

PREAMBLE

Considering that, in accordance with the Universal Declaration of Human Rights and such African human rights instruments as the African Charter on Democracy, Elections and Governance (2007) and the ECOWAS Protocol on Democracy and Good Governance (2001), the authority of government derives from the will of the people expressed in genuine elections and citizens have the right to participate in public affairs, including through non-partisan election observation and monitoring;

Considering that citizen election observation and monitoring groups have emerged as one of the most tangible and significant forces advancing the global development of democracy, and that in around 100 countries across the world during the last two decades millions of citizens have participated in domestic election observation and monitoring efforts in order to ensure the proper and effective functioning of electoral processes and to promote transparency in government and amongst political candidates;

Considering that independent non-partisan citizen election observation and monitoring groups have helped to facilitate a generally peaceful transition from authoritarian and or military regimes to democratic rule for many African countries;

Considering that citizen observation and monitoring organizations have benefited from the experiences and assistance of their peers and in light of the emergence of the Global Network of Domestic Election Monitors (GNDEM) and the Southern African Development Community- Election Support Network (SADC-ESN) to encourage regional citizen election observation and monitoring networks through which individual organizations interact, share resources, discuss existing and evolving practices, and assess up-to-date information on election-related developments around the world;

Recognizing the efforts of observing and monitoring organizations to ensure the integrity of nonpartisan election observation and monitoring by citizens through the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations and its Code of Conduct;

Knowing that West African citizen election observation groups constitute a sector of society that is indispensable and decisive for ensuring genuine elections and consolidating fledgling democracies;

We the representatives of groups, associations, institutions and nongovernmental organizations that conduct impartial and independent election observation in West Africa, who met in Accra, Ghana between November 11 and 14, 2009 to discuss strategic collaboration amongst ourselves in fostering credible elections in West Africa, agree to the following:

CHAPTER 1

FORMATION, NAME, MISSION, AND OBJECTIVES

Article 1: Name

- a. The Organizations adhering to this constitution hereby create the **West Africa Election Observers Network**, hereinafter referred to as **WAEON**
- b. The logo and the colors of the WAEON are described in the schedule to this Constitution.

Article 2: Headquarters

The headquarters of WAEON is established in Accra, Ghana. The location of WAEON headquarters may

be

transferred to other localities in Economic Community of West African States (ECOWAS) countries by a three-

fourth vote of the General Assembly. WAEON may establish network offices in member countries.

Article 3: Nature

WAEON shall be an independent, non-partisan, and non-religious Network of West Africa election observation/ monitoring citizen organizations that subscribe to the mission of WAEON and the Declaration of

Global Principles for Non-Partisan Election Observation and Monitoring by Citizen Organizations

Article 4: Mission

To strengthen and support citizen election observer groups for effective participation in electoral and democratic processes in West Africa through support to: non-partisan citizen election observation and monitoring; electoral reform advocacy; and the exchange of best practices.

Article 5: Objectives

WAEON's objectives shall be as follows:

- a. To promote the adoption and implementation of international and regional norms on elections, democracy and good governance.
- b. To strengthen the capacity and independence of member organizations to mount election observation/ monitoring projects covering the entire electoral cycle based on the highest ethical standards and best practices;
- c. To support member organizations to train on election monitoring, civic and voter education and other election-related processes;
- d. To support member organizations' efforts to develop observer training manuals in accordance with accepted standards on observer recruitment, training, deployment and reporting;
- e. To support research and advocacy on election laws, electoral reforms and other election-related issues;
- f. To facilitate information publication and dissemination of materials related to elections and democratic processes, and the exchange of best practices and technology on election observation and monitoring amongst network members;
- g. To promote solidarity, fraternity, and partnership amongst network members as well as electoral agencies

and other stakeholders to support the conduct of democratic elections in the region.

CHAPTER TWO

ORGANIZATIONAL STRUCTURE AND FUNCTION

Article 6: The organs of WAEON are as follows:

- a. General Assembly
- b. Executive Council

Article 7: Composition of the General Assembly

The General Assembly shall be the supreme authority of WAEON

The General Assembly shall consist of the nominated representatives of the member organizations. Each Organization shall be represented by one delegate at the General Assembly

The General Assembly of WAEON may establish such Committees as may be necessary for the effective functioning of the Network to accomplish its aims and objectives

Members of the Executive Council or their nomination thereof shall chair such Committees

Article 8: Functions of the General Assembly

The General Assembly shall perform the following functions:

- a. To elect at large the members of the Executive Council
- b. To approve the General Program of Action of WAEON
- c. To act on amendment/s to the Constitution proposed to it in accordance with the procedure provided herein
- d. To decide on new membership of WAEON
- e. To act upon any recommendation of the Executive Council on charges against an officer or member organization
- f. To create committees necessary to perform its work
- g. To accept and approve the Annual Budget, Program of Action, and Report of the Executive Council
- h. To decide on the dissolution of WAEON
- i. To decide on the termination of membership in accordance with the provision of this constitution

Article 9: Meetings

- a. The regular meetings of the General Assembly shall be held every two years in a place to be designated by
the immediately preceding Assembly
- b. The Chairperson shall be the convener of all General Assembly meetings
- c. The Chairperson and the Coordinator shall serve as Presiding Officer and Secretary, respectively, of the General Assembly
- d. Special meetings may be called by a simple majority of the General Assembly. Written call for special meetings shall be addressed to the Chairperson of the Executive Council and for the attention of the Coordinator

Article 10: Voting

- a. Voting shall be on the basis of organizations and not individuals participating in the network meeting
- b. All organizations will be entitled to one vote in matters under the consideration of the General Assembly
- c. Voting for Executive Council members of WAEON by the General Assembly shall be by secret ballot.
Organizations from member countries shall be entitled to nominate persons for only two Executive Council
positions
- d. For the purposes of voting, the General Assembly shall appoint an Election Commissioner to oversee all
WAEON's elections
- e. The General Assembly will take decisions by consensus; a vote may be taken if consensus cannot be reached
- f. In case of tie in the results of voting there shall be a second balloting. If there is another tie the presiding chair shall have a casting vote
- g. Proxy voting may be granted to a member organization in exceptional circumstances where the member organization is unable to participate in the General Assembly meeting. The procedure for the exercise of proxy voting shall be specified in a by-law
- h. The chairperson shall rotate between the Anglophone and Francophone members

Article 11: Executive Council

- a. WAEON shall have an Executive Council composed of seven (7) members elected at large by the General

Assembly

b. The officers of WAEON shall be as follows: Chairperson, two Vice Chairpersons (Francophone and Anglophone), Treasurer, and three other members

Article 12: Tenure of Executive Council Members

a. The members of the Executive Council shall hold office for a period of two years with the possibility of renewal

b. In case of vacancy, the member organization holding the vacated position shall nominate a replacement for

approval by the Executive Council for the duration of the term of the Executive Council

Article 13: Functions of the Executive Council

The Executive Council shall have the following functions:

a. To draw up plans, guidelines and budgets in accordance with the objectives and thrusts set by the General

Assembly

b. To supervise the implementation of programs and activities of WAEON

c. To issue policy statements of WAEON

d. To appoint the officers and members of the various committees

e. To organize the WAEON Secretariat to be headed by a Coordinator

f. To appoint, dismiss, suspend or take any action against any personnel of WAEON

g. To perform such other functions as the General Assembly may assign

h. To receive and approve bequests, donations and contributions to WAEON

Article 14: Meetings of the Executive Council

a. The Executive Council shall meet once every six months

b. The Coordinator shall serve notice of meeting at least three weeks ahead to all members of the Executive Council

c. The Coordinator shall prepare the agenda for the meeting in consultation with the Chairperson

d. The presence of the majority of the Executive Council members shall constitute a quorum and a majority

vote shall constitute a valid act of the Executive Council unless otherwise provided herein

Article 15: The Chairperson

The Chairperson shall perform the following functions:

- a. To preside over meetings of the General Assembly and the Executive Council
- b. To be the primary representative of WAEON at regional and international levels
- c. To be the principal spokesperson of WAEON
- d. To execute or ensure that all decisions of the network are adhered to, supervise all activities of the network
and ensure that the provisions in the constitution are respected
- e. Responsible for fund raising of the network
- f. Shall delegate the performance of his/her functions as and when appropriate

Article 16: The First Vice-Chairperson

The First Vice Chairperson shall perform the following functions:

- a. To assist the Chairperson in his/her functions
- b. To perform such tasks as may be assigned to him/her by the Executive Council
- c. To act as the Acting Chairperson in case of resignation or incapacity of the Chairperson

Article 17: The Second Vice Chairperson

The Second Vice-Chairperson shall perform the following functions:

- a. To assist the Chairperson in his/her functions
- b. To perform such tasks as may be assigned to him/her by the Executive Council
- c. To act as the First Vice Chairperson in case of resignation or incapacity of the First Vice Chairperson
- d. To act as the Chairperson in case of resignation or incapacity of the First Vice Chairperson and the Chairperson

Article 18: The Treasurer

The treasurer shall perform the following functions:

- a. Elaborate a budget for the network to be considered and adopted by the General Assembly
- b. Collect all funds on behalf of the network including membership and other dues
- c. Co-manages the assets of the network with the chairperson taking into account the proper management of operations effected, is co-signatory to the network's bank accounts and reviews network's financial agreements
- d. Prepare financial reports for the information of the General Assembly and the Executive Council

e. Execute tasks assigned to him/her by the Executive Council

f. To assist the Chairperson to raise funds for WAEON

Article 19: The Coordinator

a. The Executive Council shall recruit a Coordinator for the Network

b. The Coordinator shall be based at the Secretariat of WAEON until decided otherwise by the General Assembly

c. The Coordinator shall be an ex officio member of the Executive Council and shall not have voting rights

d. The Coordinator shall perform the following functions:

1. To coordinate the activities of the committees and bodies of WAEON

2. To be the secretary to the Executive Council and the General Assembly

3. To oversee the preparation of minutes and maintenance of records relating to the General Assembly and the Executive Council

4. To report to the Executive Council through the Chairperson of WAEON

5. To submit a report on the implementation of the WAEON General Program of Action to the General Assembly and to the Executive Council

CHAPTER THREE

MEMBERSHIP

Article 20 Qualifications and Application

To be a member of WAEON:

a. An applicant organization must be a credible independent, non-partisan citizen observation organization that has a national, sub-regional or international character; and

b. An applicant organization must subscribe to the principles enshrined in this Constitution and the Declaration of Global Principles for Nonpartisan Election Observation and Monitoring by Citizen Organizations

c. An applicant organization must be committed to participating in the activities of WAEON

d. An applicant organization must complete a WAEON application form accompanied by a resolution of its

governing body or an equivalent document

e. The Executive Council shall review the application in accordance with article 20 (a and b) and accept or reject the application through a process of consensus

f. Pursuant to article 20 (e), the Executive Council may grant observer status to an applicant organization that

does not satisfy all the conditions that qualify organizations for membership

g. The Executive Council may grant provisional membership status to an Observer Organization upon subsequent satisfaction of conditions under Article 20 (a and b) that qualify organization for membership pending approval by the General Assembly

Article 21: Member Rights and Privileges

All member organizations or institutions of WAEON shall have the following rights and privileges:

a. To be represented at all meetings of the General Assembly and the various committees of WAEON

b. To nominate, vote and be voted for during elections

c. To actively participate in the provision of human, material and financial resources in support of WAEON's

activities and deliberations and gain from the benefits and services that WAEON may have to offer

d. To nominate and/or endorse candidates for membership in WAEON

e. To submit proposals, statements, appeals or complaints to any organ, committee or other appropriate bodies of WAEON

f. To be informed of the financial status of WAEON, and to inspect, in such manner as the WAEON Executive

Council may prescribe, its books of accounts and records

g. To be furnished with copies of all reports, notices, statements and publications issued by WAEON for circulation to its members and to the general public

h. To advise and counsel the leading bodies of WAEON and their officers

i. To extend and be given assistance by other WAEON members in projects and activities of their respective

organizations and institutions

j. To have fair hearing in case of charges raised against members in relation to breaches of the constitution

k. To have such protection from WAEON as may be necessary in the discharge of duties assigned by the

network

Article 22: Member Responsibilities

All member organizations, institutions shall have the following responsibilities:

- a. To attend all regular and special meetings of WAEON as applicable
- b. To participate in the implementation of the WAEON's General Program of Action through involvement in any
of the WAEON organs and through other forms as approved by WAEON
- c. To inform WAEON of their respective activities
- d. To pay annual subscriptions to WAEON as defined in the by-laws

Article 23: Membership Withdrawal, Sanction, and Termination

- a. A member organization that wishes to withdraw membership shall submit a formal letter addressed to the
Chairperson and copied to the Coordinator. The Chairperson shall notify the Executive Council of the date of
delivery of written notice of withdrawal from where such notice will be brought to the attention of the
General

Assembly

- b. The Executive Council may sanction members in cases where there is a verified breach of the
constitution
through the following actions:
 1. A formal written caution
 2. Suspension of a member organization for a definite period
 3. Initiation of procedures for the termination of membership. Termination of membership shall be
determined by the General Assembly in accordance with Article 8 (i)

- c. In the determination of a violation of the constitution and the appropriate sanction of members, the
Executive Council and General Assembly shall be guided by principles of natural justice

- d. The procedure for investigations and application of appropriate sanctions related to the violation of the
constitution shall be elaborated by the Executive Council for the consideration of the General Assembly
within
three months upon the coming into force of this constitution

- e. Members' voting rights may be suspended after three consecutive years of non-payment of annual
subscriptions

f. Pursuant to Article 23(e) members' voting rights shall be reinstated after the next payment, as specified in

the by-laws

CHAPTER FOUR

RESOURCES AND FINANCIAL MANAGEMENT

Article 24: Resources

a. The sources of the funds for the organization shall include but are not limited to the following:

1. Grants;
2. Annual subscriptions;
3. Financial donations;
4. Sale of publications and souvenirs of WAEON;
5. Contributions of time by members providing support to the network; and
6. All other resources covered under the law

Article 25: Resource Management

a. WAEON financial operations shall be undertaken with a bank having a West Africa sub-regional presence

b. There shall be at least two (2) signatories to all WAEON's bank account(s). This should at all times include

the signature of the Chairperson of the Executive Council unless delegated. Other signatories may include:

- 1) The treasurer
- 2) The First Vice Chairperson
- 3) The Second Vice Chairperson
- 4) The Coordinator

CHAPTER FIVE

REGULATIONS AND MISCELLANEOUS

Article 26: Regulations and Policies

For the effective implementation of the provisions in this constitution, the Executive Council may propose regulations and policies for the consideration and adoption of the General Assembly. This shall include regulations on financial management, voting, and disciplinary/sanction procedures. The Executive Council shall submit the stated regulations and policies within three months upon coming into force of this constitution

Article 27: Amendments

- a. This Constitution, or any provision thereof, may be amended or repealed by two-thirds vote of the members of the General Assembly at any regular or special meeting duly held for the purpose
- b. Any member who proposes any amendment/s to the Constitution must do so in writing, stating therein the actual change/s and justification, and submit to the Coordinator prior to the holding of the meeting of the General Assembly
- c. The Coordinator shall provide advanced copies of the proposed amendment/s to the general membership

Article 28: Dissolution of Network

- a. WAEON shall be dissolved by the vote of three-fourths of all members of the General Assembly convened for that purpose
- b. In the event of the dissolution of the network the General Assembly shall appoint a committee of three **members to oversee the liquidation and allocation of assets of the Network**

Member Organizations

- Mouvement Burkinab  des Droits de l'Homme et des Peuples (MBDHP), Burkina Faso
- Convention de la Soci t  Civile Ivoirienne (CSCI), Cote d'Ivoire
- Coalition of Domestic Elections Observers (CODEO), Ghana
- Consortium d'Observation des Elections (COE),
- Guinea Liberia Democratic Institute (LDI), Liberia
- Appui au Processus Electoral au Mali (APEM), Mali
- Association Nig rienne pour la D fense des Droits de l'Homme (ANDDH), Niger
- Transition Monitoring Group (TMG), Nigeria

- Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO), Senegal
- National Election Watch (NEW), Sierra Leone
- Concertation Nationale de la Société Civile (CNSC), Togo