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ECONOMIC AND SOCIAL COUNCIL**



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ECONOMIC COMMISSION FOR AFRICA

Meeting of African Purchasing and Supplies
Officers for the Establishment of an
African Purchasing and Supplies Association

Dakar, 28 May - 2 June 1973

DRAFT CONSTITUTION OF THE AFRICAN PURCHASING AND SUPPLIES ASSOCIATION

Preamble

The Organizations on whose behalf this Constitution is signed:

Having regard to the advantage for Africa to be derived from the effective and continuous exchange of information and co-ordination of activities in the field of purchasing, supplies, stores and materials management especially as regards the promotion of intra-African trade;

Being aware of the significant role that African purchasing and supplies organizations have to play in the economic development of Africa;

Recognizing that the creation of an African Purchasing and Supplies Association for the study, discussion and promotion of purchasing, supplies, stores and materials management within Africa would best serve these purposes;

Have agreed as follows:

ARTICLE I

Establishment of the Association

The African Purchasing and Supplies Association (APSA) (hereinafter referred to as "the Association") is hereby established and shall operate and be governed in accordance with the provisions of this Constitution.

ARTICLE II

Objectives and functions

1. The objectives of the Association shall be to:

- (a) foster and promote sound purchasing, supplies, stores and materials management practices in Africa;

- (b) foster, promote and assist in the teaching, study and development of knowledge and techniques relating to purchasing, supplies, stores and materials management; and
- (c) assist in the harmonization of the purchasing, supplies, stores and materials management policies of African countries in order to promote intra-African trade and the development of Africa.

2. For the purposes set out in paragraph 1 of this Article, the Association shall:

- (a) provide for meetings of the Association and its organs;
- (b) assist the members of the Association to establish national purchasing, supplies, stores and materials management organizations or associations;
- (c) assist the members of the Association in the strengthening of their purchasing, supplies, stores and materials management organizations;
- (d) promote the study and development of knowledge and techniques relating to purchasing, supplies, stores and materials management generally and as they relate to intra-African trade in particular, and the exchange of ideas and experience in such fields;
- (e) assist African Governments in the formulation of purchasing, supplies, stores and materials management policies which are conducive to increased intra-African trade;
- (f) co-ordinate African policies on purchasing, supplies, stores and materials management;
- (g) assist in organizing subregional information centres for the dissemination of information on purchasing, supplies, stores and materials management among its members; and
- (h) do all such other things as would enable the Association to achieve its objectives.

ARTICLE III

Membership

1. Membership of the Association shall be open to government organizations and statutory bodies or a combination of such organizations and/or bodies in any of the member States of the Organization of African Unity and the United Nations Economic Commission for Africa and which are concerned with purchasing, supplies, stores and materials management.

2. Associate membership of the Association shall be open to:

- (a) such individual nationals of African countries actively engaged in the study, research or practice in relation to purchasing, supplies, stores and materials management; and
- (b) such African organizations and bodies interested in the objectives and functions of the Association and on such conditions as the General Assembly may determine.

ARTICLE IV

Obligations of members

Members of the Association shall co-operate in every way so as to assist the Association in achieving its objectives. They shall in particular:

- (a) facilitate the collection, exchange and dissemination of information in such manner and under such conditions as the General Assembly may determine;
- (b) submit all necessary reports and information as may be agreed with the competent organs of the Association, to such organs;
- (c) make available training and research facilities on such terms and conditions as may from time to time be agreed with the appropriate organ of the Association;
- (d) make available personnel to assist other members of the Association or the Association on such conditions as may be agreed with the appropriate organ of the Association; and
- (e) pay their annual contributions as assessed by the General Assembly and such special contributions as may be determined by the General Assembly.

ARTICLE V

Status, structure and organization of the Association

1. To enable it to achieve its purpose and to perform its functions, the Association shall in accordance with the laws of the country where its headquarters is established, seek and acquire legal capacity to acquire, hold, manage and dispose of land and other property, enter into contracts, accept and make loans, grants, gifts and contributions, and to sue and be sued.

2. The organs of the Association shall be:
 - (a) the General Assembly;
 - (b) the Executive Board;
 - (c) the sub-regional conferences;
 - (d) the Secretariat;
 - (e) national associations; and
 - (f) such other bodies as may be established by the General Assembly.

ARTICLE VI

The General Assembly

1. The General Assembly shall consist of a representative of each of the organizations or bodies which are members of the Association.
2. The General Assembly shall meet at least once in every two years; emergency meetings may be convened in accordance with rules made by the General Assembly.
3. Each member of the General Assembly shall have only one vote at meetings of the General Assembly.
4. The General Assembly shall elect from amongst its members, its President, two Vice-Presidents and a Rapporteur who shall hold office for four years and may be eligible for re-election.
5. The General Assembly shall:
 - (a) determine the general policies of the Association;
 - (b) consider and approve the programme of work and budget of the Association;
 - (c) review, direct and co-ordinate the activities of the organs of the Association;
 - (d) determine the contributions of members of the Association in respect of the expenditure involved in the running of the affairs of the Association and its organs and fees to be paid by Associate members of the Association;
 - (e) consider reports on the activities of the Association;

- (f) determine the conditions of admission of members of the Association in pursuance of paragraph 2 of Article XIV of this Constitution and of associate members of the Association; and
- (g) consider and adopt rules and general directions governing the activities of the Association and its organs.

6. The General Assembly may establish such bodies as it deems necessary and may delegate any of its functions to such bodies or an organ of the Association.

7. Subject to the provisions of this Constitution, the General Assembly shall prescribe its own rules of procedure including those for convening its meetings, the conduct of such meetings, and the quorum and voting thereat and for the dissemination of the reports of its meetings.

8. Associate members of the Association may attend and participate at meetings of the General Assembly but shall have no vote thereat.

ARTICLE VII

Executive Board

1. The Executive Board shall consist of the President, Vice-Presidents and Rapporteur of the General Assembly, and shall

- (a) submit to the General Assembly reports on the activities of the Association;
- (b) submit for the approval of the General Assembly the programme of work and budget of the Association;
- (c) consult with the Secretariat on actions that may be undertaken by the Association or its organs in furtherance of the objectives of the Association; and
- (d) review, direct and co-ordinate the activities of the organs of the Association in between meetings of the General Assembly and to such extent as may be determined by the General Assembly.

2. The Executive Board shall meet at least once every year.

Sub-regional Conferences

1. A Sub-regional Conference shall consist of the members of the General Assembly within a sub-region of African as defined by the United Nations Economic Commission for Africa.
2. A Sub-regional Conference shall:
 - (a) oversee the implementation of the decisions and policies of the General Assembly concerning its sub-region;
 - (b) be responsible for obtaining and disseminating information on purchasing, supplies, stores and materials management within its sub-region;
 - (c) take decisions on matters concerning its sub-region and the members of the Association in the sub-region which are not inconsistent with the decisions and policies of the General Assembly; and
 - (d) have such other functions and responsibilities as may be prescribed or delegated to it by the General Assembly.
3. A Sub-regional Conference may establish such subsidiary bodies as it deems necessary for the carrying out of its functions.
4. A Sub-regional Conference shall elect its own officers and prescribe its own rules of procedure:

Provided however that each member of a Sub-regional Conference shall have only one vote at a meeting of a Sub-regional Conference.
5. A Sub-regional Conference shall meet at least once every year.
6. Associate members of the Association within a sub-region may attend and participate at meetings in that sub-region of a Sub-regional Conference but shall have no vote thereat.

ARTICLE VIII

The Secretariat

The General Assembly shall establish the Secretariat, appoint its location and prescribe its functions. Until the Secretariat is established, the United Nations Economic Commission for Africa shall constitute the Secretariat of the Association.

ARTICLE IX

National associations

1. A National association shall consist of the members of the Association in any of the States referred to in paragraph 1 of Article III of this Constitution and shall be the organ of the Association through which the activities of the Association in that State shall be considered, channelled and co-ordinated and shall have such other functions as the General Assembly may prescribe.
2. A National association shall meet as often as may be required.
3. Associate members of the Association within a State where a National Association exists shall be invited to take such part in the activities of the National Association as the National association may determine.

ARTICLE X

Amendments

This Constitution may be amended by a two-thirds majority at a meeting of the General Assembly. Members of the Association who are not represented at such a meeting may signify their votes in writing or by proxy:

Provided however that this Constitution may not be amended unless a written notice of a proposed amendment shall have first been given to all the members of the Association at least three months before the meeting of the General Assembly at which such a proposed amendment is to be considered.

ARTICLE XI

Suspension, withdrawal, and cessation of membership

1. Any member of the Association who persistently fails to fulfil any of its obligations under this Constitution may be suspended from membership of the Association by the General Assembly on such terms as the General Assembly may determine.
2. Any member of the Association may withdraw from the Association after the expiration of one year from the date on which membership of the Association was acquired, by giving written notice of withdrawal in original and duplicate copies to the President of the General Assembly who shall forthwith inform all members of the Association and the Secretariat of the receipt of such notice of withdrawal and shall transmit the original copy of such notice of withdrawal to the Depositary.
3. Withdrawal from the Association shall become effective one year from the date of receipt by the President of the General Assembly of a notice of withdrawal:

Provided that during the period of such one year, a member of the Association withdrawing from the Association shall nevertheless remain liable for the discharge of obligations incurred under the provisions of this Constitution.

4. Any member of the Association failing to fulfil obligations incurred under the provisions of Article IV of this Constitution within two years from the time when such obligations should have been fulfilled, shall ipso facto cease to be a member of the Association at the end of such two years.

ARTICLE XII

Dissolution of the Association

The Association may be dissolved by a resolution to that effect carried by a two-thirds majority at a meeting of the General Assembly and whereupon, the General Assembly shall appoint a Committee for the purpose of liquidating the assets of the Association.

ARTICLE XIII

Arbitration

1. Any dispute arising between members of the Association concerning the interpretation and application of the provisions of this Constitution and which cannot be settled by the parties concerned shall be submitted for settlement in accordance with the provisions of paragraph 2 of this Article.

2. Where any matter is submitted for settlement under the provisions of paragraph 1 of this Article, each party to a dispute shall nominate one person to serve on a Board of Arbitration and the two so nominated shall nominate a third person to act as Chairman of the Board of Arbitration and in the case of disagreement on the nomination of such third persons, he shall be selected by the President of the General Assembly.

ARTICLE XIV

Signature and depository

1. This Constitution shall enter into force when the original copies of this Constitution in the English and French languages shall have been signed on behalf of fifteen of the organizations or bodies referred to in paragraph 1 of Article III of this Constitution and whereupon such organizations or bodies shall become members of the Association;

Provided however that at least one of such organizations or bodies shall be from each of the sub-regions of Africa as defined by the United Nations Economic Commission for Africa.

2. After the entry into force of this Constitution, the original copies of this Constitution shall be deposited with the Executive Secretary of the United Nations Economic Commission for Africa and other organizations or bodies referred to in paragraph 1 of Article III of this Constitution may become members of the Association on such conditions as the General Assembly may determine.

3. The Depositary shall transmit certified copies of this Constitution to all members of the Association.

4. The General Assembly shall hold its first meeting not later than twelve months after the entry into force of this Constitution.

IN WITNESS WHEREOF the undersigned being authorized by or on behalf of their respective organizations have signed this Constitution on the dates appearing beside their signatures.

DONE atthisday
of197.....in two original
copies in the English and French languages both of which are equally
authentic.