

**THE EASTERN AND SOUTHERN AFRICAN SMALL
SCALE FARMERS' FORUM (ESAFF)**

P.O. Box 1782, Morogoro, Tanzania.

Tel/fax +255232613880 E-mail: esaff@esaff.org Website: www.esaff.org



**THE CONSTITUTION
OF
EASTERN AND SOUTHERN
AFRICA SMALL SCALE
FARMERS' FORUM
(ESAFF)**

15th April, 2011
Morogoro, Tanzania

**THE CONSTITUTION OF
EASTERN AND SOUTHERN AFRICA SMALL SCALE
FARMERS' FORUM
(ESAFF)**

PREAMBLE

WHEREAS, the Eastern and Southern Africa small scale Farmers' Forum was established out of the Small Scale Farmers' Convergence (SFC) which was a parallel event at the World Summit on Sustainable Development (WSSD) held in Johannesburg, South Africa in August 2002 and was attended by more than 300 small scale farmers from 19 countries representing Africa, Latin America, Canada, Europe and Asia. The purpose of the Convergence was for the small scale farmers to have a forum to speak as a united voice so that the issues and recommendations of farmers could become an integral part of the deliberations and outcomes of the WSSD.

WHEREAS, we the peasant farmers, pastoralists and fisher folks are the majority that constitute eighty percent of the Eastern and Southern Africa Region's population, we affirm that ecological farming, pastoralism and fishing culture is an integral part of our lives and livelihood: it has provided food security, employment, healing and spiritual inspiration and has been a basis for social education, human development and skills generation over generations.

WHEREAS, we the peasant farmers, pastoralists and fisher folks, sadly remain unheard and unnoticed in our respective communities. We are exploited, we are scorned by the society and we have sadly for years resorted to self pity. We degrade our own environment and its natural resources to the detriment of ourselves and the posterity. For generations, there has been no Forum for us to voice our concerns; thus realizing our plight and we resolve to form our Forum so as to relieve our misgivings and chart a way forward that will enhance our strength in unity to enable the society to hear, see and accept our valuable contribution to human development in the Region.

WHEREAS the small farmers organizations, the national farmers' organizations (ESAFF Chapters) in the Eastern and Southern Africa region, as founder members, are desirous to establish an Organisation to be known as the Eastern and Southern Africa small scale Farmers Forum, abbreviated as ESAFF as the Regional Non Governmental Organization carrying out community development activities for the betterment of the public in the Eastern and Southern Africa countries.

WHEREFORE we recognise the founder members (Elias Kawea for MVIWATA, Elizabeth Mpopu for ZIMSOFF, Moses Shaha for KESSFF, Steven Mubiru for ESAFF UGANDA, Kamali Thionest for ESAFF RWANDA, Aron Tlaka for ESAFF SOUTH AFRICA, Tumane Molikuo Johnson for SMALL SCALE FARMERS OF LESOTHO, Mubanga Kasakula for ESAFF ZAMBIA) who hereby established an International Non Governmental Organisation whose aims, objectives and other incidental matters which are herein outlined here below:

NAME, STATUS AND OFFICE:

I.1 NAME

This International Non Governmental Organization shall be known as the **Eastern and Southern Africa small scale Farmers' Forum** in short it shall be known by its acronym (ESAFF).

I.2 HEAD OFFICE

The registered Head Office of the Organisation shall be in the United Republic of Tanzania at Morogoro Municipality.

The Postal Address shall be P.O. Box 1782 Morogoro, Tanzania.

I.3 NATIONAL CHAPTERS

There shall be National Chapters of the ESAFF in member countries namely;

- | | |
|--------------------|----------------|
| (i) Tanzania | (ii) Kenya |
| (iii) Uganda | (iv) Zambia |
| (v) Zimbabwe | (vi) Lesotho |
| (vii) South Africa | (viii) Rwanda |
| (ix) Burundi | (x) Seychelles |
| (xi) Madagascar | (xii) Malawi |
- (xiii) Any other country which shall seek membership and admitted as a member.

I.4 STATUS

ESAFF is hereby established and shall be an (International) Non-Governmental Organization (NGO), voluntary and charitable non-profit making Organization. It shall be a network and a mass based social producer movement with perpetual succession capable of suing and being sued on its own name.

I INTERPRETATION:

In this Constitution, unless the context otherwise requires:

- a. **'The Organisation'** means Eastern and Southern Africa Small Scale Farmers' Forum, which is also known by its acronym (ESAFF).
- b. **'The Act'** means the Non Governmental Organisations Act 2002 of the United Republic of Tanzania.
- c. **'Member'** means national small scale farmers' organizations or ESAFF National Chapter which has been subscribed as a founder member or as a member, as the case may be, but shall not include associate member.
- d. **'Region'** means the Eastern and Southern Africa region that includes the Indian Ocean Islands off the eastern seaboard of mainland Africa.

2 AIM AND OBJECTS:

The aims and objects for which the Organisation is established are as follows:

- (a) To initiate the development and establishment of educational projects to alleviate illiteracy, improve and raise quality of agriculture and related activities to small scale farmers.
- (b) To carry out field projects, educational programs, research and workshops on different arrears of study so as to enable people to alleviate ignorance in the small scale farming.
- (c) Creating increased small scale farmers' awareness about the potential and capacity to defend their rights, needs, interests and demands socially, economically and culturally.

- (d) Advocating for small scale farmers' rightful positions in society within respective countries, regionally and internationally.
- (e) Mobilizing for self-organization and collective voice amongst small scale farmers in the Eastern and Southern Africa Region.
- (f) Fostering the practice of a sustainable and viable agriculture practices for the benefit of small scale farmers and the general public.
- (g) To foster networking and coordination among national farmers' organisations in Eastern and Southern African Region.
- (h) To work in partnership or in affiliated manner with like minded actors nationally, regionally and internationally.
- (i) To buy, acquire, own, improve, lease, hire, mortgage, dispose of and deal in property including land, buildings, stocks, shares, securities and other assets.
- (j) To enter into contracts or any other arrangements with any International bodies, governments or authorities which are supreme, municipal, local or otherwise, that may seem conducive to carrying out the Organisation's objects.
- (k) To open and operate bank account or accounts and to draw, make, accept, endorse, discount, execute and issue promissory notes, bills of exchange, cheques, warrants, debentures and other related instruments.
- (l) To promote or assist in the promotion of any organisation or association having objects similar to the objects of this Organisation, and also any association the objects of which are calculated either directly or indirectly to benefit the Organisation in the attainment of any of its objects.
- (m) To subscribe to other charities and to provide development and financing for any public purpose, to grant pensions, allowances, gratuities and bonuses to, and to provide a superannuating or any other fund or funds for the Organisation's servants, their widows or widowers and dependents as the case may be.
- (n) To raise funds, invite and receive donations, grants, assistance, and contributions in order to support the Organisation's projects but on such terms and conditions congruent to the principal aim of the Organisation.
- (o) Subject to any consent required by law, to sell, lease or otherwise dispose of all or part of the property owned by the Non-governmental organisation.
- (p) To do all such other things as are incidental or conducive to the attainment of the above objects or any of them.

3 VISION:

A strong, effective Regional Forum of empowered small scale farmers with united voices in the policy processes for ecological agriculture practice and a poverty free ESA region.

4 MISSION STATEMENT:

Empowering small scale farmers in Eastern and Southern Africa influence development policies and promote ecological agriculture through capacity strengthening, farmer led research, campaigns and networking.

5 MEMBERSHIP

5.1 Membership shall be open to national small scale farmers' organisations in the Eastern and Southern Africa Region which subscribe to the aims and objects of the Organisation or established ESAFF National Chapters in each respective country in the Region. Provided that each member in each country shall be constituted of small scale, family, fisher folks, pastoralists and subsistence farmers who are involved in sound and sustainable agriculture and subscribes to the vision and mission of this Organisation.

5.2 There shall be three types of members namely

- 5.2.1 Founder members and
- 5.2.2 Ordinary Members
- 5.2.3 Associate Members.

5.3 Founder members shall be the national farmers' organisations that have formed and registered the Organisation whose names and signatures appear in this Constitution as founding members.

5.4 Members shall be national farmers' organisation or ESAFF Chapter in any country of the Region which joins the Organisation after its incorporation or registration.

5.5 Associate shall be any national farmers' organisation or ESAFF Chapter in any country of the Region which is applying to be a member but the process of its admission has not been fully determined by the Organisation. Provided that such membership shall last for not less than one calendar year and shall not exceed two calendar years.

5.6 All members shall have the following rights:-

- 5.6.1 To attend, deliberate and vote at the Organisation's Tri Annual General Summit or Annual General Meetings or Extraordinary General Meetings.
- 5.6.2 To nominate candidates for all elective positions within the Organisation subject to laid down rules and procedures.
- 5.6.3 To receive reports and access Organisation's information through official channels such as meetings or correspondences.

Provided that Associate members may be invited to attend and participate in the meetings and other fora hosted by the Organisation as invitees or observers who shall not have voting rights.

5.7 All members shall have the following obligations:-

- 5.7.1 To pay membership and annual subscription fees as may be stipulated in the Rules and Regulations.
- 5.7.2 To attend all meetings and other fora that are convened by the Organisation from time to time.
- 5.7.3 To comply fully with the aims and objects, this Constitution and the Regulations that shall be made by the Organisation from time to time.
- 5.7.4 Perform any tasks and assignments as requested by the Organisation from time to time in order to fulfil the aims and objects of the Organisation.

5.8 The ESAFF Regional Board shall have the power to suspend any member who seriously violates the provisions of this Constitution or fails to meet its obligations within a time limit that exceeds two calendar years. Such suspension shall lapse if the member rectifies the anomalies before the following Annual General Meeting or the Secretary General so notifies the Board to that effect or it is not ratified by the Annual General Meeting in its subsequent meeting whichever is the earliest.

5.9 A suspended member shall lose all its membership rights unless the suspension is lifted as stipulated in the preceding sub- article.

5.10 Provided that a right of appeal by the member to the Annual General Meeting can be exercised within three months from the date of suspension of such membership.

5.11 The Tri-Annual General Summit may expel any member who:-

- (a) Fails to meet its financial and other obligations to the Organisation for three consecutive financial years.

- (b) Upon recommendations of an Inquiry of the Regional Board has established beyond reasonable doubt that the member in question has seriously violated this Constitution and the General Meeting ratifies the recommendations of the Regional Board.
- 5.12 A membership which has been expelled may be reinstated upon submission of a new application by that particular country which may be processed and determined as a new application; save for the fact that such a member if readmitted shall not be subjected to associate membership status.
- 5.13 Membership shall be terminated if:
- 5.13.1. The Organisation ceases to exist;
 - 5.13.2. The member resigns by written notice to the Regional Board of the Organisation through the Regional Coordinator/Executive Officer;
 - 5.13.3. If the member Organisation is dissolved or wound up.

6 ORGANIZATIONAL STRUCTURE

The Organisation powers and affairs shall be managed by the members through the following Organs:-

- (a) The Tri-Annual General Summit
- (b) The Annual General Meetings and or Extraordinary General Meetings
- (c) The ESAFF Regional Board
- (d) The Secretariat

6.1 The Tri-Annual General Summit

- 6.1.1 There is hereby established a Tri-Annual General Summit of the Organisation which shall be held after every three years. The Summit shall be constituted of four member delegates or representatives from each member country in the following manner:-
- (a) The Office bearers namely the Chairperson, the Vice Chairperson, the Treasurer and the General Secretary or
 - (b) Any other 'duly appointed' delegate/s or representative/s who shall have full powers to participate in the business and make decisions on behalf of that particular member.
 - (c) At least one delegate from each member country farmers' organisation or ESAFF Chapter shall be a member of the opposite gender.
 - (d) Any other duly invited delegates shall not have voting rights.
- 6.1.2 The Tri-Annual General Summit shall perform the following functions;
- (1) To confirm the minutes of the previous meeting.
 - (2) To receive and approve the Chairperson's Report for progress in the preceding three years.
 - (3) To receive, ratify and approve Work plans for the next three years.
 - (4) To amend the Constitution when the need arises.
 - (5) To appoint the ensuing three financial years bankers and auditors of the Organisation.
 - (6) To elect members of the ESAFF Regional Board.
 - (7) To receive and approve any other business included in the agenda.
- 6.1.3 The Tri-Annual General Summit shall be convened once every three years.
- 6.1.4 The Annual General Summit shall be the highest organ of the Organisation and shall determine the overall policies, operations and all other major matters including the powers to amend this Constitution.
- 6.1.5 The Organisation shall in every three years hold the Tri-Annual General Summit in addition to any other meetings in that year, and shall specify the meeting as such in the calling notices calling it; and not more than three years shall elapse between the date of one Tri-Annual General Summit of the Organisation and the next;

- 6.1.6 Each delegate to the Annual General Summits who is entitled to vote shall have one vote but if there is an equality of votes the Chairperson shall have a casting vote in addition to any other vote he or she may have.
- 6.1.7 Decisions at the Tri-Annual General Summit shall be made a majority vote through general consensus or secret ballot as the case may be deemed appropriate by the delegates.

6.2 Annual General Meeting and or the Extraordinary General Meeting

- 6.2.1 There is hereby established an Annual General Meeting of the Organisation which shall be held every year which shall be constituted of **two members or delegates or representatives** from each member country in the following manner:-
- (a) **Two** of the Office bearers namely the Chairperson and the Secretary. The Vice Chair and or the Treasurer may be delegated to represent any of the two should they fail to attend due to various reasons.
 - (b) **Any of the duly appointed delegate/s** or representative/s shall have full powers to participate in the business and make decisions on behalf of that particular 'member'(country chapter).
 - (c) At least one delegate from each member country farmers' organisation or ESAFF country Chapter shall be a member of the **opposite gender**.
 - (d) Any other duly invited delegates **shall not** have voting rights.
- 6.2.2 The Annual General Meeting shall perform the following functions;
- (1) To confirm the minutes of the previous meeting.
 - (2) To receive and approve the Chairperson's Report for progress in the preceding year.
 - (3) To receive and approve Annual Workplans and Budgets for the next year.
 - (4) To fill up vacancies and elect members of the ESAFF Regional Board.
 - (5) To receive, transact, ratify and approve/reject any other business included in the agenda.
- 6.2.3 The Annual General Meeting shall be convened once every year.
- 6.2.4 The Organisation shall in each calendar year hold an Annual General Meeting, in addition to any other meetings in that year, and shall specify the meeting as such in the notices calling it; and not **more than twelve months shall elapse** between the date of one Annual General Meeting and the next;
- 6.2.5 The ESAFF Regional Board may, however, whenever they think fit, **convene an Extraordinary General Meeting**. An Extraordinary General Meeting shall also be convened on such requisition or, in default, may be convened at the request of at least one third (1/3) of the members. Provided that such a meeting shall only transact business which relate to the Annual General Meeting as specified in the notices convening it **and shall in no way transact business which under this Constitution is a preserve of the Tri-Annual General Summit**.
- 6.2.6 Each delegate to the Annual General Meeting or Extraordinary General Meeting who is entitled to vote shall have one vote but if there is an equality of votes the Chairperson shall have **one extra casting vote** in addition to any other vote he/she may have.
- 6.2.7 Decisions at the Annual General Meeting shall be made a majority vote through general consensus or a secret ballot, as the case may be deemed appropriate by the presiding chair.

6.3 The ESAFF Regional Board

- (a) There is hereby established the ESAFF Regional Board which shall be constituted of **at least nine (9)** and not exceed eighteen (18) members.
- (b) The Board **shall be elected at the Tri-Annual General Summit** of the Organization called for purposes *inter alia* electing the Board Members.
- (c) The tenure of office for the Board members shall be three (3) years but renewable once when deemed appropriate subject to re-election.
- (d) At least 1/3 of board members shall be women.

6.3.1 QUALIFICATION OF BOARD MEMBERS:

Members of the Board shall have the following qualifications:-

- (a) Be honest, just and devoted to serve the Organisation on voluntary basis.
- (b) Be of sound mind, good knowledge and behaviour.
- (c) **Be elected to represent a 'member' of the national organisation of small scale farmers** in the countries where they come from in Eastern and Southern Africa.
- (d) Subscribe to sustainable and or agro ecological agriculture and be mindful of the vision and mission of ESAFF as outlined in this Constitution.

6.3.2 POWERS AND DUTIES OF THE BOARD:

- (a) The ESAFF Regional Board shall oversee the activities and performance of the Secretariat of the Organisation through the leadership of its Regional Executive Board. The ESAFF Regional Executive Board shall report to the ESAFF Regional Board.

The ESAFF Regional Executive Board shall carry out the decisions of the ESAFF Regional Board on its behalf and oversee the day to day functions of the Organization through the ESAFF Regional Coordinator/Executive Director, who reports directly to the Executive Board. He shall ensure a functional, efficient and professionally run Secretariat of the Organization. In particular, the ESAFF Regional Board shall:

- I. Oversee the activities of the Organisation and **make decisions in relation to policies, strategic plans, budgets** and other aspects of the Organisation and their implementation.
 - II. Make **Regulation for the proper and efficient management of the personnel, administration, facilities and finances** of the Organisation.
 - III. **Prepare Tri-Annual Plans every three years** and submit the same for approval and or ratification to the Tri-Annual General Summit and once approved to oversee their/its proper and efficient implementation.
 - IV. **Prepare Annual Work Plans and Budgets of the Organisation;** submit the same to the Annual General Meeting and once approved to oversee their proper and efficient implementation
 - V. **Establish and manage the Organisation bank accounts** and determine authority levels thereof.
 - VI. Approve all major statements made on behalf of the Organisation.
 - VII. Carry out such other activities as are necessary for the proper running of the Secretariat that will enhance the image of the Organisation.
 - VIII. **Appoint the Executive Director and other staff** of the Organisation and determine their terms and conditions of service.
 - IX. To establish committees, directorates and such other sections for the proper running of the Organisation.
 - X. Subject to consent required by law, to borrow money and ensure proper utilization and repayment of the money so borrowed.
 - XI. *To make and enforce financial, staff and administrative regulations of the Organisation.*
 - XII. To do such other lawful activities necessary for the achievement of the aims and objects of the Organisation.
- (b) The Board of Directors may from time to time determine to delegate a portion of its powers to the Chairperson of the Board or any Board member as the case may be.
 - (c) The Board may by power of attorney appoint any person to be the attorney or agent of the Organisation for such special purposes and on such conditions as they determine, including authority for the attorney or agent to delegate all or any of his or her powers or not.

6.3.3 ELECTION OF THE OFFICE BEARERS

- (a) A chairperson and or country representative elected in his/her country shall automatically be a board member, and when he/she loses that position in his/her country, he/she automatically ceases to be a board member.
- (b) The Tri-Annual General Summit shall hold the elections and elect from the board members / representatives, a Chairperson, the Vice Chairperson, the General Secretary and the Treasurer. Voting shall be by secret ballot through a system of one proposer/one seconder.
- (c) (b.i) The Regional Board will interimly elect one of its members to either be its Chairperson, Vice Chairperson, General Secretary and Treasurer at its next immediate meeting held after the holder of that office is removed, resigns, dies and or ceases to be a member of the Executive/Regional Board.
- (d) During the absence of the Chairperson, or while the Chairperson for any reason is unable to perform and exercise the functions, duties, and powers of his/her office, the Vice Chairperson shall preside, and if the Vice Chairperson is absent, any member elected by the Board members present may exercise all of the full functions, duties, and powers of the Chairperson in that particular meeting only. This should also apply to the position of the Secretary.
- (e) The Annual General Meeting shall be the only organ to have the power to hold a mid term by - election to fill in any vacancies in the Executive Board of the Regional Board, whenever a vacancy exists when it transacts its business once annually.

6.3.4 MEETINGS OF THE BOARD

- (a) The Board shall convene **four quarterly meetings in conducting the activities of the Organisation**. Provided that other Board meetings shall be held whenever deemed appropriate in transacting the business of the Organisation.
- (b) Decisions at the Board meeting shall be decided by a majority vote. In the case of equality of votes, the Chairperson of the Board shall have a second or casting vote.
- (c) The **General Secretary shall convene meetings** at regularly scheduled periods and at other times when he or she determines it to be needed or on the requisition of any Board member.
- (d) The notice of each Board meeting shall be sent to all Board members and interested parties at least four (4) weeks prior the date of convening such meeting.
- (e) The quorum necessary for the transaction of the business of the Board shall be 50% of the serving number of the Board members.
- (f) The Chairperson shall preside the Board meetings provided that if at any meeting the Chairperson is not present at the time appointed for holding the same, the Board members present may choose another Board member to preside at that particular meeting.
- (g) Resolution shall be passed by simple majority of votes of at least fifty one percent (51%) of Board members present and voting on the matters before a meeting.
- (h) A resolution in writing, signed by all the Board members, shall be as valid and effectual as if it had been passed at a meeting of the Board duly convened and held.
- (i) The Board shall cause minutes to be made in books provided for the purpose:-
 - (i) of all appointments of officers made by the Board;
 - (ii) of the names of the Board members present at each meeting of the Board and of any committee of the Board and
 - (iii) Register of members of the Organization, their address and their fees and annual subscription payment records of the members which must be made available to any member upon request.
 - (iv) Of all resolutions and proceedings at all meetings of the Organization including members meetings, the Board meetings, and of Committees reports made under the authority of the of the Board.

7. CESSATION OF THE MEMBERSHIP OF THE BOARD

The membership to the Board shall cease in the following circumstances;

- (i) Death
- (ii) Resignation
- (iii) Great misconduct determined by the Regional Board which is tabled and ratified before the Annual General Meeting.
- (iv) Insanity approved by a Medical Doctor.
- (v) Conviction of a criminal offence.
- (vi) Violation of the principles and core values of the Organisation.
- (vii) Non-performance of duties as stipulated in this Constitution.

8. OFFICE BEARERS:

8.1 Delegates shall elect and endorse the Executive Board members, from among the elected Country Chairpersons/Representatives for:

- (a) Chairperson
- (b) Vice Chairperson
- (c) Secretary General
- (d) Treasurer.

8.2 The office bearers shall perform the following duties;

8.2.1 CHAIRPERSON

- (a) Shall be the chief spokesperson and representative of the Organisation.
- (b) Shall preside over all meetings convened by the Organisation.
- (c) Shall oversee the projects undertaken by the Organisation.
- (d) Shall supervise and make follow-ups on all activities undertaken by the Organisation.
- (e) Shall be one of the signatories of the financial documents and other documents of the Organisation.

8.2.2 THE GENERAL SECRETARY

- (a) To take minutes and keep record of all the meetings of the ESAFF Regional Board.
- (b) To send notices and convene all the Organisations meetings as deemed appropriate.
- (c) To handle all the correspondences, records, documents and reports of the Organisation.
- (d) To handle all **administrative** matters of the Organisation.
- (e) Shall be one of the signatories of the financial documents of the Organisation.

8.2.3 TREASURER

- (a) To keep all monies of the Organisation.
- (b) To collect monies from various sources.
- (c) Shall keep and scrutinize all financial records and reports of the Organisation.
- (d) To submit financial reports in the Annual General Meetings or any other board's meeting convened for such purpose.
- (e) Shall be one of the signatories of the financial documents of the Organisation.

9. THE SECRETARIAT

There is hereby established an ESAFF Regional Secretariat which shall be headed by the **ESAFF Regional Coordinator/Executive Officer** and governed by rules, regulations and policies to be made by ESAFF Regional Board from time to time for the proper and efficient execution of the day to day activities of the Organisation under the oversight role of the Executive Board on behalf of the Regional Board. The ERC, who is an ex-officio of the Executive Board, shall take minutes of the Executive Board.

10. FINANCIAL STATEMENTS:

10.1 SOURCE OF FUNDS

The Organisation's sources of funds shall be:-

- 10.1.1 Membership subscription and Annual Fees.
- 10.1.2 Donations from individual persons, charitable organizations, government, embassies, companies, local and international organizations.
- 10.1.3 Loans from banks and other financial institutions.
- 10.1.4 Income generated from projects undertaken by the Organisation.
- 10.1.5 Fund raising programmes.
- 10.1.6 Any other lawful sources of income.

10.2 FINANCIAL REGULATION

- 10.2.1 The Funds of the Organisation shall solely be used in accordance with the aims and objects stipulated in this Constitution and any subsequent amendments thereto.
- 10.2.2 The **signatories** of cheques and other documents shall be the Chairperson and either the Secretary General or the Treasurer. All cheques and orders for payment of money from such accounts shall be signed by at least the Chairperson and any two Board members preferably the Treasurer or Secretary General or any other duly appointed person through a written Board Resolution to that effect.
- 10.2.3 There shall be opened a bank account of the Organisation and all monies of the Organisation shall be kept in the bank account; save for a small amount which shall be determined by the Board to be petty cash for daily incidentals.

10.3 FINANCIAL YEAR

The financial year of the Organisation shall start **on 1st July to 31st June of each year.**

10.4 BANK ACCOUNT AND BUDGET:

- 10.4.1 The Organisation shall open bank account or accounts in its name with any bank or financial institutions approved by the Board, which shall be operated and controlled by the Board.
- 10.4.2 All funds and monies of the Organisation shall be deposited to the credit of the Organisation in such bank accounts and shall only be withdrawn in accordance and in the manner provided by rules and regulations governing finances and funds of the Organisation as approved by the Board.
- 10.4.3 Annual report, budgets and financial statements of the Organisation's planned activities and programmes, shall be prepared by Secretariat then presented to the Board for discussion and adoption. The Board shall table such reports to the Tri-Annual General Summit or the Annual General Meeting as the case may be for approval before the end of each financial year before commencing implementation of the same.

10.5 AUDIT AND CONTROL

- (a) At least once in every year the accounts of the Organisation shall be examined and audited to ascertain the correctness of the income and expenditure account and balance sheet by one or more properly qualified Auditor or Auditors.
- (b) The books of account shall be kept at the registered office of the Organization, or at such other place or places as the Board think fit, and shall at all reasonable times be open for inspection by members.

II MISCELLANEOUS PROVISIONS

II.1 AMENDMENT OF THE CONSTITUTION:

This Constitution of the Organisation shall be amended by a resolution adopted in the Tri-Annual General Summit which is supported by at least a majority vote of not less than fifty one percent (51%) of the members' delegates attending and voting at that Summit. Provided that the Board shall prepare, discuss and disseminate the Constitutional amendments proposals to all the members at least three months before convening such a Summit.

II.2 COMMON SEAL:

II.2.1 There shall be a common seal of the Organisation bearing the name
**"EASTERN AND SOUTHERN AFRICA
SMALL SCALE FARMERS' FORUM"
(ESAFF).**

II.2.2 The Common Seal shall be affixed to legal documents of the Organisation in presence of at least two of the Executive Board members.

II.3 GENERAL POWER TO MAKE RULES AND REGULATIONS:

II.3.1 Within the limit of this Constitution, the Board shall have powers to make rules and regulations for proper and efficient management of the Organisation and for conduct of its business including calling of meetings, deposit of money and safe-custody of monies and all important documents of the Organisation.

II.3.2 When such rules and regulations have been made, the same shall bind all the members, the Board members, committee members and employed staff as the case may be and to form part of this Constitution.

II.3 DISSOLUTION

II.4.1 The Organisation will have perpetual existence but may be dissolved either by the operation of law or by the adoption of a Resolution supported by two thirds majority of members' delegates or representatives present and voting at the Tri-Annual General Summit or a Special General Summit convened to deliberate on dissolution as the sole agenda.

II.4.2 In the event that the members decide to dissolve ESAFF and provided that they are satisfied that it is just and equitable that the activities of ESAFF should cease, any funds and or assets standing to the credit of ESAFF, all debts and liabilities shall be paid. After the satisfaction of all members of this exercise, the rest shall be distributed among such organizations as the ESAFF Regional Board, at its discretion deems suitable, provided that the aims of these organizations shall be to enhance, in some manner, the furtherance of the development agenda of small scale farmers in the region and that they are legal entities authorized by the authorities.

WE, the delegates of the Triennial General Summit, whose names and signatures are subscribed hereunder, in pursuance of the provisions of this Constitution Section 11 (1.1) are hereby formally confirm that we have today, the 15th of April, 2011 in Morogoro - Tanzania, unanimously amended and adopted this Constitution as the guiding instrument in managing the affairs and business of this Organisation:-

S/N	NAME	COUNTRY	SIGNATURE
1	AARON TLAKA	SOUTH AFRICA	A. Tlaka
2	MAMALEFETSANE PHAKOE	LESOTHO	[Signature]
3	ELIZABETH MPOFU	ZIMBABWE	[Signature]
4	GOODWELL CHITEYA	MALAWI	[Signature]
5	ODETTE NZEYIMANA	BURUNDI	[Signature]
6	RACHEL MUYOBOKE	RWANDA	[Signature]
7	RANDRIANONY LOUIS RAYMOND	MADAGASCAR	[Signature]
8	MUBANGA KASAKULA	ZAMBIA	[Signature]
9	HAKIM BALIRAINÉ	UGANDA	[Signature]
10	MOSES SHAHA	KENYA	[Signature]
11	YAZID MAKAME	ZANZIBAR	[Signature]
12	ELIAS KAWEA	TANZANIA	[Signature]
13	JOSEPH MZINGA	TANZANIA	[Signature]
14	VICKY MANDARY	TANZANIA	[Signature]
15	WINNIE MAAKE	SOUTH AFRICA	[Signature]
16	VIOLETTE MASINGE	SOUTH AFRICA	[Signature]
17	TSEPO MAKHOATH	LESOTHO	T. Makhoath
18	NAHA HLAELE	LESOTHO	[Signature]
19	DEMA NDLOVU	ZIMBABWE	[Signature]
20	ESNATH MUTEMBEDZA	ZIMBABWE	[Signature]
21	RIVUZUMWAMI PHILLIPE	BURUNDI	[Signature]
22	KAMARIZA MARIE	BURUNDI	[Signature]
23	DAVID RICHARD RABETRANO	MADAGASCAR	[Signature]
24	MAMOLOLONA BIJA	MADAGASCAR	[Signature]
25	JENNIFER LESPERANCE	SEYCHELLES	[Signature]
26	JEAN DARC MARIE	SEYCHELLES	[Signature]
27	ENYETU PETTER	UGANDA	[Signature]
28	HARRIET MULUMBA	UGANDA	[Signature]
29	JACKSON MBAYA	MALAWI	[Signature]
30	JANE NGULUBE	MALAWI	[Signature]
31	GRACE-TEPULA MARY SAKALA	ZAMBIA	[Signature]
32	ABEL YUBANA	ZAMBIA	[Signature]
33	SIMON MWAMBA	ZAMBIA	[Signature]
34	MARY KAHWAI	KENYA	[Signature]
35	JUSTUS LAVI	KENYA	[Signature]
	LEILA ATHUMANI	TANZANIA	[Signature]

THE EASTERN AND SOUTHERN AFRICA SMALL SCALE FARMERS' FORUM (ESAFF)
15 APR 2011
P.O. Box 1782, MOROGORO - TANZANIA
TEL/FAX: +255 23 2600006
Email: info@esaff.org Website: www.esaff.org

Constitution of
Eastern and Southern Africa
small scale Farmers Forum
- ESAFF

THE EASTERN AND SOUTHERN AFRICA SMALL
SCALE FARMERS' FORUM (ESAFF)
15 APR 2011
P.O. Box 1782, MOROGORO - TANZANIA