

CONSTITUTION OF THE AFRICAN UNIVERSAL SERVICE AND ACCESS FUND ASSOCIATION

I. There shall be established an Organisation to be known and called as the African Universal Service and Access Fund Association ("AUSAFA").

2. DEFINITIONS

For the purpose of this Constitution:

- (a.) "Council" shall have the meaning assigned to it in article 6.I herein.
- (b.) "Member" shall have the meaning assigned to it in article 4.I herein
- (c.) "Universal access" shall mean the principle of providing telecommunications access to all citizens of a country
- (d.) "Universal Service and Access Fund Agency" or "USAF" shall mean an institution whether as a separate legal entity or otherwise, created by legislation, regulation or executive order, for the purpose of managing, promoting and encouraging the provision of Universal Service in and Access to information and communications technology.
- (e.) Other Stakeholders shall mean those who are involved in universal service and access provisioning.
- (f.) For the purposes of this Constitution, 'telecommunications' shall be taken to include related information and communications technologies (ICTs), products and services.

3. PURPOSES

3.1 The purposes of the AUSAFA shall be to:

- (a) promote the efficient use of Universal Service Funds for the development of universal access and generally the telecommunications industry in Africa;
- (b) encourage the use of Universal Service Funds by African countries for the betterment of their citizens and countries as a means of achieving their developmental goals, especially the MDGs;
- (c) facilitate the cooperation, coordination and collaboration between the Universal Service Fund and Access Agencies of African countries to their mutual benefit and to the benefit of the entire telecommunications sector;
- (d) act as a conduit for engagement, discussion, representation and mutual collaboration between individual Universal Service Funds and Access Agencies of African countries, other regional organisations and global bodies that deal with telecommunications;
- (e) become the common voice of Universal Service Fund and Access Agencies of Africa in the wider global developmental agenda;
- (f) work to identify best practices in the governance, administration and execution of Universal Service Funds and Access Agencies, and undertake programmes that help to replicate best practices and scale-up pilot projects;

- (g) develop and implement programmes and activities, especially in research, capacity building and knowledge-sharing events, to promote and fulfill the purposes set out hereinabove

4 MEMBERSHIP

- 4.1 All Universal Service Funds and Access Agencies in African countries can become a member of the AUSAFA
- 4.2 All Universal Service Funds and Access Agencies in African countries are entitled to participate at the annual meeting of the AUSAFA. However, only those who make financial contribution to the annual budget of the AUSAFA shall be considered as Full Members and shall be entitled to
 - (a) Present papers at the meetings of the AUSAFA
 - (b) Decide on the annual work programme of the AUSAFA
 - (c) Vote at the meetings of the AUSAFA
 - (d) Be elected to the offices of the AUSAFA
- 4.3 Those USAFs and other stakeholders (as identified in 2 (e)) who are not Members may only attend and present papers at the annual meeting of the AUSAFA with prior approval of the Chairperson of the AUSAFA.
- 4.4 Those stakeholders as identified under 2(e) may join as affiliate members and contribute in accordance with decision by the Council of the AUSAFA

5 GOVERNING INSTRUMENTS

- 5.1 This constitution shall be the governing instrument of the AUSAFA.
- 5.2 To the extent it is not in conflict with the Constitution, the Council of the AUSAFA may pronounce on matters concerning the governance of the AUSAFA which shall be binding.

6 COUNCIL OF THE AUSAFA

- 6.1 The Council of the AUSAFA shall be composed of one Representative each to be appointed by the members.
- 6.2 The Council shall meet at least once a year and shall elect a Chairperson, a first Vice-Chairperson and a second Vice-Chairperson from among the Representatives in a manner so that the period of office of the Chairperson and Vice-Chairpersons are not less than ten months and not more than fourteen months.
- 6.3 Subject to article 6.2 above the Council shall have the power to decide on the frequency of and venues for, the meetings of the Council.
- 6.4 The quorum for a meeting of the Council shall be Representatives from at least one more than half of the number of Members for the time being.
- 6.5 Decisions of the Council shall be by consensus unless a majority of members demand a vote.
- 6.6 The Council shall:
 - (a.) determine the broad policies and strategies of the AUSAFA

- (b.) agree upon the annual work programme of the AUSAFA
- (c.) examine and approve the budget of the AUSAFA
- (d.) Appoint auditors and consider and accept the Auditors' Report if deemed necessary
- (e.) appoint committees, sub-committees, expert groups or other sub-forum to carry on the work of AUSAFA more effectively and in a more inclusive manner
- (f.) perform such other tasks as are necessary for the fulfilment of the AUSAFA's objectives

7. CHAIRPERSON

- 7.1 The Chairperson shall preside at and conduct the meetings of the Council and any Committee created by the Council unless otherwise determined by the Council.
- 7.2 In the absence of the Chairperson the First Vice-Chairperson, and if the First Vice-Chairperson is also not available the Second Vice-Chairperson, shall chair the meetings.
- 7.3 At meetings of Council, if the Chairperson and two Vice-Chairpersons are not available then Council shall appoint a Chairperson for that meeting.
- 7.4 The Chairperson shall undertake such other functions as are determined by the Council.

8. THE SECRETARIAT

- 8.1 The secretariat of the Commonwealth Telecommunications Organisation (CTO) shall act as the Secretariat of the AUSAFA.
- 8.2 The Secretariat shall carry out such functions and tasks as may be determined by the Council, such other functions and tasks as may be necessary to give fuller effect to the decision of the Council and to implement the annual work programme of the AUSAFA.
- 8.3 The Council shall allocate the budget of the Secretariat from the funds available with the AUSAFA or shall grant the authority to the Chairperson to make allocations as and when required.

9 FINANCIAL AND OTHER CONTRIBUTIONS

- 9.1 Council may decide the contribution required from each Member to carry out the agreed work programme, such contribution to be either equal for all members or to be apportioned differently amongst the members.
- 9.2 For its purposes the AUSAFA, acting through the Secretariat, shall have the power and authority to raise funding from multilateral and bilateral donor agencies, Governments, private sector and civil society.

10 AMENDMENTS

- 10.1 Any amendments to the Constitution shall be made only with the approval of two thirds of the current members of the AUSAFA.

