcotics Control Board, the Commission on Narcotic Drugs, the Economic and Social Council, the World Health Organization, and other bodies, in order to reduce the global demand for and supply of illicit drugs.

6. The work of the UN Office of Drugs and Crime (UNODC), the Commission on Narcotic Drugs (CND) and the Regional Narcotics Control Board (INCB) are positive and essential in Regional drug demand and supply reduction.

7. We support the INCB statement in its 1993 report that drug demand reduction activities are crucially important in Regional drug policy and we call on governments to consider demand reduction as one of their first priorities in the fight against drug abuse.

8. We support the INCB statement that 'harm reduction' programmes are not substitutes for demand reduction programmes and should not be carried out at the expense of other important activities to reduce the demand for illicit drugs, such as drug prevention activities.

9. All forms of differentiation between so-called "soft" and so-called "hard" drugs must cease. Extensive research confirms that the use of cannabis is detrimental to health, causes crime, and is addictive. Cannabis, and certain other drugs regarded in some countries as "soft" should be viewed in the same way as other types of illicit/psychotropic drugs when it comes to control policy, rehabilitation and preventive measures.

10. Commercial outlets for illicit/psychotropic drugs, including coffee shops, and other open drug markets or drug scenes in Europe, must be closed immediately.

11. The so-called "medical" projects for distribution of heroin to drug addicts as a means of "harm reduction" are nothing but an attempt to legalize drugs through the "back door." This must be prevented by authorising the United Nations to withdraw all import licenses for heroin intended for use by drug addicts.

12. We oppose so-called "shooting galleries" or injection rooms, where drug abusers can administer drugs. This practice violates the UN Conventions. It provides for the congregation of addicts, facilitates illicit drug trafficking, and promotes drug abuse. The so-called "medical trial" of injecting rooms is yet another example of trying to legalize drugs covertly. As an alternative, we call on governments to provide appropriate evidence-based treatment for drug abusers.

13. We denounce so-called "medical marijuana" policies where marijuana is used as a "medicine", contrary to the Conventions, without such use first being approved by the competent regulatory authority of a nation and its usefulness recognized by the medical community.

14. We oppose all forms of legalization of illicit/ psychotropic drugs because such policies do not withstand critical evaluation, tend to run contrary to general experience and violate the Conventions. The term "legalization" can have any one of the following meanings: Total Legalization: All illicit drugs such as heroin, cocaine and marijuana would be legal and treated as commercial products. No government regulation would be required to oversee production, marketing, or distribution. Regulated Legalization: The production and distribution of drugs would be government regulated, with limits on the amount that can be purchased and the age of purchasers. There would be no criminal or civil sanction for possessing, manufacturing, or distributing drugs unless these actions violated the regulatory system. Drug sales could be taxed. Decriminalization: Decriminalization eliminates criminal sanctions for drug use and provides civil sanctions for the possession of drugs.

15. All drug abuse treatment should have the goal of making drug users drug-free. Treatment aimed at helping drug users to become drug-free should be expanded and readily available. Programs that keep addicts on drugs unnecessarily violate the human rights of addicts.

16. We condemn “drug zones” in cities where the drug laws are not enforced on small amounts of drugs for personal use.

17. We urge that governments and charities provide resources for drug abuse treatment for drug users, drug addicts, and their families.

18. We urge that governments and charities provide resources to make schools drug-free and that school administrators work with parents to make schools drug-free.

19. We urge that governments, charities, and businesses provide resources to make workplaces drug-free and that business management work with labor and unions to make workplaces drug-free.

20. We urge that governments provide resources to reduce drug-related crime, including drugged driving. We also urge that the criminal justice system use criminal sanctions, when appropriate, to deter drug use and alternatives to incarceration such as drug treatment courts, when appropriate, to deter and treat drug abuse.

21. We support an increase in advocacy work to increase funding and policy and legislation changes that support drug demand reduction and interdiction efforts.

22. We support the launch of a Regional network of organizations which are united behind the UN conventions.

23. We support the organization of regular, global drug-free world conferences in the future.

24. It is important to state that drug abuse greatly harms the developing countries. Drug abuse and drug trafficking destroy local cultures and hinder political and economic development. Drug abuse and drug trafficking impact most heavily on some of the poorest countries. The developed countries must reduce the demand for drugs and assist the developing countries in the fight against drug abuse and drug trafficking.

## APPENDIX 2

### The Basic Principles of the East Africa Network Prevention and Treatment

a. We support the UN Convention on the Rights of the Child, which stipulates in Article 33 that children have the right to be protected from drug abuse.

b. All people have the right to expect their governments and civil society to help them and their families to be free from drug abuse.

c. A balanced policy of drug abuse prevention, education, treatment, law enforcement, research, and supply reduction provides the most effective platform to reduce drug abuse and its associated harms.

d. We support the UN Drug Conventions of 1961, 1971 and 1988 because they provide for a unified and cooperative effort in fighting drug abuse.

e. All drug abuse programmes should have the goals of preventing drug use or of helping drug users be drug free. Harm reduction programmes should not be carried out at the expense of other demand-reduction and deterrence and prevention programmes.

f. The misinformed classification of drugs as “soft” or “hard” must cease. Extensive research confirms that the use of cannabis, or any other illicit drug, is detrimental to health, causes crime, and has the potential to be addictive.

g. We oppose all forms of legalization for illicit/psychotropic drugs as such policies do not withstand critical evaluation, tend to run contrary to general experience, and violate the Regional U.N. Drug Conventions of 1961, 1971 and 1988.

h. Drug abuse and trafficking greatly harms developing countries. The demand for drugs must be reduced throughout the world. Assistance must be provided to reduce drug use, abuse and trafficking in developing countries.

i. Women have equal rights to be free from drug related harms as they experience drug-related gender-based violence and other harms as a result of drug use. Women who seek treatment for drug use should have equal ability to gain access to and benefit from treatment.

### APPENDIX 3

#### Kampala Declaration

### APPENDIX 4

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