

MOTION PAPER ON PROPOSED AMENDMENTS TO THE ALRAESA CONSTITUTION

Members of the Executive Committee of ALRAESA will recall that the Secretariat was mandated by the 4th EXCO Meeting held on 14th April, 2008 in Livingstone, Zambia, to review and make proposals for amendment of the Constitution of ALAESA where deemed necessary, in order to complete certain provisions of the Constitution which appear to be incomplete, and to clarify on whether membership to an organ of the Association attaches to the individual member elected to hold office in the organ; or whether membership attaches to the organization from which the member originates.

A proposal had also been made for admission of associate members in two categories, namely: (i) individuals or organisations interested in law reform activities who/which apply for associate membership and who/which will be required to subscribe fees and (ii) individuals who will be offered admission by the Executive Committee on account of their previous experience in law reform in order to obtain their expertise and who will not be required to pay subscription fees.

The Secretariat has re- examined the ALRAESA Constitution and found:

- (i) That Article 5 and 6 need to be amended to provide for admission of two categories of associate membership and the fee payable where appropriate;
- (ii) That Article 10 is not complete in certain respects and needs to be adjusted slightly;
- (iii) That the matter of membership to organs of ALRAESA needs to be clarified.

In order to provide for the additional category of associate members, it is proposed that Article 5 and 6 be amended by inserting new sub- paragraphs.

The secretariat therefore proposes amendments to Article 5 as follows:-

-By inserting immediately after sub-article (c), the following new sub- paragraphs (d), (e) and (f)-

- (d) Individual persons and organisations interested in law reform activities may apply for Associate Membership to ALRAESA.**
- (e) The Executive Committee may admit an individual person as an Association Member based on her/his experience in law reform and who had previously worked in any Law Reform Agency.**
- (f) Associate Members shall not be eligible to vote or hold office.**

The secretariat further proposes amendments to Article 6 as follows:-

-By inserting immediately after sub- paragraphs (b), the following new sub- paragraphs (c) and (e) –

- (d) The Executive Committee shall fix the annual subscription payable by Associate Members.**
- (e) Associate Members in category 5(e) shall not pay subscription fees.**

In order to complete certain provisions of the Constitution and to remove doubt as to whether membership to EXCO attaches to the individual member elected to office or to the Law Reform Agency s/he represents, the Secretariat proposes amendments to Article 10 of ALRAESA Constitution as follows:-

That Article 10 is amended:-

- By re-numbering the present Article 10 to sub-article (1) of Article 10.

- By inserting immediately after sub-article (1) (d), the following new sub-article-
 “(1) (e) **two other members from member agencies not represented in the Executive Committee after election of designated office bearers**”.

- By inserting immediately after sub-article (1) (e), the following new sub - article (2) –
 “(2) **Eligibility of office bearer: Office bearers shall hold office on behalf of the agencies to which they belong and not on their personal capacities of the individual members so elected. If the elected office bearer ceases to be employed by the agency s/he represents, the concerned agency will nominate a replacement office bearer to hold office for the remainder of the term**”.

- By inserting immediately after sub-article (2) the following new sub-article (3)-
 “(3) **Termination of membership of office bearer: A Member representing an agency as office bearer shall cease to be an office bearer upon termination of her/his employment with the agency she/he represents or upon termination of membership of the agency s/he represents as an office bearer**”.