

NEW PARTNERSHIP FOR AFRICAN RED
CROSS AND RED CRESCENT SOCIETIES
(NEPARC)

CONSTITUTION

RATIFIED SUBJECT TO INCLUDED
AMENDMENTS

AUGUST 4, 2006

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PREAMBLE

Considering that the largest humanitarian needs of poverty, health and disaster are in Africa; the efforts of the African Red Cross and Red Crescent Societies in responding to the humanitarian disasters and problems and; the commitment of the African Red Cross and Red Crescent Societies to regenerate the Continent in line with the vision of the African Union (AU) and the New African Partnership for Development (NEPAD); operating within the Movement and guided by the Basic Principles, its Statutes, the Geneva Conventions and the Movement Strategies;

Acknowledging that the Red Cross Red and Red Crescent Societies are the largest humanitarian grass root organizations with a presence throughout the continent of Africa;

Mindful that the African Red Cross and Red Crescent Societies have built capacity to respond to the disasters and other problems facing the African Continent, but lack self-sufficiency;

Reaffirming the positive contribution by the African Governments and the Red Cross Movement as a whole;

Recognizing the imperative to enhance existing institutional capacity of African Red Cross and Red Crescent Societies;

Aware that African Red Cross Red and Red Crescent Societies are cost effective to respond to emergencies within the continent, but need access to emergency funds to enable them to respond efficiently and effectively to disasters;

Recognizing the need for the African Red Cross and Red Crescent Societies to take charge of their own destiny and become models of excellence for humanitarian response in emergencies in Africa;

The NEW PARTNERSHIP FOR AFRICAN RED CROSS AND RED CRESCENT SOCIETIES (NEPARC) is being created as an African initiative and concept to develop capacity and resources of the African Red Cross Red Crescent Societies in collaboration with African Governments; International Partners: The Red Cross Movement; the Public and Corporate Sector in Africa and the world over, grounded on the firm foundation of the volunteer force of the 'the Power of Humanity'.

NEPARC was launched in Johannesburg, South Africa on August 16, 2004.

GENERAL PROVISIONS

STATUS

ARTICLE 1

1. The name of the organization (hereinafter called NEPARC) shall be New Partnership for African Red Cross and Red Crescent Societies.
2. The Headquarters of NEPARC shall be initially located in Nairobi, Kenya and can only be transferred elsewhere by a decision of two-thirds majority of the members present and entitled to vote at the General Assembly, taken by means of a secret ballot.

OBJECTIVES

ARTICLE 2

MAIN OBJECTIVE

To support, mentor, advise and facilitate so that all Member African Red Cross and Red Crescent Societies shall take responsibility of their own development, uphold themselves to the highest standard of good governance, management, accountability and transparency, and provide excellent services to the most vulnerable.

SPECIFIC OBJECTIVES

1. Support, mentor, advise and facilitate the NEPARC members to:
 - a) Develop medium and long-term strategic plans.
 - b) Balance between relief and development work relevant in their respective countries.
 - c) Access resources.
 - d) Adhere to the accepted benchmarks of the best practices in governance and management.
 - e) Enhance relationships with their respective governments whilst maintaining their independence.
 - f) Make effective media use for advocacy and promotion of their vision, mission and movement principles for their coverage.

2. Mobilize and disburse funds and other resources for the promotions of its objectives.

MEMBERSHIP

ARTICLE 3

NEPARC is open to all African Red Cross and Red Crescent Societies which are members of the International Federation of the Red Cross and Red Crescent Societies and recognized as auxiliary to their respective governments and which shall subject themselves to the approved third-party audit.

ADMISSION PROCEDURE

ARTICLE 3.1

1. Any African Red Cross and Red Crescent Society which fulfils the conditions of membership shall submit an application to the NEPARC SECRETARIAT, together with a separate document confirming that it shall, at all times, comply with the NEPARC Statutes and Regulations.
2. The application shall be accompanied by the first year's membership fees.
3. An applicant shall commit to undertake an approved third-party audit in governance, transparency and accountability within 12 months.
4. The Executive Committee shall recommend whether or not to admit a member to NEPARC.

MEMBERS' RIGHTS

ARTICLE 3.2

1. Members have the right to:
 - a) Take part in the General Assembly.
 - b) Formulate proposals for inclusion on the agenda of the General Assembly.
 - c) Nominate candidates for NEPARC Chairpersonship.
 - d) Nominate candidates for NEPARC Executive Committee.
 - e) Exercise all other rights derived from Statutes and other Regulations.

2. The exercise of these rights is subject to the other provisions in these Statutes and the applicable Regulations.

MEMBERS' OBLIGATIONS

ARTICLE 3.3

1. Members are obliged to:
 - a) Comply with the Statutes, Regulations, Directives and Decisions of NEPARC at all times.
 - b) Pay membership fees and other contributions that may be prescribed by the General Assembly.
 - c) Ensure that their own National Societies comply with the Statutes, Regulations and Decisions of the International Federation of Red Cross and Red Crescent Societies.
 - d) Respect humanitarian principles.
 - e) Comply fully with all the other obligations arising from the Statutes and Regulations of the International Red Cross and Red Crescent Movement.
2. Violation of the abovementioned obligations may lead to the imposition of sanctions as provided in Art 3.4 of these Statutes.

SUSPENSION

ARTICLE 3.4

1. The GENERAL ASSEMBLY shall be responsible for the suspension of any member. The EXECUTIVE COMMITTEE may however, suspend with immediate effect any member guilty of serious or repeated violations of its obligations. Such suspension shall last until the next General Assembly unless it is lifted by the EXECUTIVE COMMITTEE before the meeting.
2. Any suspension shall be confirmed by a three-quarter majority of votes cast at the next General Assembly.

EXPULSION

ARTICLE 3.5

1. The GENERAL ASSEMBLY may expel a Member who:

- a) Fails to pay membership fees.
 - b) Has been found guilty of a serious violation of the Statutes, Regulations decisions or humanitarian principles.
 - c) Loses status as a National Society in its own country.
 - d) Loses status as a member of the International Federation of the Red Cross and Red Crescent Societies.
 - e) Has not undertaken the approved third-party audit within one year of joining. Exceptions will be determined by the Executive Committee presented to the Board or in cases in which auditors refuse to enter a country due to safety concerns.
2. The presence of an absolute majority of Members eligible to vote at the General Assembly is necessary for an expulsion to be validated, together with a three-quarter majority of the votes cast.

RESIGNATION

ARTICLE 3.6

1. Any member may resign from NEPARC. Notice of such resignation must reach the NEPARC SECRETARIAT by any other alternative means or by registered post
2. The resignation takes effect thirty (30) days from the receipt of such notice by the SECRETARIAT.
3. Members who have resigned cannot be readmitted to NEPARC without a General Assembly Resolution and without fulfilling all their outstanding financial commitments.

NEPARC BODIES

ARTICLE 4

1. The GENERAL ASSEMBLY is the legislative and policy-making body.
2. The EXECUTIVE COMMITTEE is the Executive Body.
3. The SECRETARIAT is the administrative body of NEPARC.

A) GENERAL ASSEMBLY

ARTICLE 4.1

1. Subject to the Constitution, the General Assembly is the supreme authority of NEPARC. It defines general policies and takes the necessary decisions for their implementation.
2. A General Assembly may be ordinary or extraordinary.
3. The General Assembly is comprised of:
 - a) All Member Red Cross and Red Crescent Societies.
 - b) The Executive Committee.

SESSIONS AND PROCEDURES

ARTICLE 4.1.1

1. The General Assembly shall meet in an **ORDINARY SESSION** every year for the first five years and thereafter every two years on or before the 30th of August.
2. The **EXECUTIVE COMMITTEE** shall fix the place and date of the General Assembly.
3. Members shall be notified in writing at least Sixty (60) days in advance.
4. Notice of the Session shall also contain the agenda and all related documents which shall be dispatched Thirty (30) days before the date of the meeting.
5. The General Assembly shall meet in **EXTRAORDINARY SESSION** at the initiative of the Executive Committee or at the request of **ONE THIRD** of NEPARC Members.
6. In the Extraordinary Session the General Assembly considers only the business on the agenda.
7. The Notice of an Extraordinary Session shall state the nature of the business in sufficient detail to permit the members to form a reasoned judgment thereon.

8. The Chairperson of NEPARC shall take the chair at meetings of the General Assembly. In his/her absence the Vice-chairperson will chair the meeting.
9. The Executive Committee may invite any organization or individual to attend the meeting of the General Assembly as observers.
10. Each NEPARC member is entitled to one vote.
11. The quorum for all meetings shall consist of simple majority of NEPARC members.
12. Urgent matters submitted after the above deadline may be included under "Any Other Business", provided two-thirds of the members present so agree.
13. If the General Assembly is not in quorum, it shall be reconvened after a period of 24 hours, when HALF THE MEMBERS PLUS ONE shall constitute the necessary quorum.
14. Decisions shall be taken by a simple majority unless indicated otherwise. The NEPARC Chairperson shall have a casting vote in the event of a tie.
15. The Rules of Procedure of the NEPARC General Assembly shall apply to all matters or procedure during the discussion of the General Assembly.

ELECTIONS

ARTICLE 4.1.2

1. Elections shall be conducted by secret ballot.
2. Any NEPARC member may propose a candidate for the position of NEPARC Chairperson in a prescribed form.
3. Such nomination shall be submitted to the NEPARC Secretariat at least 90 days before the date of the General Assembly at which this item is on the agenda. All outgoing members are eligible for re-election for one more term only.
4. Names of candidates for membership of the NEPARC Executive Committee shall be submitted by the relevant NEPARC Members at least Forty Five (45) days before the date of the General Assembly at which this item is on the agenda. All outgoing members are eligible for re-election for one more term only.

5. Candidature received after the deadline (the official postmark providing exclusives evidence) shall be automatically rejected. Candidature shall be sent to the SECRETARIAT by registered mail or by any other alternative means.
6. After the above-mentioned deadline, all candidature shall be final and shall be submitted to the vote unless withdrawn by the candidates concerned.
7. The NEPARC SECRETARIAT shall communicate the names of the candidates to all members with the notice of convening the meeting and agenda of the General Assembly.
8. At the time of their elections, all candidates to a post of NEPARC Executive Committee must be “bona fide” members of NEPARC and must be at least twenty one (21) years old.
9. For the election of the Chairperson, an absolute majority (half the votes plus one) of valid votes recorded shall be required. If no candidate obtains an absolute majority in the first ballot, the candidate with the lowest number of votes shall be eliminated from the next ballot. This process shall continue until one candidate obtains an absolute majority.
10. If the number of candidates submitted to the Executive Committee by the NEPARC members is higher than the number of members to be elected the election shall be by secret ballot. If the number of candidates corresponds with that of the members to be elected, they shall be declared elected unopposed.
11. If one of the candidates obtains an absolute majority in the first ballot and in the event that there is a second post to be filled, a second ballot shall be held involving the remaining candidates, unless one or more candidates withdraw.
12. Unless otherwise stipulated in the Statutes, a simple majority is sufficient for a decision to be valid.
13. Only members present shall be entitled to vote.
14. Votes by proxy or letter shall not be accepted.
15. The Chairperson shall conduct the General Assembly business in compliance with the Rules of procedure of the General Assembly.

AMENDMENT OF THIS STATUTE, REGULATIONS GOVERNING THE APPLICATION OF THE STATUTES AND THE RULES OF PROCEDURE OF THE GENERAL ASSEMBLY.

ARTICLE 4.1.3

1. Only the General Assembly may amend the Statutes, the Regulations Governing the Application of the Statutes and the Rules of Procedure of the NEPARC General Assembly.
2. Any proposals for amendment to the Statutes by a Member or by the Executive Committee shall be submitted in writing by at least two (2) other members.
3. For an amendment of the Statutes to be passed, TWO-THIRDS of the members eligible to vote must be present at the opening of the session.
4. A proposal for an amendment to the Statute shall only be adopted if TWO-THIRDS of the eligible members vote in favour.
5. A proposal for an amendment to the Regulations Governing the application of the Statutes or the Rules of procedure of the General Assembly shall only be adopted if a simple majority of the eligible members present vote in favour.

MINUTES

ARTICLE 4.1.4

1. The SECRETARIAT shall be responsible for recording the minutes at the General Assembly.
2. The minutes of the General Assembly shall be checked by the Executive Committee.
3. The minutes of the General Assembly shall be sent to the members within Thirty (30) days from the last day of the General Assembly.
4. Unless notification to the contrary is received by registered mail or by e-mail within Sixty (60) days of the date of dispatch, it shall be assumed that the minutes have been approved.
5. In case of disagreement, this matter shall be included on the agenda of the next General Assembly.

6. Decisions taken by the General Assembly shall be binding on all members and shall enter into force sixty (60) days after the closing of the meeting.
7. However, the General Assembly may resolve that decision should enter into force from an earlier date.

B) EXECUTIVE COMMITTEE

ARTICLE 4.2

COMPOSITION

ARTICLE 4.2.1

1. The Executive Committee elected by the General Assembly shall comprise:
 - a) Chairperson
 - b) Vice Chairperson
 - c) Treasurer
2. Five members
3. A Red Cross and Red Crescent Society can be represented by only one member on the Executive Committee.
4. THE TERM OF OFFICE of the Chairperson and the members of the Executive Committee shall be for a maximum of four (4) years. Half of the Executive Committee shall be re-elected every two (2) years. The members of the Executive Committee to retire after every two (2) years are those who have been longest in office since their last election, but as between persons who become members of the EXECUTIVE COMMITTEE on the same day those to retire (unless otherwise agree among themselves) be determined by lot.
5. Members of the Executive Committee shall enjoy full independence in the exercise of their functions at NEPARC, and should not be subjected to any pressure.
6. Members shall retain their position on the Executive Committee for the whole duration of their mandate and may only be removed from their offices by a decision taken in conformity with existing statutory provisions.
7. Every Red Cross and Red Crescent Society to whom the Executive Committee members belong are obliged to make every effort to enable such members to attend all meetings of the Executive Committee

8. Should there be a vacancy on the NEPARC Executive Committee during the first half of the term of office, the Executive Committee shall invite the person with the highest number of votes at the previous election selected as a replacement for the remainder of the term.
9. If a member is repeatedly absent from meetings of the Executive Committee without good reason, the Executive Committee shall report this to the next General Assembly, asking it to take appropriate measures.
10. The Executive Committee shall meet at least ONCE EVERY YEAR. It may also be convened at the request of the Chairperson, or of FOUR (4) of its members.
11. A member of the Executive Committee, Ad Hoc or Standing Committees must absent himself/herself from any discussions about a dispute concerning his/her Red Cross and Red Crescent Society.
12. The Executive Committee resolutions shall be adopted by a simple majority of the members present. In the event of a tie, the Chairperson shall have a casting vote. When decisions requiring a secret ballot are tied, lots shall be drawn.
13. For the deliberations to be valid, a quorum must be reached.
14. Decisions taken by the Executive Committee shall be binding with immediate effect.
15. Deliberations shall be recorded into minutes, which shall be sent to all the members within a month before the next meeting.

POWERS OF THE EXECUTIVE COMMITTEE

ARTICLE 4.2.2

1. The Executive Committee shall be responsible for the execution of the policies and decisions of the General Assembly, the management and the administration of NEPARC.
2. It shall take decisions on all matters that do not fall within the sphere of responsibility of the General Assembly or other bodies of law or under these Statutes and Regulations.
3. The Executive Committee shall create and dissolve Standing and Ad Hoc Committees as necessary in the following areas: finance, integrity and programme

4. All its members shall be entitled to propose items for the agenda of meetings of the Executive Committee or that of an Ad Hoc or Standing Committee.
5. It may assign in totality or in part some of its duties to its members individually or grouped as a committee as dictated by its statutes or established modus operandi of management.
6. Upon a proposal from the Chairperson, it shall appoint the Chairperson, Vice-Chairperson and members of Standing Committees, as well as set up new Ad Hoc Committees.
7. It may dismiss Members of Ad Hoc and Standing Committees if they are guilty of a serious violation of their duty and replace them for the remainder of their term of office.
8. It shall formulate specific regulations for Standing and Ad Hoc Committees.
9. It shall approve the working programme of the Standing Committee and Ad Hoc Committee.
10. It shall decide on financial matters, examine and approve the budgetary reports presented by the Chief Executive, as well as examining and amending the draft budget and programme prior to its submission before submitting it to the General Assembly.
11. It may delegate some of its powers to the competent committees, reserving the right to exercise them whenever deemed necessary.
12. It shall appoint or dismiss the members of the secretariat with due diligence at the proposal of the Chairperson.
13. It shall approve NEPARC institutional structure.

CHAIRPERSON

ARTICLE 4.2.3

1. The Chairperson shall be the legal representative of NEPARC.
2. He/She shall preside over all meetings of the General Assembly and the Executive Committee.

3. He/she shall propose to the Executive Committee the appointment and dismissal of the Chief Executive and the Chief Executive shall appoint and dismiss staff.
4. He/she shall implement, through the Secretariat, the decisions taken by the General Assembly and Executive Committee.
5. He/she shall be responsible for maintaining good relation between NEPARC International Federation of Red Cross and Red Crescent Societies the Red Cross Movement as well as political bodies and International Organizations.
6. If the Chairperson is absent or unavailable, the Vice-Chairperson shall deputize, failing which his/her duties shall be performed another member of Executive Committee who shall be nominated by the member present.
7. If the Chairperson ceases exercising his/her functions, the vice chairperson shall assume the chair until the next General Assembly.
8. The Chairperson shall sign jointly with the Secretariat all documents and letters binding NEPARC.
9. In specific cases, the Chairperson may delegate some of his/her powers explicitly stated to one of the members of the Executive Committee or the Chief Executive as dictated by established methods of management.

RULES OF PROCEDURE

ARTICLE 5

1. Each Member National Society may be represented at the General Assembly by a maximum of three (3) delegates: the President, Secretary General or their nominee.
2. Names of delegates from each member National Society shall be prioritized from one (1) to three (3) for voting purposes and transmitted to the NEPARC Secretariat before the opening of the General Assembly.
3. If the first delegate is absent from the meeting room, another delegate shall exercise the voting right in accordance with the list previously submitted.
4. The NEPARC Chairperson shall chair the discussions of the General Assembly. If the Chairperson is absent, the Vice-Chairperson shall deputize.

5. In the absence of the Chairperson and the Vice-Chairperson, another member of the Executive Committee duly designated by the committee members present shall chair the discussion.
6. The Chairperson of the meeting shall ensure that the Rules of procedure are observed. He/she shall open and close the debates. He/she shall give speakers permission to take the floor and shall conduct the discussions.
7. The Chairperson shall keep order and may take the following measures against delegates who disrupt the proceedings or show disrespect towards fellow delegates:
 - a. Call to order
 - b. Reprimand
 - c. Expel from one or more sessions
8. In the event of a protest, the General Assembly shall take a decision with immediate effect without prior discussion.
9. Official interpreters shall be responsible for simultaneous translation into the official languages of the General Assembly (English, French).
10. At the start of the first session, the General Assembly shall designate the number of scrutineers deemed necessary to assist the Chief Executive in conducting votes and elections, such as by counting votes expressed by a show of hands, distributing and counting ballot papers, etc.
11. The Executive Committee may decide to use electronic voting devices.
12. A brief introduction of the subject shall be presented by the representative of the NEPARC member who has suggested an item on the meeting agenda.
13. After presentation of the report, the Chairperson shall open the discussion and give the floor for discussion to the speakers in order of requests received, no one may take the floor without permission of the chair.
14. A speaker may only be given the floor for a second time on the same matter when all other delegates who have requested the floor have had a chance to speak.
15. All amendments shall be made in writing and presented to the Chairperson, who is the only person entitled to introduce them for discussion.

16. A point of order shall be dealt with forthwith. Any other discussion shall be immediately suspended.
17. If a motion that a debate should be closed is presented it shall immediately be put to vote without prior discussion. If it is adopted, only delegates who requested to speak before the vote shall be given the floor.
18. No voting shall be conducted by secret ballot except for elections. All decisions requiring a vote shall be reached by show of hands (voting cards) or by means of an electronic count.
19. If a request is supported by at least a quarter of the Members present and eligible to vote, voting may exceptionally take place by a roll call. Members shall be called in Alphabetical order.
20. A simple majority (half plus one) or other required majority (two-thirds) shall, if required, be based on the number of votes cast. Abstention shall be disregarded in calculating the majority.
21. Before any vote, the Chairperson appointed by him/her shall read the proposal and explain to the General Assembly the voting procedures (quorum, required majority).
22. In the event of an objection, the General Assembly shall take an immediate decision on the matter without prior discussion.
23. The proposals must be put to the vote presented in order of submission and then put to vote. If there are more than two main proposals, they shall be put to the vote one after the other and each delegate may only vote for one of the proposals.
24. A proposal to amend a proposed amendment shall be voted on before the proposed amendment. A proposed amendment shall be voted on before the original proposal.
25. Proposals which are unopposed shall be considered adopted.
26. The Chairperson shall announce the results of votes to the General Assembly and certify the results.
27. No one shall be given the floor during a vote or until the result of a vote has been announced.
28. All elections shall be held by secret ballot using voting cards distributed by the Chief Executive, with the assistance of the scrutineers, shortly before the election.

29. The number of ballot papers distributed shall be announced by the Chief Executive before the voting commences.
30. If the number of ballot papers collected from the ballot box is equal or less inferior to the number of ballot papers distributed, the election shall be considered valid.
31. If the number of ballot papers exceeds the figure distributed, the elections shall be declared null and void and shall be re-conducted immediately.
32. The absolute majority required for all elections shall be calculated on the number of valid ballot papers obtained from the ballot box, with blank or spoiled ballot papers disregarded.
33. If two or more votes are given to one candidate on the same ballot paper, only one shall be considered valid.
34. After every vote, the Chairperson of the meeting shall announce the result of the election to the General Assembly.
35. The Chief Executive shall place counted ballot papers in an envelopes made specifically for this purpose, which shall be immediately sealed. The Chief Executive shall keep the envelopes and destroy them one year after the closing of the General Assembly.

ARBITRATION

ARTICLE 6

1. Wherever any differences or disputes shall arise between members touching on the operations of NEPARC, or status or on anything executed, omitted or suffered in pursuance of this Constitution the same shall be referred to arbitration in accordance to the International Arbitration Procedures and each party is entitled to appoint one arbitrator from the movement and the two arbitrators shall appoint one person from the movement to be the umpire and the decision of the Arbitration panel shall be final and not questioned by any court of Law.
2. Once arbitration has been referred to the panel the same should be completed within a period of Ninety (90) days unless the parties agree to extend the period of its finalization for another term of Forty Five (45) days.