

THE CONSTITUTION OF BORDERPOL

1. INTERPRETATION

1.1 DEFINITIONS AND

INTERPRETATION. In the absence of an express provision to the contrary or unless the context otherwise requires, in this Constitution:

"association" means Borderpol;

"constitution" means this document as amended from time to time;

"management board" means the Administrative Council and other board members or directors;

"officer" means the chairperson, executive director, secretary, or treasurer or other appointed director of the association;

"simple majority" means fifty per cent plus one vote.

"transition" means the change to the governance of Borderpol

2. MISSION OF BORDERPOL

(a) To promote the widest possible mutual assistance between all border enforcement authorities within the limits of the laws existing in the different countries and in the spirit of the "Universal Declaration of Human Rights";

(b) To promote safe and secure borders through good border governance and complementing the efforts of existing international organizations through dynamic and effective partnerships through global cooperation, communication and consultation among border security professionals;

(c) To work with border services the world over to develop active and successful partnerships that promote research in the field of border security and intelligence in the interest of higher education, scholarship and an informed public opinion;

(d) To promote international peace and security in accordance with the principles of international justice as embraced by the family of the United Nations;

(e) To provide a body of resource expertise in order to facilitate awareness and understanding of the activities of the international border security community;

(f) To hold an annual meeting and conference, as well as special conferences on particular themes;

(g) To publish a regular newsletter containing information about the Association and its activities and other items pertinent to the Association's mandate;

(h) To study the role of border security, to foster the accumulation of knowledge about such activities, and to study the relationships between border security agencies, governmental institutions and civil societies;

(i) To provide professional developmental assistance and training to organizations and border security agencies.

2.1 OPERATIVE PRINCIPLES

(a) It is strictly forbidden for the association to undertake any intervention or activities of a political, military, religious or racial character;

(b) Having regard to the mission provided in the Constitution, Borderpol shall establish non competitive and complementary relations with other intergovernmental or non-governmental international organizations where such activities are appropriate;

(c) The official languages of Borderpol are English and French.¹

(d) The missions shall be carried on without purpose of gain for its members. Any profits or wealth accruing to the association shall be used in promoting its overall mission.

2.3 ADMINISTRATIVE COUNCIL²

The Administrative Council shall:

(a) Put into application the decisions of the Borderpol Exploratory Committee³ and the Administrative Council;

(b) Serve as a technical and information centre;

(c) Ensure the efficient administration of Borderpol;

(d) Maintain contact with national and international authorities;

(e) Produce any publications which may be considered useful;

(f) Organize and perform secretariat work at the sessions of the Borderpol Exploratory Committee and the Administrative Council;

(g) Develop draft programs of work for the coming year for the consideration and approval of the Borderpol Exploratory Committee and the Administrative Council;

(h) Maintain a direct and constant contact with the President of the Borderpol Exploratory Committee.

2.4 BORDERPOL EXPLORATORY COMMITTEE⁴

(a) Any country may delegate Members to the Borderpol Exploratory Committee who are officials from a border policing body whose functions come within the framework of activities of the association;

(b) Each Member may be represented by one or several delegates; however, for each country there shall be only one delegation head, appointed by the competent governmental authority of that country.

Because of the technical nature of Borderpol, Members should attempt to include the following in their delegations:

(c) Senior officials of departments and agencies dealing with border policing issues;

(d) Officials whose normal duties are connected with the activities of Borderpol;

(e) Specialists in border enforcement matters.

(f) The request for membership shall be submitted to the Executive Director by the appropriate governmental authority;

2.5 TRANSITION

(a) Following its first congress the Borderpol Exploratory Committee shall become the body of supreme authority of Borderpol

(b) Following the election of the President of the Borderpol Exploratory Committee he will replace and assume the functions of the Chairperson of Borderpol.

¹ Exercised within fiscal and administrative capacities.

² Formerly known as the Executive Committee of the Management Board, the Administrative Council was created on August 1, 2006.

³ All references to the Border Enforcement Council should be read in conjunction with article 1 "interpretations and definitions" and article 4 "Transition"

⁴ The creation of the Borderpol Exploratory Committee and interim membership was approved by the management board July 15, 2006 formerly known as the Border Enforcement Committee as amended by the Administrative Council on December 4, 2007.

2.6 TRANSITION GOVERNANCE

The President of the Borderpol Exploratory Committee shall:

- (a) Preside at meetings of the Borderpol Exploratory Committee and the Administrative Council and direct discussions;
- (b) Ensure that the activities of Borderpol are in conformity with the decisions of the of the Borderpol Exploratory Committee and the Administrative Council;
- (c) Maintain a direct and constant contact with the Executive Director of Borderpol.

3. HEAD OFFICE

3.1 HEAD OFFICE. The head office of the association shall be located at Ottawa, Ontario, Canada subject to letters of patent approved by the Minister of Industry by the powers vested in him by the Canada Corporations Act.

3.2 INTERNATIONAL SECRETARIAT OFFICES

These will be established and geographically located as shall be determined by the needs of the association and approved by the Administrative Council. The function of a regional secretariat is to promote and support regional cooperation and provide specialized services as determined by the secretariat members.

4. MEETINGS OF THE ADMINISTRATIVE COUNCIL

4.1 NOTICE. Meetings of the Administrative Council may be called by the chairperson and shall be held at such place

and time as he or she shall determine. He or she shall call a meeting if requested to do so by any two directors. If he or she fails to act on such a request within fourteen days, two directors may call the meeting themselves. Notice of the meeting must be received by each director at least five clear days before the date set for the meeting, or must be sent to his or her last known address so that it will, in the ordinary course of delivery, be received at that address five clear days before the date set for the meeting.

4.2 ANNUAL MEETING⁵. Unless the incoming President of the Borderpol Exploratory Committee shall determine otherwise, there shall be a meeting of the Administrative Council following the annual Borderpol Exploratory Committee meeting, at a time and place to be determined by the President.

4.3 PLACE. Unless otherwise agreed by the Administrative Council all meetings shall be held at the head office of the association.

4.4 QUORUM. The quorum at meetings of the Administrative Council shall consist of the President, the Executive Director, the Treasurer, Heads of Secretariats and one other director. The quorum must be present for the whole of the meeting.

4.5 VOTING. Every director, including the chairperson of the meeting, has a vote. Decisions of the Administrative Council shall be made by simple majority vote. In case of tied vote, the chairperson has no casting vote, but may vote if he or she has previously abstained.

5.6 PARTICIPATION BY OTHER MEANS. With the consent of a majority of the Administrative Council a meeting may be held by means of a telephone conference or other electronic means.

⁵ Until transition is completed.

4.7 MOTIONS IN WRITING. A motion in writing, signed by all directors eligible to vote thereon at a meeting of the Administrative Council shall have the same force and effect as if it had been passed at a meeting duly convened for that purpose.

5. OFFICERS

5.1 The Administrative Council shall consist of the Executive Director, the Treasurer and normally four other representatives. The offices of secretary and Treasurer may be held by the same person simultaneously.

5.2 POWERS AND DUTIES. Subject to the provisions of the Constitution, the powers and duties of the officers of the association shall be determined when appropriate by the Administrative Council.

6. EXECUTIVE DIRECTOR.

(a) The Executive Director shall engage and direct the staff, administer the budget, and organize and direct the officials of Borderpol, according to the directives decided upon by the Borderpol Exploratory Committee or of the Administrative Council.

(b) He shall submit to the Administrative Council or the Borderpol Exploratory Committee any propositions or projects concerning the work of Borderpol.

(c) He shall be responsible to the Administrative Council and the Borderpol Exploratory Committee.

(d) He shall have the right to take part in the discussions of the Borderpol Exploratory Committee and the Administrative Council.

(e) In the exercise of his duties, he shall represent Borderpol and not any particular country.

7. TREASURER. The Treasurer shall have general administrative responsibility for the finances of the association. The draft budget of the Association shall be prepared by the Treasurer and submitted for approval to the Administrative Council.

7.1 SECRETARY. The Secretary shall maintain the documents and records of the association.

8. GENERAL MEETINGS OF BORDERPOL

8.1 ANNUAL GENERAL MEETING.

The annual general meeting of the association shall be held at a place, date and time determined by the management board, and in any event before the expiration of eighteen months from the previous annual general meeting.

8.2 BUSINESS OF THE MEETING. The business of the annual general meeting shall be to:

(a) Receive and approve the financial report of the previous year and a budget for the coming year.

(b) Elect the management board from among the candidates nominated by the nominating committee and by other members;

(c) Deal with such other business as may be properly before the annual general meeting.

9. NEWSLETTER AND WEB SITE

9.1 NEWSLETTER. A newsletter of Borderpol shall appear on a regular basis.

9.2 NEWSLETTER POLICY. The Newsletter is an instrument of Borderpol and serves to promote its constituted objects. The Administrative Council holds collective responsibility for overseeing editorial policy in the interests of Borderpol.

9.3 WEB SITE. Borderpol shall maintain a web site, pursuant to the objects of the organization.

9.4 WEB POLICY. The office of the Executive Director shall administer the web site. The web site is an instrument of Borderpol and serves to promote its objects. The Administrative Council holds collective responsibility for overseeing web site content in the interests of the membership of the Association.

10. FINANCIAL YEAR

10.1 THE FINANCIAL YEAR. The financial year of the association shall terminate on December 31 of each calendar year.

10.2 AUDITOR. The appointment of auditors may be waived upon motion duly approved at an annual general meeting.

11. CONTRACTS AND BANKING

11.1 CONTRACTS. Unless otherwise decided by the Administrative Council any contract or other document requiring the association's signature may be signed by an officer, if the writing of such document falls within the regular scope of his or her duties. The Administrative Council may, in general or specific terms, authorize any other person to sign any document, in the name of the association.

11.2 BILLS OF EXCHANGE. Cheques or other negotiable instruments drawn, accepted or endorsed in the name of the association, or any authorization to a financial institution for the transfer of funds to a third party, shall be signed by the chairperson, the executive director, the Treasurer or any other person authorized by the management board.

12. AMENDMENT, APPLICATION, MODIFICATION, AND

INTERPRETATION OF THE CONSTITUTION

(a) The present Constitution may be amended on the proposal of a member of the Administrative Council;

(b) Any proposal for amendment to this Constitution shall be communicated by the Executive Secretary to the Chairperson of the Administrative Council;

(c) Until transition pursuant to Article Four is completed all amendments to this Constitution shall be approved by a simple majority of Administrative Council.

The Constitution of Borderpol was approved by the first General Meeting of Management Board held at Sheraton Airport Hotel & Conference Centre, Frankfurt, Germany on 9 March 2005.

Subsequent to the approval and creation of the Administrative Council and the Border Enforcement Committee, 15 July 2006, transitional amendments to the Constitution were adopted and approved by the members of the association 1 August 2006.

Amendment May 21, 2007. Technical correction reflecting numbering error contained in amendment of 1 August 2006.

Amendment December 4, 2007 was approved at the 3rd Management Board meeting by the Administrative Council at Olympia Hall, London, England

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