



CONSTITUTION

UPDATED
SEPTEMBER 2020

We, Asian individuals, organizations and institutions who are advocates of free, honest and clean elections, hereby affirm and commit ourselves to defend and uphold the universal and equal right of suffrage of all people.

We commit to work for the recognition and realization of the right of all people to take part in the government of his or her country, directly or through freely chosen representatives.

We shall promote and protect the right of all people to equal access to public service in his or her country.

We shall exert all efforts so that the will of the people shall be the basis of the authority of government, this will to be expressed in periodic and genuine elections, which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent voting procedures.

To these ends, we have resolved to unite together to form this organization.

Article I: NAME

The organization shall be known as the Asian Network for Free Elections, hereinafter referred to as ANFREL.

Article II: HEADQUARTERS

ANFREL may hold office/sub-offices at any place in order to serve its interests and those of its members.

Article III: NATURE

ANFREL shall be an international, multi-sectoral, independent and non-political alliance of organizations, institutions, and individuals who subscribe to the declaration of principles, objectives and mandate of ANFREL as stated within this Constitution.

Article IV: OBJECTIVES

ANFREL shall:

- a. Support multi-stakeholder initiatives towards democratization in Asia with a particular focus on strengthening political and electoral institutions and processes, civic engagement and civil and political freedoms and rights;
- b. Engage in international election observation efforts to assess whether electoral processes meet international and regional standards and best practices on free and fair elections;
- c. Support development and strengthening of civil society and citizens groups across Asia that are dedicated to engage in democratic accountabilities such as election observation and parliamentary oversight;
- d. Provide a platform for election stakeholders across Asia to exchange knowledge and experience, mutually learn and develop synergies for greater cooperation, collaboration and partnerships;
- e. Support its member organizations in their domestic initiatives on election monitoring, voter education, civic engagements and other such actions that seek to strengthen democracy.

Article V: MEMBERSHIP

Section 1: Membership Process Principles

ANFREL is a membership-based organization and its process to accept members shall be lawful, transparent, efficient and objective.

Section 2: Membership Eligibility

Any organization (the **“Applicant Organization”**) that fulfils the following criteria is eligible to apply for membership subject to the approval of the ANFREL Executive Council. The essential criteria include:

- a. The Applicant Organization must be a legally registered entity under the laws of the country of origin, unless it has a justification otherwise;
- b. The Applicant Organization has a mandate that aligns with the objectives of ANFREL;
- c. The Applicant Organization is politically non-partisan and provides an undertaking to that effect;
- d. The Applicant Organization should preferably have 3 years of demonstrated working experience in areas that are relevant to ANFREL objectives;
- e. The Applicant Organization conducts annual external audits;
- f. The Applicant Organization is willing to undergo due diligence by ANFREL; and
- g. The Applicant Organization is willing to pay an annual fee as determined by the General Assembly every three years.

Section 3: Procedure for Membership Application

- a. An Applicant Organization must apply for membership by submitting to ANFREL an application form which shall be available on ANFREL's website. An application for membership through any other means will not be accepted.
- b. The ANFREL Secretariat will process all applications by checking if an applicant meets the essential membership criteria stated above, and present all eligible applications to the Secretary General, who will take these up with the Executive Council at their next meeting or through circulation by email after satisfying oneself that the ANFREL Secretariat has conducted essential scrutiny.

- c. The Executive Council may grant memberships subject to its satisfaction and further scrutiny as may be required which may also include assessments by existing member organizations in that country. All membership decisions by the Executive Council shall be made through consensus.

Section 4: Membership Categories

There shall be categories of members to ensure a greater scrutiny of the quality of membership and their progression to become voting members of the General Assembly that in turn elects the Executive Council. The following shall be the categories of members:

- a. Full members (all existing institutional members after the review of the current membership): Among other roles, these members will have the right to contest as well as vote in the election for members of the Executive Council;
- b. Associate Members: All new members to be selected will be associate members and will be given full membership after at least three years subject to their fulfilling of responsibilities as associate members including timely payment of membership fee. Associate members will not be able to contest or vote in in the election for members of the Executive Council;
- c. Individual Members: These members will include academics, civil and political rights activists, credible journalists, etc. who have an interest in ANFREL's work or relevant areas. The Executive Council may invite individuals to join as members based on the value of their work in areas relevant to ANFREL objectives, and submit their names to the General Assembly for approval.

Individual members shall hold membership for a renewable term of 3 years, and are not required to pay membership fees. However, these members cannot contest or vote in the election for members of the Executive Council.

Section 5: Rights and Privileges

All members of ANFREL shall be entitled:

- a. To be represented in the meetings of the ANFREL General Assembly and its various committees to which they may be assigned by the Executive Council;
- b. To nominate, vote and receive votes during elections, if the category of their membership permits;
- c. To actively participate in ANFREL activities and deliberations and avail benefits and services ANFREL may have to offer;

- d. To submit proposals, statements, appeals or complaints to appropriate ANFREL forums/committees;
- e. To be informed of the financial status of ANFREL, and to inspect, in such a manner as the ANFREL Executive Council may prescribe, its books of accounts and records;
- f. To be furnished copies of all reports, notices, statements and publications issued by ANFREL for circulation to its members and to the general public;
- g. To extend and be given assistance by other ANFREL members in projects and activities of their respective organizations and institutions.

Section 6: Responsibilities

All members shall have the following responsibilities towards ANFREL:

- a. To attend all regular and special meetings of ANFREL;
- b. To participate in the implementation of the ANFREL General Program of Action through involvement in any of the ANFREL Committees and through other forms of participation;
- c. To inform ANFREL of their respective activities;
- d. Except for individual members, to pay their membership fees.

Section 7: Resignation or Termination of Membership

A member organization, institution, or individual may lose its membership in the following manner:

- a. Withdrawal through a formal letter addressed to the ANFREL Secretary General;
- b. Termination in case it is found that a member is not fulfilling their responsibilities as mentioned in Section 6 of this article or engages in activities that are prejudicial to the interests of ANFREL. Any such termination shall only take place after providing the member an opportunity of being heard.
- c. The Executive Council may initiate an enquiry against any member for reasons cited in subsection above and accordingly decide whether to terminate its membership.
- d. All requests for withdrawal and Executive Council decisions regarding termination shall be presented to the General Assembly as soon as possible through online means. Any member whose membership is terminated by the Executive Council may file an appeal with the General Assembly, pursuant to the relevant ANFREL by-laws.

Article VI: GENERAL ASSEMBLY

Section 1: The General Assembly shall be the supreme authority of ANFREL.

It shall perform the following functions:

- a. To elect the members of the Executive Council;
- b. To approve the General Program of Action of ANFREL;
- c. To act on amendment/s to the Constitution proposed to it in accordance with the procedure provided herein;
- d. To act as an appeal body on Executive Council decisions regarding the termination of ANFREL members, officers, or personnel;
- e. To receive and approve bequests, donations and contributions to ANFREL;
- f. To create committees necessary to perform its work;
- g. To receive and approve the Annual Report of the Executive Council.

Section 2: The General Assembly shall consist of the nominated representatives of the member organizations.

Section 3: Meetings

The regular meetings of the General Assembly shall be held at least once every year either online or at a place to be designated by the Executive Council, subject to the availability of financial resources. However, special meetings may be called by a simple majority of the General Assembly.

Section 4: The General Assembly shall have the exclusive power to decide on the dissolution of ANFREL by a three-fourths (3/4) majority vote of the total ANFREL membership, individual members notwithstanding, in a special meeting called for this purpose.

Section 5: The Chairperson and the Secretary General shall serve as Presiding Officer and Secretary, respectively of the General Assembly.

Article VII: THE EXECUTIVE COUNCIL

Section 1: Executive Council

ANFREL shall have an Executive Council composed of at least seven (7) and not more than eleven (11) members elected by the General Assembly, preferably representing all Sub-

regions of Asia. The election shall be conducted in accordance with the process provided in the ANFREL by-laws.

The Executive Council shall elect from amongst themselves the officers of ANFREL including Chairperson, Vice Chairperson, Secretary General and Treasurer. The election shall be conducted in accordance with the process provided in the ANFREL by-laws.

Provided any member elected to the Executive Council shall be considered retired from the day h/she leaves his employment, affiliation or any other formal engagement with the member organization who h/she represented. He/she, however, may maintain his/her individual membership of ANFREL subject to the approval of the Executive Council.

Section 2: The Executive Council shall be elected for a period of three years from the day of its election.

Section 3: No Member can seek more than two consecutive terms as Member of the ANFREL Executive Council provided that the said restriction only comes into effect after the instant amendment to the Constitution.

Section 4: The Executive Council shall be authorized to engage as many as two ex-officio members from amongst the individual members of ANFREL on purely technical and/or legal necessity, to be justified in writing.

Section 5: In case of resignation, death, retirement or termination of any member of the Executive Council during his/her tenure, the Executive Council may fill the vacancy from amongst the members of the same sub-region for the remaining term.

Section 6: Members of the Executive Council may be reimbursed their actual expenses incurred during the course of carrying out their responsibilities as defined in this Constitution. However, they may be remunerated in accordance with the rates provided for in program and projects budgets for their services that are beyond their constitutional responsibilities such as their participation in election observation missions, conduct of any research, development of program materials, etc.

Section 7: The Executive Council shall be responsible for general supervision and control of the activities of ANFREL and shall perform the following functions:

- a. To review and approve plans, guidelines and budgets prepared by the ANFREL Secretariat in accordance with the objectives and strategic directions set by the General Assembly;
- b. To supervise the implementation of programs and activities of ANFREL;

- c. To issue policy statements;
- d. To appoint officers and members for various committees;
- e. To oversee the functions of the ANFREL Secretariat and appoint an Executive Director through a competitive process as provided in ANFREL by-laws for a renewable term not exceeding three years;
- f. To appoint, dismiss, suspend or take any action against any personnel of ANFREL;
- g. To perform such other functions as the General Assembly may assign.

Section 8: Meetings

The Executive Council shall meet once every six months either at a place it agrees upon subject to the availability of resources or employing appropriate online means.

The Secretary General shall serve notice of meeting to all members of the Executive Council at least three weeks prior to the meeting.

The Secretary General shall prepare the agenda for the meeting in consultation with the Chairperson.

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 VIII: OFFICERS

Section 1: The Chairperson shall perform the following functions:

- a. To preside over meetings of the General Assembly and the Executive Council;
- b. To represent ANFREL in public functions;
- c. To sit or take part in all meetings of any committee or body of ANFREL.

Section 2: The 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.

Section 3: The Secretary General shall perform the following functions:

- a. To coordinate the activities of the committees and bodies of ANFREL;
- b. To oversee the preparation of minutes and maintenance of records relating to the General Assembly and the Executive Council;
- c. To oversee the external affairs and networking functions of ANFREL;
- d. To submit a report on the implementation of the ANFREL General Program of Action to the General Assembly and to the Executive Council;
- e. To serve as the official spokesperson of ANFREL.
- f. To coordinate with the Executive Director of the ANFREL on matters described in this Constitution.

Section 4: The Treasurer shall perform the following functions:

- a. To be responsible for the safekeeping of the funds of ANFREL;
- b. To assist the Secretary General in raising funds for ANFREL;
- c. To prepare financial reports for the information of the General Assembly and the Executive Council.

Article IX: THE SECRETARIAT

Section 1: ANFREL shall establish a Secretariat to perform the following functions;

- a. The Secretariat shall coordinate the day-to-day affairs of ANFREL and shall design and implement all programs, projects and actions as approved by the Executive Council;
- b. The Secretariat shall periodically update Members of ANFREL activities through website updates, blogs, newsletters, case studies and other electronic means;
- c. The Secretariat shall develop the ANFREL website as a repository of democracy-related data and information of Asian countries.
- d. The Secretariat shall update the General Assembly about the decisions of the Executive Council within fifteen days after the passing of such decisions;
- e. The Secretariat shall develop means and ways to strengthen the engagement and involvement of the Members in ANFREL's work;

- f. The Secretariat shall develop a long-term plan to invest in building the capacity of Member organizations that need assistance to implement democracy and governance-focused programming;
- g. The Secretariat will scrutinize the membership applications according to guidelines provided for in the bylaws and present its recommendations to the Executive Council periodically.

Section 2: An Executive Director appointed by the Executive Council shall head the Secretariat.

The Executive Director is the leader of an effective and cohesive management team for the ANFREL Secretariat by demonstrating consistent values of high ethical standards, integrity and fairness. S/he bears the responsibility to ensure that the ANFREL Secretariat and its programs and projects meet short-term operational and long-term strategic goals and objectives. S/he shall have such skills and abilities as are considered necessary by the Executive Council. S/he shall act honestly and in good faith in the best interests of ANFREL and its stakeholders and must exercise care, diligence and skill.

The Executive Director shall have the following responsibilities:

a. Strategic Leadership

- i. serve as ex-officio member of the Executive Council;
- ii. develop and recommend short and long-term goals, strategies, and objectives to the Executive Council to ensure the maximization of ANFREL resources and the long-term success of the institution;
- iii. lead and manage the ANFREL Secretariat within parameters established by the Executive Council;
- iv. review and report regularly to the Executive Council concerning ANFREL's progress towards its goals and all material deviations from the goals, strategies, and objectives approved by the Executive Council, including updating and making changes as required, and involving the Executive Council in the early stages of developing strategy;
- v. develop, recommend to the Executive Council and implement Programs and Projects that support ANFREL's long-term strategic objectives;

- vi. review and report regularly to the Executive Council on the overall progress and results against operating and financial objectives and initiate courses of action for improvement;
- vii. identify the principal risks of ANFREL's operations and ensure the implementation of appropriate systems to manage these risks; and
- viii. Keep the Executive Council fully informed of all significant operational, financial, and other matters relevant to ANFREL, including legal, regulatory, and governmental policy developments.

b. Financial Leadership

Develop annual operating forecasts of revenue, expenditures, operational results, and financial performance;

Authorize commitment of ANFREL's resources, including contracts, transactions and arrangements in course of ANFREL's work in order to pursue the approved strategies, plans, and objectives of ANFREL, provided, however, that major commitments, exposures, and risks are reported to the Executive Council in a regular and timely basis; and

Take reasonable steps to ensure that ANFREL's assets are adequately safeguarded and optimized in the best interests of the institution.

c. Administrative Leadership

- i. develop and maintain a sound, effective organizational structure and ensure that personnel and systems are in place to appropriately manage the affairs of the ANFREL Secretariat;
- ii. maintain a positive work environment that is conducive to attracting, retaining and motivating a diverse group of top-quality employees at all levels;
- iii. ensure that all staff of the ANFREL Secretariat have their responsibilities and authorities clearly established;
- iv. ensure, in cooperation with the Executive Council, that there is an effective succession plan in place for the position of the Executive Director and all other senior positions in the Secretariat; and
- v. Ensure that ANFREL has an effective management team and establish a plan for senior management development and succession, including the appointment, training and monitoring of senior management.

d. Compliance Leadership

- i. ensure that appropriate personnel and systems are in place for the integrity and adequacy of ANFREL's internal control.
- ii. take steps to ensure the safe, efficient operation of ANFREL and to ensure compliance with ANFREL's environmental, health, and safety policies, procedures, and practices;
- iii. ensure that all operations and activities of ANFREL are conducted in accordance with applicable laws, regulations, sound best practices, and any other policies and practices approved by the Executive Council; and
- iv. foster a high-performance working culture that promotes ethical practices, encourages individual integrity and accountability, and fulfills social responsibility.

Article X: AMENDMENTS

Section 1: This Constitution, or any provision thereof, may be amended or repealed by a two thirds majority vote of the members of the General Assembly at any regular or special meeting duly held for that purpose, provided that such proposal is presented by the Executive Council.

Section 2: Any member who wishes to propose an amendment to the Constitution shall do so in writing, stating the actual changes proposed and justifications thereof, to the Secretary General for the consideration of the Executive Council, which shall develop a consensus about presenting the proposal for amendment to the General Assembly.

Article XI: EFFECTIVITY AND TRANSITION

Section 1: This Constitution shall be effective from the date of approval by the ANFREL General Assembly.

Section 2: This Constitution shall not however affect qualifications, eligibility and tenure of the present elected and appointed officers of ANFREL who shall continue to serve the remainder of their term. The status of existing members will be addressed pursuant to Article V Section 4a).



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