

# Africa Cabinet Government Network

## CHARTER

### PURPOSE AND STATUS:

1. The Africa Cabinet Government Network (referred to in this Charter as 'ACGN') is a voluntary organisation of Cabinet Secretariats established for the benefit of members and, through them, the states and peoples they work for.
2. The purpose of the ACGN is to provide formal and informal opportunities for collaboration, mutual support and sharing practical experience, as well as providing technical assistance, to Cabinet Secretaries and others involved in managing Cabinet processes in Africa, in order to facilitate evidence-informed collective decision-making by governments and effective implementation of their decisions.
3. The ACGN shall provide support and advice on government decision-making **processes**. It shall not provide advice or support on the **content** of government policies or other decisions, unless requested by the government concerned.
4. The ACGN is registered in Sierra Leone as an International Non-Government Organisation under the laws of Sierra Leone. It is headquartered in Freetown, Sierra Leone.

### DEFINITIONS

5. For the purposes of this Charter, 'Cabinet' refers to the supreme collective decision-making body within an executive government, usually comprising Ministers and usually chaired by the Head of Government. In some cases it is called a 'Council of Ministers'. It does not include parliamentary bodies which are elected and are directly accountable to electorates.
6. A 'Cabinet Secretariat' is the organisation within the executive branch of government with responsibility for supporting the operation of the Cabinet, including arranging meetings, regulating and processing the submission of policy proposals, recording and circulating the decisions made by Cabinet and usually compiling reports on the implementation of Cabinet decisions. Some Cabinet Secretariats are separate Ministries (for example a Ministry of Cabinet Affairs), while some others are part of the Office of the President or the Office of the Prime Minister.
7. 'Cabinet Secretaries' are the principal officials responsible for managing the support for the Cabinet and supervising the Cabinet Secretariat. These are often senior Civil Servants, but may also be Ministers or political appointees. For ACGN purposes the criterion is based on their function rather than their employment status. Some Cabinet Secretaries are also heads of their civil service, while in other jurisdictions this is a separate function and position.
8. In the event of a dispute about which position in a jurisdiction is effectively the Cabinet Secretary for the purposes of participation in ACGN (for example where the support for Cabinet processes is embedded in the Office of the President or the Prime Minister), the Executive Committee may seek advice from the head of the Government or his or her most senior official.
9. 'Council' shall refer to the Council of African Cabinet Secretaries' established by Article 18 of this Charter.

10. 'Executive Committee' refers to the committee established by Article 23.
11. 'Executive Director' refers to the position established by Article 25, including any person who acts in that position from time to time by approval of the Executive Committee.

## **MEMBERSHIP OF ACGN**

12. Membership shall be open to all African Cabinet Secretariats who wish to join and agree to comply with this Charter. There is no limit to the number of members.
13. A Secretariat may request membership of the ACGN by letter or email addressed to the Executive Director.
14. Membership is subject to agreement to comply with this Charter including payment of the annual membership fee in accordance with Article 34.
15. Membership of the ACGN by a Cabinet Secretariat does not imply that the Council, the ACGN or any of its members recognise or endorse the sovereignty or political leadership of the government which the member Secretariat serves. ACGN is a network of organisations, not an organisation of nation states, and its purpose is described in Article 2. Any use of terms or symbols of organisations or other entities does not imply any endorsement of their policies or roles.
16. The Council may, if it so resolves, declare a member Secretariat 'inactive' if they have failed to participate in any ACGN activities for more than 2 years or whose membership fees or other liabilities to ACGN are in arrears for more than 2 years. Inactive members may be excluded from specific ACGN activities if the Executive Committee so decides.
17. The Council may, if it so resolves, expel a member Secretariat for failure to comply with the Charter, following a warning and reasonable opportunity to remedy any ongoing failure to comply. Expulsion and any subsequent decision to readmit must be approved by an absolute majority vote of all members excluding inactive members.

## **STRUCTURE**

18. The ACGN shall be governed by the Council of African Cabinet Secretaries (referred to in this Charter as 'the Council').
19. The Council shall determine the policies of the ACGN, subject to this Charter, and approve major projects, activities and priorities.
20. The Council will comprise the Cabinet Secretaries or their delegates from the Secretariats that are members of the ACGN, in accordance with this Charter.
21. The Council shall elect a President and regional Vice Presidents, who will retain those positions for a period specified by the Council, but not more than two years without re-election. These office holders must be members of the Council. There will be a Vice President for each region (East, Southern, West, North and Central Africa) from which there are at least two member Cabinet Secretariats in the ACGN.

22. The President and Vice Presidents are elective positions. In the event that the President or a Vice President ceases to be a Cabinet Secretary, their position shall be filled by election at the next meeting of the Council for the remainder of their original term. In the interim the outgoing member or another representative of that Secretariat may act in the position with the agreement of the other members of the Executive Committee.
23. The Executive Committee shall comprise the President and Vice Presidents or their delegates and shall decide matters consistent with this Charter and resolutions of the Council.
24. The Council may also appoint a Technical Committee comprising staff of Cabinet Secretariats, advisers or others to provide technical support if required.
25. The Executive Committee shall appoint an Executive Director who reports to the Executive Committee and is responsible for day-to-day management of the ACGN and coordination of ACGN support staff. The Executive Director will be the Secretary to the Executive Committee.
26. The Executive Committee may approve the employment of other staff based on terms and conditions approved by the Executive Committee consistent with any resolutions of the Council regarding staffing and budgets.
27. From time to time the Council may appoint firms or other organisations as agents to assist the ACGN to manage specific projects or activities, including (but not limited to) contracting with donors, employing staff and managing funds on behalf of the ACGN. Agreements with agents entered into prior to the establishment of this Charter will continue until completed.

#### **COUNCIL MEMBERSHIP**

28. Membership of the Council shall comprise Cabinet Secretaries or equivalent from African countries.
29. If a member of the Council ceases to hold the office of Cabinet Secretary or equivalent, he or she ceases to be a member of the Council (but may be appointed an Associate Member of the ACGN in accordance with Article 18).
30. Membership of the Council is limited to the individuals holding the post of Cabinet Secretary. The ACGN shall not impose any criteria regarding the system of government or decisions or actions a government may have taken. The only grounds for refusing or terminating membership are serious criminal conviction or explicit UN sanctions affecting the individual.

#### **ASSOCIATE MEMBERS OF THE ACGN**

31. Other individuals may be appointed as Associate Members, for example former Cabinet Secretaries, individual staff of Cabinet secretariats, advisers who work directly with Cabinet Secretaries, and representatives of organisations or firms who support development of Cabinet processes.
32. Associate Members shall be approved by the Executive Committee subject to any relevant resolutions of the Council regarding criteria.

## **FINANCES**

33. Subject to this Charter, the sources of funding for the ACGN's costs and activities may include member contributions, charges or fees for participation in ACGN activities, donations from governments, and donations or other support from international organisations and other donors.
34. As agreed at the Council meeting in April 2015, member Secretariats shall pay a fee for membership of the ACGN, equal to USD10,000 per calendar year for each Secretariat or such other amount as the Council may from time to time determine.
35. The membership fee will commence in 2016 and be payable by 31 March each year unless the Executive Committee agrees to delayed payment or payment by instalments for a specific member Secretariat. The Executive Committee shall notify all Council members of any such agreement within 90 days.
36. Member Secretariats whose membership fees are in arrears without permission of the Executive Committee for delayed or instalment payments may not participate in member-only activities except with the agreement of the Executive Committee. Such non-financial members shall not be eligible for member discounts for ACGN activities where such discounts are available.
37. In addition to the membership fees, the Executive Committee may request members or their governments to make voluntary contributions to the ACGN or to specific activities. These contributions may be financial or in other forms (such as allocating office accommodation, equipment or staff members to provide part time support for ACGN activities).
38. The Council may agree to membership charges for specified categories of associate members.
39. The Executive Committee shall seek support from donors for specific projects or for general costs. Any proposed agreement with donors shall be consistent with the purposes of the ACGN and this Charter and shall be endorsed by the Council.
40. No salaries or fees shall be paid by the ACGN to Council Members, although they may be reimbursed for expenses incurred on behalf of the ACGN.
41. ACGN will engage an accountant to assist with preparation of financial records and reports. An auditor will also be engaged by the Executive Committee and approved at the next meeting of the Council.
42. The Executive Director shall provide an audited financial report annually (calendar year) to the Executive Committee which shall arrange for it to be sent to all Council members for approval at the next Council meeting. Quarterly financial reports shall be provided to Executive Committee members.

## **DECISION-MAKING**

43. Unless otherwise stated in this Charter, all decisions of the Council and the Executive Committee shall be made by a simple majority of votes cast, with each Cabinet secretariat having one vote. Where there is more than one member from a secretariat, they shall have only one vote between them. In the event of a tie, the President shall have a casting vote.
44. Decisions may be taken at meetings or by email.

45. A minimum of 14 days notice shall be given for meetings and also 14 days provided to members for votes by email.
46. Emails sent to the last notified email address shall be deemed to have been received. Failure to receive a response to the nominated ACGN email address by the specified deadline (of no less than 14 days) will be regarded as refusal to vote or a 'no objection' (depending on the resolution).
47. Members may nominate proxies to vote on their behalf based on any procedures agreed by the Executive Committee.
48. Meetings of the Council shall be convened, as required, by the President at least once each year, with necessary decisions between meetings taken by email. Meetings of the Executive Committee shall be convened as required, at least quarterly, where necessary by telephone conference or Skype.
49. The quorum for Council and Executive Committee decisions shall be at least 50% of members.
50. The Executive Committee shall have the authority to determine further detailed decision-making rules and regulations consistent with this Charter.

#### **ACGN ACTIVITIES**

51. The ACGN shall engage in activities consistent with this Charter, which may be open to all member secretariats or only some secretariats, depending on the interest and needs of individual secretariats and the availability of funding.
52. The Executive Committee may decide to conduct activities open to non-member Secretariats or their staff, with or without discounted fees or charges for members.
53. Specific activities shall be approved by the Executive Committee, consistent with any work plan, priorities or other resolutions of the Council.
54. Member organisations, their representatives, ACGN employees and associates shall not use ACGN meetings, activities, publications or other communications to promote specific political views, specific policies (including foreign policies) or other causes. This exclusion does not cover discussion of decision-making processes or the use of case studies for training or discussion purposes.
55. Member Secretariats shall take reasonable steps to ensure that, where their representatives participate in ACGN activities (such as training workshops), they comply with the laws of the host country, respect local cultures and treat other participants with courtesy and respect.

#### **CONFIDENTIALITY**

56. From time-to-time Council Members may share sensitive information or documents with other members or associate members on a confidential basis. It is entirely up to each Cabinet Secretary to decide what information will be shared, consistent with the secrecy provisions of his or her own Cabinet, and shall clearly specify to the ACGN secretariat the basis on which it is being shared.

57. All members agree to respect the confidentiality of information or documents and not to provide access to others without the expressed permission of the Cabinet Secretary concerned.

#### **PUBLIC STATEMENTS AND ADVICE**

58. The ACGN shall not make any public criticism or comment on any decision of a government whose Cabinet Secretary is a member of the Council. No person shall make public criticism or comment on any government in the name of or on behalf of the ACGN or the Council.

59. All public material will be limited to advice and guidance on Cabinet processes or activities of the ACGN.

60. In the event that a government requests advice on the content of a specific policy under Article 3, any such advice provided by member personnel, an employee or an associate on behalf of ACGN on the content of policies or options shall be confidential. ACGN shall not make public statements regarding the content of specific policies.

61. Consistent with any policies or criteria decided by the Council and the Executive Committee, information and documents published (eg on the ACGN website or in newsletters) shall be consistent with the purpose of the ACGN. Published information or documents shall not purport to represent the views of the Council or its members unless previously agreed by the Council.

#### **CORRESPONDENCE**

62. Notifications and communications with ACGN and Council members shall be by email to the last notified address. Members are required to notify the Executive Director of any changes in Council member or Secretariat contact details, including phone numbers, email addresses and details of nominated liaison persons.

#### **ESTABLISHMENT AND AMENDMENT**

63. This amended Charter was approved by a meeting of Cabinet Secretaries and their representatives on 22<sup>nd</sup> April 2016.

64. This charter may be amended by a resolution of the Council, provided that prior notification of the specific amendment is circulated with at least 14 days notice.