



# **THE CONSTITUTION OF THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY PARLIAMENTARY FORUM (SADC PF)**

**Updated as at 15<sup>th</sup> August 2022**

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## **PREAMBLE**

*We, the Representatives of the people of the Southern African Development Community, having solemnly resolved to constitute a Parliamentary Consultative Assembly to be known as the Southern African Development Community Parliamentary Forum with a view to developing into a regional Parliamentary structure, for the purpose of strengthening the capacity of the Southern African Development Community by involving Parliamentarians of Member States in its activities;*

*Determined:*

- *to promote respect for the rule of law, gender equality and equity, individual rights and freedoms, including the promotion and development of cooperation in the economic field in the SADC region based on the principle of equity and mutual benefit;*
- *to promote peace, democracy, security and stability on the basis of collective responsibility and supporting the development of permanent conflict resolution mechanisms in the SADC sub-region and strengthening regional solidarity and building a sense of common destiny among the peoples of SADC; and*
- *to promote dialogue and cooperation among Member States on socio-economic development issues in order to enhance economic welfare;*

**DO HEREBY GIVE TO OURSELVES THIS CONSTITUTION OF THE SOUTHERN AFRICAN DEVELOPMENT COMMUNITY PARLIAMENTARY FORUM (SADC PF).**

# **CHAPTER ONE**

## ***INTERPRETATION***

### **ARTICLE 1: DEFINITIONS**

In this Constitution, unless the context otherwise requires:

**“Chairperson”** means a Chairperson of an organ of the Forum, as the case may be in a given context. Chairperson includes a Vice Chairperson when the latter is acting in place of the former;

**“Clerk, Secretary, or Secretary General of a National Parliament”** means the Accounting Officer of a Member Parliament;

**“Committee of Clerks of Member Parliaments”** means an organ of the SADC Parliamentary Forum that shall comprise of Clerks, Secretaries or Secretaries General of Member Parliaments, or their delegated representatives, in accordance with Article 16A<sup>1</sup>

**“Constitution”** means the Constitution of the SADC Parliamentary Forum;

**“Executive Committee”** means the Executive Committee of the SADC Parliamentary Forum established in terms of Article 10 of the Constitution;

**“Forum”** means the SADC Parliamentary Forum;

**“Headquarters Agreement”** means the Agreement between the SADC PF and the Government of the Republic of Namibia regarding the hosting of the Headquarters of the SADC Parliamentary Forum in Windhoek, Namibia;

**“Host Speaker”** means the Speaker of the Member Parliament hosting the headquarters of the SADC Parliamentary Forum;

**“Host Clerk/Secretary/Secretary General”** means Clerk, Secretary, or Secretary General of the Member Parliament hosting the headquarters of the SADC Parliamentary Forum;

**“Member Parliament”** means a National Parliament registered as a Member of the SADC Parliamentary Forum;

**“Member State”** means a Member State of SADC;

**“Officials”** means staff employed by the SADC Parliamentary Forum;

**“Order Paper”** means the official agenda of the Plenary Assembly;

**“PAP”** means the Pan African Parliament;

**“Parliamentary Business Sub-Committee”** means a Sub-Committee of the Executive Committee which is responsible for managing the conduct of Parliamentary business of the Plenary Assembly;

**“Plenary Assembly”** means the Plenary Assembly of the SADC Parliamentary Forum established pursuant to Article 10 of the Constitution;

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<sup>1</sup> The Committee of Clerks of Member Parliaments was established through an amendment by the 45<sup>th</sup> Plenary Assembly on 22<sup>nd</sup> July 2019, at Maputo, Mozambique

**“President”** means the President of the SADC Parliamentary Forum elected in terms of Article 11(2) of the Constitution and includes a Vice-President when the latter is acting in the place of the former;

**“Presiding Officer”** means a Presiding Officer of a Member Parliament and includes a Deputy Presiding Officer;

**“Proxy”** means a Presiding Officer or a Member of Parliament who is duly designated in place of a Representative and who shall be accorded the full rights of a Representative;

**“Regional Parliamentary Model Laws Oversight Committee”** means an organ of the SADC Parliamentary Forum that shall comprise of Chairpersons of Standing Committees and the Chairperson of the Regional Women’s Parliamentary Caucus, with the mandate which includes the monitoring and evaluation of progress made by Member States in domesticating SADC Model Laws and implementing related laws and policies, in accordance with Article 16.<sup>2</sup>

**“Regional Women’s Parliamentary Caucus”** means an organ of the SADC Parliamentary Forum that shall comprise Chairpersons of National Women Parliamentary Caucuses and all female Representatives of the Forum;

**“Representative”** means a member of a National Parliament designated to the Forum in terms of Article 7 of the Constitution;

**“Retire by Rotation”** means the process through which representation and membership in respect of Presiding Officers and ordinary members in the Executive Committee and Chairperson and Vice chairperson of Standing Committees shall rotate among member Parliaments;

**“SADC”** means the Southern African Development Community;

**“SADC Parliamentary Forum and its Successors Trust”** means the Trust established under Article 13 with objects as set out in the Trust Deed registered with the Master of the High Court of Namibia.<sup>3</sup>

**“Secretariat”** means the Secretariat of the SADC Parliamentary Forum headed by the Secretary General;

**“Secretary General”** means the Secretary General of the SADC Parliamentary Forum appointed in terms of Article 13 (2) of the Constitution;

**“Session”** means Sittings of the Plenary Assembly commencing when the Standing Committees first meet from the appointed day and terminating when the calendar of the Plenary Assembly’s business is adjourned;

**“Simple Majority”** means 50%+1 of votes;

**“Sitting”** means a period which the Plenary Assembly meets continuously without adjournment, including any period during which the Plenary Assembly is in Committee;

**“Sitting Day”** means any weekday which is prescribed in the SADC PF Rules of Procedure to be a sitting day, whether or not the Plenary Assembly meets on that day;

**“Standing Committees”** means the Standing Committees of the Forum established in terms of Article 10 of the Constitution;

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<sup>2</sup> The Regional Parliamentary Model Laws Oversight Committee was established through an amendment by the 43<sup>rd</sup> Plenary Assembly on 27<sup>th</sup> June 2018, at Luanda, Angola

<sup>3</sup> The SADC Parliamentary Forum and its Successors Trust was established through an amendment by the 51<sup>st</sup> Plenary Assembly Session on 12<sup>th</sup> July 2022 at Lilongwe, Malawi

**“Summit”** means the Summit of Heads of State or Government of SADC;  
**“Vice-President”** means the Vice-President of the SADC Parliamentary Forum elected in terms of Article 11(2) of the Constitution; and  
**“Quorum”** means the number of members competent to transact business in the absence of the full membership.



## **CHAPTER TWO**

### ***ESTABLISHMENT AND LEGAL STATUS***

#### **ARTICLE 2: TITLE**

This Constitution shall be known as the Constitution of the SADC Parliamentary Forum.

#### **ARTICLE 3: ESTABLISHMENT OF THE FORUM**

The Forum is established in accordance with Article 9 (2) of the SADC Treaty.

#### **ARTICLE 4: LEGAL STATUS OF THE FORUM**

1. The Forum shall have legal personality with capacity and power to enter into contracts, acquire, own, manage and dispose of movable or immovable property and to sue and be sued in its own name.
2. In the territory of each Member State, the Forum shall, pursuant to clause 1 of this Article, have such legal capacity as is necessary for the proper exercise of its functions.
3. Documents and agreements between the Forum and other parties shall be signed by persons duly authorised by the Executive Committee of the Forum.
4. The Forum including its representatives and officials as defined in the Rules of Procedure shall have freedom of speech in the Plenary Assembly and in its Committees.
5. Members of the Forum shall not be liable to criminal or civil proceedings, arrest, imprisonment or damages in respect of anything that they have said in, produced before or submitted to the Forum or any of its Committees including that which is revealed as a result of what they say in, produced before or submitted to the Forum or its Committees.

#### **ARTICLE 5: HEADQUARTERS OF THE FORUM**

The Headquarters of the Forum shall be in Windhoek, Republic of Namibia or at such other place as may be decided by the Plenary Assembly.

# **CHAPTER THREE**

## **OBJECTIVES**

### **ARTICLE 6: OBJECTIVES OF THE FORUM**

The objectives of the Forum shall be:

- (a) to strengthen the implementation capacity of SADC by involving Parliamentarians in the affairs of SADC;
- (b) to advocate the harmonisation, ratification, domestication and implementation of SADC Protocols, treaties and other decisions at the national level;
- (c) to promote the principles of human rights, democracy, peace and security, regional integration, human and social development, economic governance and gender equality through collective responsibility within the SADC Region;
- (d) to familiarise Parliamentarians of Member Parliaments with the objectives, priorities and decisions of SADC;
- (e) to provide a parliamentary perspective on issues affecting SADC countries;
- (f) to provide a Forum for discussion on matters of common interest to SADC; and
- (g) to promote cooperation with other parliamentary organisations and other stakeholders.

# **CHAPTER FOUR**

## ***MEMBERSHIP***

### **ARTICLE 7: MEMBERSHIP AND COMPOSITION OF THE FORUM**

1. Membership to the SADC Parliamentary Forum shall be open to National Parliaments whose countries are Members of SADC.
2. The Forum shall consist of Presiding Officers of the Member Parliaments and up to a maximum of five (5) representatives designated by each National Parliament:

Provided that in designating the five (5) representatives, each National Parliament shall:

- (a) ensure equitable representation of women and political parties that are represented in its Parliament; and
- (b) include the Chairperson of the National Women's Parliamentary Caucus.

### **ARTICLE 8: TENURE OF MEMBERSHIP OF A REPRESENTATIVE**

1. A representative of the Forum shall serve from the date of his/her designation to the Forum unless he/she ceases to be a Member of, or is replaced, by his/her National Parliament.
2. The term of a representative shall run concurrently with his or her term in the National Parliament.
3. A representative shall vote in his or her personal and independent capacity.
4. Every representative of the Forum shall take an Oath or Affirmation of Adherence to the Forum in such form and manner as may be approved by the Plenary Assembly.<sup>4</sup>

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<sup>4</sup> Amended by the 47<sup>th</sup> Plenary Assembly Virtual Session on 9<sup>th</sup> October 2020, held on Zoom Platform.

## **ARTICLE 9: SUSPENSION OF MEMBERSHIP**

1. Subject to Ratification by the Plenary Assembly, the Executive Committee may suspend the rights of a Member Parliament whose prescribed annual membership fees or other financial obligations are in arrears for more than twelve months which suspension shall be rescinded upon full payment of the arrears by the Member Parliament:

Provided that the Executive Committee may rescind the suspension where it is satisfied that the Member Parliament is able and willing to meet its financial obligations within a defined period.

2. The Executive Committee-

- (a) may place the membership of a Member Parliament in abeyance where it is satisfied that the Member Parliament has ceased to function as a Parliament; and
- (b) shall reinstate the membership of a Parliament, which has been placed in abeyance if it is satisfied that the Parliament has resumed functioning as a Parliament.

# **CHAPTER FIVE**

## **ORGANS OF THE FORUM**

### **ARTICLE 10: ESTABLISHMENT OF THE ORGANS OF THE FORUM**

1. The following organs of the Forum are hereby established:
  - (a) The Plenary Assembly;
  - (b) The Executive Committee;
  - (c) The Standing Committees;
  - (d) The Regional Women’s Parliamentary Caucus;
  - (e) The Regional Parliamentary Model Laws Oversight Committee<sup>5</sup>;
  - (f) The Committee of Clerks of Member Parliaments<sup>6</sup>;
  - “(g) The SADC Parliamentary Forum and its Successors Trust<sup>7</sup>; and
  - (h) The Secretariat
  
2. Other Organs of the Forum may be established on the approval of the Plenary Assembly.

### **ARTICLE 11: THE PLENARY ASSEMBLY**

1. The Plenary Assembly shall consist of Presiding officers and the Representatives of the Forum.
2. The President and Vice-President shall be elected by the Plenary Assembly on a rotational basis among Member Parliaments.
3. The President or in his/her absence the Vice-President shall preside over the Sittings of the Plenary Assembly and in the absence of the President and the Vice-President, the Plenary Assembly shall elect one of the Representatives for that purpose.
4. Where a representative who has been elected as President or Vice-President in accordance with this Article, or designated as Treasurer pursuant to Article 12(5), has ceased to be a member of the

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<sup>5</sup> The Regional Parliamentary Model Laws Oversight Committee was established through an amendment by the 43<sup>rd</sup> Plenary Assembly on 27<sup>th</sup> June 2018, at Luanda, Angola

<sup>6</sup> The Committee of Clerks of Member Parliaments was established through an amendment by the 45<sup>th</sup> Plenary Assembly on 22<sup>nd</sup> July 2019, at Maputo, Mozambique

<sup>7</sup> The SADC Parliamentary Forum and its Successors Trust was established through an amendment by the 51<sup>st</sup> Plenary Assembly Session on 12<sup>th</sup> July 2022 in Lilongwe, Malawi.

respective Parliament, for whatever reason, the person designated by the National Parliament to replace that member shall assume the position held by the President, Vice President or Treasurer as the case might be, for the remainder of the term, except that only a Presiding Officer shall be eligible to replace the President.<sup>8</sup>

5. The Plenary Assembly shall be the main policy-making and deliberative body of the Forum.
6. All decisions of the Plenary Assembly shall be on the basis of consultation and consensus provided that procedural and technical matters shall be determined by a simple majority.
7. The quorum for the Plenary Assembly meetings shall be a simple majority of Member Parliaments present.
8. National Parliaments shall be entitled to send additional delegates as observers to Plenary Assembly meetings.
9. The Plenary Assembly may invite any person or organization to attend its meetings as observers.
10. The Plenary Assembly shall meet for the transaction of business at the Headquarters of the Forum or in a Member State on a rotational basis.
11. The Plenary Assembly shall meet for business at least twice in a year:  
  
Provided that the Plenary Assembly may, on the recommendation of the Executive Committee, meet at any other time to consider matters of urgent importance.
12. Except as otherwise provided in this Constitution, a Presiding Officer or an ordinary Member who is unable to attend a Session of the Plenary Assembly or any other organ of the Forum or a Sub-Committee thereof, may be represented by a proxy designated by the Member Parliament, paying due regard to the requisite credentials for the relevant Committee as set out in the Rules of Procedure.”<sup>9</sup>
13. Subject to this Constitution, the Plenary Assembly shall determine its own Rules of Procedure.
14. Notwithstanding the generality of clause (4), the Plenary Assembly shall have other functions as may be specified in the Rules of Procedure.

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<sup>8</sup> As amended by the 43<sup>rd</sup> Plenary Assembly on 27<sup>th</sup> June 2018, at Luanda, Angola

<sup>9</sup> As amended by the 43<sup>rd</sup> Plenary Assembly on 27<sup>th</sup> June 2018, at Luanda, Angola

## **ARTICLE 12: THE EXECUTIVE COMMITTEE**

1. The Executive Committee shall be responsible for the management of the affairs of the Forum, giving direction to the Secretariat and ensuring that the decisions of the Plenary Assembly are implemented and shall be answerable to the Plenary Assembly.
2. The Executive Committee shall consist of Presiding Officers, Representatives designated by the Member Parliaments and the Chairperson of the Regional Women's Parliamentary Caucus as an ex-officio member.

### **Provided that:**

- (a) No Member Parliament shall have more than one representative on the Executive Committee;
  - (b) At least half of the Members shall be ordinary Members of Parliament;
  - (c) Where in one term a Member Parliament is represented on the Executive Committee by a Presiding Officer, it shall in the immediate subsequent term be represented by an ordinary member and those represented by an ordinary member in one term shall, in the immediate subsequent term be represented by a Presiding Officer; and
  - (d) The Presiding Officer of the Parliament hosting the Headquarters of the Forum shall be an ex-officio Member of the Executive Committee.
3. Members of Executive Committee shall hold office for a term of two years and shall retire by rotation: Provided that the former Treasurer, two presiding officers and two ordinary members, to be nominated by the Executive Committee, shall for transitional purposes, continue to hold office for a further period of one year as ex officio members with full deliberative but no voting rights.<sup>10</sup>
  4. The President or in his/her absence, the Vice-President, shall preside at a meeting of the Executive Committee.
  5. The Executive Committee shall designate one of its members as Treasurer who shall be responsible to the Executive Committee for the supervision of the management of the finances of the Forum and

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<sup>10</sup> As amended by the 40<sup>th</sup> Plenary Assembly on 13<sup>th</sup> November 2016, at Harare, Zimbabwe

shall be the Chairperson of the Finance Sub-Committee of the Executive Committee.

6. The Secretary General of the Forum shall be the Secretary to the Executive Committee.
7. The Executive Committee shall meet at least twice a year and may hold extra-ordinary meetings at any time. The President shall convene all meetings by issuing the following notices through the office of the Secretary General:
  - (a) thirty days' notice for an ordinary meeting; and
  - (b) fourteen days' notice for an extra-ordinary meeting:

Provided that the President may, upon a written request to the Secretary General, by not less than one-third of the membership of the Executive Committee or by a resolution of the Plenary Assembly, convene an extra-ordinary meeting to discuss important urgent matters.

8. The quorum for a meeting of the Executive committee shall be a simple majority of its Members.
9. The Executive Committee shall:
  - (a) be responsible for the overall management and conduct of the Forum business;
  - (b) prepare the agenda of the Plenary Assembly Session;
  - (c) present to the Plenary Assembly for consideration and approval, the annual budget of the Forum, and annual audited accounts;
  - (d) ensure effective implementation of Plenary Assembly decisions;
  - (e) refer to the Plenary Assembly for approval any proposed amendments to the Constitution and Rules of Procedure;
  - (f) recommend to the Plenary Assembly any review of the membership annual mandatory contributions; and
  - (g) appoint, on such terms and conditions as it may determine, staff necessary for the performance of the functions of the Forum.



10. Decisions at Meetings of the Executive Committee shall be arrived at by consensus and in the event of failure to reach consensus, by a majority of Members present and voting:

Provided that each Member shall be entitled to one vote and where there is a tie, the Chairperson shall have a casting vote.

### **<sup>11</sup>ARTICLE 13: THE SADC PARLIAMENTARY FORUM AND ITS SUCCESSORS TRUST**

There is hereby established the SADC Parliamentary Forum and its Successors Trust, whose modus operandi is articulated in the Trust Deed establishing the Trust.

### **ARTICLE 14: THE SECRETARIAT**

1. There shall be a Secretariat headed by the Secretary General and comprising such other staff as may be appointed by the Executive Committee.
2. The Secretary General shall be appointed by the Plenary Assembly on the recommendation of the Executive Committee, on such terms and conditions of service approved by the Plenary Assembly.
3. The Secretary General shall be the Chief Executive and Accounting Officer of the Forum and shall coordinate the activities of the Forum subject to the general direction of the Executive Committee and in particular shall:
  - (a) coordinate the activities of the SADC Parliamentary Forum;
  - (b) administer the affairs of the Forum and manage the staff of its Secretariat;
  - (c) coordinate the overall business and be the custodian of the Journals and records of the Plenary Assembly;
  - (d) be primarily responsible for representing the Forum and promoting its aims and objectives; and
  - (e) undertake any other duties that may be assigned to him/her by the Plenary Assembly and the Executive Committee.
4. The Executive Committee may appoint, on such terms and conditions as it may determine, such other staff as it may consider

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<sup>11</sup> As amended by the 51<sup>st</sup> Plenary Assembly at Lilongwe, Malawi on 12<sup>th</sup> July 2022

necessary for the performance of the functions of the SADC Parliamentary Forum.

## **ARTICLE 15: THE STANDING COMMITTEES**

1. The Plenary Assembly may, for the purpose of performing its functions under this constitution, establish, align or abolish Standing Committees and delegate to any such Committees such of its functions as it deems fit.
2. For the purposes of balancing gender, political affiliation and geographical spread in the membership and leadership of Standing Committees, the Plenary Assembly may mandate the Secretary General, subject to the approval of the Executive Committee, to reallocate Parliamentarians to Standing Committees.
3. Members of the Standing Committees holding the position of Chairperson or Vice Chairperson shall retire by rotation, meaning that, a Member Parliament with Members serving in the positions of Chairperson or Vice Chairperson of a Standing Committee shall not be eligible for re-election to the positions in the immediate subsequent term.

## **ARTICLE 16: THE REGIONAL WOMEN'S PARLIAMENTARY CAUCUS (RWPC)**

1. The Regional Women's Parliamentary Caucus (RWPC) shall comprise Chairpersons of National Women Parliamentary Caucuses of Member Parliaments and all female Representatives of the Forum.
2. The Chairperson and Vice Chairperson of the RWPC shall be elected from among the Chairpersons of the National Women's Parliamentary Caucuses on a rotational basis.
3. The RWPC shall submit its report to the Executive Committee for its information.
4. The RWPC shall report directly to the Plenary Assembly.
5. The functions of the RWPC shall include the following:
  - (a) lobbying and advocacy on equal and equitable representation of women in political and decision-making positions in SADC Member States in line with the SADC Protocol on Gender and Development and other similar continental and international instruments;

- (b) creating a platform for women parliamentarians to mobilise on women's agenda for equality, equity and effective representation of women in Parliament and political parties;
- (c) capacity development for women Parliamentarians for effective participation and performance; and
- (d) creating avenues for knowledge sharing by women Parliamentarians at Regional level.

**ARTICLE 17: THE REGIONAL PARLIAMENTARY MODEL LAWS OVERSIGHT COMMITTEE<sup>12</sup>**

1. The Regional Parliamentary Model Laws Oversight Committee (RPMLOC) shall comprise Chairpersons of Standing Committees and the Chairperson of the Regional Women's Parliamentary Caucus, to be appointed on such terms and conditions as the Plenary Assembly may determine.
2. The RPMLOC shall elect at its first meeting a Chairperson and a Vice-Chairperson.
3. The RPMLOC shall meet at least twice a year at such place and time as the Secretary General shall determine.
4. The functions of the RPMLOC shall include the following:
  - (a) monitoring and evaluating progress made by Member States in domesticating SADC Model Laws and implementing related laws and policies;
  - (b) advising the SADC PF on the progress Member States are making in fulfilling the objectives of the various Model Laws;
  - (c) supporting Member States' measures and interventions for addressing the various issues the Model laws aim to address;
  - (d) facilitating awareness on specific issues in the Model Law by engaging with appropriate authorities, grass-roots and community based organisations and the private sector, including the media;
  - (e) underscoring the importance of addressing various development and governance related issues during the consideration of Member States Reports on related subject matters;
  - (f) paying particular attention to disadvantaged groups, and or marginalised communities in line with the provisions of the Model Laws;

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<sup>12</sup> The Regional Parliamentary Model Laws Oversight Committee was established through an amended by the 43rd Plenary Assembly on 27<sup>th</sup> June 2018, at Luanda, Angola

- (g) ensuring that Member States set out mechanisms or processes for the engagement of the public, mainly during committee sittings in a holistic, multi-sectorial manner, with a balance between preventive and protective measures, as specified in the Model Laws;
  - (h) encouraging the appropriate authorities of Member States and other relevant actors to build an evidence-based information and data system on the various issues, including documentation of good practices and the production of disaggregated data on the various interventions;
  - (i) encouraging National Parliaments and appropriate authorities to establish a desk/focal person or subcommittees to co-ordinate actions on the various Model Laws;
  - (j) supporting national and regional efforts aimed at generating data through research, ensuring innovative community based mechanisms and advocacy interventions;
  - (k) supporting Member States to set up functional monitoring mechanisms and establishing data collection and management systems on the various Model Laws;
  - (l) assisting Member States in building the capacity of the relevant subject matters and law enforcement system to further the implementation of the Model laws;
  - (m) sharing information on the various interventions and action plans with relevant stakeholders in SADC and beyond and, when requested, elsewhere;
  - (n) facilitate coordination with other Standing Committees and the Regional Women Parliamentary Caucus on addressing issues relating to the implementation of laws and policies in accordance with the objectives of the Model Laws; and
  - (o) formulate, develop and make recommendations to the Executive Committee on oversight and accountability mechanisms in relation to the implementation of Model Laws.
5. The funds available for use in relation to the RPMLOC shall consist of such moneys as may be allocated by SADC PF.
  6. Except as is expressly provided for in this Article and the Rules of Procedure, the RPMLOC shall be guided by the Executive Committee and the Plenary Assembly in the transaction of its business.

## **<sup>13</sup>ARTICLE 18: THE COMMITTEE OF CLERKS OF MEMBER PARLIAMENTS**

1. There shall be a Committee of Clerks of Member Parliaments (hereafter referred as “CCMP” or “Committee” in this Article) which shall comprise of Clerks, Secretaries or Secretaries General of Member Parliaments, or their delegated representatives.
2. The Chairperson of the Committee shall be nominated by rotation in alphabetical order of the names of Member Parliaments.
3. The CCMP shall meet regularly, and at least twice a year at such place and time as the Secretary General shall determine.
4. The functions of the Committee shall include the following –
  - a) provide advice to the Executive Committee on matters submitted to it by the Secretariat pursuant to the instructions of the Executive Committee or the Plenary Assembly;
  - b) provide administrative advice to the Secretariat in view of assisting in the benchmarking of Member Parliaments in the SADC region;
  - c) deliberate on issues which promote the implementation of Projects of the Forum in collaboration with Member Parliaments, including monitoring and evaluation frameworks, strategic plans and capacity building of staff of the Member Parliament;
  - d) discuss ways and means of building synergies between the Forum and Member Parliaments in view of further contributing to the achievement of the Forum’s objectives;
  - e) deliberate on issues and share experiences relating to parliamentary processes which are of interest to Member Parliaments in the SADC region;
  - f) discuss administrative issues which relate to the implementation of statutory activities of the Forum, including the holding of

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<sup>13</sup> The Committee of Clerks of Member Parliaments was established through an amended by the 45<sup>th</sup> Plenary Assembly on 22<sup>nd</sup> July 2019, at Maputo, Mozambique

Plenary Assemblies and facilitation for Executive Committee and other Standing Committee meetings.

5. The Forum shall allocate such funds as may be necessary to be used for the purposes of the CCMP.
6. Except as is expressly provided for in this Article and the Rules of Procedure, the CCMP shall be guided by the Executive Committee and the Plenary Assembly in the transaction of its business.

## **CHAPTER SIX**

### ***MEETINGS***

#### **ARTICLE 19: QUORUM**

The quorum for all meetings of the SADC Parliamentary Forum and shall be a simple majority.

#### **ARTICLE 20: DECISIONS**

Decisions shall be arrived at by consensus and in the event of failure to reach consensus, by a simple majority of members present and voting; provided that each member shall be entitled to one vote.

#### **ARTICLE 21: PROCEDURES**

Except as otherwise provided in this Constitution, the Forum shall determine its own rules of procedure.

## **CHAPTER SEVEN**

### ***RESOURCES AND ASSETS***

#### **ARTICLE 22: FINANCIAL RESOURCES**

1. The Forum shall be responsible for mobilizing its own and other financial resources required for the implementation of its programmes and projects.
2. Financial Resources acquired by the Forum by way of contributions, loans, grants or gifts shall be the property of the Forum.
3. Financial Resources of the SADC Parliamentary Forum shall be utilized in the most efficient and equitable manner.

#### **ARTICLE 23: SOURCES OF FINANCE**

The Finances of the Forum shall accrue from the following sources:

- (a) annual mandatory contributions from Member Parliaments, which shall be determined by the Plenary Assembly on the recommendation of the Executive Committee;
- (b) grants or donations from Governments, SADC, other international organisations and charitable institutions including international parliamentary groupings;
- (c) various fund-raising activities approved by the Plenary Assembly as recommended by the Executive Committee; and
- (d) any other sources approved by the Plenary Assembly.

#### **ARTICLE 24: ASSETS**

1. Property, both movable and immovable, acquired by or on behalf of the Forum shall constitute the assets of the Forum, irrespective of their location.
2. Assets acquired by Member State Parliaments under the auspices of the Forum shall be accessible to all Member State Parliaments on an equitable basis.



# **CHAPTER EIGHT**

## ***FINANCIAL PROVISIONS***

### **ARTICLE 25: FINANCIAL YEAR**

The Financial Year of the Forum shall commence on 1<sup>st</sup> April and end on 31<sup>st</sup> March of each calendar year.

### **ARTICLE 26: BUDGET**

1. The Secretary General shall cause to be prepared, estimates of revenue and expenditure for the Secretariat and its Programme activities, and submit them to the Plenary Assembly not less than three months before the beginning of the financial year.
2. The Plenary Assembly shall approve the estimates of revenue and expenditure before the beginning of the financial year.

### **ARTICLE 27: ACCOUNTS**

The Secretary General shall cause to be prepared and audited, annual statements of accounts for the Secretariat and its Programme activities, and submit them to the Plenary Assembly for approval.

### **ARTICLE 28: FINANCIAL RULES AND REGULATIONS**

The Secretary General shall prepare and submit to the Plenary Assembly for approval, Financial Rules and Regulations for the management of the financial affairs of the Forum.

### **ARTICLE 29: EXTERNAL AUDIT**

1. The Plenary Assembly shall appoint external auditors and shall determine their fees and remuneration at the beginning of each financial year.
2. The Secretary General shall cause to be prepared and audited, annual statements of accounts for the SADC PF and submit them to the Plenary Assembly, through the Executive Committee, for approval. What is the difference of this with Article 24

3. The Secretary General shall ensure that information and accountable documents are made available to any person or firm appointed as Auditor/s by the Plenary Assembly for the purpose of conducting an Annual or Special Audit.

## **CHAPTER NINE**

### ***GENERAL PROVISIONS***

#### **ARTICLE 30: IMMUNITIES AND PRIVILEGES**

1. Subject to the national law, the Forum, its Members and staff shall, in the territory of each Member State enjoy the immunities and privileges, necessary for the proper performance of their functions, prescribed under the SADC Protocol on Immunities and Privileges.
2. The SADC Parliamentary Forum shall facilitate the issuance of a SADC *Laissez Passer*, to qualifying Officials in line with the Headquarters Agreement.

#### **ARTICLE 31: LANGUAGES**

The official languages of the SADC Parliamentary Forum shall be English, Portuguese, French and such other languages as the Plenary Assembly may determine.

## **CHAPTER TEN**

### ***AMENDMENTS, DISSOLUTION, AND COMMENCEMENT***

#### **ARTICLE 32: AMENDMENTS**

1. An amendment to this Constitution shall be adopted by a decision of not less than two-thirds of the Members of the Forum.
2. Any Member Parliament may submit a proposal to amend this Constitution to the Secretary-General for preliminary consideration by the Executive Committee.
3. A proposal to amend the Constitution shall not be submitted to the Executive Committee for preliminary consideration until all National Parliaments have been notified of the proposal, by the Secretary General, not less than three months prior to the meeting at which the proposed amendment is to be considered:

Provided that the Executive Committee may, upon a question put by the Member Parliament initiating the proposal, decide to waive the notice period on a resolution supported by at least two-thirds of the Members and proceed to consider the proposed amendment.

#### **ARTICLE 33: DISSOLUTION OF THE FORUM**

1. The Plenary Assembly may decide by a resolution supported by at least three-quarters of the members to dissolve the Forum.
2. A proposal for the dissolution of the Forum may be made to the Executive Committee by any Member State Parliament, for preliminary consideration, provided, however, that such a proposal shall not be submitted for the decision of the Plenary Assembly until all Member States have been duly notified of it and a period of at least three months has elapsed after the submission to the Executive Committee.
3. Upon dissolution of the Forum, the terms and conditions of dealing with its liabilities and disposal of its assets shall be decided by a resolution supported by at least three-quarters of all its Members.

## **ARTICLE 34: COMMENCEMENT**

This Constitution shall enter into force upon its adoption and approval by at least two-thirds of the Members of the Forum.

## **ARTICLE 35: REPEAL OF THE CONSTITUTION OF THE FORUM**

The Constitution of the Forum is hereby repealed.

**IN FAITH WHEREOF**, We, the Parliaments of the undersigned have signed this Constitution.

**DONE AT** Arusha, Tanzania, on 21<sup>st</sup> October 2013 in three (3) original texts in the English, French and Portuguese languages, all texts being equally authentic.

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|-------------------------------------|-------|
| <b>REPUBLIC OF ANGOLA</b>           | ..... |
| <b>REPUBLIC OF BOTSWANA</b>         | ..... |
| <b>DEMOCRATIC REPUBLIC OF CONGO</b> | ..... |
| <b>KINGDOM OF ESWATINI</b>          | ..... |
|                                     | ..... |
| <b>KINGDOM OF LESOTHO</b>           |       |
| <b>REPUBLIC OF MALAWI</b>           | ..... |
| <b>REPUBLIC OF MAURITIUS</b>        | ..... |
| <b>REPUBLIC OF MOZAMBIQUE</b>       | ..... |
| <b>REPUBLIC OF NAMIBIA</b>          | ..... |
| <b>REPUBLIC OF SEYCHELLES</b>       | ..... |
| <b>REPUBLIC OF SOUTH AFRICA</b>     | ..... |
| <b>UNITED REPUBLIC OF TANZANIA</b>  | ..... |
| <b>REPUBLIC OF ZAMBIA</b>           | ..... |
| <b>REPUBLIC OF ZIMBABWE</b>         | ..... |

