

CONSTITUTION OF THE NAMIBIA NATIONAL OLYMPIC COMMITTEE ATHLETES' COMMISSION

(ESTABLISHED PURSUANT TO ARTICLE 19 OF THE CONSTITUTION
OF THE NAMIBIA NATIONAL OLYMPIC COMMITTEE)

THE NAMIBIA NATIONAL OLYMPIC COMMITTEE ATHLETES' COMMISSION, IN GENERAL
MEETING, HAS ADOPTED THE FOLLOWING CONSTITUTION:

1. NAME

The name of the Association is the Namibia National Olympic Committee Athletes' Commission, in abbreviated form referred to as the NNOCA Athletes' Commission and hereinafter referred to as "The Commission".

2. DEFINITIONS AND INTERPRETATION

2.1 In this document:

"ANOCA" means the Association of National Olympic Committees of Africa;

"ANOCA Athletes' Commission" means the athletes' commission established by the Association of National Olympic Committees of Africa;

"Annual General Meeting" means a General Meeting of the Committee as contemplated in Article 6 of this Constitution;

"Commission" means the Namibia National Olympic Committee Athletes' Commission established in terms of Article 19 of the Constitution of the NNOCA and "NNOCA Athletes' Commission" shall have a corresponding meaning;

"Constitution" means this document;

"Executive Committee" means the Executive Committee of the Commission constituted in terms of this Constitution;

"General Meeting" includes an Annual General Meeting and a Special General Meeting of the Commission in terms of this Constitution;

“ICAS” means the International Council of Arbitration for Sport;

“IOC” means the International Olympic Committee;

“IOC Athletes’ Commission” means the athletes’ commission established by the International Olympic Committee pursuant to Bye-law 1 to Rule 21 of the Olympic Charter;

“Member” means a member of the Commission as contemplated in Article 4 of this Constitution;

“NNOG-CGA” means the Namibia National Olympic Committee – Commonwealth Games Association;

“NNOG-CGA Constitution” means the Constitution of the Namibia National Olympic Committee;

“NOA” means the Namibia Olympians Association;

“NNPC AC” means the Namibia National Paralympic Committee Athletes Commission;

“NSC” means the National Sports Commission established in terms of the Namibia Sport Act, 2003 (Act No. 12 of 2003);

2.2 In this Constitution, unless the context clearly indicates otherwise,

2.2.1 the plural includes the singular and *vice versa*;

2.2.2 words of one gender include the other gender;

2.2.3 where any terms are defined within the context of any Article of this Constitution, the term so defined shall bear the same meaning assigned to it for all purposes under this Constitution;

2.2.4 wherever any number of days is prescribed or referred to, such days shall be reckoned exclusively of the first and inclusively of the last day.

2.3 This Constitution shall, as far as may be practicable, be interpreted consistent with the NNOG-CGA Constitution.

3. THE COMMISSION

MISSION

3.1 In accordance with Article 19 of the NNOC-CGA Constitution, the mission of the Commission is to represent the views, rights and interests of athletes and make their voice heard within the NNOC-CGA and the NSC. To this end the Commission:

3.1.1 maintains the views of athletes at the forefront of its actions;

3.1.2 serves as a consultative body considering questions related to athletes;

3.1.3 provides advice and makes recommendations to the NNOC-CGA;

3.1.4 is the link between athletes and the NNOC-CGA;

VISION

3.2 The Commission's vision shall be to empower, educate, inspire and assist athletes to achieve their highest potential in sport and life.

VALUES

3.3 The Commission shall aspire to establish the values of excellence, integrity, respect, friendship, unity, diplomacy, sharing and inspiration among athletes, within sport in Namibia and within the formal structures of its representative, organisational and controlling bodies.

OBJECTIVES AND GOALS

3.4 In accordance with Article 19 of the NNOC-CGA Constitution, the objectives of the Commission are to:

3.4.1 Consider issues related to athletes and to provide advice to the NNOC-CGA;

3.4.2 Engage actively with initiatives and projects that protect and support clean athletes on and off the field of play;

- 3.4.3 Represent the rights and interests of athletes and to make related recommendations to the NNOC-CGA, including the appointment of arbitrators to the International Council of Arbitration for Sport (ICAS);
 - 3.4.4 Work with the Executive Board of the NNOC-CGA to adopt the Athletes Rights and Responsibilities Declaration, which was presented to and adopted by the 133rd IOC Session in Buenos Aires in October 2018 on behalf of the Olympic Movement, and incorporate it into the NNOC-CGA's policies and procedures. In particular, the Commission will work with the NNOC-CGA to develop mechanisms for effective remedies related to these rights and responsibilities, and to encourage athletes to make use of these mechanisms; and
 - 3.4.5 Maintain contact with the IOC Athletes' Commission and the ANOCA Athletes' Commission
- 3.5 The further objectives of the Commission shall be to:
- 3.5.1 actively support the work of the NNOC-CGA, particularly in the areas of anti-doping and women in sport;
 - 3.5.2 establish and foster strong relations with the NNOC-CGA and NSC;
 - 3.5.3 develop a sustainable organizational structure to facilitate and ensure effective representation of athletes within the NNOC-CGA;
 - 3.5.4 develop and maintain effective channels to ensure effective liaison and communication amongst athletes and between athletes and the Commission;
 - 3.5.5 Provide strong and effective leadership taking initiative in resolving issues adversely affecting athletes.
- 3.6 The goals of the Commission shall be to:
- 3.6.1 be knowledgeable about athletes and familiar with their needs;
 - 3.6.2 have presence at all major sporting and sport related events in Namibia;
 - 3.6.3 establish and maintain an athletes' database containing relevant information and statistics of athletes and preserving the legacy of athletes;

- 3.6.4 achieve representation by athletes on the executive committees of all National Sport Bodies and National Umbrella Bodies stipulated in the Namibian Sports Act of 2003.

4. COMPOSITION OF THE COMMISSION

4.1 The Commission shall compose of the Executive Committee as provided for in Article 19 of the NNOC-CGA Constitution and such number of athletes as are nominated, from time to time, by the Member Federations and Associate Members of the NNOC-CGA as provided for in the NNOC-CGA Constitution (currently Articles 7 thereof) and National Sport Bodies and National Umbrella Bodies as provided for in the Sports Act 2003 (Article 26 thereof) provided that each such Member Federation, Associate Member, National Sport Body and National Umbrella Body shall be entitled to nominate only one athlete as member of the Commission.

4.2 In accordance with Article 19.1.3 of the NNOC-CGA Constitution:

4.2.1 The Commission shall be composed of a majority of athletes who, at the time of their election/nomination, are participating at least at national level in a sport on the Olympic and/or Commonwealth Programme, or have done so within the previous four years.

4.2.2 Both sexes shall be represented within the Commission and, when applicable, the Commission should be composed of a reasonable balance between sports practiced in the country.

4.2.3 The majority of the members of the Commission shall be elected by their peers.

4.2.4 The Chair of the Commission shall be a member who has been elected to the Commission by his or her peers.

5. REPRESENTATION WITHIN THE NNOC-CGA

In accordance with Article 19.1.4 of the NNOC-CGA Constitution:

5.1 The Commission is represented at the General Assembly by at least two of its members (if possible, one male, one female), elected by the Commission from among athletes who have participated in at least one of the last three editions of the Olympic Games, who will have the right to vote within the NNOC-CGA General Assembly. For voting rights see Rule 12.15 of the NNOC-CGA Constitution.

5.2 The Commission is represented within the Executive Board by at least one member, elected by the Commission and approved by the General Assembly, who will have the right to vote within the NNOC-CGA's Executive Board. This person must be a member of the Commission who has been elected to the Commission by his or her peers.

6. MEETINGS OF THE COMMISSION

GENERAL MEETINGS

6.1 The Commission shall meet at least once a year at an Annual General Meeting, but may hold additional meetings, referred to as Special General Meetings.

6.2 Meetings of the Commission shall be held at such place and time as determined by the Executive Committee.

6.3 Special General Meetings may be convened whenever deemed necessary by the Executive Committee.

6.4 Whenever Executive Committee members are to be nominated and elected, written notice of the relevant General Meeting shall be forwarded to all members not less than 21 (twenty-one) days prior to the meeting and shall include the time and venue of the meeting, the agenda and all business to be conducted at the meeting and indicate which members of the Commission meet the criteria and are available for election.

6.5 Notices of business and motions must be delivered to the Executive Committee not less than 14 (fourteen) days prior to the Annual General Meeting. The Executive Committee shall, not later than 7 (seven) days prior to the Annual General Meeting, give written notice to all members of any motions received proposing changes to this Constitution.

6.6 A special General Meeting considers only the business for which it is convened.

QUORUM

6.7 No matters shall be discussed at any general meeting unless a quorum is present when the meeting commences.

6.8 A quorum shall be members present in person or by proxy and holding not less than 50% (Fifty percent) of the total number of votes available to be cast by members at the time that the meeting commences.

- 6.9 Should a quorum not be reached after 1 hour of the scheduled meeting time, the meeting shall be held.
- 6.10 The members actually present at such rescheduled general meeting shall then constitute a quorum.

MINUTES

- 6.11 The Commission shall, as soon as possible after the holding of a general meeting, cause minutes of the proceedings of the meeting to be entered in books kept for such purpose.

PROCEDURE

- 6.12 Every member present has one vote.
- 6.13 Members may in writing appoint another member to act as their proxy and to vote in their stead at general meetings and shall deliver such written proxy to the Commission.
- 6.14 The Chair, and in the absence of the Chair, the Vice Chair of the Commission shall preside over general meetings and in the case of an equality of votes, shall have a casting vote in addition to a deliberative vote.
- 6.15 Unless any member requires a vote by secret ballot, members vote by a show of hands.
- 6.16 The Chair's declaration that a vote or ballot has been carried or lost is final.
- 6.17 All resolutions shall, except as otherwise provided in this Constitution, be by simple majority of those members present in person or by proxy at the meeting and voting.

7. THE EXECUTIVE COMMITTEE

POWERS

- 7.1 The Executive Committee:
- 7.1.1 is responsible for and controls the management and day to day business of the Commission;
 - 7.1.2 exercises all functions of the Commission other than those functions that are in terms of this Constitution required to be exclusively exercised by the Commission in General Meeting;

- 7.1.3 Has the power to perform all such acts as the Executive Committee reasonably deems necessary for the proper management of the affairs of the Commission and to accomplish its objectives and goals.
- 7.2 The Executive Committee exercises its powers, functions and acts subject to this Constitution, resolutions passed by the Commission in general meeting and the NNOC Constitution and any by-laws passed thereunder.

MEMBERS

- 7.3 In accordance with Article 19 of the NNOC-CGA Constitution:
- 7.3.1 The Executive Committee shall:
- 7.3.1.1 Consist of a minimum of five members who shall be nationals of Namibia, at least 16 years of age, who have never received any sanction in relation to the World Anti-Doping Code;
 - 7.3.1.2 Comprise of a majority of athletes who, at the time of their election/nomination, have participated at a national level in a sport on the Olympic or Commonwealth Games Programme, or have done so within the previous four years.
 - 7.3.1.3 The Commission shall include at least three athletes who have participated in at least one of the last three editions of the Olympic Games from whom the Chair shall be elected by their peers.
- 7.3.2 Whenever possible, both sexes shall be represented on the Executive Committee and, when applicable, should be composed of a reasonable balance between sports practiced in the country.
- 7.3.3 The following persons shall be *ex officio* members of the Executive Committee and have the right to vote at the meetings of the Executive Committee:
- 7.3.3.1 Any Namibian member(s) of the IOC Athletes' Commission; and
 - 7.3.3.2 Any Namibian member(s) of the ANOCA Athletes' Commissions.
 - 7.3.3.3 The current president of the NOA.

7.3.3.4 The elected Athlete's Representative of the NNPC.

ELECTION AND TERM

- 7.4 Members of the Executive Committee shall hold office for a term of four years, renewable, provided that they still meet the criteria for holding office and shall be nominated and elected at the Annual General Meeting of the Commission.
- 7.5 The Chair of the Executive Committee shall, at the meeting at which an election is to take place, call for nominations from the members listed in the notice as provided for in Article 6.5 of this Constitution and put the election to a vote.
- 7.6 Members of the Executive Committee are automatic candidates for election onto the subsequent Executive Committee unless they indicate in writing that they are not available for re-election.
- 7.7 The members of the Executive Committee hold office from the conclusion of the Annual General Meeting on which they are elected until the conclusion of the fourth subsequent Annual General Meeting.

OFFICE BEARERS

- 7.8 The office bearers of the Commission are:
 - 7.8.1 The Chair, who shall be the spokesperson of the Commission and of the Executive Committee;
 - 7.8.2 the Vice Chair, who in the absence of the Chair, shall be the spokesperson of the Commission and of the Executive Committee;
 - 7.8.3 Three additional members.
 - 7.8.4 Two ex-officio members.
- 7.9 The office bearers shall meet the requirements stipulated in Article 7.3.1 of this Constitution and no member of the Executive Committee shall hold more than one position of office bearer.

MEETINGS

- 7.10 The Executive Committee shall meet every 4 months and may convene any number of additional meetings from time to time.
- 7.11 The quorum for a meeting of the Executive Committee shall be three members thereof of which one must be the Chair or the Vice Chair and the Executive Committee shall transact no business unless a quorum is present.
- 7.12 Meetings of the Executive Committee shall be presided over by the Chair, or in the absence of the Chair, by the Vice Chair who, in the case of an equality of votes, shall have a casting vote in addition to a deliberative vote.
- 7.13 Decisions of the Executive Committee shall be taken by simple majority vote.

REMOVAL FROM OFFICE

- 7.14 The Commission in General Meeting may by a resolution of a simple majority remove any member of the Executive Committee before the expiration of such member's term of office.

8. OBLIGATIONS & DUTIES OF MEMBERS

Each member of the Commission undertakes to comply and adhere with the provisions of this Constitution and any decision taken by the Commission and, in relation to any of the affairs or business of the Commission, at all times to:

- 8.1 Act solely in the best interest of the Commission and its members as a whole;
- 8.2 exercise their powers and discharge their duties with reasonable care and diligence, in good faith and for a proper purpose;
- 8.3 Not make improper use of their position or of information acquired by virtue of holding their position so as to gain an advantage for themselves or any other person or to cause detriment to the Commission or its members.

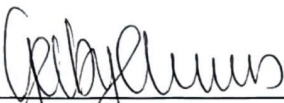
9. DISPUTE RESOLUTION

Any disputes arising within the Commission or between the Commission and its members shall be resolved outside the ordinary courts and by the Executive Committee or, if incapable of being so resolved or if undesirable to be resolved by the Executive Committee, shall be resolved by the NNOC-CGA executive committee, whose decision shall be final.

10. APPROVAL, ADOPTION AND AMENDMENT OF CONSTITUTION

This Constitution and any amendment thereof shall come into force and effect upon it being adopted by a two-thirds majority vote of members present at a general meeting of the Commission and on approval thereafter by the NNOC-CGA.


ADOPTED AT Windhoek ON THIS 25 DAY OF November 2021.



FOR: THE ATHLETES COMMISSION
NAME: Gaby Ahrens
DESIGNATION:
Chairperson



APPROVED BY THE NNOC AT WINDHOEK ON THIS 2 DAY OF FEBRUARY 2022.



FOR: THE NNOC
NAME: JOAN SMIT
DESIGNATION: SECRETARY GENERAL