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- b. VICE PRESIDENT'S OATH
- c. THE OATH OF MEMBERS OF NATIONAL EXECUTIVE COMMITTEE ( NEC )
- d. OATH OF THE COUNCIL MEMEBERS

## **PREAMBLE**

We, the members of CUATOMS BROKERS ASSOCIATION, GHANA ( CUBAG )

In recognition of the importance of International Trade and our commitment to support the National Economy with Honesty and Efficiency and in solemn declaration and affirmation of our determination; to seek the welfare and dignity of our members do hereby, in the name of God Almighty enact and establish this CONSTITUTION for ourselves and for posterity.

### **ARTICLE 1:          NAME, MOTTO, SLOGAN, LOGO**

Clause I:          NAME

Clause II: MOTTO

Clause III: SLOGAN

Clause IV: LOGO

**Clause I Name:** The name of the Association is **CUSTOMS  
BROKERS ASSOCIATION, GHANA**  
(hereinafter referred to as "**CUBAG**")

**Clause II Motto:** **Honesty and Efficiency**

**Clause III Slogan:** **HONESTY-----EFFICIENCY**

**Clause IV Logo:** The logo of "CUBAG" shall be a village mounted on a world globe with inscription H & E across the village ( H & E representing **Honesty** and **Efficiency** respectively)

## **ARTICLE 2: AIMS AND OBJECTIVES**

1. To promote the business of Customs House Agent, Customs Brokers and Freight Forwarding.
2. To educate and disseminate government policies in Customs.
3. To ensure high standard of professionalism and integrity among members.
4. To seek the general WELFARE of the ASSOCIATION and its members.
5. To affiliate and establish links with international bodies in the shipping industry.
6. To act as a link between the state and other stakeholders affiliated to the industry.
7. To organize appropriate courses, seminars, workshops, and consultancy

services on customs, shipping, transport, international trade and commerce for members and the general public.

8. To seek and promote any other object(s) that may appear to be relevant to the Association within the confines of the industry.

### **ARTICLE 3: THE COUNCIL**

There shall be a NATIONAL COUNCIL (hereinafter referred to as the "COUNCIL") which shall be an advisory body to the National Executive Committee.

### **ARTICLE 4: MEMBERSHIP OF THE COUNCIL**

#### **a. THE COUNCIL**

- i. The council shall be made up of a minimum of five(5) members and a maximum of nine(9).
- ii. The council shall include all five (5) Founding Members and others who may be appointed by them in accordance with clause (a) of this Article.
- iii. The appointing Authority to the Council shall at all times be vested in the five (5) founding members.

#### **b. TENURE**

All the five (5) Founding Council Members shall have a life tenure whilst all council appointees shall hold office subject to good conduct, high morality and good performance.

#### **c. DUTIES OF THE COUNCIL**

- i. The council shall meet quarterly and shall appoint a chairman from among its membership on their first meeting.
- ii. The Council shall have powers of adjudication over all matters of the Association.

- iii. The Council shall be the highest decision-making body in all matters referred to it as an appellate body without ousting the jurisdiction of the courts

## **ARTICLE 5: MEMBERSHIP OF CUBAG**

1. Membership of CUBAG shall be opened to companies that have been duly registered by the Registrar-General's Department under the laws of the Republic of Ghana to do the business of Custom House Agent.
2. A potential applicant for membership shall be vetted by the National Executive Committee and recommended to the Council for final approval.
3. A member shall pay fees instituted by the Associate and abide by all approved **bye-laws**.

## **ARTICLE 6: THE NATIONAL EXECUTIVE COMMITTEE (NEC)**

There shall be a National Executive Committee ( NEC ) made up of elected officers and representatives of each Branch.

### **a. COMPOSITION**

1. The National President
2. The 1st National Vice-President
3. The 2nd National Vice-President
4. The National Secretary
5. The National Assistant Secretary
6. The National Financial Secretary
7. The Treasurer
8. The National Organizer
9. The National Assistant Organizer

10.The Welfare Officer

11.Branch Chairmen

12.Ex-Officio Member

**b. FUNCTIONS OF NATIONAL EXECUTIVE COMMITTEE  
(NEC)**

1. **NEC** shall have the power to co-opt any member to any of its members; and to make protem appointment as and when necessary.
2. **NEC** shall be vested with the Authority to administer the day to day affairs of the Association.
3. All resolutions, decisions, proclamations and appointments shall be based on a simple majority vote.
4. **NEC** shall meet at least once a month.
5. **NEC** shall have the power to appoint Working Committee to be vested in specific functions for a specific duration or on adhoc basic.

**c. TENURE**

**NEC** shall remain in office for a term of (4) four years  
and

a member may be eligible for re-election only once.

**d. QUORUM**

One third (1/3) of the entire membership of **NEC** shall form a quorum at its meetings.

**c. WORKING COMMITTEE**

All members of **NEC** residents in Accra and Tema shall form a Working Committee of the Association and shall carry out decisions and directives from the council.

**ARTICLE 7: FUNCTIONS OF OFFICERS****Clause I: THE NATIONAL PRESIDENT**

1. The National President Shall:
  - a. Be the Administrative head of the Association.
  - b. Preside over all NEC meetings and at National Delegate conference.
2. Be the official spokesperson for the Association but all issues of policy must receive prior approval of Council.
3. Oversee the implementation of all policies and regulations of the Association.
4. Be vested with the power to call for NEC meetings.

**CLAUSE II: THE 1ST NATIONAL VICE PRESIDENT**

The 1st National Vice- President shall:

- I. Act as President in the absence of the National President and shall accordingly preside over NEC meetings and a National Delegate Conference whenever necessary
- II. Perform any duty/duty(ies) that may be delegated to him from time to time by the National President.
- III. Oversee the functions of the financial and administrative sector of the Association.

**CLAUSE III: THE 2ND NATIONAL VICE PRESIDENT**

The 2nd National Vice President; shall:

Assist the 1st National Vice President in the discharge of his functions as stated in clause II and to act in his absence.

#### **CLAUSE IV: THE NATIONAL SECRETARY**

The National Secretary shall:

1. Keep minutes of proceedings of the NEC meetings and National Delegate Conference.
2. Prepare a situational report at National Delegate Conference.
3. collaborate with the ADMINISTRATOR in the running of the Associations Secretariat.
4. Dispatch notice of meetings to all qualified members.
5. Perform any other duties assigned to him by the President.

#### **CLAUSE V: THE NATIONAL ASSISTANT SECRETARY**

The National Assistant Secretary shall act and perform the functions and duties of the National Secretary as specified in Article 7 clause IV and shall act in his absence.

#### **CLAUSE VI: THE NATIONAL FINANCIAL SECRETARY**

The national financial secretary shall:

1. Receive all monies on behalf of the Association and issue the appropriate receipts accordingly
2. Keep up to date all monies received and thereafter hand them over to the National Treasurer.
3. Prepare and submit periodic and Annual Financial Reports as may be requested by the NEC
4. Monitor financial status of members to establish whether they are of good

standing.

5. Make all books and other relevant financial records available to the Association's appointed Auditors for audit purposes.
6. Keep accountable monthly Imprest as may be approved by the NEC.

#### **CLAUSE VII: THE NATIONAL TREASURER**

The National Treasurer shall:

1. Keep proper books of Accounts
2. Receive funds from the Financial Secretart, and pay all such monies receive, into the Bank Account of CUBAG within three days of receipt.
3. Pay all bills authorized by either the Council or NEC
4. Prepare draft account to be audited before presentation to annual General Meetin for discussion and approval.

#### **CLAUSE VII: THE NATIONAL ORGANIZER**

The National Organizer shall:

- I. Mobilize the entire members for the efficient organization of the Association at all levels.
- II. Arrange meeting place for National Executive Meetings and National Delegate Conference.
- III. See to the successful organization of all official functions of the Association at the National levels.

#### **CLAUSE IX: THE NATIONAL ASSISTANT ORGANIZER**

The National Assistant Organizer shall

Assist the National Organizer and act in his absence

## **CLAUSE X: THE NATIONAL WELFARE OFFICER**

The National Welfare Officer shall:

- I. Be responsible for all welfare matters of the Association.
- II. Operate and be guided by the Bye laws of the Association.

## **CLAUSE XI: THE ADMINISTRATOR**

The Administrator shall:

1. Be nominated by the National Executive Committee for the final approval by the Council.
2. Report directly to the President in the day to day administration of the Association.
3. Ensure the regular and smooth dissemination of information between the National body and the Branch.
4. Ensure the implementation of all regulations and policies of the Association by the various office holders.
5. Shall sit in all Council and National Executive Committee meetings as an ex-officio member.
6. Not be a member of the Association with technical knowledge in freight forwarding
7. Have a well-resourced functional secretariat to facilitate his/ her work.

## **ARTICLE 8: BRANCHES**

### **CLAUSE 1**

- a. There shall be Branches at all major **entry** and **exit points**; these Branches shall be responsible for local organization of the Association.
- b. Each Branch shall organize its own local elections to elect the following officers to constitute the **BRANCH EXECUTIVE COMMITTEE (BEC)**.
  1. The Chairman

2. The Vice-Chairman
3. The Secretary
4. The Treasurer
5. The Financial Secretary
6. The Organizer
7. The Welfare Officer

## **CLAUSE 2 B: FUNCTIONS OF THE BRANCH EXECUTIVES**

### **1. The Branch Chairman**

The Branch Chairman shall:

- a. Be the administrative head of the Branch
- b. preside over all Branch meetings
- c. Be vested with the power to call for Branch meetings.

### **2. The Vice-Chairman**

The Branch Vice Chairman shall:

- a. Act as Chairman in the absence of the Branch Chairman and shall accordingly preside over Branch meetings whenever necessary.
- b. Perform any duty(ies) that may be delegate to him/her from time to time by the Branch Chairman.

### **3. The Branch Secretary**

The Branch Secretary shall:

- a. Keep minutes of proceedings of the meetings of the Branch and submit copies to the **NEC**.
- b. Dispatch notice of meeting to all qualified members.
- c. Perform any other duties assigned to him by the Branch Chairman.

#### **4. The Branch Treasurer**

The Branch Treasurer shall:

- a. Keep proper books of Accounts
- b. Receive funds from the Financial Secretary and pay same into the Bank Accounts of the Branch.
- c. Pay all bills authorized by the Branch Executive.
- d. Prepare draft Accounts for the Executive for auditing.
- e. Submit audited Accounts to a General Meeting for discussion and approval through the Branch Executive.

### **ARTICLE 9: FINANCE AND LEGAL**

#### **CLAUSE 1: METHODS OF FINANCE**

- a. Registration Fee
- b. Monthly Dues
- c. Transaction Levies
- d. Voluntary Donations
- e. Renewal of Custom House Agent License Fee
- f. Building Levy
- g. Development Levy
- h. Others

#### **CLAUSE II: BANK ACCOUNT**

The National and the Branch Committees shall operate Bank Account into which all monies received on behalf of the Association shall be paid. The selected Bank(s) shall have a prior approval by the Council.

- a. Signatories to all National Bank Accounts shall be the President as the Principal signatory with either the Secretary or the Treasurer countersigning.
- b. Signatories to all Branch Accounts shall be the Chairman as the principal signatory with either the Secretary or the Treasurer countersigning.

### **CLAUSE III: AUDITORS/ LAWYERS**

- a. Auditors and Lawyers for the Association shall be duly appointed at the National Delegate Conference for one year term subject to further renewal based on satisfactory performance.
- b. Auditors/ Lawyers shall audit the Accounts for the Association and present a report at every Annual National Delegates Conference.
- c. Auditors/ Lawyers fees shall be recommended by the Council and fixed at National Delegate Conference.

### **CLAUSE IV: EMOLUMENTS:**

#### **I. COUNCIL MEMBERS**

Shall be entitled to **MONTHLY ALLOWANCE** that shall be sufficient for them to perform thier duties efficiently, this applies to both Founding Members and the Appointees.

#### **II. PRESIDENT AND VICE-PRESIDENT**

Shall be entitled to allowances that shall be sufficient for them to perform their duties efficiently.

#### **III. ALL EXECUTIVE MEMBERS**

Shall receive for the service allowances during their tenure of office.

**IV. MEMBERS OF ADHOC COMMITTEES:**

Shall be entitled to agreed Sitting Allowances during their entire tenure

**V. PROPOSAL OF ALLOWANCES:**

All allowances shall be proposed by the **NEC** for the approval of the **COUNCIL**; except allowances for **COUNCIL** members which will be recommended and approved at the National Delegates Conference.

**CLAUSE(V): SPECIAL PERMANENT BENEFIT:****FOUNDING MEMBERS**

The **Emoluments** of all five(5) **Founding members** in the **Council** together with the two appointees as specified under Clause IV(i) shall continue to be paid after death for the maintenance and benefit of their surviving families, being **wife and children**.

**CLAUSE (VI): DISBURSEMENT OF FUNDS**

1. The funds of the Association shall be expended by NEC on programs and activities contained in a budget as previously approved by Council.
2. All Accountable Imprest for the running of the National/Branch Secretariat shall be determined by the NEC/BEC and the disbursement of the imprest shall be the responsibility of the National / Branch Secretary in consultation with the President.
3. Honorarium shall be paid to any resource person who undertakes an assignment or perform any service on behalf of or for the Association.

**ARTICLE 10: RESIGNATION, REMOVAL FROM OFFICE AND  
EXPULSION**

**CLAUSE I: RESIGNATION**

- a. Any Council member who wishes to resign shall notify the Chairman in writing by giving a 30 days notice.
- b. Any NEC or Branch Executive member who wishes to resign shall notify the President in writing by giving a 30 days notice.
- c. Resignation at all Executive levels in the Association shall be accepted only by the Council.

**CLAUSE II: REMOVAL FROM OFFICE**

- I. Any National or Branch Executive member who conducts himself in a manner that calls for his removal shall be removed from office by a two third(2/3) majority vote of the council.
- II. Removal from office shall only be prepared after the offender had been charged ( in writing), had appeared before a committee of investigation and had accepted his/her guilt.

**III. EXPLUSION**

- a. A member shall be expelled from the Association
  1. Where the operational conduct of the member is found to be inimical or prejudicial to the interest and aspirations of the Association.
  2. Where a member's license is withdrawn by the Customs Authority.
  3. Where a member's business is liquidated.
  4. Where in the opinion of the Council based on the findinf of an investigation, the members conduct has put the Association into disrepute and confusion.

## **ARTICLE II: MEETINGS**

### **CLAUSE I: MONTHLY GENERAL MEETINGS**

There shall be a monthly Branch general meetings of all members. The Branch Secretary shall send minutes of all deliberations not later than the 21<sup>st</sup> day of the succeeding month.

### **CLAUSE II: NATIONAL EXECUTIVE COMMITTEE MEETING**

The NEC shall meet at least once a month.

### **CLAUSE III: NATIONAL DELEGATES CONFERENCE**

- a. The National Executive Committee shall summon a national Delegate's Conference every year.
- b. All Branch shall be notified in writing at least 60 days before the date of the conference and not more than 12 months shall elapse between the date of one conference and the next.

### **CLAUSE IV: COMPOSITION OF NATIONAL DELEGEATES CONFERENCE**

Delegates to the National Delegate's Conference shall comprise of:

- I. All Council Members
- II. All National Executive Committee members
- III. Two delegates from each corporate member(company)
- IV. Two delegates from each Branch

### **CLAUSE V: BUSINESS AT NATIONAL DELEGATE CONFERENCE**

1. Receive a report from the President
2. Consider the Treasurer's report
3. Receive situational report from the Branches
4. Report from the Auditor
5. Consider amendment of the Constitution
6. Consider any other Business

**CLAUSE VI: EMERGENCY MEETING**

- I. The President in consultation with the Council shall summon emergency meeting of the NEC.
- II. One third of the entire membership from every Branch may call for an Emergency National Delegate's Conference.
- III. The NEC by a one third (1/3) majority may also call for an Emergency National Delegates Conference.

**ARTICLE 12: ELECTION**

**CLAUSE I: National Executive Elections**

- a. Election of National Executive Officer shall take place at a National Delegate's Conference of the Association.
- b. The Election shall be held by secret ballot and shall be supervised by an Electoral Officer to be Appointed prior to the Conference by the Council.

**CLAUSE II: BRANCH EXECUTIVE ELECTIONS**

Each Branch is expected to organize elections and elect their officer to enable Annual

Delegates Conference to be held.

**CLAUSE III: TENURE OF OFFICE**

- a. The tenure of office for both National and Branch Executives shall be four years which a candidate may be eligible to contest for another post.
- b. Any candidate who serves two terms as President Chairman shall not be eligible to contest for any post.

**CLAUSE IV: BYE ELECTION**

- a. All vacancies which occur in the National Executive Committee between the Delegates Conference and the next by reason of death, resignation, retirement, removal from office or otherwise shall be filled by a Bye election.
- b. All vacancies which occur in the Branch Executive Committee between one election and the next shall be filled by a Bye election.

**ARTICLE 13: WELFARE**

- a. There shall be seven members National/ Branch Welfare Committee to be appointed by the NEC and the BEC respectively. One of the members shall be the treasurer.
- b. The Welfare Committee shall have the 2<sup>nd</sup> Vice President as the Chairman.
- c. Determination of benefits to be enjoyed by members and disbursement of the Welfare Funds shall be the responsibility of the Welfare Committee. These shall be made into bye-laws.
- d. The Secretary of the Welfare Committee shall keep the accounts of

the welfare Funds and must therefore have a good knowledge of accounting.

- e. The Welfare Committee shall make bye-laws regualting the payment of benefits to members.
- f. A copy of the bye-laws made by the Welfare Committee shall be deposited with the National Executive Committee at least once a month before its implementation.
- g. All bye-laws shall have the same force and validity as other provision in the constitution.

#### **ARTICLE 14: POLITICS**

CUBAG is Non-Political

#### **ARTICLE 15: TRANSITIONAL PROVISIONS**

##### **CLAUSE I: FIRST PRESIDENT**

1. Notwithstanding anything in this constitution, the person assuming the office of the President of CUBAG immediately before the comming into force of this Constitution shall be taken to have been duly elected for the purpose of this constitution.
2. The President referred to in subsection(I) of this selection shall assume office as President on the date of the coming into force of this Constitution and shall be sworn in on that day.
3. He shall stay in office for a period of four years until elections are held.

##### **CLAUSE II: NATIONAL EXECUTIVE COMMITTEE**

Notwithstanding anything in this Constitution, the person assuming office as members

of the National Executive Committee immediately before the coming into force of this Constitution shall be taken to have duly elected members of NEC and shall be sworn in on the day of commencement of this Constitution. They shall be in office for four years before elections are held.

**CLAUSE III: CONTINUATION OF APPOINTMENT**

Any person holding office immediately before the coming into force of this Constitution shall continue to hold office as if appointed to office under this Constitution and shall atke and subscribe to the OATH of allegiance set in the Second Schedule of this Constitution.

**ARTICLE 16: AMENDMENTS.**

1. Amendments to this Contitution may be proposed by a member throught the Branch, seconded by at least 5 members form other Branches. All proposals shall be in the form of a special resolution and shall be submitted to the National Delegates Conference through the NEC-at least 30 days before the National Delegates Conference.
2. All amendements shall have the simple majority support of respective member's branch at a General meeting prior to the National Delegates meeting.
3. Ammendments to the Constitution shall only be voted upon and carried though by two (2/3) majority of Delegates present at the National Delegate Conference.

**ARTICLE 17: DATE OF COMMENCEMENT**

This CONSTITUTION shall come into force on ..... in the year of our Lord TWO THOUSAND AND SIXTEEN.

**INTERPRETATION**

- 1. CUBAG means Customs Brokers Association, Ghana
- 2. NEC means National Executive Committee.
- 3. The Council means The Authority and Supervisor Body of the Association.
- 4. BEC means Branch Executive Committee.

**SECOND SCHEDULE**

**A CUBAG PRESIDENT'S OATH**

I..... having been elected President of CUBAG do ( in the Name of Almighty God swear), ( solemnly affirm) that i will faithful and true to CUBAG; that i will at all times preserve, protect and defend the Constitution of CUBAG and that i dedicate myself to the service and well-being of all CUBAG members and i will execute my duties to the best of my ability.

I further ( solemnly swear ) ( solemnly affirm ) that should I at any time break this Oath of office, I shall submit myself to the laws of CUBAG and suffer the penalty for it. So help me GOD

( To be administered by a Lawyer)

**THE OATH OF VICE-PRESIDENT**

I..... having been elected to the office of vice-president of CUBAG do ( in the name of Almighty God ) (solemnly swear)(solemnly affirm that I will at all times preserve, protect and defend the constitution of CUBAG and I dedicate myself to the service and well-being of members of CUBAG and to do right to all of them. I further (solemnly swear) (solemnly affirm) that should I at any time break this Oath of office, i shall submit myself to the laws of CUBAG and suffer the penalty for it. So help me God.

( To be administered by a Solicitor )

**THE OATH OF MEMBER OF NATIONAL EXECUTIVE COMMITTEE (NEC)**

I..... do (solemnly swear) (solemnly affirm) in the name of Almighty GOD that i will faithfully and conscientiously perform my duties as a member of the National Executive Committee and uphold, protect and defend the Constitution of CUBAG. So help me God

**(To be sworn before President of CUBAG)**

**OATH OF MEMBERS OF THE COUNCIL**

I.....do ( solemnly swear in the name of the Almighty God that I will faithfully and conscientiously perform my duties as a member of the Council and uphold, preserve, protect and defend the Constitution of CUBAG. So help me God.

**(To be sworn before a Solicitor)**

**MADE THIS 14TH DAY OF JANUARY, 2016**

**DANIEL KOFI ASOMANING**

**PRESIDENT**