



AFRICAN REGION OF THE INTERNATIONAL OMBUDSMAN INSTITUTE (IOI)

REGIONAL BY-LAWS

WHEREAS the International Ombudsman and Mediator Institute (hereinafter referred to as the “IOI”) is an internationally recognised body that is comprised of Parliamentary Ombudsman.

AND WHEREAS in 1996, the membership of the IOI voted pursuant to the IOI By-Laws and resolved to create regional IOI groupings within its membership with the objective of primarily providing a platform for the member countries of the respective IOI Regions to communicate more effectively, share information and their experiences as Ombudsman and Mediators in their respective jurisdictions.

RECOGNISING that in Africa, a number of ombudsman institutions have been established at national level and are acknowledged as independent and impartial external government institutions by their respective national constitutions or by an Act of Parliament.

ACKNOWLEDGING the provisions of paragraph (a) of sub article 3 of Article 22 of the IOI By- Laws which states that the “Voting Members of each Region of the IOI shall adopt a set of rules to guide its operations (the Regional By-Laws)”

NOW THEREFORE the IOI Africa Region have, by majority vote, approved and adopted the following Rules at Bangkok this 14th day of November 2016.

PART I

MEMBERSHIP

1. The Membership of the IOI Africa Region (hereinafter referred to as “the Region”) shall be those institutions or individuals located in the Region or allocated to the Region which, have been admitted to the membership of the IOI and are in good standing with the Institute. Voting Members of the Region shall be those members that are entitled to vote as prescribed by the IOI By-Laws.
2. The Region shall be represented on the IOI Board by a prescribed number of directors as provided for under paragraph (c) of sub article 1 of Article 11 of the IOI By-Laws, including a Regional President.
3. A Voting Member of the Region may be considered for election to the position of Director of the IOI Africa Regional Board (hereinafter referred to as “the Regional Board”) if such a member –
 - a. is in good standing with the IOI;
 - b. can demonstrate their ability to fully and effectively represent the membership of the Region;
 - c. is able to fully and effectively participate in the regional meetings of IOI;
 - d. is able to fully and effectively participate in the annual meetings of the IOI Board ; and
 - e. is able to demonstrate the ability to forge a spirit of cohesion amongst member countries of the Region with the aim of achieving the objectives of the IOI as set out under its By-Laws.

PART II

RESPONSIBILITIES

1. The organisation of the Region’s affairs shall be the responsibility of the Regional Board that is elected to represent the Region, from time to time, on the IOI Board.
2. The Directors of the Regional Board shall, by agreement, determine their own procedure.

3. The Regional Board shall arrange for the holding of regional meetings to be held as prescribed under the provisions of Part III of these Regional By –Laws or as may be prescribed by the Regional Board in accordance with its rules.
4. The Regional Director who is elected as Regional President as set out under Part IV of these Regional By –Laws shall act as Chairperson of the Regional Board and shall preside over the meetings of the Region.
5. The Regional Board shall consist of a President, a Vice President and Secretary General of the Association.
6. Where the Regional President is absent from a particular regional meeting, the directors of a Regional Board shall for the purposes of that particular regional meeting elect a Chairperson from amongst the Regional Directors provided that the meeting is quorate.
7. The Regional Board shall determine the regional projects that are to be undertaken in the Region. Such a determination shall be on a consultative basis and due regard shall be made to obtain the views of the members of the Region by such means as the Regional Board shall consider appropriate in each particular circumstance.
8. The Regional President shall be responsible for the co-ordination and submission of the IOI Africa Region Section of the IOI Annual Report to the IOI General Secretariat. Such Report shall include the activities of the Region.
9. The Regional Board may make such rules as are necessary for the smooth and effective functioning of the operations of the Region. Such rules shall not be inconsistent with these Regional By-Laws or the By-Laws of the IOI. The Regional President shall communicate to the Secretary General of the IOI, in writing, advising him or her about the existence of these Regional By-Laws and shall also promptly update him or her of any amendments made to these Regional By-Laws.

PART III
REGIONAL MEETINGS

1. The Regional Board shall arrange for the holding of biennial regional meetings of the Voting Members to be held on an equitable rotational basis between members who are willing and able to host such a meeting.
2. When the IOI World Conference is being held, the regional meeting of the Voting Members shall be held as part of the IOI World Conference.
3. A regional meeting can also be held in conjunction with any meeting, conference or other platform where all the Voting Members of a Region have an opportunity to attend.

PART IV
ELECTIONS

1. Subject to the provisions of paragraph 3 under Part I the members of the Regional Board shall be democratically elected from amongst the Voting Members of the Region.
2. The Voting Members shall, at each regional meeting that is held as part of the IOI World Conference, elect the Regional Directors and the Regional President to which the Region is entitled by virtue of the By-Laws of the IOI.
3. A Voting Member is entitled to one vote. Voting shall be by secret ballot .Where the Voting member is an office of the Ombudsman there shall only be one vote by that office.
4. No Voting Member whose annual fees are in arrears shall be eligible to vote.
5. The following arrangements shall apply to the election of the Regional Directors and the Regional President:

- a. For the purpose of such an election the Regional President shall be the Returning Officer.
- b. Not later than three (3) months before the opening of the IOI World Conference, the Returning Officer shall call for nominations from the members of the Region.
- c. In the event that all the Regional Directors are seeking re-election, a Voting Member of the Region who is not seeking election as a Regional Director shall be requested to act as the Returning Officer.
- d. Where the Regional President is seeking a re-election as a Regional Director or in the event that the Regional President cannot act as the Returning Officer for any other reasonable cause, a Regional Director who is not seeking re-election shall act as the Returning Officer.
- e. The Returning Officer shall set out a deadline of at least two (2) weeks prior to the opening of the IOI World Conference for candidates' names to be put forward, in writing, to the Returning Officer. The candidates' names may be forwarded to the Returning Officer by email.
- f. The Returning Officer shall ensure that he or she circulates the names of the candidates to all the Voting Members of the Region, who are eligible to vote in a particular election, at least one week prior to the opening of the IOI World Conference.
- g. Where more than one nomination is received for a position of Regional Director, the various nominees should be provided with an opportunity to make their case for election to the members of the Region. Such case shall be made out within a prescribed time before the day of conducting the vote.
- h. The Returning Officer shall arrange for an election to be conducted during a regional meeting that is held as part of the IOI World Conference. The election shall be chaired and supervised by the Returning Officer.
- i. Voting Members who will not be in attendance at the regional meeting prior to the IOI World Conference may vote for up to three candidates in advance. Such vote shall be done by email and shall be directed to the Returning Officer. In such a circumstance all the votes that are made in advance must be received before the opening of the IOI World Conference.
- j. The Returning Officer shall keep a proper record of the all the advance votes received from Voting Members. Prior to the conduct of the ballot to be carried out at the regional meeting as highlighted under sub-paragraph (h) ,the Returning Officer shall clearly state and announce the number of advance votes received and indicate which voting members have cast

their vote in advance. This shall be done without undue regard to the spirit behind voting by secret ballot.

- k. There shall be no provision of voting by proxy.
- l. Each Voting Member present at the regional meeting may vote for up to three candidates. The Returning Officer shall tabulate the votes that he or she has received in advance and those votes that are received during the regional meeting. The three candidates that receive the highest number of votes shall be declared as elected. In the event that candidates are tied, a further vote shall be conducted by those Voting Members present at the regional meeting in order to determine which one of the tied candidates will be elected.
- m. Following the election of the three (3) Regional Directors, there shall be a further vote by the Voting Members in attendance to elect the Regional President from among the Regional Directors.

PART V

VACATION OF OFFICE

1. A Regional Director shall resign from his or her position as Regional Director when he or she ceases to hold the Office of Ombudsman.
2. Any vacancy that arises between regional meetings as a result of death, resignation or retirement of a Regional Director shall be filled at the next regional meeting provided that such a meeting is held not more than ninety (90) days after a vacancy has been identified. The term of office of a Regional Director who is elected under this Part shall not exceed the term of office of the other Regional Directors.
3. In the event that a regional meeting is not scheduled to take place within the stipulated ninety (90) day period from the date on which a vacancy is identified and it appears that there is an imminent IOI Board meeting, the Regional President shall send a call for nominations to all the regional members and such communication may be made by email or facsimile. The Regional President shall then notify the regional members of the nominations received.

4. Subject to the provisions of paragraph 3 under this Part, if there is more than one nomination each member that is nominated must be provided with an opportunity to accept the nomination and to state their case for election to all the regional members. The Regional President shall then call for votes, in writing, from the regional members who are eligible to vote.
5. In an instance where the Regional President has vacated office the remaining Regional Directors shall perform the role prescribed with relation to an election under this Part.
6. For the purposes of this Part, the provisions under Part IV of these Regional By-Laws shall apply with the necessary modifications where necessary.

PART V

AMENDMENT

1. Subject to the By Laws of the IOI, a majority of the Voting Members in the Region may alter, amend or add to these Regional By-Laws at any time or from time to time.
2. A resolution that sets out the content of the amendment, alteration or addition shall be notified, in writing, to all the Voting members of the Region at least one month in advance of any vote. The vote referred to herein shall be voted on at a regional meeting where practicable or through electronic means via email or facsimile.

PART VI

LANGUAGE

English and French may be used as the official working language of the Region in its day to day operations. At meetings other than the ones referred to under Article 14 of the IOI By- Laws any one of the official languages of the IOI may be used as the working language.