

CONSTITUTION, RULES AND REGULATIONS

OF

**AFRICAN PARLIAMENTARIANS NETWORK
AGAINST CORRUPTION**

THE PREAMBLE

We, the members of the African Parliamentarians Network against Corruption, assembled on the 5th day of February 1999

- AFFIRMING:** That the commitment and capacity of African Parliamentarians to fight corruption must be strengthened.
- AWARE:** That corruption poses a grave danger to the well-being of African peoples and to the development of their countries.
- ALARMED:** That corruption diverts scarce resources from basic human needs and destroys confidence in the integrity of our institutions.
- CONCERNED:** That it is essential that we develop healthy, balanced relations between the state, civil society and the marketplace and that parliaments be strengthened as effective institutions of accountability in overseeing the policies and actions of governments.
- ACKNOWLEDGING:** That corruption can best be controlled by strengthening systems of accountability, transparency and public participation in the governance processes of our countries.
- REALIZING:** The great value of African parliamentarians coming together to share information, experience and lessons in strengthening parliament in the fight against corruption.
- REITERATING:** Our commitment to strengthen the commitment and capacity of African parliamentarians to fight corruption by:
- Building the commitment and capacity of parliaments to exercise accountability with particular relation to financial matters.
 - Sharing information lessons learned and best practices
 - Undertaking projects to control corruption
 - Cooperating with organizations in civil society with shared objectives

Do hereby resolve and it is **RESOLVED** to form the African Parliamentarians Network Against Corruption as a tool for strengthening Parliament's contribution to the fight against corruption.

CHAPTER ONE

ARTICLE 1: NAME

The name of the Network shall be *African Parliamentarians Network against Corruption* (hereinafter called “APNAC”)

ARTICLE 2: REGISTERED OFFICE

The first registered office of APNAC shall be situated in Kampala, Uganda and shall serve as its Secretariat.

The location of subsequent secretariat offices shall correspond to the country of residence of the elected Coordinating Committee Chairpersons.

ARTICLE 3: AIMS AND OBJECTIVES

The objects for which APNAC is established are:

- (a) To build the commitment and capacity of parliaments to exercise accountability, with particular relation to financial matters.
- (b) To share information on lessons learned and best practices.
- (c) To undertake projects to control corruption.
- (d) To cooperate with organizations in civil society with shared objectives.
- (e) To raise general awareness on the issue of corruption at all levels of society.
- (f) To sensitize, educate and make aware the population on the existence, threat and danger corruption.
- (g) To campaign for inclusion of corruption issues to be in government priority programs
- (h) To advocate for and encourage the improvement of state capacity to timely address and handle matters related to corruption.
- (i) To liase with national and international organisations and institutions on all matters of corruption.
- (j) To mobilise internal and external resources to promote anti-corruption programs.

- (k) To develop links with the other oversight committees of Parliament and Parliamentarians across Africa.
- (l) To do all such other things as are incidental or conducive to the attainment of these objects or any of them.

CHAPTER TWO

ARTICLE 1: MEMBERSHIP

Membership of APNAC shall comprise the following:

(i) Founding Members

These are African Parliamentarians in attendance at the Seminar on *Parliament and Good Governance: Towards a New Agenda for Controlling Corruption in Africa*, held in Kampala, Uganda, 1-5 February 1999.

(ii) Full Members

These include all African parliamentarians who are committed to the objectives of APNAC. Applications for membership shall be made in the form prescribed by APNAC and shall be subject to approval by the Coordinating Committee.

(iii) Honorary Members

These include any other members of the public such as experts in anti-corruption, ex-parliamentarians or members of legislative staff who have a vested interest in the objectives of APNAC. Applications for membership shall be subject to approval by the Coordinating Committee.

(iv) Observer Status Members

These will include donor countries and other international organisations funding APNAC.

ARTICLE 2: CODE OF CONDUCT

- (a) Each member shall strive to behave in a manner which upholds the integrity of APNAC.
- (b) Each member shall strive to strengthen the commitment and capacity of African Parliamentarians in their fight against corruption.

ARTICLE 3: CESSATION OF MEMBERSHIP

- (a) A person shall cease to be a member:
- (i) By signing under his/her hand a resignation addressed to the Chairperson at anytime.
 - (ii) If he/she fails to fulfil her obligation to APNAC or commits an act which amounts to a breach of the objectives of APNAC. Provided that this decision shall be taken by the Coordinating Committee subject to approval by the general meeting of APNAC.
 - (iii) If he/she is convicted of a criminal offense by a competent court.
- (b) If a member of APNAC is not reelected to the parliament of his/her country, he/she may retain Honourary member status of APNAC subject to approval by the Coordinating Committee.

CHAPTER THREE

ARTICLE 1: ADMINISTRATIVE ORGAN

- (a) The administration of APNAC shall be vested in the Coordinating Committee, which shall comprise of the Chairperson, Vice-Chairperson and up to ten other elected members representing Eastern, Western, Southern and Northern Africa.
- (b) The Coordinating Committee shall strive to be representative of the regional, linguistic and gender distribution of its African member countries.
- (c) The Coordinating Committee shall have power to create sub-committees for specific tasks as required.
- (d) There shall be an APNAC secretary to deal with the day to day running of the secretariat of APNAC.

ARTICLE 2: ELECTION OF OFFICE BEARERS

The first Coordinating Committee shall remain in office for a term of two years. Thereafter, members will be re-elected at the biannual general meeting of APNAC.

The Chairperson of the First Coordinating Committee for APNAC shall be as elected at the Seminar held in Kampala, Uganda on 5 February, 1999

ARTICLE 3: FUNCTIONS OF THE COORDINATING COMMITTEE

In addition to all the roles hereby expressly conferred upon them and without detracting from the generality of their power under any other article, the Coordinating Committee shall have the following duties and responsibilities, namely:

- (a) To act as the official spokesorgan of APNAC.
- (b) To facilitate and promote communication between members of APNAC.
- (c) To expand the funds of APNAC in such a manner as they shall consider most beneficial for the purposes of APNAC
- (d) To enter into contracts on behalf of APNAC.
- (e) To make, and from time to time repeal or alter, regulations as to the management of APNAC and the affairs thereof, and as to the duties of any officers or servants of APNAC and as to the conduct of business by the Coordinating Committee or any sub-committee, as to any of the matters or things within the powers or under the control of the Coordinating Committee, provided that the same shall not be inconsistent with the Constitution.
- (f) To delegate all or any of their powers to any Sub-Committee.
- (g) To discipline all employees of APNAC.
- (h) Generally to do all things necessary or expedient for the due conduct of the affairs of APNAC not herein otherwise provided for.

ARTICLE 4: NATIONAL CHAPTERS

- (a) APNAC national chapters may be established in countries with one or more parliamentarian(s) holding membership in APNAC.
- (b) Members shall actively recruit new membership so as to create and strengthen APNAC national chapters in their countries.
- (c) National Chapters shall seek funding, support and activities which uphold the objectives of APNAC in their country.
- (d) The National Chapters shall be accountable to the Coordinating Committee, to the objectives of APNAC, and to its constitution.
- (e) Each APNAC national chapter should identify a Chapter Head and a corresponding contact office to facilitate communication.

- (i) The Chapter Head shall be responsible for all communications with the Coordinating Committee and will be responsible for disseminating information to the members of the National Chapter.
- (ii) The Chapter Head shall act as the spokesperson for his/her APNAC national chapter.
- (iii) Where necessary, the Chapter Head should develop a support structure including a secretariat and an elected executive committee at the APNAC national Chapter.
- (iv) Each National Chapter shall have a branch constitution that shall not depart from the aims and objectives or be inconsistent with the provisions of this constitution.

ARTICLE 5: MEETINGS

- (a) The Coordinating Committee of APNAC shall have an annual meeting.
- (b) APNAC shall hold a biannual general meeting. General meetings are to include, all members of the coordinating committee and one elected representative from each of the registered APNAC National Chapters.
- (c) The Coordinating Committee may convene an extraordinary general meeting whenever they think fit.
- (d) Notice of 45 days must be given to convene a meeting.
- (e) Quorum;
 - (i) At any extraordinary general meeting summoned on requisition one third of the requisitionists shall be a quorum, but in all other cases, half of members to attend shall be a quorum at general meeting.
 - (ii) Quorum for the Coordinating Committee shall be five members.

ARTICLE 6: CONDUCT OF BUSINESS AT GENERAL MEETINGS

- (a) At any Coordinating Committee meeting at which the Chairperson or Vice-Chairperson shall not take the chair the meeting shall elect a member in that order of Chairperson.

- (b) The Chairperson at any general meeting shall be the Head or another elected representative of the APNAC National Chapter in the country where the meeting is to take place.
- (c) No member shall have more than one vote, except that in any case of equality of votes on a division the Chairperson shall have a second casting.
- (d) Any donors or well-wishers of APNAC (not being members) as the Coordinating Committee shall determine, shall be entitled to be present and speak at any meeting, but shall not have any right to vote.
- (e) The APNAC secretary will attend meetings so as to provide proper documentation and assistance to members as needed.

CHAPTER FOUR

ARTICLE 1: FINANCIAL PROVISIONS

- (a) All monies are to be used for fulfillment of the objectives of APNAC.
- (b) Sources of finance for APNAC shall include the following:
 - (i) Fund raising from internal and external sources
 - (ii) Donations and Grants
 - (iii) Partnerships and agreements with funding organizations.
 - (iv) In-kind contributions of Parliaments.
 - (v) Self generation through Membership Fee to be determined by members and annual subscription by National Chapters.

ARTICLE 2: BANK ACCOUNT

- (a) The APNAC coordinating committee shall by general resolution keep a bank account in a financial institution of its own choice and all financial transactions shall appear in the names of APNAC
- (b) All cheques of the APNAC coordinating committee shall be signed by the Chairperson and the secretary.

- (c) Bank accounts should be kept by each of the National Chapters. All financial transactions of national chapters should be subject to the branch constitution of that chapter.

ARTICLE 3: ACCOUNTS AND AUDIT

- (a) The financial year of APNAC shall commence from 1 January to 31 December.
- (b) The Coordinating Committee shall keep proper books of accounts to be audited. Income and expenditure statements shall be available for discussion in every general meeting apart from extra-ordinary meetings.
- (c) Budget and Workplan shall be presented to Annual General Meeting by the Coordinating Committee for approval.
- (d) The Secretariat shall produce an Annual Report showing amount and sources of funding received as well as monies spent in the fiscal year.

CHAPTER FIVE

ARTICLE 1: AMENDMENT AND REPEAL OF ARTICLES

- (a) This constitution may be modified, enlarged, abridged or added to from time to time by special resolution passed by two thirds majority vote of members present at a meeting provided notice of the meeting is duly served on members as required under this constitution.
- (b) Any member proposing changes in the constitution shall reduce the same into writing notifying the Secretary of the Forum not less than twenty-one (21) days before the date of the meeting at which it is first to be considered.
- (c) The approval changes shall be embodied in the amended constitution.

ARTICLE 2: SEAL

The Coordinating Committee shall provide for the safe custody of the seal.

The seal shall only be used by the authority of the Chairperson and the Secretary and every document to which the seal shall be affixed shall be signed by the Chairperson and countersigned by the Secretary.

ARTICLE 3: INDEMNITY

Every officer, agent, secretary and employee for the time being of APNAC shall be indemnified out of the assets of APNAC against any liability incurred by him/her in defending any proceedings, whether civil or criminal in which APNAC is involved.

ARTICLE 4: INTERPRETATION

In this constitution unless specifically provided the following words shall bear the meanings attached hereunder.

APNAC: African Parliamentarians Network Against Corruption established under this constitution.

APNAC Secretary: Any person appointed to perform the duties of Administrator of APNAC

Parliament: Parliament as per the law established in each member country.

Seal: The common seal of APNAC