



# **CONSTITUTION**

  

## **OF THE UNITED CITIES AND LOCAL GOVERNMENTS OF AFRICA**

**(AS AMENDED BY THE UCLGA EXTRAORDINARY GENERAL ASSEMBLY  
Kopanong Resort and Conference Centre, Johannesburg, South Africa  
18 September 2008)**

**As adopted at the UCLGA Founding Congress  
held in the City of Tshwane, Republic of South Africa  
18 May 2005**

## Preamble

**We, the representatives of local government associations, local governments and cities in Africa; having met in the city of Tshwane to found the United Cities and Local Governments of Africa (UCLGA);**

**Whereas** in 1998 at the Africities 1 Summit in Abidjan, the leaders of local governments in Africa committed to doing away with the language-based colonial legacy of division and to moving towards continental unification of African local governments;

**Noting** that in 2000 the Africities 2 Summit in Windhoek resolved that each of the local government umbrella organizations in Africa, being **the African Union of Local Authorities (AULA)**, the *União das Cidades Capitais Luso-Afro-Américo-Asiáticas* (UCCLA) and **the Union des Villes Africaines (UVA)**, should strive to achieve unification;

**Further noting** that the mayors and local government authorities of Africa assembled at the General Constitutive Assembly held on 6 December 2003 in Yaoundé decided to establish a Pan African organization representing local governments and unifying AULA, UCCLA and UVA under the provisional name of the Council of Cities and Regions of Africa (CCRA) with a view to enable the local governments of Africa to speak with a single voice at the World General Assembly of united local governments in May 2004;

**Considering** that the Constitutive Act of the African Union has established the guiding vision of a united and strong Africa and the need to build a partnership between governments in order to strengthen solidarity and cohesion amongst the people of Africa within Africa as well as between Africa and the Diaspora;

**Affirming** that the Constitution of the United Cities and Local Governments of Africa (hereinafter "UCLGA") was duly adopted at the organization's Founding Congress in the City of Tshwane, Republic of South Africa, between 15<sup>th</sup> and 18<sup>th</sup> May 2005 as recorded in the *"Charter of Commitment for the Establishment of Local Government as a Distinct Sphere of Government in Africa"*.

**Hereby adopt and give unto ourselves this Constitution this 18<sup>th</sup> day of May, 2005, at Tshwane, Republic of South Africa.**

## **Definitions**

In this Constitution, the following words and expressions shall have the meaning assigned:

- i. "Local government" shall mean a structure of government, other than a national/federal or provincial/state government, which has executive authority over a defined geographical area within a country and which executive authority vests in a deliberative assembly.
- ii. "Regions" shall mean the regions of the UCLGA namely North, South, East, West and Central Africa, as defined by the African Union.
- iii. "Presidency" shall mean the President plus the five Vice Presidents of UCLGA.

## **Article 1**

### **Establishment of UCLGA**

- 1.1 UCLGA is hereby established under this Constitution as a Pan African intergovernmental voluntary association of its members.
- 1.2 The membership, functions and powers of the UCLGA shall be governed by the present Constitution.
- 1.3 In pursuit of the goal of strengthening local government, the UCLGA will partner, cooperate and affiliate to international organizations and bodies that share similar objectives and ideals.
- 1.4 The UCLGA shall be regulated by this Constitution and by such additional rules and regulations as may be adopted by the General Assembly. The UCLGA shall further be subject to the laws governing international organisations in the country where its seat is located.

## **Article 2**

### **Seat of UCLGA**

- 2.1 The seat of the UCLGA shall be in a city in a member country of the African Union.

- 2.2 The Executive Committee shall determine criteria for the selection of the city to host the seat of the UCLGA.
- 2.3 The secretariat and headquarters as contemplated in Article 13 shall be the seat of the UCLGA.
- 2.4 The UCLGA shall maintain a regional office in each of the five regions of Africa.

### **Article 3**

#### **Founding Values**

The founding values of the UCLGA shall be:

- 3.1 Respect for human dignity, equality and the advancement of human rights and freedoms.
- 3.2 Equality of and respect for all people irrespective of race or belief.
- 3.3 Gender equality.
- 3.4 Respect for democratic principles, the rule of law, accountability and good governance.
- 3.5 The principle of social justice in seeking balanced sustainable economic development.
- 3.6 Friendly and cooperative engagement and relations amongst members and openness to and cooperation with all local governments and organisations working for and adhering to the principles contained herein.
- 3.7 Adherence to the traditional values of the peoples of Africa denoting compassion, tolerance, peace, solidarity, brotherhood, community of spirit and purpose.

### **Article 4**

#### **Objectives**

UCLGA shall directly and through its members pursue the following objectives:

- 4.1 To be the united voice and representative of local government in Africa.

- 4.2 Contribute to the achievements of greater unity and solidarity amongst the peoples of Africa.
- 4.3 Contribute to the political and socio-economic integration of the continent.
- 4.4 Promote and defend common African positions on issues of interest to the continent and its peoples.
- 4.5 Promote and support at continental and national level effective dialogue between central and local governments.
- 4.6 Encourage international cooperation of local governments and their associations and integrate organized African local government into the unification process of the world municipal movement.
- 4.7 Promote integration into the cooperation programmes of international, governmental and non-governmental organizations of the concerns of African local governments.
- 4.8 Promote twinning and partnerships.
- 4.9 Promote democratic principles and institutions, popular participation in the processes of governance and good governance generally.
- 4.10 Promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments.
- 4.11 Promote the policy of decentralization.
- 4.12 Promote sustainable economic, social, cultural, vocational and environmental development with a view to reducing poverty and raising the living standards of the people of Africa.
- 4.13 Establish and promote an effective role for African local governments within the process of African integration and in particular in the New Partnership for Africa's Development.
- 4.14 Gather, disseminate and share information on all matters relevant to local government and pursuit of these objectives.
- 4.15 Promote interaction, information sharing, peer review, and common activities amongst members.
- 4.16 Undertake and promote research and study in the field of local government.

- 4.17 Constitute a support resource to members, at their request, by facilitating political dialogue, training, advice and mobilization of expertise.
- 4.18 Promote race and gender equality, the emancipation of women and combat all forms of discrimination, gender violence and child abuse.
- 4.19 Continue participation in and promotion of the objectives of existing partnerships, programmes and initiatives, such as the African Caribbean Partnership, Habitat and Local Agenda 21.

## **Article 5:**

### **Membership**

- 5.1 UCLGA shall have the following categories of members.
  - 5.1.1 Active members.
  - 5.1.2 Associate members.
  - 5.1.3 Honorary members.
- 5.2 Active membership shall be open to:
  - 5.2.1 National associations of local government.
  - 5.2.2 Individual local governments.
- 5.3 Associate membership shall be open to persons or entities other than local governments that satisfy the Executive Committee of their concern with or involvement in local government matters.
- 5.4 Honorary membership shall be accorded by resolution of the Executive Committee to those persons or entities who or which have rendered distinguished service to the cause of UCLGA or to democratic local government in Africa.

## **Article 6**

### **Rights and Obligations of Members**

- 6.1 Members shall, subject to this Constitution, be entitled to participate in the various programmes and activities of the UCLGA and have equal access to information, data and documentation on local government matters, the activities and decisions of the UCLGA.
- 6.2 Members shall abide by this Constitution and the resolutions of its constitutional decision-making structures, and shall promptly pay all membership fees due in terms hereof.
- 6.3 Each active member shall be entitled to one vote in decision making forums of the UCLGA.
- 6.4 A member who fails to pay registration fees shall remain a member with lesser rights, surrender voting rights and the right to election to executive posts, up until all due membership fees have been paid.

## **Article 7**

### **Founding Members and Application for and Termination of Membership**

#### **Founding members**

- 7.1 For the purpose of the adoption of this Constitution and the Founding General Assembly of the UCLGA, and notwithstanding the provisions of 7.3 and 7.4, active members of the UCLGA shall be national associations as referred to in 5.2, accredited to the Founding General Assembly or nominated by accredited local governments from a country as their representative organisation.

Such active members shall be collectively referred to as Founding Members.

- 7.2 Founding Members shall remain members for a period of six months from the date of adoption of this constitution, whereafter they shall be required to comply with the provisions of 7.3.

## **Application for membership**

- 7.3 Any prospective member shall submit to the Secretary General a duly completed application form and additional information as may be prescribed by the Executive Committee, but which shall require the applicant to bind itself to this Constitution.
- 7.4 The Executive Committee shall consider every application for membership within a period of six months of receipt thereof by the Secretary General and shall advise the applicant of the outcome of its application.
- 7.5 An applicant shall be admitted to membership by resolution of the Executive Committee and after payment to the Secretary General of the prescribed membership fee.

## **Suspension and Termination of Membership**

- 7.6 A member may be suspended or expelled from UCLGA by resolution of the Executive Committee if such member deliberately infringes any of the terms of this Constitution.
- 7.7 No member may be suspended or expelled unless such member has been afforded an opportunity to state its case before the Executive Committee at a meeting of which it has received not less than thirty (30) days' notice in writing from the President, or a person delegated by the President, setting out the nature of the charges against such member.
- 7.8 Any member which has been suspended or expelled by the Executive Committee shall have a right to appeal against such suspension or expulsion to the General Assembly, in a form determined by the Executive Committee.
- 7.9 The General Assembly shall appoint a Committee to consider the appeal. The Committee so appointed shall submit a recommendation to the General Assembly. The decision of the General Assembly shall be final and binding on the member concerned.
- 7.10 A member shall cease to be entitled to any benefits of membership, including but not limited to the right to vote during meetings during the period of suspension in terms of this Constitution.
- 7.11 A member shall cease to be a member:
  - 7.11.1 Upon receipt by the Secretary General of the member's written resignation.

- 7.11.2 Upon death, in the case of an individual member.
- 7.11.3 Upon the passing of the resolution of the Executive Committee in accordance with 7.6 above.
- 7.12 A member whose membership has terminated in terms of 7.6 may reapply for membership.

## **Article 8**

### **Membership Fees**

- 8.1 The Executive Committee shall formulate a policy to regulate the determination of membership fees and may amend that policy as and when the need arises.
- 8.2 The Executive Committee shall annually determine the fees due by each category of member (or the formula in terms of which such levies are to be calculated, as the case may be) which shall be circulated to all members by no later than the last day of December of the year prior to that for which the fee is due. All fees shall be paid in full before the first day of May in each year.

## **Article 9**

### **Governance Structure**

The governance of UCLGA shall be executed by the following organs to the extent provided herein.

- 9.1 The General Assembly
- 9.2 The Executive Committee
- 9.3 The Presidency
- 9.4 The General Secretariat

## **Article 10**

### **The General Assembly**

## **Role**

- 10.1 The General Assembly is the highest decision making body of the UCLGA and shall be entitled to resolve on all matters relating to the objectives and activities of the UCLGA. The following matters shall be reserved to the General Assembly and shall be considered at its ordinary meetings:
  - 10.1.1 Determination of a general strategic policy framework to regulate the activities of the UCLGA.
  - 10.1.2 Determination of a general programme of activities for the succeeding period until its next ordinary meeting.
  - 10.1.3 Consideration and approval of the triennium status report of the UCLGA submitted by the Executive Committee.
  - 10.1.4 Consideration of audited financial statements in respect of the previous term and a review of UCLGA's financial performance and budget proposals for the new term.
  - 10.1.5 Election of the President and the endorsement of the Vice Presidents and the other members of the Executive Committee
  - 10.1.6 Consideration of proposed amendments to this Constitution.
  - 10.1.7 Consideration of a proposal for the dissolution of the UCLGA

## **Composition**

- 10.2 The General Assembly shall consist of all members of the UCLGA through their duly appointed representatives.

## **Sessions**

- 10.3 The General Assembly shall meet in ordinary session once every three years, when it shall consider at least the business referred to in 10.1.1 to 10.1.7. The General Assembly may meet in extraordinary session for the consideration of any matter or matters relating to the business of the UCLGA.
  - 10.3.1 An ordinary session of the General Assembly shall be convened for a date determined by the Executive Committee by written notice of at least 30 days forwarded by the Secretary General to members (at the current address for that member held in the records of the UCLGA) prior to the date for the meeting, reflecting the date, venue, and a proposed agenda.

10.3.2 An extraordinary session of the General Assembly shall be convened should the Executive Committee resolve that it is necessary or upon the written requisition of at least 30% of the active members, for a date determined by the Executive Committee, by written notice in the manner set out in 10.3.1

10.3.3 No meeting of the General Assembly shall be invalid merely by reason of the fact that any member did not receive notice thereof.

### **Quorum**

10.4 A quorum for meetings of the General Assembly shall:

10.4.1 For ordinary meetings, be 40% of the active members.

10.4.2 For extraordinary meetings, be 51% of the active members.

10.5 Where there is no quorum at the commencement of a session of the General Assembly or where the chairperson's attention is drawn to the lack of a quorum in the course of the session, the chairperson shall adjourn the meeting for 60 minutes and if there is still no quorum after the said period, the chairperson shall adjourn for a further 48 hours, whereafter:

10.5.1 In the case of an ordinary session, the session shall proceed, whether a quorum is present or not, provided however that no resolution taken at an unquorate session of the General Assembly shall be implemented unless subsequently ratified by a quorate session of the General Assembly.

10.5.2 In the case of an extraordinary session, if the session remains unquorate, the Chairperson shall declare the session terminated.

10.6 The General Assembly shall meet under the chairpersonship of the President, or in his absence a chairperson appointed by the Executive Committee from the ranks of the Vice-Presidents or in the absence of all of them, from the remainder of the Executive Committee.

### **Participation and Voting**

10.7 Each member country shall be represented in the General Assembly by three (03) delegates who will be entitled to one vote, and who shall present their credentials as such to the Secretary General at the commencement of the session.

- 10.8 A member may send such additional delegates, up to a maximum prescribed by the Executive Committee, who may attend the session as observers, but such delegates may not speak and will not have voting rights.
- 10.9 All members are entitled through their representatives to participate in sessions of the General Assembly. The Chairperson may in his or her discretion, limit the length of inputs and grant the right to respond.
- 10.10 Associate and honorary members shall have no vote in the General Assembly.
- 10.11 Unless otherwise provided in this Constitution, all decisions of the General Assembly shall be taken by a simple majority of votes cast.
- 10.12 The record of proceedings and all resolutions of the General Assembly shall be recorded by the Secretary General in a minute book which shall be certified by the Chairperson. A complete copy of such minutes shall be forwarded by the most convenient means to all members, within two (2) months or sixty (60) days of the meeting in question.

## **Article 11**

### **The Executive Committee**

#### **Role**

- 11.1 The Executive Committee shall have all powers as are not specifically reserved to the General Assembly and which are specifically allocated to it in terms hereof, which it shall exercise subject to the directives and resolutions of the General Assembly from time to time.
- 11.2 The Executive Committee may by resolution delegate powers and authorities to subcommittees established by it, or to the Presidency or to the Secretary General.
- 11.3 The Executive Committee shall establish the following sub-committees from within the membership of the organization:
- 11.3.1 Constitutional and Legal sub-committee
  - 11.3.2 Finance and Administration sub-committee
  - 11.3.3 Social and Economic Development sub-committee

11.3.4 Women's sub-committee

11.3.5 Any other sub-committees or ad-hoc committees when deemed necessary.

11.4 The Presidency, Executive Committee plus six representatives nominated by each of the regions of UCLGA shall represent UCLGA in the governing structures of the United Cities and Local Governments (UCLG).

### **Composition**

11.5 The Executive Committee shall consist of 16 (sixteen) members, as follows:

11.5.1 The Presidency

11.5.2 Ten other members, who shall be two from each of the regions of the UCLGA and elected by the respective region at a Regional Conference held prior to the General Assembly.

11.5.3 The Secretary General as an ex officio member.

In addition to the sixteen (16) members, the Executive Committee may co-opt additional members from time to time, who shall however not have the right to vote.

11.6 The members of the Executive Committee including the members of the Presidency shall hold office until the ordinary meeting of the General Assembly succeeding that at which they were elected and may seek re-election, provided that no person shall hold the office of President more than twice.

11.7 In the event of a vacancy occurring on the Executive Committee, the remaining members shall appoint an additional member to fill that vacancy as nominated by the members within the region where the vacancy has occurred.

11.8 No single country shall have more than one representative on the Executive Committee unless a person from that country is President.

11.9 A member of the Executive Committee shall cease to be a member;

11.9.1 If he or she fails to attend three consecutive meetings of the Executive Committee without written explanation to the President.

11.9.2 If he/she ceases to be an elected, nominated or appointed representative of local government of an active member country.

## **Sessions**

- 11.10 The Executive Committee shall meet at least twice in a year to conduct its business. Meetings shall be convened by the President, provided however that 33% of the members of the Executive Committee may direct a written request to the President to convene a meeting, stating the business to be transacted. If the President thereafter refuses and/or fails within 30 days to call a meeting as requested, the said members shall be entitled to require the office of the Secretary General to convene a meeting.
- 11.11 All meetings shall be convened by 30 days' notice which shall reflect the date, venue and proposed agenda.
- 11.12 The President, (or in his or her absence a person elected from amongst the Vice-Presidents by the Committee) shall be chairperson of the Committee.
- 11.13 The quorum for meetings shall be 33% of the members.

## **Participation and Voting**

- 11.14 Resolutions shall be taken by simple majority. In the event of an equality of votes, the President will have a casting vote.
- 11.15 The Executive Committee shall resolve only on matters included in the agenda circulated with the notice of the meeting or included by resolution in the agenda at the commencement of a meeting.
- 11.16 The provisions of 10.11 shall mutatis mutandis apply in respect of resolutions of the Executive Committee, save that the minutes shall be circulated within 1 month of the meeting in question.

## **Article 12**

### **The Presidency**

#### **Role**

- 12.1 The President is the principal representative of the UCLGA and shall represent the organisation at all functions that require UCLGA's presence.

The President shall:

- (a) Preside at all meetings of the General Assembly and Executive Committee;
- (b) Be the custodian of the decisions taken by General Assembly and Executive Committee;
- (c) Enforce observance of this Constitution by the members, delegates and Executive Committee members;
- (d) Delegate where necessary to the Vice Presidents, members of the Executive Committee or the Secretary General.
- (e) Sign the minutes of the meetings;
- (f) Represent UCLGA at all formal or ceremonial occasions;
- (g) Perform such other functions as may be mandated by the Executive Committee.

12.2 In addition to others found elsewhere herein, the President shall have the following powers and duties:

12.2.1 To preside over differences between Members of the Executive Committee by arbitrating disputes and ensuring that timeous decisions are taken;

12.2.2 To submit the Organisation's objectives, policies, strategies and budget for the three year cycle of office to the Executive Committee and thereafter to the General Assembly.

12.2.3 To monitor the implementation of the policies, strategies and budget and the achievement of the objectives;

### **Composition**

12.3 The presidency shall consist of:

12.3.1 The President who shall be elected by the General Assembly.

12.3.2 Five Vice Presidents who shall be elected by the respective regions and endorsed by the General Assembly.

12.4 The Five Vice Presidents shall provide leadership in the regions of the UCLGA.

12.5 The President or Vice President shall be an elected, nominated or appointed representative from an active member country.

- 12.6 For the purposes of free and fair election process, an independent electoral body shall conduct, supervise and declare the results of every election. The said independent electoral body shall be selected by the Executive Committee.
- 12.7 Nominations for the posts of the Presidency and for ordinary membership of the Executive Committee, shall be in writing, including the written concurrence of the nominee, be made by an active member which is subsequently represented at the General Assembly meeting in question, and be received by the Secretary General no later than 30 days prior to the meeting in question.
- 12.8 If the office of the President becomes vacant, it shall be filled by a Vice President, elected as such by the Executive Committee, who shall hold office for the remainder of the term of office in question, or until the post is filled at an extraordinary session of the General Assembly.
- 12.9 A member of the presidency shall automatically cease to hold office where he or she:
- 12.9.1 Ceases to be an elected, nominated or appointed representative of local government of an active member country
  - 12.9.2 Resigns from Office
  - 12.9.3 Has been found guilty of violating this Constitution
  - 12.9.4 Has been found guilty of abusing Office, or behaving in a manner that brings the organization into disrepute.

## **Article 13**

### **The Secretary General and the Secretariat**

- 13.1 The Executive Committee shall appoint a Secretary General.
- 13.2 The Secretary General is the Chief Executive and Accounting Officer of the administration and secretariat of the UCLGA, in which capacity he or she shall have full general management responsibility, be accountable to the Executive Committee, through the President, and have such powers as are provided in the Constitution together with such powers as are specifically delegated to him or her in writing from time to time by the President and/or the Executive Committee.
- 13.3 The Secretary General shall submit proposals to the Executive Committee for an organisational structure for the UCLGA administration and shall make recommendations to the Executive Committee for the appointment of staff to fill vacancies on the approved structure, within the constraints or limitations of the approved budget.

- 13.4 The Secretariat shall consist of the Secretary General and the administrative staff at the UCLGA headquarters, which shall be the seat of UCLGA.
- 13.5 The Secretary General shall develop and submit to the Executive committee for approval, a budget in respect of the operational and administrative activities of the UCLGA and shall be responsible for implementing that budget, carrying out the directives of the Executive Committee, and the policies and action plans of the UCLGA.
- 13.6 The Secretary General shall attend all meetings of the Executive Committee as an ex officio member and secretary of the Executive Committee, save when matters relating to his or her status, salary and benefits are discussed.
- 13.7 The Secretary General shall carry out his or her duties with the technical support and assistance of technical staff of UCLGA and support agencies where necessary. The precise terms of the relationship between such agency and UCLGA shall be determined by the Executive Committee and recorded in an agreement.

## **Article 14**

### **General Financial Provisions**

- 14.1 The activities of the UCLGA shall be funded by:
  - 14.1.1 Membership levies.
  - 14.1.2 Grants and subsidies from governments and international organizations.
  - 14.1.3 Contributions, grants, donations and bequests.
  - 14.1.4 Revenues from services provided by the UCLGA and events organized at its initiative.
  - 14.1.5 Such other funds as it may legally receive.
- 14.2 The Secretary General may, in order to meet the operating or capital expenditure of the UCLGA, borrow money against security of the assets of the UCLGA or otherwise, provided that such borrowings shall have been generally or specifically approved by the Executive Committee prior to any application for a loan.

- 14.3 The Executive Committee shall regulate the manner in which cheques and other financial instruments and contracts are to be drawn and signed.
- 14.4 The Executive Committee shall each financial year appoint an auditor to audit the financial and asset management and the performance of the UCLGA.
- 14.5 The Executive Committee shall determine policies and procedures for the management of the assets of the UCLGA and the risks faced by it.
- 14.6 The audited financial statements and audit reports shall be made available to all members within 30 days of issue and must be posted on the UCLGA's web-site at the same time.

## **Article 15**

### **Legal capacity and Nature of the UCLGA**

- 15.1 UCLGA is an international local government organisation.
- 15.2 Subject to the laws of the country where its seat is located and in conformity with international rules and norms, the UCLGA is constituted as a corporate body, with powers to sue and be sued and is liable for its debts only to the extent of its assets.
- 15.3 Members and members of the Executive Committee are not individually or collectively liable for the debts of the UCLGA, beyond any liability for membership fees due.
- 15.4 The UCLGA shall be operated as a non-profit organisation and no surpluses or operational profits shall be distributed to its members, but shall be applied to the objects and purposes of the UCLGA.

## **Article 16**

### **Amendment of the Constitution, Merger, Dissolution and Liquidation of the UCLGA**

- 16.1 No proposal to amend, repeal or replace the Constitution or to dissolve, merge or liquidate the UCLGA shall be considered by the General Assembly unless it emanates from the Executive Committee or from one third of the active members and has been delivered to the Secretary General at least 90 days prior

- to the meeting at which it is to be considered and has thereafter been circulated to members at least 60 days prior to that meeting.
- 16.2 No proposal on a matter referred to in 16.1 shall be adopted unless two thirds of all active members are represented and it is carried by a two thirds majority of valid votes cast.
- 16.3 In the event of its dissolution, the General Assembly shall by ordinary resolution make the necessary arrangements for its winding up including the appointment of a liquidator and the distribution of any surplus assets remaining after settlement of its liability, provided however that such surplus shall be applied by way of donation, grant or otherwise to any organization within Africa pursuing similar objects to those of the UCLGA.

## **Article 17**

### **Rules and Regulations**

- 17.1 The Executive Committee may by resolution adopt rules and regulations, not in conflict with this constitution, further regulating the operation and activities of the UCLGA.
- 17.2 Such rules and regulations shall be binding upon the members of the UCLGA.

**In the event of a dispute involving the meaning of this Constitution, the English language version hereof shall be the determining version.**