

# CONSTITUTION OF THE NIGERIAN ASSOCIATION GERMANY, RHEIN-NECKAR e.V.

## **PREAMBLE:**

Members of the Nigerian Association Germany - South West (NCG-SW) consider it appropriate to formulate a constitution and set of rules applicable to their organization. The word "Nigerian" in this constitution refers to all persons admitted as members of the organization according to Art.3, Para. 3.1 of the Constitution.

## **A: NAME; PURPOSE; MEMBERSHIP**

### **Art. 1: NAME**

The organization goes under the name "The Nigerian Association Germany - South West" with the addition "e.V." after its registration with the responsible authorities in Germany.

#### **1.1 Seat**

The Association is situated in Ludwigshafen, Germany.

### **Art. 2: PURPOSE AND AIM**

The purpose and aims of the Association are:

- a. to promote the social and economic well-being of Nigerians in Germany
- b. to offer support, if necessary, to Nigerians living in Germany in the settlement of legal matters
- c. to promote friendly relations among Nigerians, Germans and other non-German Communities/Associations
- d. to assist the youths find their place in the society
- e. to help Nigerians contribute positively both to the German society and the nation Nigeria
- f. to organize social, intra/intercultural and intellectual events in order to promote better understanding among Nigerians and Germans

### **Art. 3: MEMBERSHIP**

Membership in the Association is applicable to individuals.

#### **3.1 Conditions for Admission:**

Membership in the Association is open to all Nigerian nationals and all individuals of Nigerian origin as well as their respective family members under the condition that every applicant:

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- a. is resident in Germany
- b. accepts the purpose and aim of the Association
- c. takes upon the obligations of membership

## **3.2 Rights**

Every member has the right:

- a. to participate in all of the General Meetings of the Association
- b. to vote and be eligible to be voted for in every election held by the Association under the condition that he/she has fulfilled his/her financial obligations towards the Association
- c. to make contribution on matters concerning the Association or its members to all Association bodies

## **3.3 Obligations**

Every member is obliged:

- a. to promote harmony among Nigerians
- b. to avoid and condemn any form of discrimination against fellow citizens due to sex, religion, status and ethnical or linguistic prejudice
- c. to meet his/her financial obligations towards the Association

## **3.4 Termination of Membership**

Membership of the Association ends by:

- a. death of the member
- b. voluntary resignation of the member in writing
- c. expulsion

A member may be expelled from the Association if the work, interest and/or reputation of the Association is damaged by the member. The expulsion of the member shall be at the request of the executive in a general meeting in which the member shall be given the opportunity to defend him/herself. The expulsion shall be decided by the General Assembly.

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## **3.5 Social Responsibility of the association towards members**

In case of the death of a member of the family of a member of the association, the association will support the member with a token of €100 (one hundred Euros).

The member has to be in a good financial standing. Recognized family members are as follows:

- spouse
- biological parents
- biological and/or legally adopted children

Member of the association will be provided with a registration form which will be filled out when joining the association. On this form, the recognized family members (if applicable) will be stated. Additions would only be made to the recognized family member only in case of child birth or a legal adoption of a child.

In a situation where both spouses are registered members of the association, this benefit would be extended only once to the affected family.

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## B. ASSOCIATION BODIES

### Art. 4: BODIES

The Association bodies are:

- a. The General Meeting
- b. The Executive Committee

#### 4.1 The General Meeting

The General Meeting shall comprise of all financial members of the Association. The General Meeting is the supreme Association body and has the following rights and obligations.

##### 4.1.1 Rights and Obligations

The General assembly is responsible for:

- a. the receipt and approval of reports
- b. the specification and ratification of the constitution and rules of the Association as well as amendment of the above by 2/3 majority of the members present
- c. debating and approving the annual budget of the Association as presented by the Executive Committee
- d. the passing of resolutions on members` financial obligations
- e. the election, confirmation or dismissal of elected officer(s) from office
- f. maintaining discipline among members

##### 4.1.2 Meetings:

- a. The General Assembly shall meet at least once in every two months (bi-monthly). This meeting is to be called by the Executives in writing stating the agenda, place and time, with an invitation period of at least two weeks
- b. Emergency Meetings may be called by the Executives as occasion demands or on the request of at least 1/3 of the members. The Notification of an emergency General Meetings is to be given by the Secretary-General in writing, stating the agenda, place and time of the meeting, with a deadline of one week

##### 4.1.3 Quorum

A quorum of a general meeting is formed when no less than 1/2 of the Association members are present.

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## 4.2 The Executive Committee

The Executive Committee is the executive body of the Association and:

- a. executes all resolutions passed by the general assembly and the Association Council
- b. guarantees the safe-keeping of the fund, property and other assets of the Association
- c. is liable for all financial transactions of the Association
- d. carries out the Association Assembly in line with the Association's constitution
- e. endeavors to achieve out-of-court settlement in any dispute and/or controversy that may arise among Association members provided that such dispute and/or controversy have been brought to the Association's attention

### 4.2.1 Members and Functions

The Executive committee consists of:

- The Chairman
- The Deputy-Chairman
- The Secretary-General
- The Assistant Secretary-General
- The Financial Secretary
- The Secretary Public Relations and Social Matters
- The Secretary Nigerian / German Relations
- The Treasurer
- The Secretary Women Affairs
- The Secretary Youth Affairs
- The Provost

#### 4.2.1.1 The Chairman

The Chairman is the Association leader and;

- a. conducts the Session of the general assemblies and the meetings of the Executive Committee
- b. ensures that the meetings and the members' behavior are in line with the Constitution;
- c. specifies together with the Executive Committee, the financial plan for each year and presents the plan to the General Meeting for debate and approval
- d. presents a report on the Association's administration and activities at the end of each year.

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## **4.2.1.2 The Deputy Chairman:**

The Deputy Chairman

- a. assumes the functions of the Chairman in the Chairman's absence or his/her inability to attend the meeting
- b. assumes all tasks assigned to him/her by the Executive Committee or the General meeting

## **4.2.1.3 The Secretary General**

The Secretary General conducts the Association's administration and

- a. is responsible for the daily operation of the Association's Secretariat and the co-ordination of the Association's activities
- b. calls the meetings of the Association bodies on the instruction of the Chairman and/or in accordance with Section B, Art ( 4), 4.2.1.8 of the Constitution
- c. prepares the meetings and takes the Minutes thereof
- d. documents the resolutions of the General meeting, stating time and place and the voting results recorded in a signed protocol
- e. procures report from Association members about problems concerning Nigerians in their respective residence area. In co-operation with the Chairman and other members of the Executive Committee available, offer advice or take action on behalf of the Association

## **4.2.1.4 The Assistant Secretary**

- a. assumes the functions of the secretary general in the secretary general's absence or his/her inability to attend the meeting

- b. assumes all tasks assigned to him/her by the Executive Committee or the General meeting

## **4.2.1.5 The Financial Secretary**

The Financial Secretary assumes the accounting tasks of the Association and;

- a. keep books and accounts on the Association funds
- b. attends to the collection of members' contributions, fees, donations and other sums payable to the Association and provides the payees with the appropriate receipts without delay
- c. hands all sums, after they have been registered, over to the Treasurer after the conclusion of each meeting

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d. presents an accounting report on the Association's financial funds at the end of each fiscal year

## **4.2.1.6 Secretary Public Relations and Social Matters**

- a. publishes all Association activities
- b. undertakes activities towards projecting positive Nigeria's image
- c. maintains contact between the Association and the Nigerian Embassy in order to organize symposia and seminars, publish press releases on developments in Nigeria or matters concerning Nigerians in Germany
- d. prepares and presents an annual report on his/her activities

## **4.2.1.7 Secretary Nigerian / German Relations**

- a. is responsible for the co-operation between the Association and German Organizations essential for the Association activities, particularly the appropriate German authorities in the region
- b. assumes all other tasks assigned to him/her by the Executive Committee or the Association Council

## **4.2.1.8 The Treasurer**

- a. pays all sums payable to the Association into the Association's bank account within 72 hours (3 days) from date of receipt
- b. presents an accounting report on the funds of the Association at the end of each fiscal year

## **4.2.1.9 Secretary women affairs**

- a. co-ordinates all women's activities
- b. is responsible for the welfare of the women members within the Association
- c. assumes all tasks assigned to him/her by the Executive Committee or the General meeting

## **4.2.1.10 Secretary Youth Affairs**

- a. co-ordinates youth affairs and all other youth's activities
- b. organizes youth meetings, seminars and excursions
- c. reaches out and maintains contact to the youth in the Association
- d. assumes all tasks assigned to him/her by the Executive Committee or the General meeting

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## **4.2.1.11 Provost**

- a. maintains order and discipline by every meeting and events organized by the Association
- b. is the Association chief security officer
- c. assumes all tasks assigned to him/her by the Executive Committee or the General meeting

## **4.2.2 Meetings**

Meetings of the Executive Committee are to be held at least once (1) every month. Emergency meetings are to be called when required by the Chairman or two other members of the Executive Committee. Notification of meetings is to be given in writing by the Secretary-General and contains the agenda as well as place and time of the meeting.

## **4.2.3 Quorum**

A quorum of the Executive Committee is formed when no less than half of its members are present.

## **4.2.4 Representation**

Two members of the Executive Committee can represent the Association and take action on behalf of the Association provided that:

- a. at least one of them is the Chairman or the Secretary-General and one other executive
- b. such action is in line with the Association Constitution
- c. the Executive Committee is informed of such action. The Executive Committee can, in addition, authorize individual members or groups of committee members to carry out certain tasks on behalf of the Association, if required

## **4.3.1 Elections**

Any member in good financial stand has the right to one vote.

A member can be eligible to be voted if

- a. he/she is in a good financial standing
- b. his/her candidacy is supported by at least two (2) member of the association in good financial standing

### **4.3.1.1 Procedure**

- a. Elections for Association offices shall be held once every two (2) years
- b. A returning officer shall be elected by the general assembly with a two-third majority and shall

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holds no office

- c. The elections are held by ballot
- d. The outcome of an election is to be announced immediately
  
- e. A candidate is considered elected when he/she receives at least 50% of the votes. Should more than two members contest for one office and no one receives at least 50% of the votes, a second poll between the two candidates who received the most votes in the first poll will be held. The winner shall be the candidate with a simple majority

## 4.3.2 Term of office

- a. Association's office-holders assume their respective office for a period of two (2) successive years
- b. Should an office become vacant during this period, a by-election is to be held at the next general assembly in order to elect someone to occupy the vacancy
- c. An office-holder can only be re-elected for one further term of office of two (2) successive years

## C: FINANCES:

### Art. 5: THE FINANCES OF THE ASSOCIATION

#### 5.1 Financial Sources

The financial sources of the Association consist of:

- a. admission fees
- b. annual contributions
- c. donations
- d. proceeds from social and cultural events

#### 5.2 Administration of Finances

- a. The Association maintains a bank account in a bank in Germany
- b. Payment of money to the Association shall occur in line with the tasks of the Treasurer as stipulated in Section B, Art (4), 4.2.1.8 of the Constitution
- c. The Association bank account is maintained with the three (3) signatures, i.e. the signature of the Chairman, the Secretary-General and the Treasurer
- d. For every sum withdrawn from the account, two (2) of the above mentioned signatures will be

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required, one of which must be the signature of the Treasurer

- e. Registration Fee: The one-time registration fee shall be twenty euros (20,00€) per member
- f. Annual Membership Dues: Annual membership dues shall be sixty euros 60,00€ per member

## 5.3 Annual Budget

- a. The annual budget is drawn up and presented in advance as stipulated in Section B, Art.4, 4.2.1.1.c of the Constitution
- b. The fiscal year is the calendar year

## 5.4 Audit

- a. If the need arises, the Association shall appoint Auditor(s) to audit the Association's finances
- b. On a General Meeting's resolution, an audit of the Association's finances over a defined period of time shall be carried out by independent Auditor(s) appointed by the General Meeting, who shall present his/her/their report to the General Meeting

# D: GENERAL

## Art. 6: DISCIPLINE

### 6.1 Members

Any Association member that;

- a. behaves in a way that violates the behavior rules of the Association
- b. behaves in a way that is detrimental to the reputation of the Association
- c. does not meet his/her financial obligations towards the Association will be disciplined according to the disciplinary measures of the Association rules

### 6.2 Office Holders

Any elected office holder in the Association who;

- a. takes advantage of his office in order to promote personal interests and/or
- b. neglects his/her duties will be disciplined according to the disciplinary measures of the Association rules

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## Art. 7: DISSOLUTION

- a. The dissolution of the Association may occur when the Association does not fulfill or achieve its purpose and aims
- b. Dissolution is valid when two-third majority of the Association members votes for it
- c. In the case of a dissolution, the Association's Assets and Liabilities are to be liquidated according to German law and the proceed put at a Charity Organization's disposal after a two (2) year period

## ART. 8: AMENDMENTS TO THE CONSTITUTION

- a. The Association's Constitution can be amended as need be
- b. A motion to amend the Constitution must be entered at the general assembly by at least three (3) financially active Association members
- c. A 50% majority of the members is required in order to amend the Constitution
- d. An amendment committee shall be set up (if need be)
- e. The committee will be instructed to review the Constitution in the light of the suggested changes
- f. The amended Constitution requires a two-third majority of the general assembly in order to be approved

SHOULD PARTS OF THIS CONSTITUTION BECOME MEANINGLESS DUE TO ALTERATIONS IN THE GERMAN GOVERNMENT LAW GOVERNING ASSOCIATIONS, THE CONSTITUTION SHALL NOT BE AFFECTED AND THE SPIRIT THERE OF AS A WHOLE SHALL REMAIN VALID.

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The constitution has been amended, after the motion was raised, discussed and voted on by the general assembly as documented below. Amendments which affect the "Satzung" as submitted during registration to "Amtsgerichts Ludwigshafen" would also be amended accordingly and resubmitted for approval.

S/N	Changes	Paragraph/Article	Date
1	Deleted: Not having 2 financially active members recommend new members. Only executives need a recommendation from 2 members	3.1.d	03.06.2017
2	Amended: Registration Fee: The Registration fee shall be henceforth twenty (20.00€) per member. Formerly fifty euros	5.2.e	22.07.2017
3	Added: 100€ social aid for Members and their family: Spouse, biological parents, and biological and legally adopted kids	3.5	06.01.2018