

THE BYE-LAWS OF THE CONSTITUTION OF THE LESOTHO NATIONAL
FEDERATION OF THE DISABLED

ORGANISATIONS OF THE DISABLED (LNFOD)

SCOPE AND PURPOSE OF THE REGULATIONS

Article 1

(a) These regulations are supplementary and subordinate to the Constitution of the Lesotho National Federation of Organisations of the Disabled hereinafter referred to as (LNFOD)

The scope of LNFOD

- i. LNFOD is an instrument for formulation, dissemination and monitoring of policy empowering member organisation
- ii. LNFOD is an interface for communication and information exchange among its members
- iii. LNFOD is a means of empowering its member organisations by developing the capacity of, and supporting individual member organisations, or, groups of member organisation.
- iv. LNFOD shall defend the interests of its member organisations and their individual members when called upon by them to do so.
- v. LNFOD shall respect the specific interests of its member organisation and their respective constituent groups, while focusing on common issues and action of priority concerned to all or a majority of LNFOD membership.

Article 2

1. LNFOD is a legal person with the capacity to sue or be sued in its own name as per the provisions of the Societies' Act of 1966 under which it is registered.
2. LNFOD does not make profits and it is an NGO dealing with the promotion of the human rights of persons with disabilities.

Article 3

Objectives and principles

The regulations underpin the objectives of LNFOD contained in article 3 of LNFOD Constitution.

- a) The principles of the LNFOD include commitment to promote:

1. Domestication and implementation by Lesotho of the Convention on the Rights of Persons with Disabilities and other international instruments, including the Sustainable Development Goals (SDGs);
2. Implementation of Lesotho legislative instruments on equalisation of opportunities, inclusion and non-discrimination for people with disabilities, notably the Disability Equity law
3. Acceptance of a rights-based approach to disability and development;
4. Solidarity across the disability movement in Lesotho
5. Non-discrimination based on disability, gender, age, race/ethnicity, religion or beliefs;
6. Equality of opportunity and participation;
7. Gender balance with regard to all aspects of the governance and work of LNFOD. This includes the composition of all governing bodies, staff, committees and representations;
8. Accessibility of information by all through the use of alternative media and accessible languages;
9. Partnerships with other organisations defending the rights and inclusion of persons with disabilities and their families and of all people facing discrimination and are at risk of social exclusion.

Article 4

Membership

Rights of full member organisations

Only Lesotho organisations composed of member organisations of persons with disabilities and parents of persons with disabilities shall have the full rights of LNFOD membership.

- a) Without prejudice to any additional right that may be laid down in the Constitution, Full members enjoy the following rights:
 1. Voting rights at the General Assembly in accordance with the Constitution.
 2. Each full member shall be consulted and informed about the activities of LNFOD.
 3. LNFOD and its organisational structures and Office, shall ensure that the interests and positions of all Full member organizations shall be taken into account in all the activities and policy positions of LNFOD.

Rights of Associate and Supporting members

- a) Without prejudice to any additional right that may be laid down in the Constitution, Associate and Supporting members shall enjoy the following rights:
 1. To be informed on an ongoing basis about the activities of the LNFOD.

2. To attend the General Assembly but with no voting rights.

OBLIGATIONS OF THE MEMBER ORGANISATIONS

- a) Without prejudice to any additional obligation that may be laid down in the Constitution, the LNFOD's members incur the following obligations:
 1. Each representative shall have the power towards LNFOD to bind the member organization he/she represents.
 2. Members contribute annual membership fee, the amount of which is determined by the General assembly in accordance with the Constitution. If a member does not pay in time its membership fees, its participation at the General Assembly and Council shall be suspended until the payment of all amounts due.

There shall be only one National DPO or Network member of LNFOD per type of disability.

APPLICATION MEMBERSHIP PROCEDURE

- a) An application for LNFOD membership shall be addressed to the LNFOD Office. The applicant organization must specify in its application what category of member it is applying for and must provide documentation demonstrating its compliance with all the relevant membership criteria. The application shall be presented according to the format established by the Executive Committee, and must be accompanied by the following documents:
 1. Constitution and/or Articles of Association of the applicant organization
 2. Instrument of legal registration of the applicant
 3. Minutes of the latest General Assembly meeting of the organization
 4. List of Board members and Executive Officer with titles
 5. Report of activities of the applicant organization for the preceding year
 6. Audited financial report for the preceding year where possible.
 7. Declaration whereby the applicant commits to the LNFOD principles and values, to respect its Constitution and Internal Rules.
 8. If the Executive Committee approves an application for membership, the applicant organization shall pay the full annual membership of the financial year during which the decision is taken.

Article 5 Executive Committee

a) Election of Executive Committee members

The LNFOD Constitution provides for an Executive Committee composed of a maximum of twelve members, with male/female gender sensitive as follows:

1. Chairperson of LNFOD, who represents the LNFOD and who chairs meetings of the Executive Committee, council and general assembly

2. Co Vice-Chairpersons, who chairs meetings of the Executive Committee, council or general assembly in the absence of the Chairperson
3. Secretary General, , who ensures the accuracy of the minutes of the Executive Committee, Council and General Assembly
4. Vice Secretary General, Who ensures the accuracy of the minutes in the absence of the Secretary General.
5. Treasurer, who ensures the accuracy of the financial accounts of LNFOD
6. Publicity Secretary, who publicizes the news of LNFOD to the media and DPOS.
7. Vice Publicity Secretary, who publicizes the news of the federation in the absence of the Publicity Secretary?
8. Member representing women with disabilities, who ensures that decisions and positions taken by LNFOD reflect the views and priorities of women with disabilities
9. Member representing youth with disabilities, who ensures that decisions and positions taken by LNFOD reflect the views and priorities of youth with disabilities
10. Three delegates representing each full member of LNFOD to ensure that LNFOD decisions and position take into accounts the issues of member organisations.

Article 6

PROPER BOOKS OF ACCOUNTS

1. LNFOD financial year starts in January and ends in December every year.
2. The independent external Auditor shall be engaged in accordance with the Procurement policy of LNFOD to inspect and audit all the books of accounts and submit the audited report to the Executive Committee.
3. An appointed Independent External Auditor may serve LNFOD for the period of at least five years.

Article 7

General Assembly

a) Place, Announcement, Appointment/election of delegates

1. The General Assembly shall take place once every four years in a place to be determined by the Executive Committee.
2. The date, time and place of the General Assembly meeting shall be announced by the LNFOD Chairperson in writing to the members of LNFOD at least three (3) months in advance of the meeting.
3. Voting delegates representing full members to the General Assembly shall be appointed one (1) months in advance of the General Assembly.
4. Each Full member shall nominate twelve (12) members of the General Assembly and six (6) delegates, three male and three female, and each member organisation shall ensure the youth representation within the given delegation.
5. In case of exceptional circumstances, a voting delegate may be replaced before the date of the General Assembly.

6. Procedures

1. Invitations to the General Assembly shall be sent to all Full, Associate and Supporting member organizations by the LNFOD Executive Committee.
2. The draft Agenda of the General Assembly shall be prepared and agreed upon by the Executive Committee.
3. The draft Agenda shall be sent to designated and elected delegates one (1) months in advance of the meeting. Delegates to the General Assembly may request for items to be added to the agenda up to two weeks before the meeting. They shall support this request with a note presenting the issue and justifying the need to include it in the agenda of the General Assembly.
4. The General Assembly shall be chaired by the Chairperson, assisted by the Vice-Chairperson. In the absence of LNFOD'S Chairperson, the Vice-Chairperson shall chair the General Assembly.

b) Election of LNFOD Chairperson

1. Every four years a new Chairperson and new members of the Executive Committee shall be elected.
2. To manage the election process, an Electoral Officer shall be appointed at the beginning of the General Assembly, assisted by an Election

Committee composed of two representatives, one male, and one female, from associate or supporting member not taking part as candidates in the election process.

3. The Electoral Officer shall be in charge of managing the election, counting the votes and informing the General Assembly of the results of the vote.
4. Full member organisations, which wish to nominate a person for the position of Chairperson or another position on the Executive Committee, shall send an expression of interest with the curriculum vitae of the candidate to the LNFOD Office at least two months before the General Assembly.
5. The LNFOD Office shall circulate information on the candidates to all designated and elected General Assembly delegates.
6. Individuals who want to apply for the position of Chairperson of the LNFOD shall be proposed by a full member organization of LNFOD and must be a person with a disability or a parent of a person with a disability.
7. All delegates with voting rights may take part in the election of the LNFOD Executive Committee.
8. Before the election takes place, each candidate shall be asked to present himself/herself to the General Assembly.
9. The election shall take place by secret ballot.
10. Following the election ballot, the candidate with a majority of votes cast shall be declared elected as a member of the executive committee in each single vacant post of LNFOD.

c) Resolutions of the General Assembly

1. Proposals for draft resolutions at the General Assembly should be submitted to the LNFOD Office at least Four (4) weeks before the date of the General Assembly. The draft Resolution shall be sent out to all General Assembly delegates.
2. Amendments to the draft Resolutions shall be sent to LNFOD Office at least two (2) weeks before the General Assembly.
3. A final version of the proposed Resolution(s) and amendments shall be sent by LNFOD Office to the delegates one (1) week before the opening of the Assembly.

4. The author of the Resolution shall have the possibility to present briefly the Resolution at the General Assembly, before the Assembly proceeds to a discussion and vote.
5. In case of unforeseen events, an emergency Resolution may be adopted.
6. The General Assembly, when adopting its agenda, may decide to accept to discuss an emergency Resolution, and if accepted, the draft Resolution shall be discussed at the end of the meeting under agenda item "Any Other Business".

d) Extraordinary General Assembly

1. An Extraordinary General Assembly may be convened by the Chairperson, or in his/her absence, the Vice-Chairperson, upon the request of a majority of the full members of LNFOD or upon request of two-thirds of the member organisations.
2. The request for an Extraordinary General Assembly must include the reason and justification for such an Assembly.
3. The announcement of the dates and the purpose of an Extraordinary General Assembly must be sent to all Full members, in writing, at least one (1) month prior to the proposed date.

Article 8-

ELECTION AND VOTING

1. Prior to the General Assembly, each full member shall conduct elections of the six delegates who will represent the member organisation in LNFOD General Assembly.
2. The elections mentions in sub-article (1) shall be conducted by each full member at least two months before the general assembly.
3. The names of the delegates elected under sub-article (1) shall be submitted to LNFOD Office at least one week after the elections.
4. The youth forum, and women's wing, shall be elected during the General Assembly through open ballot.
5. A member of the Council is entitled to 1 vote during the election of the Executive Committee.
6. The Council is responsible for electing the Executive Committee which serves for a period of four years.

7. The chairperson, secretary general and the treasurer of the out going executive committee shall hand over to the incoming executive committee for the period of three months after the elections of the new executive committee.

Article 9

SECRETARIAT

1. The executive director is responsible for the general administration of the organisation
2. Staff members of LNFOD secretariat are not allowed to serve as members of the LNFOD/DPOS Executive Committee.
3. Staff members of the Secretariat are serving LNFOD as employees in their professional/individual capacity based on qualifications, experience and competencies.

Article 10

GENERAL MEETING

1. Place, time and announcement of the General Meeting shall be determined by the Chairperson of LNFOD executive committee.
2. The General Meeting consists of the executive committee and members of the Council.
3. The General Meeting shall be held once after the end of the organisational financial year.
4. The agenda of the general meeting may be as prescribed by Article 10 of the Constitution.

Article 11

ARBITRATION

1. In the event of a dispute between LNFOD and its members, the dispute shall be settled amicably through negotiations.
2. If the dispute does not come to an end amicably, the Executive Committee of LNFOD shall in consultation with the member organisation concerned appoint the Registrar of welfare organisations as the Arbitrator of the dispute between LNFOD and its member organisation.

3. If there is a dispute between the member organisations of LNFOD, which has not been settled amicably, both organisations may appoint the Executive committee of LNFOD to constitute Arbitration.
4. The decision of the Arbitrator is binding on the parties involved.

Article 12

FUNDRAISING

1. LNFOD shall mobilise funds for its activities in accordance with the laws of Lesotho.

Article 13

CONTRACTS AND BINDING DOCUMENTS

1. Chairperson, Secretary General and the Treasurers are the official signatories of the organisation.
2. Combination of two signatures of either of them is legally binding on the organisation.
3. All legal documents of the organisation are kept at the office of LNFOD under the custody of Executive Director.

Article 14

AMENDMENTS

Amendments of the Regulations shall be made in accordance with the Constitution.

ARTICLE 15

BREACH OF THE CONSTITUTION

1. If a full member is alleged to have committed one of the offences listed under article 15 of the constitution, the executive committee shall establish the investigating committee comprising of three members headed by the executive director of LNFOD.
2. The investigating committee shall conduct investigations into the matter and advise the executive committee on the appropriate sanctions to be imposed against a defaulting member.

ARTICLE 16

VOTE OF NO CONFIDENCE AGAINST INCUMBENT EXECUTIVE COMMITTEE

1. Members of the council may institute vote of no confidence against the Executive Committee subject to the provision of the reasons why such a motion should be entertained by the council.
2. In the event that the motion of no confidence is successfully raised, the decision to remove the Executive Committee shall be made by the two-thirds (2/3) majority in the presence of all council members.

ARTICLE 17

DISSOLUTION

1. In the event of LNFOD dissolution, two consecutive general meetings should be held in which two-thirds (2/3) majority of the Council members should vote in favour of the dissolution
2. If the motion of dissolution is successful, the extra-ordinary general meeting shall be convened in which two-thirds (2/3) majority of the members of the general assembly will be required to dissolve the organisation.