



SADC FORUM HOUSE

*Parliament Gardens, Erf 578 Love Street
Private Bag 13361
WINDHOEK, NAMIBIA*

Tel: +264 61 2870000
Fax: +264 61 254642/247569

info@sadcpf.org
www.sadcpf.org

CONSTITUTION

PREAMBLE

We, the Representatives of the people of 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 equity¹, 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.

¹ As amended at Maseru, Lesotho in December 2003

CHAPTER ONE

Article 1

This Constitution shall be called the Constitution of the SADC Parliamentary Forum.

Coming into force

The constitution shall come into force upon the approval of the creation of the SADC Parliamentary Forum by the summit of Heads of State or Government in accordance with Article 10(6) of the Treaty of the Southern African Development Community.

Article 2

Definitions

In the Constitution, unless the context otherwise requires:

“Executive Committee” means a Committee established in pursuance of Article 9 of the Constitution.

“Member Parliament” means a national Parliament registered as a member of the SADC Parliamentary Forum in terms of Article 6(2) of this Constitution.

“Member State” means a member of SADC.

“Representative” means a Member of Parliament elected to sit on the Plenary Assembly of the SADC Parliamentary Forum.

“Presiding Officer” means the Presiding Officer of the directly elected House of any national Parliament or, where both Houses are elected, of the National Assembly or its equivalent.²

“SADC” means the Southern African Development Community.

“Secretariat” means the Secretariat established in pursuance of Article 10 of this Constitution.

² *As Amended at Cape Town, South Africa in April 2000*

“Sectoral Report” means a Report of a Sectoral Committee, Sector Coordinating Unit or any institutions, obligation or arrangements of SADC.

“Treasurer” means the Treasurer appointment in terms of Article 9(2)(c).

“Treaty” means the Treaty of the Southern African Development Community.

CHAPTER TWO

Article 3

Establishment

- (1) There is hereby established a Parliamentary Assembly to be known as the “Southern African Development Community Parliamentary Forum” (hereinafter referred to as SADC Parliamentary Forum).
- (2) The SADC Parliamentary Forum is established in accordance with Article 9(2) or Article 10(6) of the Treaty.³
- (3) The Headquarters of the SADC Parliamentary Forum shall be in Windhoek, Republic of Namibia, or at such other place as may be decided by the Plenary Assembly of the SADC Parliamentary Forum.

Article 4

Legal Status

1. The SADC Parliamentary Forum shall be an international organization, and shall have legal personality with capacity and power to enter into contract, acquire, own or dispose of movable or immovable property and sue and be sued.

³ *As amended at Cape Town, South Africa in April 2000*

- (i) In the territory of each member state, the Parliamentary Forum shall, pursuant to paragraph 1 of this Article, have such legal capacity as is necessary for the proper exercise of its functions.
 - (ii) International documents and agreements affecting the Parliamentary Forum shall be signed by representative/s duly authorised by the Executive Committee of SADC Parliamentary Forum⁴
2. The SADC Parliamentary Forum, including its representatives and officials, as defined in the standing rules and orders shall have freedom of speech in the Forum and in its committees and are not 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; or

anything revealed as a result of anything that they have said in, produced before or submitted to the Forum or its committees.

CHAPTER THREE

Article 5

Objectives

The objectives of SADC Parliamentary Forum shall be:

- (a) to strengthen the implementation capacity of SADC by involving Parliamentarians of SADC activities;
- (b) to facilitate the effective implementation of SADC policies and projects;

⁴ *As amended at Cape Town, South Africa in April 2000*

- (c) to promote the principles of human rights, gender equality⁵ and democracy within the SADC region;
- (d) to familiarize the people of the SADC countries with the aims and objectives of SADC;
- (e) to inform SADC of popular views on development and other issues affecting SADC countries;
- (f) to provide a Forum for discussion on matters of common interest to SADC;
- (g) to promote peace, democracy, security and stability on the basis of gender equality, human rights⁶ and collective responsibility by supporting the development of permanent conflict resolution mechanisms in the SADC sub-region;
- (h) to contribute to a more prosperous future for the peoples of SADC by promoting collective self reliance and economic efficiency;
- (i) to hasten the pace of economic cooperation and development integration based on the principle of equity and natural benefits;
- (j) to strengthen regional solidarity and build a sense of common destiny among the people of SADC;
- (k) To encourage good governance, transparency and accountability in the region and in the operation of SADC institutions;
- (l) to facilitate networking with other organizations of parliamentarians;
- (m) to promote the participation of non-governmental organizations, business and intellectual communities in SADC activities;
- (n) to study and make recommendations on any issue in order to facilitate the more effective and efficient operation of SADC institutions, including the harmonization of policies⁷ and laws; and

⁵ As amended at Maseru, Lesotho in December 2003

⁶ As amended at Maseru, Lesotho in December 2003

⁷ As amended at Maseru, Lesotho in December 2003

- (o) to provide any other service that may be in the furtherance of the objectives of SADC and the SADC Parliamentary Forum

CHAPTER FOUR

Article 6

Membership and composition of the SADC Parliamentary Forum

- (1) Membership to the SADC Parliamentary Forum shall be open to national Parliaments whose countries are members of the Southern African Development Community.
- (2) Any national Parliament whose country becomes a Member of SADC shall become eligible for membership of the SADC Parliamentary Forum.
- (3) The SADC Parliamentary Forum shall consist of the Presiding Officers and up to a maximum of five (5) representatives elected by each National Parliament provided that in the electing the five (5) representatives, each National Parliament shall⁸:
 - Ensure equitable representation of women and political parties that are represented in parliament; and
 - Include the Chairperson of the National Women's Parliamentary Caucus⁹
- (4) A representative of the SADC Parliamentary Forum shall serve for a period of five (5) years from the date of his/her election to the SADC Parliamentary Forum unless he/she ceases to be member of, or is replaced, by his/her national parliament.

Subject to ratification by the Plenary Assembly, the Executive Committee:

- (5) 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;
- (6) shall rescind such suspension on the payment by the member Parliament of such arrears;

⁸ As amended at Victoria Falls, Zimbabwe in November 2011

⁹ As amended at Maseru, Lesotho in December 2003

- (7) may rescind such suspension where it is satisfied that the member Parliament is able and willing to meet its financial obligations and, in rescinding such suspension, may waive any or all of the membership fees and other financial obligations of the member Parliament outstanding at the time of its suspension, may waive any or all of the membership fees and other financial obligations of the member Parliament outstanding at the time of its suspension;
- (8) 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
- (9) may reinstate the membership of a Parliament, which has been placed in abeyance¹⁰.

¹⁰ *As amended at Mangochi, Malawi in November 2000*

CHAPTER FIVE

Article 7

Organs of the SADC Parliamentary Forum

- (1) The following organs of the SADC Parliamentary Forum are hereby established.
 - (a) Plenary Assembly;
 - (b) Executive Committee;
 - (c) Office of the Secretary-General; and
 - (d) Standing Committees
- (2) Other Organs of the SADC Parliamentary Forum may be established on the approval of the Plenary Assembly.

Article 8

The Plenary Assembly

- (1) The Plenary Assembly shall consist of Presiding officers and the Representatives of the SADC Parliamentary Forum elected by national Parliaments
- (2) The Chairperson of the Executive committee or in his/her absence the Vice-Chairperson of the Executive Committee shall preside at any sitting of the Plenary Assembly; provided that in the absence of the Chairperson and the Vice-Chairperson, the Plenary Assembly shall elect one of the representatives for that purpose.
- (3)
 - (a) The Plenary Assembly shall be the main policy-making and deliberative body of the SADC Parliamentary Forum
 - (b) The Plenary Assembly shall upon the Forum becoming a Parliamentary structure, be the legislative body in full consultation with SADC authorities and without infringing on the sovereignty of SADC national Parliaments' legislative functions.

- (c) Notwithstanding the generality of sub-article (3)(a), the functions of the Plenary Assembly shall be to:
- (i) consider and approve the annual budget of the SADC Parliamentary Forum and to appoint an Auditor for each financial year on the recommendation of the Executive Committee;
 - (ii) consider and approve the annual audited accounts of the SADC Parliamentary Forum;
 - (iii) consider and make recommendations to appropriate SADC authorities on any matter that will facilitate the more effective and efficient operation of SADC;
 - (iv) consider and make recommendations on the implementation of the policies of SADC and proper execution of its programmes;
 - (v) advise the Summit of Heads of State or Government on matters of overall policy and efficient and harmonious functioning and development of SADC;
 - (vi) consider and made recommendations on policies, strategies and work programmes of SADC;
 - (vii) scrutinize and make recommendations on the budget of SADC;
 - (viii) consider and made recommendations on the SADC Executive Secretary's Annual Report on the activities of SADC and its institutions, including SADC audited accounts;
 - (ix) consider and make recommendations on any treaties and draft treaties referred to it by SADC;
 - (x) convene conferences and other meetings as may be appropriate for the purpose of promoting the objectives and programmes of SADC; as well as the interest of its representatives and Member Parliaments;

- (xi) study, be briefed and make recommendations on all SADC Sectoral reports; and
 - (xii) take such other actions as may be deemed necessary to realize the objectives of the SADC Parliamentary Forum.
- (d) The Plenary Assembly may, with the concurrence of appropriate authorities, send delegations, as observers, to meetings of the Summit of Heads of State or Government.
 - (e) The Plenary Assembly may be consulted on any major activities to be undertaken by any SADC institution.
 - (f) 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.
 - (g) The quorum of the Plenary Assembly meetings shall be a majority of Member Parliaments.
 - (h)
 - (i) The Executive Secretary of SADC shall have the right to attend and speak at meetings of the Plenary Assembly, provided that he/she shall not be entitled to vote on any matter.
 - (ii) National Parliaments shall be entitled to send additional delegates as observers, to such meetings.
 - (iii) The Plenary Assembly may invite any person or organization to attend its meetings as observers.
 - (i) The Plenary Assembly shall meet for the transaction of business at the headquarters of the SADC Parliamentary Forum or in different Member States on a rotational basis.
 - (j) The Plenary Assembly shall meet for business at least twice in a year; provided that the Plenary Assembly, on recommendation of the Executive Committee, may meet at any other time to consider matters of urgent importance.

- (k) The Plenary Assembly shall have power to send for persons, papers and records in the custody of any SADC official or SADC Institution.
- (l) Subject to other provisions of this Constitution, the Plenary Assembly shall regulate its own procedures.
- (m) Members of the Plenary Assembly may debate any issue.

Article 9

Executive Committee

- (1) There shall be an Executive Committee of the SADC Parliamentary, which shall be responsible for the management of the affairs of the SADC Parliamentary Forum, giving direction to the Secretariat and ensuring that the decisions of the plenary Assembly are implemented. The Executive Committee shall be answerable to the Plenary Assembly.
- (2) (a) The Executive Committee shall consist of Presiding Officers and other representatives elected by the Plenary Assembly and whose number shall correspond to the membership of the Forum¹¹;

Provided that: -

- (i) no member Parliament shall have more than one representative on the Committee; and
 - (ii) The Speaker of the Parliament hosting the Headquarters of the Forum shall be an ex-officio member whenever he or she is not eligible for election in terms of the rotation provided by this Article;
- (3) (a) Members of the Executive Committee shall hold office for a term of two years and shall retire by rotation;

¹¹ As amended at Midgard, Namibia, December 1999

Provided that half the Presiding Officers and other representatives of the first Executive Committee shall remain in office for a further one year. The Plenary Assembly shall elect the members to remain in office for a further one year¹².

- (b) The Chairperson and Vice-Chairperson shall be elected by the Executive Committee, provided that the offices of Chairperson and Vice-Chairperson shall rotate among Member Parliaments.
 - (c) 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 shall be the Chairperson of the Finance Sub-Committee of the Executive Committee¹³.
 - (d) The Secretary-General of the SADC Parliamentary Forum shall be the Secretary to the Committee.
- (4) (a) The Executive Committee shall meet for the transaction of business at least two times a year and may hold special or extra-ordinary meetings at any time. The Chairperson shall convene all meetings by issuing the following notices through the office of the Secretary General.
- (i) thirty days' notice for an ordinary meeting;
 - (ii) thirty days' notice for an extra-ordinary meeting; and
 - (iii) fourteen days notice for a special meeting;

Provided that the Chairperson shall, upon the written request by not less than one-third of the membership of the Executive Committee and/or Plenary to the Secretary General, convene a special meeting to discuss important urgent matters.

¹² As amended at Mongochi, Malawi in November 2000

¹³ As amended at Mongochi, Malawi in November 2000

- (5) The quorum for a meeting of the Executive committee shall be a majority of members.
- (6) The Executive Committee shall:
 - (i) Prepare an annual budget, which shall be presented to the Plenary Assembly for approval;
 - (ii) Prepare annual reports including SADC Parliamentary Forum meeting reports and other submissions as the plenary Assembly may direct;
 - (iii) Present draft programmes of the activities of the SADC Parliamentary Forum;
 - (iv) Prepare the agenda of Plenary Assembly meetings;
 - (v) Table the annual audited accounts before the Plenary Assembly; and
 - (vi) Prepare rules and regulations for the approval and adoption by the Plenary Assembly.
- (7) 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.

Article 10

Office of the Secretary General

- (1) There shall be a Secretary-General to the SADC Parliamentary Forum and shall be appointed by the Plenary Assembly on the recommendation of the Executive Committee, on such terms and conditions of service as may be approved by the Plenary Assembly.
- (2) The Secretary General shall be the Chief Executive of the SADC Parliamentary Forum and shall coordinate the activities of the SADC Parliamentary Forum, subject to the general direction of the Executive Committee and in particular shall:

- (i) Coordinate the activities of the SADC Parliamentary Forum to be considered by the Executive Committee;
 - (ii) on the direction of the Executive Committee, prepare papers;
 - (iii) keep custody of all SADC Parliamentary Forum assets and ensure the preparation of the annual audit of accounts; and
 - (iv) undertake any other duties that may be assigned to him/her by the Plenary Assembly.
- (3) The Executive Committee may appoint, on such terms and conditions as it may determine such other staff as it may consider necessary for the performance of the functions of the SADC Parliamentary Forum.
- (4) The SADC Parliamentary Forum officials shall be issued with a SADC *Laissez Passer*, which shall have the status of a diplomatic passport, and shall be recognized and accepted as a valid travel document by the authorities of SADC Member States. Holders of the SADC *Laissez Passer* shall have visa-free entry into the territory of all member States, in terms of Article 8 of the SADC Protocol on Immunities and Privileges¹⁴.

Article 11

Standing Committees

The Plenary Assembly may, for the purpose of performing its functions under this constitution, establish Standing Committees and delegate to any such Committees such of its functions as it thinks fit.

In the selection of Members of Standing Committees, the Plenary Assembly shall seek to ensure the equitable representation of the Parliaments that are represented in the SADC Parliamentary Forum.

¹⁴ As amended at Cape Town, South Africa in April, 2000

CHAPTER SIX

Article 12

Financial Provisions

(1) Sources of Finance

The Finance of the SADC Parliamentary Forum shall accrue from the following sources:

- (i) Annual mandatory¹⁵ contributions from Member Parliaments, which shall be determined by the Plenary Assembly on the recommendation of the Executive Committee:
- (ii) Grants or donations from Governments, SADC, other international organizations and charitable institutions including international parliamentary groupings;
- (iii) Various fund-raising activities approved by the Plenary Assembly as recommended by the Executive Committee, and
- (iv) Any other sources approved by the Plenary Assembly.

(2) Financial Year

The Financial Year of SADC Parliamentary Forum shall commence on 1st April and end on 31st March of each calendar year¹⁶.

(3) Accounts

The Secretary-General shall maintain proper accounts and books of accounts for the SADC Parliamentary Forum and ensure that information and accountable documents are made available to any person or firm appointed as Auditors by the SADC Parliamentary Forum for purposes of concluding Annual or Special Audits.

¹⁵ *As amended at Victoria Falls, Zimbabwe in November 2009*

¹⁶ *As amended at Midgard, Namibia in December, 1999*

CHAPTER SEVEN

Article 13

Miscellaneous Provisions

(1) Language

The official languages of the SADC Parliamentary Forum shall be English, Portuguese, French¹⁷ and such other languages as the Plenary Assembly may determine.

(2) Amendments

(a) An amendment to this Constitution shall be adopted by a decision of two-thirds (2/3) of all members of the SADC Parliamentary Forum.

A proposal of amendment of this Constitution may be made to the Secretary-General by any national Parliament for preliminary consideration by the Executive Committee.

(b) Provided that the proposed amendment shall not be submitted to the Executive Committee for preliminary consideration until all national Parliaments have been notified no less than three months prior to such proposal.

(3) Dissolution

The SADC Parliamentary Forum may decide by a resolution supported by three-quarters of all members of the SADC Parliamentary Forum and determine the terms and conditions dealing with its liabilities and disposal of its assets.

¹⁷ *As amended at Livingstone, Zambia in June 2010*