



CONSTITUTION OF THE ASSOCIATION OF AFRICAN PUBLIC SERVICES COMMISSIONS ADOPTED AT THE FOURTH GENERAL ASSEMBLY 9 APRIL 2015

PREAMBLE OF THE CONSTITUTION

We, the Public Services Commissions in Africa

INSPIRED by the Record of Understanding concluded by the Chairpersons of the African Public Services Commissions and other Service Commissions at a meeting held on 4 September 2007 at the Royal Swazi Spa, Swaziland, proposing the establishment of an Association of African Public Services Commissions.

CONSIDERING the consensus reached by the Chairpersons and authorised representatives of the Public Services Commissions in Africa on the proposals presented by the Secretariat technical team after its investigation on the framework, structure and legal implication relating to the establishment of the Association.

RECOGNISING the significance of promotion of good governance and sound public service and administration for effective and efficient service delivery to the communities in Africa.

DETERMINED to collaborate with each other to develop research capacity in human resources, public service administration and management in order to enhance professionalism and unity in Africa.

CONSCIOUS of the need to address restructuring and development challenges experienced after conflicts on the African continent.

RECALLING the watershed moment when a Memorandum of Understanding was signed in Kampala, Uganda by the Chairpersons of the Public Services Commissions demonstrating the commitment that it was in their best interest to form an Association, and the signing and adoption of the founding document at a meeting of the 21 Public Services Commissions representing 15 countries in Africa held on 9 April 2008, in Kampala, Uganda.

DO HEREBY AGREE AS FOLLOWS:

PART I: DEFINITIONS

ARTICLE 1: In this Constitution, unless the content otherwise indicated –

“AAPSComs” is the acronym of the Association of African Public Services Commissions.

“Association” means the Association of African Public Services Commissions.

“Ad hoc Committee” means a Specialised Committee appointed for a specific assignment.

“Commissions” means the African Public Services Commissions.

“Commonality of interests” means that the Commissions represented in the Association want to promote good governance and improve service delivery in the public services of the continent.

“Ex officio” means by virtue of one’s position or standing.

“Executive Committee” comprises of the Presidency of the Association and their Secretaries serving as *Ex Officio* members of the Association.

“Member” means an African Public Service Commission established in terms of its domestic legislation.

“Revenue Authority” means the tax collecting body in the country where AAPSComs is headquartered.

“Standing Committee” means a Specialised Technical Committee of the Association.

PART II: ESTABLISHMENT, PURPOSE AND OBJECTIVES OF THE ASSOCIATION

ARTICLE 2: ESTABLISHMENT

- 2.1 The Association of African Public Services Commissions is hereby established.
- 2.2 Accreditation of the Association by the African Union shall be sought. Recognition by other international institutions shall be pursued in accordance with the needs of the Association as it evolves.
- 2.3 The logo of AAPSComs imprinted at the top of the constitution shall be its seal of corporation.

ARTICLE 3: PURPOSE

The purpose of the Association is to collaborate, share experiences and best practices among African Public Services Commissions in order to promote good governance and improve service delivery in the public services of the continent.

ARTICLE 4: OBJECTIVES

The objectives of the Association are:

- 4.1 To provide a common platform for the Commissions to promote collaboration and share best practices.
- 4.2 To promote professionalism in the conduct of the business of the Commissions.
- 4.3 To promote research in human resources, public administration and management practices to enhance service delivery.
- 4.4 To promote solidarity among African Commissions by fostering relationships towards a shared vision on public administration and management on the continent.
- 4.5 To develop and implement common capacity building strategies and programmes in order to recruit and retain a well trained professional and skilled public service in Africa.
- 4.6 To develop linkages and networks with international and regional bodies in order to promote the objectives of the Association and facilitate the implementation of inter-governmental goals applicable to the public service.
- 4.7 To promote transparency, accountability and equity in pursuance of good governance.
- 4.8 To promote the increased use of information and communication technology and other innovations to improve public administration and management.
- 4.9 To enhance the working relationship at the political and administrative interface through the promotion of role-clarification.

ARTICLE 5: PRINCIPLES

The Association shall function in accordance with the following principles among others:

- 5.1 Accountability and transparency of its members to the Association.
- 5.2 Impartial and fair participation in the Association's activities.
- 5.3 Promotion of high standard of professional ethics.
- 5.4 Respect of domestic regulatory framework of the Commissions.
- 5.5 Promoting, protecting and upholding the independence of the Commissions.

PART III: ORGANS OF THE ASSOCIATION

ARTICLE 6: THE ORGANS OF THE ASSOCIATION

The organs of the Association shall consist of the following:

- a) General Assembly.
- b) Presidency of the Association.
- c) Executive Committee.
- d) Secretariat.
- e) Such Standing Committees as may be established by the General Assembly.

ARTICLE 7: THE GENERAL ASSEMBLY

The General Assembly shall –

- a) be the highest decision-making body of the Association;
- b) be constituted by the Chairpersons or the duly appointed representative of the registered Commissions;
- c) also comprise the Secretaries of the registered Commissions as ex-officio members;
- d) meet at least once every two years to deliberate on issues and proposals; and
- e) have powers to direct its own proceedings.

ARTICLE 8: QUORUM FOR THE GENERAL ASSEMBLY

The General Assembly shall have a quorum of 50% plus 1 (one) of the registered members in attendance.

ARTICLE 9: VOTING POWERS IN THE GENERAL ASSEMBLY

Only registered countries in good standing with the Association shall have voting powers at any meeting of the General Assembly.

ARTICLE 10: PROCEDURE OF MEETINGS OF THE GENERAL ASSEMBLY

10.1 The General Assembly may, as and when required,

- a) determine its own procedures and rules of procedure;
- b) make regulations regarding the functions of the Association; and
- c) determine the procedure for the functioning of its own Committees.

10.2 The General Assembly shall also ensure that a record of business transacted at every meeting is kept by the Executive Committee.

10.3 The General Assembly shall also ensure that a record of business is circulated to all members of the Association for information, appropriate action and safe custody.

ARTICLE 11: DECISIONS OF THE GENERAL ASSEMBLY

- 11.1 Decisions of the General Assembly shall be -
- a) made in a properly convened meeting; and
 - b) based on consensus.
- 11.2 If consensus cannot be reached, decisions shall be taken by majority vote of the members present. In the event of a tie, the President shall have a casting vote.
- 11.3 Decisions of the General Assembly shall be binding on all registered members of the Association to the extent that they are not in conflict with any national laws of the respective countries.

ARTICLE 12: PRESIDENT AND VICE PRESIDENTS OF THE ASSOCIATION

- 12.1 The President (or duly appointed representative) shall be elected by the General Assembly from amongst the Chairpersons of the member Commissions and shall rotate on a geographical regional basis.
- 12.2 The term of office of the first President shall be for three (3) years and subsequent Presidents two (2) years.
- 12.3 There shall be five Vice Presidents and/or their duly authorized representatives from each of the geographical regions, elected by the General Assembly.
- 12.4 The term of office of the Vice Presidents and their alternates shall be for two (2) years.
- 12.5 The President may delegate his or her powers to any of the five Vice Presidents when not available.

ARTICLE 13: FUNCTIONS OF THE PRESIDENT

13. The functions of the President shall be to-
- a) convene meetings in liaison with the Secretariat;
 - b) preside over meetings of the General Assembly and the Executive Committee and ensure proper conduct during meetings; and
 - c) build consensus in decision making.

ARTICLE 14: END OF THE TERM OF OFFICE

- 14.1 The term of office of an office bearer is attached to his/her Commission's membership to AAPSComs.
- 14.2 The term of office of the President and Vice-President shall come to an end as a result of-
- a) expiry of the term of office referred to in Article 12.2;
 - b) cessation of membership of a Commission in terms of Article 24; and
 - c) majority vote of no-confidence in a Commission by the General Assembly.
- 14.3 If the term of office of the President or Vice-President ends in terms of Article 14.2 –
- a) the Vice-President of the Region from which the President was elected shall assume the role of President until the end of the term or until the next election; and

- b) his or her duly authorized representative shall assume the role of Vice-President as an interim measure.

ARTICLE 15: EXECUTIVE COMMITTEE

- 15.1 The Executive Committee shall be headed by the President of the Association and in addition shall be constituted by the five Vice-Presidents.
- 15.2 The Secretary of the Association shall serve as a member of the Executive Committee.
- 15.3 The five Secretaries of the Offices of the Commissions of the five Vice Presidents shall attend the EXCO to support their Vice Presidents.
- 15.4 The Executive Committee may co-opt such members as it may deem necessary to discharge its functions.

ARTICLE 16: FUNCTIONS OF THE EXECUTIVE COMMITTEE

- 16.1 The functions of the Executive Committee shall be to –
 - a) provide strategic direction to the General Assembly;
 - b) propose and recommend the agenda for the General Assembly;
 - c) advise, plan and facilitate the business of the General Assembly;
 - d) receive, review and consolidate reports from the Committees and make recommendations for the General Assembly;
 - e) discuss activities, budgets and plans of the Association;
 - f) monitor and evaluate the implementation of the decisions of the General Assembly;
 - g) source funding for the Association in terms of the identified needs; and
 - h) to prepare the annual budgets and present audited financial statements to the General Assembly for approval.
- 16.2 The Executive Committee must ensure that at all times the financial position of the Association are sound and it remains solvent. The Executive Committee shall-
 - a) accept the fiduciary responsibility of AAPSComs;
 - b) ensure that AAPSComs does not directly or indirectly distribute any of its funds or assets to any person other than in the course of furthering its objectives;
 - c) ensure that AAPSComs liabilities are settled promptly in accordance with AAPSCom obligations;
 - d) ensure that AAPSComs utilises substantially the whole of its funds for the sole or principal object for which it has been established;
 - e) ensure that no member may directly or indirectly have any personal or private interest in AAPSComs;
 - f) ensure that AAPSComs' activities are directed to the furtherance of its sole or principal object and not for the specific benefit of an individual member or minority group;
 - g) ensure that AAPSComs does not have a share or other interest in any business, profession or occupation which is carried on by its members;
 - h) ensure that AAPSComs does not pay any employee, office bearer, member or other person any remuneration which is excessive, having regard to what is generally considered reasonable in the sector and in relation to the service rendered;
 - i) ensure that any amendment of the constitution or written instrument of the AAPSComs that will affect the financial standing of AAPSComs, will be communicated to the relevant revenue authority within 30 days of its amendment;

- j) ensure that AAPSComs complies with the reporting requirements as may be determined by the relevant revenue authority from time to time; and
- k) ensure that AAPSComs does not become a party to or permit itself to be used as part of, an impermissible tax avoidance arrangement or a transaction, operation or scheme.

ARTICLE 17: PROCEEDINGS AND MEETINGS OF THE EXECUTIVE COMMITTEE

17.1 With due consideration to the requirements of the General Assembly as may be conveyed from time to time by the General Assembly, the Executive Committee shall meet -

- a) at least once a year;
- b) whenever the need requires; and
- c) whenever the General Assembly so requires.

17.2 The Executive Committee shall keep minutes of its meetings.

17.3 The Executive Committee shall submit a consolidated report of its activities and proposals to the General Assembly at the first meeting of the General Assembly following upon the last meeting of the Executive Committee.

ARTICLE 18: SECRETARIAT OF THE ASSOCIATION

18.1 The Secretariat of the Association shall be headed by a Secretary.

18.2 The Secretariat shall be responsible for implementing and overseeing the operations of the Association.

18.3 The work of the Secretary will be supported by the Commissions of the five Vice Presidents.

18.4 The Secretariat shall attend all meetings of the General Assembly, but shall not vote at such meetings.

ARTICLE 19: FUNCTIONS OF THE SECRETARIAT

19.1 The Secretariat shall in consultation with the President –

- a) prepare the Agenda of the General Assembly and the Executive Committee;
- b) give notice of meetings three months prior to the date of the meeting; and
- c) prepare minutes of the General Assembly and the Executive Committee.

19.2 The Secretariat shall –

- a) circulate minutes and any relevant documentation to all members within 30 days of a meeting;
- b) keep all records of the Association;
- c) make all relevant logistical arrangements for meetings of the General Assembly and the Executive Committee; and
- d) coordinate the work of the Committees of the Association.

ARTICLE 20: COMMITTEES OF THE ASSOCIATION

- 20.1 The General Assembly is responsible for appointing standing committees of the Association.
- 20.2 The Executive Committee may appoint *ad hoc* committees to undertake any research and to study any area of concern to the Executive Committee.
- 20.2.1 There is hereby established a non-executive Standing Committee comprised of the Secretaries of the Public Service Commissions of the respective Vice Presidents, to assist the Secretary of AAPSComs.
- 20.3 Committees so appointed may co-opt other persons with the concurrence of the Executive Committee.
- 20.4 The Secretariat of the Association shall co-ordinate the work of the committees.
- 20.5 Any reports emanating from these committees shall be submitted to the Executive Committee.
- 20.6 the functions of the Committees shall be to –
- a) prepare projects and programmes of the Association and to submit to the Secretariat for attention of the Executive Committee;
 - b) implement the provisions of this Constitution and specific decisions of the General Assembly and to report to the Executive Committee; and
 - c) perform any other *ad hoc* function assigned by the Executive Committee for the purpose of implementing the provisions of the Constitution of the Association.

PART IV: MEMBERSHIP

ARTICLE 21: REGISTRATION AND MEMBERSHIP REQUIREMENTS

21. Qualifying requirements for membership shall be as follows:
- 21.1 Members of the Association shall be Public Services Commissions in Africa.
- 21.2 Any Commission represented in the Association or any Commission applying for membership must promote good governance and improve service delivery in the public services of their respective countries on the continent.

ARTICLE 22: FORMAT OF REGISTRATION

- 22.1 There shall be a formal process of registration.
- 22.2 Every Commission applying for membership shall complete a prescribed registration form and submit it to the Secretariat.
- 22.3 A Standing Committee, appointed by the General Assembly shall consider the applications for membership.
- 22.4 The Secretariat shall examine the registration form and other documents submitted by Commissions and shall ensure correct completion of the relevant documents to be submitted to the Standing Committee.

- 22.5 The Standing Committee shall submit its report to the Executive Committee, which shall make a recommendation to the General Assembly.

ARTICLE 23: REGISTRATION FEES

- 23.1 Any Public Services Commission of Africa may be a member of the Association.
- 23.2 A once-off registration fee will be paid at country level.
- 23.3 Annual subscription will be paid on the basis of membership as a Commission.
- 23.4 In the event of a matter been put to a vote, such vote will be exercised on a country basis.
- 23.5 The fees will be reviewed from time to time by the General Assembly.

ARTICLE 24: CESSATION OF MEMBERSHIP AND REMOVAL OF MEMBERS FROM THE ASSOCIATION

- 24.1 Members may request the cessation of their membership through a formal written request to the General Assembly.
- 24.2 Members will be removed from the Association if they are no longer able to meet the registration requirements.
- 24.3 The following will be members not in good standing –
- a) If a member fails to attend two consecutive meetings of the General Assembly without a written apology such a member must be notified that this must be remedied within a specified time frame, failing which a sanction may be imposed.
 - b) If a member fails to pay subscriptions in two consecutive years such a member must be notified that this must be remedied within a specified time frame, failing which a sanction may be imposed.
- 24.4 A Standing Committee of the General Assembly, in consultation with the Executive Committee shall recommend to the General Assembly the sanctions to be imposed on members.
- 24.5 The sanctions may include but are not limited to the following:
- a) Suspension of voting rights.
 - b) Suspension of the member.
 - c) Removal of the member.
 - d) A fine.
 - e) Disqualification from attending one or more meeting(s).
 - f) Disqualification from nomination as an office bearer.
- 24.6 A member may be readmitted to the Association if such a member complies with the registration requirements.

PART V: RESOURCES OF THE ASSOCIATION

ARTICLE 25: RESOURCES

- 25.1 The general funds of the Association shall come from contributions, subscriptions, fees, and other sources as shall from time to time be determined by the General Assembly.

25.2 Except if decided otherwise by the General Assembly the cost of hosting meetings shall be met by the Association, provided that delegates from the Commissions shall meet their own costs for travel and accommodation.

PART VI: LANGUAGE, AMENDMENT, REVISION AND INTERPRETATION

ARTICLE 26: LANGUAGE

The working languages of the Association and all its Committees shall be English, Arabic, French and Portuguese.

ARTICLE 27: AMENDMENT AND REVISION OF THE CONSTITUTION

27.1 Any member of AAPSComs may submit proposals for the amendment or revision of the Constitution to the Secretariat who shall forward it to the Executive Committee.

27.2 The General Assembly shall, upon the advice of the Executive Committee, determine the proposal.

ARTICLE 28: INTERPRETATION

Matters relating to interpretation arising from the implementation of this Constitution shall be subject to the decision of the General Assembly which shall decide by a two-thirds majority of members present.

PART VII: GENERAL MATTERS

ARTICLE 29: HEADQUARTERS OF THE ASSOCIATION

The headquarters of AAPSComs shall be Pretoria in the Republic of South Africa. Other Offices of AAPSComs may be established as the Executive Committee may from time to time determine.

ARTICLE 30: DISSOLUTION

30.1 The dissolution of the Association may be proclaimed by the General Assembly convened for this purpose, through a vote of two-thirds of the total number of members present and voting.

30.2 In case of dissolution, the assets of the Association shall be distributed in accordance with the specific wishes of the General Assembly and subject to the approval of the relevant revenue authority to -

- a) another entity;
- b) a public benefit organisation;
- c) an institution, board or body which is exempt from tax under the legislation of the relevant revenue authority; or
- d) the relevant government in the national, provincial, state, district or local sphere;

provided that in the case of assets from a donor agency, the wishes of the particular donor shall be taken into account.

ARTICLE 31: ADOPTION OF THE CONSTITUTION

31.1 This Constitution shall be adopted and signed by members of AAPSComs at the inaugural General Assembly.

- 31.2 All members of AAPSComs acceding to this Constitution after its entry into force shall deposit the instrument of consent with the Executive Committee.
- 31.3 The AAPSComs Constitution shall enter into force and bind its members after signing by two-thirds of the members present at the General Assembly.