

Constitutional Review Task Force 2010

Collation Exercise of the Constitutional Review Team “CRT” & Regional Federation Representatives “RFR” Perspectives and Reasoning

Constitutional Amendments

Last Update: 20/09/2010

Proposed Amendment to the Constitution	Justification	Regional Federations’ Representatives Views	CRCT’s Recommendation
<u>Constitution Definitions</u> Insert definition of ‘Constituent Member’ being a member of a Regional Federation which is a member of The World Federation.			
<u>Constitution Clause 2.12</u> Insert: ‘has declined or is unable to join a Regional Federation.’	Includes those unable to join a Regional Federation.		
<u>Constitution Clause 3.1</u> Amendment to the Clause	The CRC agree that the issue of membership is very important, and acknowledge that every Khoja Shia Intenasheri organisation is entitled to membership of The World Federation.	NASIMCO and Africa Federation → This forms part of their Joint Paper.	CRC felt the issue of membership was beyond its remit and have suggested that members to individually or collectively send the necessary amendments to The World Federation Secretariat.
<u>Constitution Clause 3.1</u> Removal of the words ‘of Jamaats, Communities or Organisations.’	From October 2010 only Regional Federations can henceforth be members of The World Federation (as per previous resolutions). Existing Jamaats who fail to federate will become Associate Members who are in		

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	many ways have full (and equal rights) save for voting (see Clause 3.1 for the differentiation).		
<u>Constitution Clause 3.1</u> Removal of the words 'no later than seven years from this change in the Constitution.'	Administrative Update		
<u>Constitution Clause 9.1</u> The Conference shall be convened by the Executive Council. The Conference shall be either an Ordinary Conference or an Extraordinary Conference. The Ordinary Conference shall meet at least once every three years and the Extraordinary Conference shall meet whenever convened by the Executive Council or when requisitioned by at least two thirds of the membership where Such requisition will be deemed served if sent to the Secretariat Office. '	This is to give procedure (albeit a new procedure) to the instrument of no confidence as proposed by clause 19.1.2 below. 9.2 In the event of failure to announce the Extra Ordinary Conference within 60 days of the requisition, the requisitioning members can on the sixty first day proceed to circulate a notice of an Extra Ordinary Conference by giving at least 30 days notice to ALL members stating the date and venue of such conference. Such notice shall be accompanied with a copy of their requisition. 9.3 If quorum at such meeting is not achieved such motion will deem to have been defeated and no other meeting shall be convened for the matter/s mentioned in the requisition for a period of six months from the date of such meeting nor can another requisition on the same matter be submitted during that time. 9.4 Should the requisition be for a vote of no confidence in the President or Secretary General, the President shall declare an interest and invite	<u>Dubai Jamaat</u> → Proposal by Dubai Jamaat. <u>Africa Federation</u> → The caretaker committee should not have the same powers as a 'full' committee and so its powers should be capped.	We are in agreement as there is no clear process in place. However the exact mechanics of the clause need some more debate.

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	nominations for a Chairman to Chair such conference. If consensus cannot be reached on a Chairman, an election may be held to elect a Chairman for the meeting. 9.5 The Office Bearers and members of the Executive Council as appropriate shall be granted reasonable opportunity to defend themselves against any deemed impropriety of action if such is contained in the requisition or tabled before the Conference. 9.6 If a motion of no confidence is for the President only and carried by 75% by the members present, the Vice President shall assume the Presidency for the remainder of the term. 9.7 If a motion of no confidence is for any or all of the Office Bearers and any or all of the Elected/Appointed Councilors and is carried by 75% of the members present, an election for the office bearers (including the President if such motion of no confidence includes the President) will be undertaken at such Conference. 9.8 In the event that no candidates are available; Conference shall appoint a caretaker team from amongst those present to oversee the operation of the institution for a period not exceeding 6 months within which Presidential elections will be held and an Ordinary Conference will be		

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	convened to elect the Vice President, Treasurer and the Elected Executive Councilors.		
<u>Constitution Clause 14</u> Any person chairing the meeting, including any of the Office Bearers, and having any interest direct or indirect, financial or otherwise, shall immediately declare so in the meeting and vacate the chair, till such item of agenda is completed and closed. Such conflict will be determined by a simple majority of the delegates present and a temporary chairman shall be elected by the delegates present.'	This will remove any ambiguity for the future.		
<u>Constitution Clause 19.1.2</u> Change to: a) The President elected through the process set out in the Standard Operating Procedures for the Election for the post of President and the Vice President, Hon. Treasurer and five Ordinary Councillors who shall be elected by the Conference will hold office for a term of three (3) years; unless directed by a special resolution of an Extraordinary Conference in accordance with Clause 9.	This gives the extraordinary conference a vote of 75% to pass a vote of no confidence in the Office Bearers and / or The Executive Council which will shorten the term from 3 years. This is a good measure to protect the institution in the long term.		
<u>Constitution Clause 20.1</u> Amend to: 'The President of Federation shall be			

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elected for a term of three years by the members of the Constituent Members.			
<u>Constitution Clause 20.3</u> Remove the words 'voters' in 4 th line to 'Electoral College Points.'	See earlier discussion points.	<u>Africa Federation</u> → 'Electoral College Points' and 'Votes' should be defined for clarity purposes.	CRT agrees and will define accordingly.
<u>Constitution Clause 20.4</u> Add 20.4.4 no is President present at the conference; 20.4.5 any other reason;	This a provision for the election of the President, in circumstances not covered earlier.	<u>COEJ</u> → Proposed by COEJ	CRT approves the amendment and recommends the changes.
<u>Constitution Clause 20.4.2.</u> Change 'voters' to 'Electoral College Points.' Change to 'Electoral Commission.'			
<u>Constitution Clause 20.5</u> Replace by the following: 'For the purpose of the election of the President each member of the Federation shall be entitled to votes in proportion to the number of delegates that it is represented by at an Ordinary Conference.'	Necessary amendment if we are to adopt the Electoral College System. It would also be necessary in the Constitution to lay out the mechanics for calculating the number of college points etc.		
<u>Constitution Clause 20.5.2</u> Removal of clause	Administrative Update		
<u>Constitution Clause 20.9</u> Removal of phrase: 'This provision will take effect from close of	Administrative Update		

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September 2006 Conference, when the new term begins. In the event clause 20.8 becomes operative, the term served by the Vice President will not be considered as falling under clause 20.9.'			
<u>Constitution Clause 26</u> Change 'Electoral Commissioner' to 'Electoral Commission.' 'The Electoral Commission shall be made up of three individuals elected at the Conference, one of which will be elected as the Chairman.' COEJ's suggested wording: "The Electoral Commission shall be made up of three individuals elected at every Ordinary Conference where they are present not necessarily as delegates; for the sole purpose of calling, supervising and monitoring all voting and elections of any posts of the Federation. Any person elected to the Commission will forfeit his position as a delegate if he was a delegate prior to being elected on the Electoral Commission. One of them shall be elected as the Chairman who shall act as the Returning Officer for all voting and elections of the Federation the held at any Conference. In the event of a vacancy of or resignation by any of the three individuals in the Electoral Commission, or if found by the	This is to reduce the power of a one man electoral commissioner and to spread this power across three men (or women) so the power is more evenly distributed. In addition, this allows the Electoral Commission to make decisions after discussing it internally which would reduce any irrational decisions from taking place.		

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Executive Council to be in violation of the SOP process, the Executive Council shall proceed to elect all or part of the Commission."			

Other Conceptual Suggestions

Rotating WF President and Vice President	This suggestion was put forward by Mumbai Jamaat that the President and Vice President be selected by a Regional Federation every three years in rotation. At December 2010 Constitutional Conference the Regions would draw lots as to which Region could select the President first.	<u>Africa Federation, NASIMCO, COEJ and Dubai</u> → Have disagreed with this.	CRT does not recommend amending the model this distractly as it was change the modus operandi of The World Federation considerably.
Vice Presidential Running Mate	The suggestion by Africa Federation and NASIMCO is that the President selects a running mate, both of whom would be elected as 'one ticket' or with one vote. The idea is to show unity of two candidate, provide a broader appeal and show a picture of the potential team of the President.		This needs to be thought through much more in terms of the pros and cons and requires input from past leadership and from all community members around the world.
Primary within each Region	The idea here is for a primary election to happen within each Region (for example Europe) where the grassroot voters would vote for a candidate of their choice. The winner of the primary would then become the nominee of that Region.	<u>COEJ</u> → After considering the various arguments are not in favour of having a primary within each region. They consider it a 'double edged sword' with the benefits being outweighed by the disadvantages which include the fact that potential candidates will be put off (as more resources will be needed to fight two elections) and election fatigue potentially setting in.	CRT believes that there is a lot of merit under this system because a) it unifies a region, b) provides greater mandate to the Presidential Nominees c) gives the eligible voters greater exposure to electoral issues and issues within our community. However, on balance we feel that this will increase the costs involved, create greater election fatigue and so the cons outweigh the pros.

		<u>Dubai Jamaat</u> → Agree with COEJ and not in favour of having primaries. <u>Africa Federation and NASIMCO</u> → Agree with the idea of primaries within each region and the concept of one nominee per region.	
1 Presidential Candidate Per Region	Under this system there can only be 1 nomination from each region as a maximum.	<u>COEJ</u> → Are not in favour of this as it is restrictive. <u>Africa Federation and NASIMCO</u> → In favour of this to reduce the number of candidates coming through but only if primaries are there. Otherwise they are not in favour as they would see this as restrictive.	We believe that this is unduly restrictive as there may be two good candidates in one region and so, at present, will not recommend this.
Transitional Provisions	It was discussed and decided in unanimity by the Regional Federations that a one-time addendum to the constitution would be made saying that the 2011 election is a special election and that a new cycle will require that the Ordinary Conference be held between May/June 2011 to accommodate the elections. It was agreed by the representatives that the Executive Council should decide on the location and the dates of the Conference, as per current Constitution.		