



**AUSC REGION 5**

AFRICAN UNION SPORTS COUNCIL REGION 5

**CONSTITUTION**

**OF THE**

**AFRICAN UNION SPORTS COUNCIL REGION 5**

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## PREAMBLE

**WHEREAS** the Supreme Council for Sport in Africa (“**SCSA**”) was a specialist organ of the Organization of Africa Unity on matters relating to Sports Development in Africa. The African continent was divided into seven Sports Development Zones for administrative and organizational purposes. Ten members of Southern Africa, being Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe fell in the SCSA Zone VI and the zone was thus known by that nomenclature (“**SCSA Zone VI**”);

**WHEREAS** in November, 1998, the Council of Ministers met in Gaborone and agreed to establish a permanent SCSA Zone VI Secretariat in order to ensure effective administration and timeous implementation of programmes and decisions. In September 1999 during the Special meeting of the Council of Ministers held in Johannesburg, South Africa, the Republic of Botswana offered to host the Secretariat and the offer was unanimously accepted by the Council of Ministers. The SCSA Zone VI head office was therefore established in Gaborone, Botswana;

**WHEREAS** after reconsidering the role of sport in driving the agenda for sustainable development in Africa, the Heads of State and Government, during their Summit in Sirte Libya in 2007, resolved to charge the Ministers of sport with the mandate to revitalise and harmonise sport in line with the African Union (“**AU**”) structures and agenda for sustainable development. The Ministers of Sport of the AU, at the 5<sup>th</sup> ordinary Session of the Conference of African Union Ministers of Sport (“**CAMS**”) in Abidjan, Cote d’Ivoire held from 25 to 26 July 2013, under the theme “***Harnessing the power of sport to contribute to the broader government development agenda***” and in line with the 2007 Heads of State decision of Sirte Libya, committed to accelerate the implementation of the AU Policy Framework for Sustainable Development of Sport in Africa (2008-2018) and implementation of the new Architecture for Sport in Africa. To this end, the CAMS 5 made a decision to harmonize the SCSA into the AU structure under a new and similar organization called the African Union Sports Council (“**AUSC**”) and to restructure and revitalize the SCSA Sports Development Zones in line with the five AU geographic regions;

**WHEREAS** the geographical distribution of the five (5) AU Sports Development Regions, as formally adopted by the African Union, is as follows:

- i. **AUSC Region 1:** (Northern Africa, six (6) (member states): Algeria, Egypt, Libya, Mauritania, Tunisia and Saharawi Arab Democratic Republic;
- ii. **AUSC Region 2:** West Africa fifteen (15) (Member States): Benin, Burkina Faso, Cape Verde, Cote d'Ivoire, Gambia, Ghana, Guinea Bissau, Liberia, Mali, Niger, Nigeria, Senegal, Sierra Leone and Togo;
- iii. **AUSC Region 3:** (Central Africa, Nine (9) (Member States): Burundi, Cameroon, Central African republic, Chad, Congo democratic republic of Congo Equatorial Guinea, Gabon and Sao Tome and Principe;
- iv. **AUSC Region 4:** East Africa, Thirteen (13) (Member States): Comoros, Djibouti, Eritrea, Ethiopia, Kenya, Madagascar, Mauritius, Rwanda, Seychelles, Somalia, Sudan, Tanzania and Uganda; and
- v. **AUSC Region 5:** Southern Africa, Ten (10) (Member States): Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, South Africa, Swaziland, Zambia and Zimbabwe;

**WHEREAS** the AUSC is charged with the mandate of coordinating the Africa Sports Movement and serving as a forum for concerted action by Member States in the promotion and development of sport and initiating development through sport. The AUSC operates under the direction of its Statutes as approved by the Specialised Technical Committee for Ministers of Youth, Culture and Sport;

**WHEREAS** in line with the decision by CAMS 5 to harmonize and revitalize sport under the AU, the AUSC Region 5 (then SCSA Zone VI) Ministers of Sport at their ordinary session held on 8 November, 2013 in Bulawayo, Zimbabwe made a decision to change the nomenclature from SCSA Zone VI to AUSC Region 5 and to align its Constitution to the AUSC Statutes;

**NOW, THEREFORE,** the AUSC Region 5 has –

- i. internally reached consensus on the terms and conditions which must be utilized to regulate the administration and governance of matters stemming from this Constitution;
- ii. decided to reduce and express its consensus and the contents of the proposed Constitution to writing; and
- iii. in the process of doing so, aligned the terms and conditions of this Constitution with the AUSC Statutes.

## **ARTICLE 1: DEFINITIONS AND INTERPRETATION**

**1.1** This Article in this Constitution must be used in the interpretation thereof.

**1.2** Unless the context clearly indicates a contrary intention an expression which denotes –

**1.2.1** any gender must include other genders as well;

**1.2.2** a natural person must include an artificial person and *vice versa*; and

**1.2.3** the singular must include the plural and *vice versa*.

**1.3** The following words and expressions shall bear the meaning set opposite them below and cognate expressions shall bear corresponding meanings:

**1.3.1** “**AU**” means the African Union established in terms of the Constitutive Act of the AU as contemplated in Article 1 of the Statutes of the AUSC;

- 1.3.2** “**AUSC**” means the African Union Sports Council as defined in the Statutes of the AUSC;
- 1.3.3** “**AUSC Region 5**” means the African Union Sports Council responsible for Region 5/Region which is one of five African Union Development Regions as contemplated in the Statutes of the AUSC–
- 1.3.3.1** focusing on sport in Southern Africa; and
- 1.3.3.2** consisting of the Region 5 Member States;
- 1.3.4** “**Chairperson**” means a person appointed or elected to the position of Chairperson of any body or gathering constituted in terms of and under the auspices of this Constitution;
- 1.3.5** “**Chief Executive Officer**” means the Chief Executive Officer of a Sports Council or Commission or his or her equivalent as contemplated in Articles 16.2.2, 16.3.5, 24.1.4.1.3 and 32.11.2; Chief Executive Officer shall also refer to the Region’s Secretary General as contemplated in Article 16.3.3.
- 1.3.6** “**Committee**” means any Committee formed to perform any function under the auspices of this Constitution;
- 1.3.7** “**Confederations**” means a grouping or union or an alliance of sports organizations or sports associations of Member States as referred to in Article 28;
- 1.3.8** “**Constitution**” means the Constitution of the AUSC Region 5;
- 1.3.9** “**Council**” means the Council of Ministers of the Region 5 established in terms of Article 12 of this Constitution and contemplated in Article 25 of the Statutes of the AUSC;
- 1.3.10** “**Director of Sport**” means a senior government official reporting directly to a person holding the position of or equivalent to a



Permanent Secretary/Director General/Principal Secretary on sport matters at national level in the Ministry responsible for Sport.

**1.3.11 “Executive Committee”** means the Committee established in terms of Article 16 of the Constitution and contemplated in Article 25 of the Statutes of the AUSC whose members shall represent Member States;

**1.3.12 “Ex Officio Member”** means any person appointed to serve on any Committee of the AUSC Region 5 in this official capacity;

**1.3.13 “gender”** means any gender which includes the male and female gender;

**1.3.14 “Honours and Awards”** means any certificates, medals or rewards given to a Member State, Confederation or individual in recognition of meritorious services performed or an achievement in sport;

**1.3.14 “Host Member State”** means the Member State that is hosting the Secretariat at the time;

**1.3.15 “IOC”** means the International Olympic Committee;

**1.3.16 “Member”** means a Member of the AUSC Region 5 as contemplated in Article 7 which encapsulates any of the following membership categories:

**1.3.16.1** a full Member (e.g. any of the Region 5 States); being a member with full voting rights, has right to attend Executive Committee and other Regional activities with full privileges as stipulated in the Region’s regulations.

**1.3.16.2** an associate Member (e.g. COSANOC, RADO, etc.); being a member with no voting rights, has right to

attend Executive Committee and other Regional activities with limited privileges as stipulated in the Region's regulations.

**1.3.16.3** an affiliate Member (e.g. Confederations, etc.); who – have full voting rights in the Confederations Forum but not in Executive Committee, and have limited privileges as stipulated in the Region's regulations.

**1.3.16.4** an Honorary Member as contemplated in Article 8.

**1.3.17** “**Member State**” means a Government which is a Member State of the AUSC Region 5 represented at Council level by the Minister responsible for sport and at Executive level by the Executive Committee member as defined in Article 16.3;

**1.3.18** “**Minister**” means the highest authority responsible for sport in a Member State;

**1.3.19** “**Region 5**” means the original grouping of Member States in Central and Southern Africa as contemplated in the definition of “Region 5 States” hereunder which are Members of the AUSC and the AU;

**1.3.20** “**Region 5 States**” means the following States as contemplated in Article 24 of the Statutes of the AUSC:

- 1.3.20.1** Angola;
- 1.3.20.2** Botswana;
- 1.3.20.3** Lesotho;
- 1.3.20.4** Malawi;
- 1.3.20.5** Mozambique;
- 1.3.20.6** Namibia;

- 1.3.20.7 South Africa;
- 1.3.20.8 Swaziland;
- 1.3.20.9 Zambia; and
- 1.3.20.10 Zimbabwe.

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

1.3.22 “**Secretariat**” means the Secretariat of the AUSC Region 5 established in terms of Article 21 of the Constitution and as contemplated in Article 25 of the Statutes of the AUSC;

1.3.23 “**Secretary-General**” means the AUSC Region 5 Chief Executive Officer appointed in terms of Article 16.3.3 performing the duties as contemplated in Article 20;

1.3.24 “**senior position**” means a person holding the position equivalent to that of a National Director level or above as contemplated in Articles 16.2. and 24.1.4;

1.3.25 “**senior staff**” means a full time employed staff member holding a position of the highest authority as contemplated in Articles 21.2.5, 23.1 and 24; and

1.3.26 “**Sports Council**” or “**Commission**” means any national body set up or recognized as such by any Region 5 Member State.

## CHAPTER 1: FOUNDING PROVISIONS

### ARTICLE 2: ESTABLISHMENT OF ORGANISATION

2.1 An organisation comprising Member States in Southern Africa is hereby established in terms of this Constitution.

### ARTICLE 3: NAME OF ORGANISATION

**3.1** By name the organisation established in terms of Article 2 is called the African Union Sports Council Region 5 (“**AUSC Region 5**”).

### ARTICLE 4: LEGAL STATUS

**4.1** The legal status of the AUSC Region 5 is and shall continue to be one of a distinct and separate legal entity from its members.

**4.2** The AUSC Region 5 has the power to acquire, hold, pledge and alienate property of every description.

**4.3** Moreover the AUSC Region 5 has the capacity to, amongst others, acquire rights and obligations.

**4.4** The AUSC Region 5 is a body corporate with perpetual succession and a common seal and is capable to sue or be sued in its own name.

### ARTICLE 5: NON PROFIT ASSOCIATION STATUS

**5.1** The AUSC Region 5 is a non-profit organisation and has not been formed nor does it exist for the purpose of carrying out any business intended for the acquisition of gain by the AUSC Region 5 or its members.

**5.2** The income and assets of the AUSC Region 5 must be applied solely for the promotion of the aims and objectives for which the AUSC Region 5 is established.

**5.3** The AUSC Region 5 shall not be entitled to carry on any trading, or other profit making activities, or participate in any business, profession, or occupation carried on by any of its members, or provide to any of its members financial assistance, or any premises, or continuous services, or facilities for the purpose of carrying on any business, profession or occupation.

### ARTICLE 6: LOCATION OF AUSC REGION 5

**6.1** The headquarters of the AUSC Region 5 is located at such place as may be decided by the Council of Ministers in writing by way of majority vote.

## ARTICLE 7: COMPOSITION OF AUSC REGION 5

- 7.1** All Governments of the Region 5 States are eligible for membership of the AUSC Region 5.
- 7.2** Membership to Region 5 shall at all the times be **subject to the membership rules and regulations of the AUSC Region 5** as determined from time to time.

## ARTICLE 8: HONORARY MEMBERSHIP

- 8.1** The Council may, upon the written recommendation of the Executive Committee bestow Honorary membership on any individual or organisation in recognition of services rendered to the AUSC Region 5.
- 8.2** Honorary members shall not be liable to pay membership fee to the AUSC Region 5.
- 8.3** Honorary members may on invitation attend the meetings of the Council and the Executive Committee with no voting rights.

## ARTICLE 9: EMBLEM AND FLAG

- 9.1** The emblem and flag of the AUSC Region 5 is that of the AU bearing a torch and flame with the inscription of the words “**AUSC Region 5**” underneath.

## ARTICLE 10: AIMS, OBJECTIVES AND FUNCTIONS OF AUSC REGION 5

- 10.1** The aims and objectives of AUSC Region 5 encompass the following in essence, amongst others:
- 10.1.1** To support the organisation, promotion and development of sport in Member States and Africa at large;
  - 10.1.2** To keep itself informed on sports policies of Member States and to disseminate such policies;

- 10.1.3** To encourage, coordinate and promote development of all forms of sport as a fundamental human right in Region 5;
- 10.1.4** To encourage and assist in the formation of Regional Sports Confederations in all sports discipline
- 10.1.5** To solicit and raise funds from such sources by such means as the Council may approve to enable Region 5 to achieve its aims and objects
- 10.1.6** To encourage and promote the teaching of physical education and sport in all schools, colleges and universities in Member States;
- 10.1.7** To promote and foster the ideals of the Olympic, Paralympic, Special Olympics and Commonwealth Movements among Member States, but not limited thereto;
- 10.1.8** To establish structures and give Honours and Awards to Member States, teams and individuals in recognition of meritorious service to sport or for outstanding achievement in sport;
- 10.1.9** To prevent any undesirable practices in sport and any form of racial, political, religious or any other form of discrimination against any Member State, team or group of individuals or individual;
- 10.1.10** To assist financially or otherwise, any individual from any Member State in obtaining such specialized training within or outside Region 5 so as to qualify him or her to become a sports instructor, coach, technical official or administrator, amongst others, in any form of sport which is of benefit to sports development in Region 5;

- 10.1.11** To assist financially or otherwise, any team or individuals representing any Member State in any international sports competition organized in liaison with Region 5;
- 10.1.12** To encourage development and proper maintenance of internationally acceptable sports facilities and provision of adequate funding and equipment among other resources, by Member States for all types of sport;
- 10.1.13** To establish and maintain up to date records of sports facilities to enable Region 5 to plan and conduct Regional Sports Development Programmes and competitions;
- 10.1.14** To establish and maintain good working relations with institutions specialized in sports research, physical education, sports medicine, sports journalism and other areas of sports development, among others and to encourage the creation of similar bodies in Region 5;
- 10.1.15** To liaise and cooperate closely with sports authorities in Member States, Continental Sports Confederations, the AUSC, AU, International Sports Federations, the IOC, IPC and other sports bodies, amongst others, so as to facilitate *inter alia* the attainment of high standards of training of officials and related personnel;
- 10.1.16** To organize Regional Games and other Sports Programmes on a regular basis;
- 10.1.17** To employ, direct and control such full time personnel as the AUSC Region 5 may deem necessary;

**10.1.18** To make rules, regulations and by-laws that govern the organisation and administration of Region 5 and its programmes and activities;

**10.1.19** To do all such things which are conducive, necessary or incidental to the attainment of all or any of its aims and objects; and

**10.1.20** To enhance community building and regional cooperation through sport and recreation.

**10.2** The above-mentioned aims and objectives of the AUSC Region 5 must be read with Article 5 of the Statutes of the AUSC which relates to the functions of the AUSC.

**10.3** Member States have a mandatory obligation of ensuring the AUSC Region 5 attains the above mentioned aims and objectives by:

**10.3.1** Abiding by the AUSC Region 5 Constitution, Regulations, By-Laws, Policies and other Regional governance instruments.

**10.3.2** Hosting AUSC Region 5 meetings, events and functions on a rotational basis under conditions as outlined in the hosting policy, regulations and guidelines of the Region.

**10.3.3** Paying subscription fees and other levies approved by Council

**10.3.4** Implementing AUSC Region 5 Programmes

**10.3.5** Promoting the interests of the AUSC Region 5

## **CHAPTER 2: ORGANISATIONAL STRUCTURE OF AUSC REGION 5:**

### **ARTICLE 11: ORGANS OF AUSC REGION 5**

**11.1** The AUSC Region 5 transacts business through the following organs:

**11.1.1** The Council;

**11.1.2** The Management Board ("**Troika**") of the Council;

**11.1.3** The Executive Committee;



- 11.1.4 The Secretariat; and
- 11.1.5 The Technical Commissions.

## THE COUNCIL OF MINISTERS:

### ARTICLE 12: COUNCIL OF MINISTERS

**12.1** The Council referred to in Article 11.1.1 is the policy making body of the AUSC Region 5.

**12.2** The Council comprises all Ministers responsible for sport in Member States: Provided that such a Minister –

**12.2.1** must as far as reasonably possible attend the meetings of the Council;

**12.2.2** must attend a meeting of the Council in person where he or she is to be appointed as the Chairperson of the Council on a rotational basis as contemplated in Article 31.6; and

**12.2.3** may delegate his or her power to attend a meeting of the Council in writing to his or her Deputy Minister: Provided that if the Deputy Minister is not available or where the Minister does not have a Deputy Minister, the Minister may delegate a person holding a cabinet position to attend the meeting of the Council on his or her behalf.

**12.3** The duties of the Council shall be as follows:

**12.3.1** To make policies and regulations on the administration, organisation and promotion of sport in Region 5 as recommended by the Executive Committee;

**12.3.2** To appoint its Chairperson in accordance with the agreed rotation order as contemplated in Article 31.6;

- 12.3.3** To appoint a Vice-Chairperson who must be the Minister next in line to be the Chairperson of the Council.
- 12.3.4** To ratify the election of the -
- 12.3.4.1** Chairperson of the Executive Committee;
  - 12.3.4.2** Vice-Chairperson of the Executive Committee;
  - 12.3.4.3** Secretary-General; and
  - 12.3.4.4** Chairpersons of the Technical Commissions of the AUSC Region 5 as contemplated in Article 25.2.1.
- 12.3.5** To appoint Honorary Members upon recommendation to it by the Executive Committee in writing;
- 12.3.6** To ratify the draft annual budgets submitted to it by the Executive Committee;
- 12.3.7** To ratify the annual audited accounts submitted to it by the Executive Committee;
- 12.3.8** To discipline members of the Executive Committee and officials of Confederations for any breach of this Constitution, its rules, regulations, and by-laws or for misconduct likely to bring Region 5 into disrepute: Provided that any decision taken by the Council in this regard is final and binding;
- 12.3.9** To take necessary disciplinary measures against Member States and Confederations for any breach of this Constitution, and the rules and regulations and or failure thereunder, to comply with any such matter as might be determined by the -

**12.3.9.1** Council;

**12.3.9.2** Management Board of the Council of Ministers  
(“Troika”);

**12.3.9.3** Executive Committee;

**12.3.9.4** Secretariat; or

**12.3.9.5** Technical Commissions.

**12.3.10** To confer Honours and Awards on any Member States, team or individuals for meritorious service rendered to AUSC Region 5 and for exceptional achievements in national, regional or international competitions;

**12.3.11** To hear and consider appeals against decisions of the Executive Committee;

**12.3.12** To approve recommendations submitted to it by the Executive Committee in writing;

**12.3.13** To do any act considered necessary for the furtherance and execution of the aims, objectives and functions of the AUSC Region 5;

**12.3.14** To ratify the purchase or otherwise acquire for the AUSC Region 5 moveable and immovable property, including intellectual property rights, and privileges at such price and generally on such terms and conditions as it deems fit and to dispose of any of the assets of the AUSC Region 5 by sale, exchange or otherwise, and to give assignment, cession or transfer of such

property, rights and privileges in accordance with the terms of resolutions of Council meetings;

**12.3.15** To ratify the payment for any property, rights and privileges acquired as it is found convenient, and to pay costs, charges and expenses in connection with the AUSC Region 5 affairs, establishments and institutions;

**12.3.16** To ratify the entering into any contracts, including contracts of insurance and assurance and contracts for the services of arbitrators, advocates, attorneys, auditors, advisers, agents and others but excluding loans, whether as borrower or lender, contracts of suretyship, save in accordance with the terms of resolutions of meetings of the Council;

**12.3.17** To ratify the institution, conducting, defending, compounding or abandoning any legal proceedings by or against the AUSC Region 5 or its officers or otherwise, concerning the affairs of the AUSC Region 5; also to compound and allow for payment or satisfaction of any debts due, and of any claims or demands by or against the AUSC Region 5; and

**12.3.18** To ratify the adoption of a logo, emblem or other marks of the AUSC Region 5.

## **ARTICLE 13: DUTIES OF CHAIRPERSON OF COUNCIL**

**13.1** The duties of the Chairperson of the Council encompass the following, amongst others:

13.1.1 To preside at all meetings of the Council and the Management Board of the Council of Ministers (**Troika**) as referred to in Article 15;

13.1.2 To be the chief representative and spokesperson of Region 5; and

13.1.3 To decide on the dates and venues of meetings of the Council and the Management Board of the Council of Ministers.

#### ARTICLE 14: TENURE OF OFFICE OF COUNCIL MEMBER

**14.1** Membership of the Council is on the basis of the bearer being the Minister responsible for Sport in the AUSC Region 5 Member State.

**14.2** The Chairperson of the Council holds office for a period of 2 years.

**14.3** An in-coming Council Chairperson must serve on the Management Board for two years prior to assuming Chairpersonship of the Council.

**14.4** An out-going Council Chairperson must serve on the Management Board for two years after leaving Council Chairpersonship.

#### ARTICLE 15: MANAGEMENT BOARD OF COUNCIL

**15.1** The Management Board of the Council of Ministers (**Troika**) takes decisions in-between the meetings of the Council: Provided that such decisions may be taken by the Troika by the circulation of correspondence which has been signed by its members as contemplated in Article 15.2 and are deemed to have been taken at full sitting of the said Management Board of the Council.

**15.2** The Management Board of the Council of Ministers (**Troika**) comprise:

**15.2.1** A Chairperson;

**15.2.2** A Vice-Chairperson; and

**15.2.3** The former Chairperson who has been immediate past Chairperson.

## THE EXECUTIVE COMMITTEE:

### ARTICLE 16: EXECUTIVE COMMITTEE OF AUSC REGION 5

**16.1** The Executive Committee is the implementing organ of the AUSC Region 5.

**16.2** A Member of the Executive Committee must be –

**16.2.1** a person involved with sport in his or her respective country holding a senior position;

**16.2.2** the Chairperson and the Chief Executive Officer of a Sports Council or Commission as defined in Article 1 or his or her equivalent, but only one is entitled to vote at the meetings of the Executive Committee, if both are appointed

: Provided that when appointing the members of the Executive Committee as above, at least one member must be a female and the following factors must, as far as it is practicable, be taken into account:

**16.2.2.1** the gender composition of the Executive Committee;

**16.2.2.2** the representation of a sufficient number of female persons as members of the Executive Committee;

**16.2.2.3** generally applied equal appointment opportunity practices; and

**16.2.2.4** the composition of the Executive Committee, when viewed collectively, must represent an adequate broad cross-section of both genders.

**16.3** Subject to the *proviso* contained in Article 16.2.2.1 up to 16.2.2.4 (above), the Executive Committee comprises and its meetings must be attended by:

- 16.3.1** The Chairperson;
- 16.3.2** The Vice-Chairperson;
- 16.3.3** The Secretary-General/Chief Executive Officer;
- 16.3.4** The Director of Sport or his or her equivalent or duly delegated Deputy from the Ministry responsible for sport in each Member State;
- 16.3.5** The Chairperson and the Chief Executive Officer of a Sports Council or Commission or his or her equivalent: Provided that only one is entitled to vote at the meetings of the Executive Committee, if both are appointed;
- 16.3.6** The Chairpersons of the Technical Commissions; and

#### **ARTICLE 17: DUTIES AND FUNCTIONS OF EXECUTIVE COMMITTEE**

The duties of the Executive Committee encapsulate the following, amongst others:

- 17.1** To manage the affairs of the AUSC Region 5;
- 17.2** To grant provisional membership to new Regional Confederations pending ratification by the Council;
- 17.3** To implement AUSC Region 5 policies and regulations as approved by the Council in writing;
- 17.4** To implement resolutions of the Council;
- 17.5** To approve annual budgets for AUSC Region 5 for ratification by the Council;
- 17.6** To approve annual audited accounts for ratification by the Council;

- 17.7** To deal with disciplinary cases against its officials or Technical Commissions, ***ad hoc*** Committees and Confederations **in terms of the Code of Conduct** as contemplated in Articles 50 and 51;
- 17.8** To recommend to the Council measures to be taken against Member States who fail to meet their obligations;
- 17.9** To ensure that the AUSC Region 5 Constitution, its Code of Conduct, rules and regulations and by-laws are fully complied with at all times;
- 17.10** To present detailed activities' reports at all ordinary meetings of the Council;
- 17.11** To appoint –
- 17.11.1** members of the Technical Commissions other than chairpersons who are elected in terms of Article 25.2.1; and
- 17.11.2** ***ad hoc*** Committees;
- 17.12** To consider reports submitted through the Secretariat by Technical Commissions and ***ad hoc*** Committees;
- 17.13** To liaise closely with all relevant International, Continental, Regional and National Sports Organisations in order to keep abreast with developments in the world of sport;
- 17.14** To do anything considered necessary and appropriate for the furtherance and execution of the aims, objectives and functions of the Region 5;
- 17.15** To appoint auditors, subject to approval of Council in writing; and
- 17.16** To approve appointment of a Chief Executive Officer of the AUSC Region 5.



## ARTICLE 18: DUTIES OF CHAIRPERSON

The duties of the Executive Committee Chairperson encompass the following, amongst others:

- 18.1** To preside at all meetings of the Executive Committee;
- 18.2** To be the Chief spokesman of the Executive Committee;
- 18.3** To decide on the dates and venues for meetings of the Executive Committee;
- 18.4** To represent the AUSC Region 5 in conjunction with the Secretary- General and the AUSC Region 5 lawyers, in all Legal proceedings brought against or taken on behalf of the Region 5;
- 18.5** To sign all official documents binding AUSC Region 5, in conjunction with the Secretary-General and a person holding a senior position in the AUSC Region 5; and
- 18.6** To present annual reports to the Executive Committee and to the Council.

## ARTICLE 19: DUTIES OF VICE-CHAIRPERSON

**19.1** The following are the duties of the Vice-Chairperson of the Executive Committee;

- 19.1.1** To deputize for the Chairperson of the Executive Committee; and.
- 19.1.2** To assume the powers and duties of the Chairperson in the absence of the Chairperson.

## ARTICLE 20: DUTIES OF SECRETARY- GENERAL/CHIEF EXECUTVE OFFICER

The Secretary-General/Chief Executive Officer shall be an appointed position and shall have the following duties, amongst others:

- 20.1** To manage the operations, undertakings and properties of Region 5 and give effect to the decisions of the Secretariat, Executive Committee and Council of Ministers;
- 20.2** To maintain an up to date register of Member States and Confederations;
- 20.3** To prepare and issue notices and agendas of all meetings of the Council and the Executive Committee;
- 20.4** To ensure that minutes of all meetings of the Council and Executive Committee and other organs are taken and filed;
- 20.5** To maintain all AUSC Region 5 accounts and assets;
- 20.6** To be a signatory of all AUSC Region 5 Bank accounts;
- 20.7** To keep up to date records of the activities of the AUSC Region 5;
- 20.8** To maintain registers of sports facilities and specialist technical sports personnel and amenities in Member States;
- 20.9** To table activity reports or cause such reports to be tabled to the Executive Committee:
- 20.10** To be responsible for the AUSC Region 5 correspondence;
- 20.11** To prepare and table the draft annual budgets to the Executive Committee;
- 20.12** To ensure the preparations of the audited accounts of income and expenditure to the Executive Committee;
- 20.13** To prepare and table or cause submission of activity and annual reports to the Executive Committee;

- 20.14** To ensure that Member States and Confederations pay their membership subscription and other fees at the prescribed time;
- 20.15** To supervise operations of Technical Commissions, Sub-Committees and *ad hoc* Committees;
- 20.16** To carry out any other duties assigned to the Secretary-General by the Council and the Executive Committee; and
- 20.17** To be custodian of all records of the AUSC Region 5.

## ARTICLE 21: SECRETARIAT

- 21.1** The Secretariat must make decisions and manage the day to day affairs of the AUSC Region 5 in the best interest of the organisation in between Executive Committee meetings subject to restrictions specified in the Governance Charter;
- 21.2** The Secretariat comprises:
- 21.2.1** the Chairperson of the Executive Committee;
  - 21.2.2** the Vice Chairperson;
  - 21.2.3** the Secretary-General/Chief Executive Officer;
  - 21.2.4** the Chairpersons of the Technical Commissions; and

## ARTICLE 22: DUTIES OF SECRETARIAT

- 22.1** The following are the duties of the Secretariat;
- 22.1.1** To manage the affairs of the AUSC Region 5 and to appoint such Committees to assist it with the execution of its duties as may be appropriate from time to time;

- 22.1.2** To implement decisions on behalf of the Executive Committee;
- 22.1.3** To consider budgets, audited accounts, projects and activity programmes from Confederations prior to presentations to the Executive Committee;
- 22.1.4** To carry out any other duties that further the interests of sport in Region 5;
- 22.1.5** To approve administrative policies; and
- 22.1.6** To appoint the Chief Executive Officer.

#### **ARTICLE 23: TENURE OF OFFICE OF SECRETARIAT**

- 23.1** The Secretariat, excluding senior staff members as specified in Article 21.2.5, hold office for a period of four years and may be re-elected at the expiry of that period for a further term.
- 23.2** No member of the Secretariat is eligible to hold office for a period exceeding three consecutive terms.
- 23.3** An elected member of the Secretariat whose term of office has expired may be eligible to stand as a member of the Secretariat: Provided that the concerned member –
  - 23.3.1** may contest for a different position in the Secretariat;
  - 23.3.2** is still fit and proper to hold office as a member of the Secretariat; and
  - 23.3.3** would not have served 3 (three) terms as a member of the Secretariat.

**23.4** A vacant position created as a result of resignation, incapacitation or death of an elected member of the Secretariat midway through the member's term of office must be filled by way of an election within reasonable time:

**23.4.1** Provided that such an election must be held at the next meeting of the Executive Committee as provided for in the electoral procedural guidelines:

**23.4.2** Provided further that the Secretariat shall appoint someone from among the members of the Secretariat to act in the position that would have fallen vacant until the position is duly filled

**23.5** A term served by an elected member of the Secretariat following an election as in 23.4 above shall not count as a full term.

## **ARTICLE 24: ELECTION OF SECRETARIAT**

**24.1** The Secretariat, excluding senior staff members as specified in Article 21.2.5, is elected in the following manner:

**24.1.1** Each fully subscribed Member State in good standing has the right to nominate a person for any position referred to in Article 21.2, subject to such a nominated person being fit and proper to hold office;

**24.1.2** The Secretary-General must announce the nominations to each Member State six months before the date of elections.

**24.1.3** Nominees may only come from Member States who are in good standing with the AUSC Region 5: Provided that should a Member State fail at any time during the election process to ensure that they are in good standing with the AUSC Region 5, such nomination is automatically regarded as invalid.

**24.1.4** Nominees must be-

**24.1.4.1** a person involved with sport in their country holding a senior position; including but not limited to:

**24.1.4.1.1** a Director of Sport; or

**24.1.4.1.2** a Chairperson of a Sports Council or Commission or his or her equivalent;

**24.1.4.1.3** a Chief Executive Officer of a Sports Council or Commission or his or her equivalent;

**24.2** The nominations must remain open until seven days before the meeting that deals with these elections;

**24.3** A nomination is valid if supported in writing by the Minister responsible for Sport in the country of origin of the nominee;

**24.4** Nominations are not valid if at the time of going to the elections there is written objection signed by the Minister responsible for sport from the country where the nominee originates from;

**24.5** Absence from the meeting where elections must be dealt with does not invalidate a candidate's nomination;

**24.6** On the day of voting, a nomination is regarded as valid if it has a mover and a seconder who come from different Member States: Provided that the mover and seconder do not come from the candidate's Member State;

**24.7** Voting must be by secret ballot and a person is deemed elected by a simple majority of votes;

- 24.8** Each fully subscribed Member State in good standing has one vote;
- 24.9** The nominated person must leave the room during the voting process;
- 24.10** The vote may only be cast by a person representing a Member State in good standing with the AUSC Region 5;
- 24.11** In the event of equality of votes there must be a re-election or re-voting; and
- 24.12** The presiding officer at the elections must be appointed by the meeting.

## **ARTICLE 25: TECHNICAL COMMISSIONS**

**25.1** The Executive Committee may form Technical Commissions and *ad hoc* Committees to assist it in its work and must determine the terms of reference for these Commissions and Committees.

**25.2** Each Technical Commission shall comprise:

**25.2.1** The Chairperson who is a member of the Executive Committee and must be elected by the Executive Committee;

**25.2.2** The Vice-Chairperson who is elected by the Technical Commission;

**25.2.3** A maximum of 4 other persons who –

**25.2.3.1** must be nationals or citizens of the Member States of AUSC Region 5; and

**25.2.3.2** must be proposed by the Member States in writing: Provided that those members nominated from outside the Executive Committee may not be appointed as Chairpersons of Technical Commissions;

**25.2.4** The Secretary-General/Chief Executive Officer is an ***ex officio*** member of all Technical Commissions and ***ad hoc*** Committees; and

**25.2.5** The Vice-Chairperson and four other persons who must all be nationals and/or citizens of Member States of the AUSC Region 5, must be appointed for a term of 4 years and are eligible for re-appointment: .Provided that the Vice-Chairperson and other members –

**25.2.5.1** must be found to still be fit and proper to hold office as members of the Technical Commission; and

**25.2.5.2** may not serve more than 3 consecutive terms as members of the Technical Commission.

## **ARTICLE 26: DUTIES OF TECHNICAL COMMISSIONS**

**26.1** Technical Commissions must carry out the duties assigned to them by the Executive Committee.

## **ARTICLE 27: DUTIES OF CHAIRPERSONS OF TECHNICAL COMMISSIONS**

**27.1** The duties of the Chairpersons of Technical Commissions are as follows:

**27.1.1** To convene and chair meetings of Technical Commissions;

**27.1.2** To assist the Secretary-General/Chief Executive Officer in the implementation of decisions taken in his or her area of responsibility in terms of this Constitution;

**27.1.3** To ensure the implementation of the decisions of the Executive Committee and the Secretariat in its respective areas of responsibility in terms of this Constitution;

**27.1.4** To ensure that the Technical Commissions are functional and fully operative;



- 27.1.5 To report on all matters under the auspices of the Technical Commissions to the Secretariat; and
- 27.1.6 To provide feedback to the Technical Commissions on any deliberations of the Secretariat and Executive Committee.

## THE REGIONAL CONFEDERATIONS

### ARTICLE 28: REGIONAL CONFEDERATIONS OF AUSC REGION 5

- 28.1 The Executive Committee must encourage and assist in the formation of Regional Confederations in all sports disciplines practiced in Region 5.
- 28.2 A minimum number of four (4) Member States satisfies the requirement to form a Regional Confederation: Provided that where a particular sports discipline is played in three Countries only, an application to form a Confederation by those three Countries may be considered in terms of determined criteria by the Executive Committee.
- 28.3 Regional Confederations in sports disciplines not practiced in all Member States must work closely with the Executive Committee to introduce such sports disciplines in other Member States.

### ARTICLE 29: AFFILIATION TO AUSC REGION 5

- 29.1 In order to be recognized, all Regional Confederations must affiliate to the AUSC Region 5.
- 29.2 Applications for affiliation to the AUSC Region 5 accompanied by applicant's Constitution and prescribed fees must be submitted to the AUSC Region 5, subject to the applicant's application **conforming to the recognition criteria captured in affiliation regulations** of the AUSC Region 5 to this effect.
- 29.3 The Executive Committee must consider the applications for affiliation to ensure that the Constitutions of the applicants are not in conflict with that of the AUSC Region 5 and, if satisfied, must grant its provisional acceptance pending ratification of such applications by the Council.

**29.4** The Secretary-General/Chief Executive Officer must inform the applicants of the Executive Committee's decision: Provided that where an application has been rejected, reasons for its rejection must be given to the applicant in writing.

## **ARTICLE 30: DUTIES OF REGIONAL CONFEDERATIONS**

**30.1**The following are the duties of the Regional Confederations:

- 30.1.1** To promote the development of their particular sports disciplines within Region 5;
- 30.1.2** To give technical advice to the AUSC Region 5 on rules, regulations, technical matters and other developments in their particular sports disciplines, including sport for development, amongst others;
- 30.1.3** To assist the Executive Committee in making rules, regulations and by-laws for and in relation to the organisation of Regional Games; and
- 30.1.4** To perform any other duties assigned to them in writing by the Council and the Executive Committee from time to time

## **CHAPTER 3: MEETINGS OF RESPECTIVE ORGANS OF AUSC REGION 5**

### **ARTICLE 31: MEETINGS OF COUNCIL OF MINISTERS**

**31.1** The ordinary meeting of the Council must be held every 2 years.

**31.2** The said meeting must be held between the 8<sup>th</sup> and the 12<sup>th</sup> month of the second year of the term of office.

**31.3** Extra Ordinary meetings of the Council must be convened –

**31.3.1** at the instance of the Chairperson or the Secretariat; or

- 31.3.2** upon the written request of at least 50% of fully subscribed Members States in good standing.
- 31.4** The Chairperson of the Council presides at all Council meetings.
- 31.5** In the absence of the Chairperson, the Vice-Chairperson and immediate past Chairperson (Members of the Troika), the meeting must appoint one of the Ministers present to preside over the meeting.
- 31.6** The Chairpersonship of the Council must rotate with the hosting timetable of the ordinary meetings, unless decided otherwise by the majority of Ministers eligible to vote.
- 31.7** The Council may invite any person or organisation with specialized knowledge to attend any of its meetings: Provided that such a person does not have voting rights.
- 31.8** The Council may invite Ministers of Sport, from non-AUSC Region 5 Member States within the AU to its meetings: Provided that such Ministers do not have any powers to vote.
- 31.9** Notice of Ordinary Meetings of the Council, must be given to Member States by the Secretary-General in writing at least ninety (90) days prior to the meeting.
- 31.10** Notice of Extra-ordinary Meetings of the Council must be given to members in writing at least fourteen (14) days prior to the meeting.
- 31.11** Subject to Article 31.12, the quorum of the meeting of the Council is fifty (50) percent of fully subscribed Members in good standing.

- 31.12** Should the Members present fail to constitute a quorum, the meeting must be postponed for twenty four (24) hours, after which the Members present at the meeting constitute a quorum: Provided that those Members present may not be less than one third (1/ 3) of the total Members.
- 31.13** Only Member States in good standing with the AUSC Region 5 are entitled to vote at meetings of the Council.
- 31.14** The Chairperson or any other person presiding at any meeting of the Council has a casting vote in addition to his or her deliberative vote.
- 31.15** The Council must decide whether voting on any other matter is done by show of hands, by calling the roll or by secret ballot.
- 31.16** A simple majority vote is sufficient to decide on any matter before a meeting of the Council.
- 31.17** Voting by proxy or by correspondence is not allowed.
- 31.18** Decisions of the Council come into effect on a date determined by it and are final and binding on all parties concerned.

## **ARTICLE 32: MEETINGS OF EXECUTIVE COMMITTEE**

- 32.1** The Ordinary Meetings of the Executive Committee must be held twice a year.
- 32.2** Extra Ordinary Meetings of the Executive Committee must be convened –
- 32.2.1** at the instance of the Chairperson or the Secretariat; or
  - 32.2.2** at the request of at least 50% of fully subscribed Member States in good standing.

- 32.3** The Executive Committee Chairperson presides at all meetings of the Executive Committee.
- 32.4** In the absence of the Executive Committee Chairperson, the Vice-Chairperson presides at these meetings.
- 32.5** In the absence of the Executive Committee Chairperson and the Vice-Chairperson, the Executive Committee must appoint one of the Members of the Secretariat to preside over the meeting.
- 32.6** Notices of Ordinary meetings of the Executive Committee must be given to Committee members in writing at least (60) days prior to the meeting.
- 32.7** Notices of Extra-ordinary Meetings of the Executive Committee must be given to Committee members in writing at least fourteen (14) days before the meeting.
- 32.8** The Executive Committee may invite any person with specialized knowledge to any of its meetings: Provided that such a person does not have any voting right.
- 32.9** The quorum of meetings of the Executive Committee is two thirds (2/3) of the Members in good standing.
- 32.10** Should the Members represented fail to constitute a quorum, the meeting must be postponed for twenty four hours, after which all members present at the meeting constitute a quorum: Provided that such Members are not less than one third (1/3) of the total membership in good standing.
- 32.11** Each member of the Executive Committee has one vote: Provided that he or she is from a Member State in good standing: Provided further that only the following Members may vote:

**32.11.1** The Director of Sport or his equivalent or duly delegated Deputy from the Ministry responsible for sport in each Member State; and

**32.11.2** The Chairperson and/or Chief Executive Officer of a Sports Council or Commission or his or her equivalent, but only one is entitled to vote.

**32.12** The Executive Committee Chairperson or any other person presiding at any meeting of the Executive Committee has a casting vote in addition to his or her deliberative vote.

**32.13** Voting on disciplinary matters, Honours and Awards must be by secret ballot.

**32.14** The Executive Committee must decide whether voting on any other matter is done by show of hands, by calling the roll or by secret ballot.

**32.15** A simple majority vote is sufficient to decide on any matter before the Executive Committee.

**32.16** Voting by proxy or by correspondence is not allowed.

### **ARTICLE 33: MEETINGS OF TECHNICAL COMMISSIONS**

**33.1** The Chairpersons of Technical Commissions or **ad hoc** Committees preside at all its meetings of Technical Commissions or **ad hoc** Committees as the case might be.

**33.2** In the absence of the Technical Commission or **ad hoc** Committee Chairperson, the Vice- Chairperson presides.

**33.3** No meeting of a Technical Commission or **ad hoc** Committee may be held in the absence of both the Technical Commissions or **ad hoc** Committee Chairperson and Vice -Chairperson.

**33.4** Each sub-committee and *ad hoc* committee must determine the frequency, agenda and quorum of its meetings: Provided that a quorum may only comprise Members from Members States in good standing.

#### **ARTICLE 34: MEETINGS OF CONFEDERATIONS**

**34.1** All Confederations affiliated to the AUSC Region 5 must attend a Confederations Forum meeting once every four years.

**34.2** The Secretary-General/Chief Executive Officer presides over the Confederations Forum meetings.

**34.3** In the absence of the Secretary-General, the Chairperson of the Sports Development Technical Commission presides over the meeting and in the absence of the two, a person appointed by the Secretariat from amongst its Members presides over the meeting.

**34.4** Notices of the Confederations Forum meetings must be given to all Members in writing at least sixty (60) days prior to the meeting.

#### **ARTICLE 35: REGIONAL CONSULTATIVE FORUM**

**35.1** The Regional Consultative Forum's purpose is to bring key stakeholders of sport in Region 5 together to assist the Executive Committee to develop sports programmes which reflect the aspirations of the people of Region 5.

**35.2** The Regional Consultative Forum must meet once every four years.

**35.3** The meeting of the Regional Consultative Forum must be chaired by the Chairperson of the Executive Committee.

**35.4** In the absence of the Chairperson, the Vice-Chairperson must chair the meeting and in his or her absence, the Secretariat must chair the meeting.

**35.5** Notices of all meetings of the Regional Consultative Forum must be given to all Members in writing at least ninety days (90) prior to the meeting.

## **CHAPTER 4: FINANCES OF AUSC REGION 5:**

### **ARTICLE 36: FINANCIAL YEAR OF AUSC REGION 5**

**36.1** The financial year of the AUSC Region 5 runs from 1<sup>st</sup> January to 31<sup>st</sup> December every year.

### **ARTICLE 37: FINANCIAL RESOURCES OF AUSC REGION 5**

**37.1** The finances of the AUSC Region 5 derive from the following, amongst others:

**37.1.1** Membership fees;

**37.1.2** Annual Subscription fees;

**37.1.3** Grants and donations;

**37.1.4** Gate-takings and levies;

**37.1.5** Fines;

**37.1.6** Properties;

**37.1.7** Loans and overdraft and;

**37.1.8** Investments and revenue.

**37.2** Provided that the AUSC Region 5 shall be indemnified against and be held harmless from any actions or liabilities stemming from –

**37.2.1** any irregular or unauthorized payments made to it in relation to any of the finance sources referred to above; and



**37.2.2** any payment that the AUSC Region 5 has subsequently made to any other party or person with any of the payments received by the AUSC Region 5 in relation to any of the finance sources referred to above, should it later become evident that such payments received by the AUSC Region 5 had been irregular or unauthorized in any way whatsoever.

#### **ARTICLE 38: MEMBERSHIP FEES**

**38.1** Each Member State must, upon application for membership or affiliation to the AUSC Region 5, pay the appropriate fees as determined by the Council from time to time in writing.

**38.2** Membership or affiliation fees must be paid in convertible currencies.

#### **ARTICLE 39: ANNUAL SUBSCRIPTION FEES**

**39.1** Each Member State must pay an annual subscription fee to the AUSC Region 5 as determined by the Council from time to time.

**39.2** Annual subscription fees shall be due on 1<sup>st</sup> January each year and must be paid not later than 30<sup>th</sup> June of the same year.

**39.3** Annual subscription fees must be paid in convertible currencies.

**39.4** Member States in arrears of any annual subscriptions shall –

**39.4.1** forfeit their right to vote at all meetings of AUSC Region 5; and

**39.4.2** be barred from participating in other AUSC Region 5 sports activities until such time as the arrears, including the current annual subscription fees and any interest accrued as a result thereof (at rates to be decided by the Council) are paid in full.

## ARTICLE 40: GRANTS AND DONATIONS

**40.1** The AUSC Region 5 may receive grants and donations from any individual, Country, national and international organisation interested in the furtherance and execution of the aims, objectives and functions of AUSC Region 5 as contemplated in Article 10.

## ARTICLE 41: GATE TAKINGS AND LEVIES

**41.1** Gate takings at rates to be determined by the Council in writing from time to time, may be charged at all sports competitions and other fund raising activities organized by Member States and Confederations under the auspices of AUSC Region 5.

**41.2** Gate takings and levies must be paid to the AUSC Region 5 by the Member States and Confederations within thirty (30) days after the sports competitions or other fund raising activities: Provided that such Member States and Confederations must also ensure that they submit a full statement of account to the Secretary-General of all income derived from the hosting of such sports competitions and fund raising activities.

**41.3** All gate takings and levies must be paid in convertible currencies.

## ARTICLE 42: FINES

**42.1** Fines, to be determined by the Council from time to time in writing, must be imposed on Member States and Confederations that fail to comply with any matter as determined by the Council.

**42.2** The Council may, on recommendation of the Executive Committee, impose fines on Member States and Confederations whose members and or officials are found guilty of breaching the provisions of this Constitution, the rules, regulations, by-laws of the AUSC Region 5 or conduct themselves in a manner prejudicial to the furtherance and execution of the aims, objectives and functions of AUSC Region 5 contemplated in Article 10.

**42.3** All such fines must be paid in convertible currencies.

## ARTICLE 43: PROPERTIES OF AUSC REGION 5

**43.1** The AUSC Region 5 may acquire properties to generate funds –

**43.1.1** by leasing property or otherwise in any Member State;

**43.1.2** by leasing property or otherwise with the written approval of the Council, outside the AUSC Region 5; or

**43.1.3** by leasing any of its intellectual property or otherwise with the written approval of the Council, outside the AUSC Region 5

for the furtherance and execution of its aims, objectives and functions as contemplated in Article 10.

## ARTICLE 44: BUSINESS AND INVESTMENT VENTURES

**44.1** The AUSC Region 5 may enter into business and investment ventures to raise funds for the furtherance and execution of its aims, objectives and functions as contemplated in Article 10.

## ARTICLE 45: LOANS AND OVERDRAFTS

**45.1** The AUSC Region 5 may borrow money from any source –

**45.1.1** within the AUSC Region 5; or

**45.1.2** outside the AUSC Region 5, subject to obtaining approval of the Council

to enable it to carry out specific projects in the furtherance and execution of its aims, objectives and functions as contemplated in Article 10.

## ARTICLE 46: BANK ACCOUNTS OF AUSC REGION 5

- 46.1** All funds of the AUSC Region 5 must be kept in one or several bank accounts at one or several registered Commercial Banks.
- 46.2** Cheques, withdrawal slips and letters of authorized officials, countersigned by the authorized signatories, shall be the only authority to withdraw funds from the bank accounts of AUSC Region 5 as more fully described **in the financial Regulations of the AUSC Region 5.**
- 46.3** All payments from the bank accounts of AUSC Region 5 must be made by electronic transfers, cheques or manual bank transfer and must be supported by payment vouchers.

## ARTICLE 47: ACCOUNTABILITY OF AUSC REGION 5

- 47.1** The Secretariat of the AUSC Region 5 must keep proper books of accounts and other records related to the accounts of Region 5.
- 47.2** The Secretary-General/Chief Executive Officer must submit the books of accounts of the AUSC Region 5 for the preceding year to auditors appointed by the Executive Committee in writing by no later than 3 months after the end of the financial year of the AUSC Region 5 as contemplated in Article 36.1.
- 47.3** The Secretary-General/Chief Executive Officer must ensure the presentation of proper audited financial statements for the approval to the Executive Committee not later than 6 months after the end of the financial year of the AUSC Region 5.
- 47.4** The Executive Committee must, in turn, submit the approved financial report including audited balance sheet and audited statements of income and expenditure to the Council for its ratification.

## ARTICLE 48: ACCOUNTS OF REGIONAL CONFEDERATIONS

- 48.1** The AUSC Region 5 may –

**48.1.1** at any time in writing instruct any Confederation to submit to it, within a specific time, the audited accounts of such Confederation; and

**48.1.2** take any measures considered fit by it against any Confederation which fails to comply with an instruction to submit its audited accounts as required in par. (48.1.1) above.

#### **ARTICLE 49: DEVELOPMENT FUND OF AUSC REGION 5**

**49.1** The Executive Committee must establish a special fund to be known as the AUSC Region 5 Development Fund.

**49.2** The fund must be used at the discretion of the Executive Committee:

**49.2.1** To give a scholarship to any national of a Member State, Confederation or individual official or athlete whose country is a fully subscribed Member State in good standing;

**49.2.2** To give a scholarship to any national of a Member State to obtain higher or specialized training in any area of sport; and

**49.2.3** To construct and operate special regional sports facilities for training, research or competitions and other activities deemed necessary for the attainment of its aims, objectives and functions as contemplated in Article 10.

**49.3** The fund must be administered by the Executive Committee.

## CHAPTER 5: MISCELANEOUS PROVISIONS:

### ARTICLE 50: CODE OF CONDUCT OF AUSC REGION 5

- 50.1** The AUSC Region 5 must establish a Code of Conduct to be followed by all the Member States, Confederations, Technical Commissions, *ad hoc Committees* and their officials.
- 50.2** The Code of Conduct must specify actions to be taken against Member States, Confederations, Technical Commissions, *ad hoc Committees* and their officials in breach of the Constitution.
- 50.3** The AUSC Region 5 may adopt, administer and amend the Code of Conduct from time to time when deemed necessary.

### ARTICLE 51: COMPLIANCE WITH AND ENFORCEMENT OF CODE OF CONDUCT

- 51.1** The Executive Committee must enforce the Code of Conduct and must deal with any breach of the Code of Conduct.
- 51.2** Member States, Confederations and their officials that are aggrieved by any decisions of the Executive Committee may appeal in writing to the Council within thirty (30) days of being notified of the said decisions in accordance with the procedure as contemplated in the Code of Conduct.
- 51.3** A decision which has been appealed against shall not be enforced until the outcome of the appeal has materialized.
- 51.4** The ruling of the Council on any appeal against a decision of the Executive Committee or any other matter is final and binding on all parties

### ARTICLE 52: REGIONAL GAMES

- 52.1** The AUSC Region 5 may establish and organize its Regional Games biennially.

- 52.2** Member States must host the Regional Games on rotational basis unless decided otherwise by the Council in writing.
- 52.3** Participation in the Regional Games is mandatory to all Member States. Non-Region 5 SADC Member States may be invited to attend or participate in these Games.
- 52.4** The sports disciplines to be included in each edition of Regional Games must be decided by the Executive Committee after consultation with the Confederations and the Host Member State at least eighteen (18) months in advance.
- 52.5** The Regional Games must be run according to the rules, regulations and by-laws of the International Sports Federations of the respective sports disciplines that shall participate at the Games.
- 52.6** The costs of organizing the Regional Games must be shared between AUSC Region 5 and the Host Member State in the ratio as determined by a Protocol Agreement to be entered into by the respective parties.
- 52.7** A Member State failing to honour its obligations to host the Regional Games as contemplated in Articles 52.2 and 52.5 respectively must pay a cancellation fine of an agreed amount plus expenses incurred by the Secretariat in preparing for the cancelled Games.

#### **ARTICLE 53: FULL TIME STAFF OF AUSC REGION 5**

- 53.1** The AUSC Region 5 must, with approval of the Council in writing, appoint the full time staff of the AUSC Region 5 in order to carry out its functions as contemplated in Article 10.
- 53.2** Member States may be requested to second staff to the Office of the AUSC Region 5.

**53.3** Full time staff of the AUSC Region 5 work under the supervision of the Secretary-General.

#### **ARTICLE 54: INDEPENDENCE OF MEMBER STATES AND CONFEDERATIONS**

**54.1** Except as provided for in this Constitution, the AUSC Region 5 may not interfere in the day to day administration and internal affairs of the Member States and Confederations in relation to sport.

#### **ARTICLE 55: DISSOLUTION OF CONFEDERATIONS**

**55.1** A Confederation affiliated to the AUSC Region 5 is debarred from dissolving itself without prior consultation with and approval in writing of the Secretariat of the AUSC Region 5.

**55.2** Any Confederation wishing to dissolve itself must submit its application in this regard for the written approval of the AUSC Region 5 to the Secretariat stating the reasons for the proposed dissolution, accompanied by the agenda and the minutes of the meeting at which the decision to dissolve the Confederation was taken.

**55.3** All assets, rights, liabilities and obligations of a dissolved Confederation must be transferred and taken over by AUSC Region 5 and must be disposed of in accordance with the decision of the Council in writing after all liabilities and obligations of the dissolved Confederation have been settled.

**55.4** The assets, rights, liabilities and obligations as contemplated in Article 55.3 shall vest in the AUSC Region 5 without formal transfer and without payment of any transfer duties, stamp duties, fees or taxes: Provided that–

**55.4.1** the AUSC Region 5 must apply, control, manage and govern the assets, rights, liabilities and obligations of the dissolved Confederation in relation to the same or similar aims, objectives and functions of the dissolved Confederation; and



**55.4.2** if the liabilities and obligations exceed the assets of a dissolved Confederation, the AUSC Region 5 shall be held accountable to control, manage and govern the affairs of the dissolved Confederation on behalf of it.

**55.5.** When the assets, rights, liabilities and obligations of a dissolved Confederation are transferred to the AUSC Region 5, the accounting officer of the dissolved Confederation must—

**55.5.1** draw up an inventory of such assets, rights, liabilities and obligations;  
and

**55.5.2** provide the AUSC Region 5 with such an inventory and any other substantiating records, including personnel records of staff to be transferred, if applicable.

**55.6** Both the accounting officer of the dissolved Confederation and the AUSC Region 5 must sign the inventory when the transfer as contemplated in Article 55.3 takes place.

**55.7** The Registrar of Deeds located in the Hosting Member State at the time of the transfer of the assets, rights, liabilities and obligations of a dissolved Confederation must make the necessary entries or endorsement for the transfer of any property as contemplated in Article 55.3.

## **ARTICLE 56: DISSOLUTION OF AUSC REGION 5**

**56.1** Member States wishing to dissolve AUSC Region 5 must –

**56.1.1** notify the Secretariat of the AUSC Region 5 at least three (3) months before the next meeting of the Executive Committee; and

**56.1.2** give written reasons for the proposed dissolution of the AUSC Region 5 to the Secretariat:

Provided that a proposal to dissolve the AUSA Region 5 must be –

**56.1.2.1** made by at least three Member States in writing; and

**56.1.2.2** signed by their respective Ministers.

**56.2** The proposed dissolution by Member States must be examined and considered by the Executive Committee and if the latter is satisfied with its examination, it must submit its recommendations with regard to the proposal for the dissolution of the AUSA Region 5 to the Council for its final ruling in writing, subject to compliance and fulfillment of Article 56.3.

**56.3** The AUSA Region 5 may only be dissolved if approved by two thirds (2/3) of the total membership of AUSA Region 5 in consultation with AUSA: Provided that the only approvals for the dissolution of the AUSA Region 5 to be taken into consideration in order to determine a two third (2/3) majority are those of full Ministers of their respective Member States.

**56.4** In the event of the dissolution of AUSA Region 5, its assets and liabilities must be placed under the care of the Government of the Host Member State, pending an ultimate decision to be taken by the Council on the –

**56.4.1** disposal of such assets and liabilities by the Minister of the Host Member State; and

**56.4.2** replacement of the AUSA Region 5 with a new organisation by the Member States.

## **ARTICLE 57: FORCE MAJEURE**

**57.1** Region 5, through the Executive Committee, acts on cases of *force majeure* (unforeseen circumstances) not provided for in this Constitution for the furtherance of the aims and objects of Region 5.

**57.2** The Executive Committee must submit to the subsequent meetings of the Council all major decisions or actions taken under clause 57.1 above for ratification.

#### **ARTICLE 58: AMENDMENTS TO CONSTITUTION OF AUSC REGION 5**

**58.1** Member States and Confederations wishing to submit amendments to the Constitution of the AUSC Region 5 must do so, in writing, to the Secretary-General at least sixty (60) days before the meeting of the Council at which proposals are to be tabled.

**58.2** Proposed amendments to the Constitution of the AUSC Region 5 must be considered by the Executive Committee to determine whether they should be placed on the agenda of the subsequent meeting of the Council.

**58.3** Amendments to the Constitution of the AUSC Region 5 shall only be valid if approved by two thirds (2/3) of the total membership of the AUSC Region 5 and shall come into effect on the dates to be determined by the Council.

#### **ARTICLE 59: ARBITRATION**

**59.1** Any Member State, Confederation or its official may agree to refer for arbitration any existing or future differences between themselves to SADC as the arbitrator, granting to SADC the necessary power and authority to settle any matter which the said parties could not resolve: Provided that such an arbitration shall be subject to the jurisdiction and provisions of the applicable arbitration law of the Host Member State.

#### **ARTICLE 60: APPLICATION OF CONSTITUTION OF AUSC REGION 5**

**60.1** The Constitution of the AUSC Region 5 must comply with the provisions of the Statutes of the AUSC: Provided that should there be any conflict between a provision of the Statutes of the AUSC and that of the Constitution, the Statutes of the AUSC shall always prevail if the conflict specifically relates to a matter dealt with in the Statutes.

**60.2** The Constitution of the AUSC Region 5 shall always override the constitutions of Confederations: Provided that a Confederation must ensure that its constitution aligns with the provisions of the Constitution of the AUSC Region 5.

**ARTICLE 61: REPEAL OF CONSTITUTION OF COUNCIL**

**61.1** Upon the adoption of this Constitution by the Council as contemplated in Article 64, all previous Constitutions of the Council are hereby repealed.

**ARTICLE 62: REPEAL OF CONSTITUTION OF SUPREME COUNCIL FOR SPORT IN AFRICA ZONE VI**

**62.1** Upon the adoption of this Constitution by the Council as contemplated in Article 64, the current Constitution of the Supreme Council for Sport in Africa Zone VI is hereby repealed.

**ARTICLE 63: TRANSITIONAL PROVISIONS**

**63.1** Anything done under any provision of a Constitution repealed in terms of Articles 61 or 62, namely the Constitutions of the AUSC Region 5 or Supreme Council for Sport in Africa Zone VI respectively and which could have been done under the provisions of this Constitution, shall be deemed to have been done under the latter Constitution.

**ARTICLE 64: ADOPTION OF CONSTITUTION OF AUSC REGION 5**

**64.1** This Constitution of the AUSC Region 5 was considered and adopted by the Council of Ministers at this meeting held at .....on this the .....day of ..... in the year of our Lord Two Thousand and Sixteen (2016)

**Signed by:**

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**Chairperson, Executive Committee**

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**Secretary-General/Chief Executive Officer**

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**Chairperson, Council of Ministers**