REVIEW OF THE CONSTITUTION OF THE PAN AFRICAN UNIVERSITIES DEBATING COUNCIL: THE CONSTITUTIONAL REFORM AS THE FOUNDATION FOR A NEW PAN AFRICAN DEBATE INSTITUTION

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Profile of the Author

Christian Lebrecht Malm-Hesse was born at Osu, Accra, Ghana to Conrad Charles and Cecilia Hesse. He was educated at St. Augustine’s College Cape Coast from 2001 to 2003. He entered Catholic University College of Ghana-Fiapre in 2005 where he read Economics and Business Administration (management option) and graduated in 2009. He further read a Bachelor of Laws degree at the University of London from 2012 to 2014. He is currently studying at the Ghana School of Law and hopes to be called to the Bar soon.

Malm-Hesse is the Chief Executive Officer of Debate Ghana Association, an organization he founded in 2010. His tasks include project management, debate training, policy analysis, program development and coordination. He was also the founding leader of International Debate and Literary Arts Society in 2005. The society became the first intellectual club on the campus of Catholic University College in 2005. In 2012, he received generous grant from the Open Society Institute, USA. The grant financed the first Ghana Tertiary Debating Championships in 2012. In the following year, a second Ghana Tertiary Debating Championships was held at the University of Ghana. The competition held last year is scheduled to air on television. Through the initiatives of Malm-Hesse, the Debate Ghana Association trained the Ghana delegation at the Pan African University Debating Championship 2012. Two of the speakers who underwent this training finished in the top five of the public speaking competition. He designed the Ghana Debate Academy project 2012/2013. It is to usher the universities into the British Parliamentary debate format, and to create Debate societies on university campuses; engage student in argumentation literacy and ensure a structured debate system in Ghana.

Malm-Hesse pioneered the project design and implementation of the National Karl Popper Debate program, which introduced the Karl Popper debate format to senior high schools in Ghana. The Karl Popper debate format is currently running in selected senior high schools. Hundreds of students from the universities, senior and junior high schools have benefited from his practical approach to debate development in Ghana. In 2010, he designed the Ghana Junior Forensic League program for junior high schools in the country. In that same year, he partnered with the Global Debates Project and the International Debate Education Association. In 2012, Malm-Hesse also introduced National Debate Reforms for universities, senior and junior high schools in Ghana. Malm-Hesse also adjudicated the grand final of the public speaking and quarterfinals of the PAUDC 2012 respectively. In that same year, he was awarded the “Best New Adjudicator 2012” at the Pan African University Debate Championships in South Africa.

Malm-Hesse continues to develop the art of debating and public speaking in West African. He and his Nigerian colleague, Deking Nwigwe are currently working towards the establishment of the West African Debate Board. Malm-Hesse supports and establishes extensive networks for debate societies in Togo, Burkina Faso, Nigeria, Gambia and Cameroon.
DEDICATION

For my dear parents Conrad Charles and Cecilia
ACKNOWLEDGEMENT

This work was made possible, thanks to my parents, Conrad Charles and Cecilia Hesse and my siblings Hermann Wilhelm and Virginia Wilhelmina. I owe them a debt of gratitude for their encouragement. Special thanks also go Emilia Offei for her love and support. I thank the staff of Debate Ghana Association, my friends, Ebow Brew Hammond Esq and Emmanuel Nana Kwaku Adomako Nuakoh for their useful suggestions in the course of this write-up. I finally dedicate this work to all debate societies, debaters, debate adjudicators and educators in Ghana and Africa.
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1.0 ABSTRACT
The vision and conception of the Pan African Universities Debating Council given its current disposition is imperative for reflection and possible colossal reforms. I am not calling for individual change; neither do I fight for reforms in my country but for the mental liberation of the African youth to be a better citizenry who can join hands with me to cause positive change in his or her society or country, such that Africa would be the ultimate winner. The awaken impetus is to set out as an intellectual masturbation to cause review and reforms to the current constitution of the PAUDC in order to build a strong institution of the African Debate community. My analysis will emphasize the failure to realize the inaugural objectives of PAUDC. I will extensively review the current constitution of the PAUDC. This work will explore and evaluate the schedules, articles, and clauses of the current PAUDC constitution, in order to ascertain the legal effectiveness, validity and relevance. I will use both deductive and inductive reasoning methods to analyse the constitution. I will affirm legal propositions and or call for reform where it is needed. Moreover, I will make managerial analysis and recommendations. I will make the necessary recommendations with new constitutional features. This essay will build on the review recommendations and considering the formative objectives of the PAUDC. The review will include sub-headings couched from the main propositions of the constitution. This exercise will indicate the way forward for the new institution of the PAUDC. In this piece, I will propose reforms and recommendations as well as affirm any legal proposition in the constitution where necessary. The conclusion summarizes the general constitutional and legal arguments and proposition contained in this work.

2.0 BACKGROUND HISTORY OF THE PAN AFRICAN UNIVERSITIES DEBATING CHAMPIONSHIPS/COUNCIL
The Pan African Debating Championships was formed in 2008 by the Open Society Institute Youth Initiative in New York. The initiative was organized in association with the African Regional office of the Open Society and the organising committee of the University of Botswana.

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1 PAUDC, this abbreviation would be used interchangeably with that of Pan African Universities Debating Championships PAUDC
2 PAUDC Constitution 2011
as well as other sponsors. This collaborative partnership led to the organization of the first PAUDC event in Gaborone, Botswana from the 8th to 14th December, 2008. At the inaugural edition of the PAUDC ten African countries participated namely; Ghana, Nigeria, Liberia, Uganda, Kenya, Botswana, Lesotho, Namibia, Zimbabwe and South Africa. There were twenty-five African universities, 300 debaters and adjudicators and 12 trainers in the inaugural event. Other trainers from the United States, South Korea, and South Africa also participated in the event.

The event was competitive with the performing teams. The event served as a platform for African universities to learn new ideas, engage in topical issues so as to benefit their critical thinking skills. It is notable to note that, at the maiden edition of the PAUDC the major goal and objective was to “establish a Pan African Debating Board which will facilitate the dissemination of training materials, coordinate Pan African Universities Debating Championships and organise training sessions, all to ensure the sustainability and spread of debate across the African continent.” This referred issue is of primary concern to me. This foundational goal at the inaugural edition of the PAUDC was one of many contributing factors which influenced my decision to writing. There is the need for the debating community to be conscious of why PAUDC was formed.

The PAUDC events has been inspiring and educative to date irrespective of how it has been organised in the past. The basic concept of the PAUDC is beneficial but it needs much nourishment from brilliant minds. Botswana hosted the event twice in 2008 and 2009 respectively. Namibia and Zimbabwe, hosted the event in 2010 and 2011. South Africa’s Tshwane University of Technology hosted the event in 2012. Nigeria hosted the sixth edition of the event at University of Calabar in 2013. The University of Limpopo, South Africa will host this year’s event. The University of Ghana and Debate Ghana Association will host the next event in 2015 upon ratification of their bid later this year.

3.0 THE RATIONALE FOR REFORM

Generations of students have embraced debating, for its educational, sporting and its civic benefits (Broda-Bahm, Kempf and Driscoll, 2004: 27). The benefit of debating transcends just

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3 (Snider, 2008)
speaking to an audience. It involves the systematic training and nurturing of the confidence of students in an institutional framework. My determination to achieve this feat influenced my decision to write this constitutional and an institutional framework for the PAUDC.

My main objective is to develop the PAUDC from a mere socio-educational group to a holistic educational and training institution in the forensic arts with requisite legal backing. The lack of a legal framework has rendered the PAUDC inept in its dealing with third parties. The PAUDC cannot enter into contracts or any other legal arrangements for and on behalf of its members. It has virtually no institutional structures to guide its functions but like any social grouping it has its own internal politics and conflicts. The lack of a legal framework has also affected the PAUDC brand and this phenomenon has made it virtually impossible for the organization to raise funds or seek corporate sponsorship to support debating activities and programs. I spent little time in my first council meeting to come to terms with the problems that have plagued this organization. My first-hand experience with council meetings gave me an in-depth understanding of the problems faced by PAUDC. Nevertheless, Debate Ghana Association and other partners are resolved to establish the Pan African Debating Board (PADB) to replace the PAUDC. The proposed PADB will coordinate debating tournaments, events and develop, design and work out training programmes.

The PAUDC has failed to move beyond a socio-educational group of personalities. I am mindful of my purposive definition of what it is now. The organization is made up of university and polytechnic students. This is the more reason why the PAUDC is imperative for change to support the students. The students are registered in their institution based on the tenure of a particular programme being offered. Upon the completion of the programme, many experienced debaters leave behind an institutional vacuum. The key to effectiveness is to establish an institutional framework that enables students and debaters to get the organization going even after individual student leaders complete school. It will be difficult for posterity to effectively impart knowledge and expertise on the future generation of student debaters if we do not deliberately create an institution for that. The PADB must therefore replace the PAUDC which as I have indicated earlier is a mere social organization that is built around personalities rather than institutions.

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5 An annual meeting for delegates representing their countries at the PAUDC round to discuss, make decisions and vote on matters. Their functions are prescribed in the PAUDC constitution.
Reform and Review of the PAUDC Constitution 2014

Than on an institutional framework. The proposed PADB with its strong legal framework will better coordinate the business of debating and forensic arts in Ghana and Africa.

Objections to these noble ideas will only lead to a retrogression of debating in Ghana and Africa. The lack of a unique corporate and legal entity that organizes debating activities has made it virtually impossible to solicit funding from international organisations. These organizations find it difficult to deal with the PAUDC. These problems stem from the lack of structures and an organizational framework. Some corporate bodies have asked me a number of critical questions. These include: “what is the governance structure of the group?” “How and who would receive grants for and on behalf of whom?” “what accounting mechanisms are assured?” “Who monitors the project indicators?” “Who writes financial reports?” “Is the organisation a legal person we can deal with?” These and many other questions are serious issues that require pragmatic steps to address.

One major way of ensuring an effective PAUDC or PADB is to create a well decentralized organization. The creation of national debate organisations in all member countries will be a great step at achieving a decentralized pan-African debating body. These national organizations should be organized into Regional Debate Organisations. The various regional groupings will then constitute the PADB. The PADB must be at the apex of the organizational structure. The PADB must replace council. The latter must be constituted into a board, which should be the highest organ of the pan-African organization. The council must decentralize its powers and coordinate debating activities through the various proposed structures. African debaters and students must work diligently and desist from paying lip service to these proposed reforms. Rhetoric must be matched with action and diligence. This proposal will definitely provide practical solution to problems facing the PAUDC.

A well-coordinated and resourced PAUDC/PADB could offer employment and internship opportunities for students and fresh graduates. Many students, who graduate yearly from the various tertiary institutions, acquire requisite communication and forensic skills as former members of the various debating societies. These students could be employed upon their application to Debate Ghana Association and other national organizations in member countries.

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6 (Placeholder1p. 183) (Penner, Morrison and Gearey, 2012)
7 Africa needs to work hard to build a debate institution which should initiate their own innovative ideas. Our western partners should not initiate ideas for us. We have to think and do things independently.
to executive and other minor position.\textsuperscript{8} This proposal reinforces my charge for an institutionalized and corporate-centred organization. This will strengthen the cycle of development, growth and impartation of skills to the youth. Such a venture will encourage social entrepreneurship in students. Students and fresh graduates from the various tertiary institutions will be encouraged to hold positions in the various national, regional and pan-African debating institutions. The development of youth leadership is a core value of the PAUDC.

The national bodies need to be registered as non-Governmental organisations and must be effectively run as corporate and legal entities.\textsuperscript{9} An effectively run PADB must thrive financially. The various national and regional bodies must pay annual membership dues and event registration fees. I would expand more on the financial model in my subsequent discussions. Currently some individuals use their personal funds to run some PAUDC events. An organization should not thrive on peoples’ passions but rather proper institutional and procedural frameworks. The lack of formal structures is evidently inimical to the development of debating activities in Africa.\textsuperscript{10}

The current PAUDC has no policy blueprint for debating in Africa. Consequently, North Africa is lagging behind, as that region has not been incorporated into the PAUDC. West Africa is also bedevilled with numerous challenges of its own. Ghana and Nigeria are the only serious participants in PAUDC activities. Nevertheless, infighting and bickering between students and national debating bodies is thwarting the few gains made in these countries. In East Africa, Kenya and Tanzania were the only countries, which have organized PAUDC championships; Central Africa is facing much of the same problem. Southern Africa does not have much of the problems faced by the other regions, but the respective countries in that region lacks national debate bodies. These problems make it evident that the PAUDC is run by mere passion and not based on any scientific managerial approach or with any systematic intention to develop the youth of Africa. Bahm, Kempf and Driscoll (2004) indicated that, no matter what other goals an organisation has, one basic need is to be seen and recognised. Reforms are imperative, if current PAUDC all stakeholders really want the organization to move away from event organising into a recognizable legal and corporate PADB. I will discuss extensively how a scientific managerial approach

\textsuperscript{8} Other countries can also employ students if they also establish national and regional debate associations.

\textsuperscript{9} Debate, free speech, promoting development of a citizenry etc
approach can be achieved in the proposed transition from PAUDC to PADB in subsequent chapters.

4.0 THE CURRENT PAUDC CONSTITUTION
This section will discuss the PAUDC Constitution. This discussion will outline reasons for reforms by restructuring or totally reforming the PAUDC constitutional clauses. The necessary recommendations will be based on my analysis of the issues.

The PAUDC constitution was drafted and enacted in 2008 and subsequently, amended on 20th December 2011. This is the latest amendment to the constitution. My preliminary observation is that the constitution has no preamble. A preamble is an introductory object of a constitution or any legal document and as such, the PAUDC constitution should have one. Nevertheless, the absence of this feature is not a colossal damage in its right but its introductory presence in a constitution explains the reasons for the constitution and the objectives it seeks to attain for the institution in question. Furthermore, it forms the basis of the declaration of the constitution by the framers and the reasons for the passage of the constitution.

The constitution also lacks important features such as the vision, mission and objectives of the document. The presence of this in a constitution gives members an orientation which would construe in their duties and obligations to the social grouping. A vision is a general statement encompassing the direction of an institution. It is therefore very necessary for the PAUDC or the proposed PADB to out a vision its constitution. Moreover, the mission is therefore more focused on the specifics of what an organisation is to accomplish. The absence of all these afore mentioned constitutional features have undoubtedly thwarted our efforts at attaining greater heights.

My insistence on referring to the PAUDC as a socio-educational group is primarily because the organization is not a legal entity. The organization was established to improve and change negative social attitudes through debating and argumentation.

5.0 REVIEW OF THE CONSTITUTION
5.1 Name of Institution, Foundation and Competition
Article 1 (1) of the constitution indicates that the establishment of the Pan African Universities Debating Council. I would commit discussion in the next sub-heading on the constituent term of

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11 Thus identified bonfide persons of the debate community of Africa who are influenced by the PAUDC and are in fellowship with it.
council. The foundation of the constitution is basically Article 1 as it construes that this constitution comes into effect. My submission above on the ‘preamble’ should be found in the introductory part of the constitution and as such add up to the foundation.

Moreover, Article 2 considers the competition of the PAUDC and the format to be used being the British Parliamentary Debating style. I have no parallel reason with this Article than to compromise with the event name. But my little reservation about this is if the PAUDC was formed with a certain reason why limit Africa to one format. Why not have a clause indicating another format or seemingly constructed to allow PAUDC organise other formats. This is because given the objective in forming the organisation as I indicated; it was to be PADB with Pan African University Debating Championships as one of its continental flagship events, but more can be done on what competitions it organises.

It is important for the constitution to define and clarify which institutions or bodies are qualified to participate in the Pan African Universities Debating Championship. Some participating universities often create confusion in the absence of constitutional clarity on this subject matter. This confusion revolves around the word “universities.” Students from polytechnics, professional intuitions such as Law Schools, and tertiary institutions without the label “university” have suffered taunts and alienation in some member counties. In Ghana, there have been calls by some participating universities for polytechnics and other “non-university” tertiary institutions to be excluded from the PAUDC. Some of these Ghanaian universities have even threatened to establish their own associations. Debate Ghana Association has resolved to rectify this problem by dubbing its national event “Ghana Tertiary Debating Championships or Ghana Nationals.” This in effect accommodates all categories of tertiary institutions. Even at the African council level the constitution uses the word “university or institutions” interchangeably. There is the need for constitutional clarity in order to prevent future conflicts. I recommend that the constitution should affect a wide range of definition to the terms “institutions and universities” and summarily be replaced with “tertiary” as this accommodates both words. Therefore, I recommend that the name Pan Africa Universities Debating Championships be replaced with Pan African Tertiary Debating Championships. In 2011, a Zimbabwean polytechnic hosted the PAUDC. It is therefore necessary to use an all-inclusive terminology. There is the need to organize championship events based on formats provided in the constitution for African students to benefit from.
The inaugural objective of the PADB was to coordinate debating in Africa and develop sustainable programmes across board. This objective transcends all levels of education. Junior and senior high school debating (lower level debating) should therefore be as developed and equipped as tertiary level debating. This feat could be achieved by incorporating lower level debating into the PAUDC or the proposed PADB.

6.0 THE PAUDC COUNCIL AND COMPOSITION

Further insight is drawn on the composition of the Council of the PAUDC courtesy Article 4 of the constitution. Article 4 (1)\textsuperscript{12} illustrate that the convener is a member of the council but cannot vote. However, the practicality of this is another matter, as mostly this clause is not enforced and conveners vote as always at least two of the Council sessions I have attended has been so. Council\textsuperscript{13} by definition refers to a group of people elected or chosen to make decisions or advice on a particular group of people. Fortunately we have this group as our council but its function is not instituted to function structurally to coordinate debate on the continent. Moreover, Article 2 appoints members to council in accordance with Article 7. I have identified some major problems with Article 7 and will want to discuss fully Article 7 and further make analogous discussions of Article 4 (2) with 7 to bring to the fore the need for reform.

Essentially, Article 7 deals with National Delegates and voting rights and since Article 2 gives prominence to it in constituting council I would want to discuss it to draw a parallel understanding of both Articles. Article 7 (1) states that “Every country represented at a Round of the PAUDC shall be entitled to send a delegate to the meeting of the council convened doing that Round.”\textsuperscript{14}

I affirm and applaud this clause in part but will be quick to depart from it partially. A more pertinent issue I will raise with this is that “entitle to send a delegate” need substantiation. There is the need for a ceiling for delegates at council. The lack of regulation on this principle has resulted in the intimidation stampeding of countries lack adequate representation at council by those who were overrepresented. This inequitable representation is another constitutional grey area, which must be reviewed. I propose a four-delegate representational ceiling for each country at council. This will ensure an equitable representation at council. Any number higher than this must not be tolerated constitutionally. Council deliberations must be corresponded to non-

\textsuperscript{12} See PAUDC Constitution 2011 Article 4
\textsuperscript{13} (Proter, 1995)
\textsuperscript{14} See PAUDC Constitution 2011 Article 7(1)
council members. I will later tackle this later problem and how information flow can be harnessed between council members and non-council members. Moreover, the head of the delegation is inclusive and he or she shall vote on matters. The others may contribute to matters on the floor of the house. This will solve the problem of unequal representation and the consequent stampeding of the process. An equitable representation at council with supporting national bodies and elected persons will ensure consistency and good record keeping. These proposed developments if implemented will help the lateral development of Council and PAUDC. Each of the national debating bodies will provide delegates who will take minutes and make reports to their members. Council currently does not keep records after session and there is the need to redress these challenges. This will enhance the development of the corporate nature of PAUDC and its national affiliates. Thus, new council members can refer to previous year’s minutes in order to ensure progression and the trappings of a proper institution. This would not be limited to just one country but all representatives. There is the need for a collective and lateral effectiveness and efficiency in decision-making. Stakeholders owe it a duty to implement these proposals in order to ensure the growth of the institution.

It must be the sole duty of the secretariat of the PAUDC to grant accreditation to all national debate bodies. There should be a strict compliance standards regime to the terms of the accreditation. The lack of an institutional framework for national debating bodies has resulted in much confusion. Some countries such as South Africa, Cameroon and Nigeria lack national debating bodies. In some countries such as Nigeria and Cameroon, certain institutions are parading themselves as the national debating bodies, ostensibly based on claims that they originated debating in their respective universities. These negative developments have resulted in conflicts and litigations and have therefore hampered attempts at forging a binding constitutional framework to regulate all debating national associations in Africa. Independent national debating associations must be established and these national bodies should not be affiliated to any university or tertiary institution.

Some conservative persons and institutions may oppose these progressive ideas and pragmatic measures, which will ensure the institutionalisation of African debate. It is important for all stakeholders and members of the debating community to know that there is the need for us to unshackle our minds and intellects from conservative ideas and unprogressive hurdles. We should move away from seven years of event organising. Our organization has not even been
marketable enough to attract television coverage for our flagship event to be broadcast to the whole of Africa. These failures can be overcome by our collective actions and efforts. Debate Ghana Association has been able to developed Ghana National Debating Championships into a commercial brand, which runs on national television. The PAUDC should follow similar lines in order to improve its financial position. We need to bow our heads in shame for begging for Western organizations to always finance our programs. We can work with these Western debating organizations to assist our with technical matters but not to always go cup in hand begging for financial assistance. We should be able to generate internal funds to sustain our activities. As African youths, we must control our destiny. Our duty and obligation lies with us. The PAUDC should not stay aloof while some conservative elements retard our progress. African youth must help build Africa, if we fail; we fail ourselves and Africa as a whole. Debating and forensic activities in Africa by the youth need to be coordinated through structured institutions in order to positively influence political leaders and government policies.

6.1 National Debate Bodies and National Delegates

Furthermore, Article 7 (2) states that:

Where there exists in relation to a country a debating body consisting of an executive elected by the debating organizations in that country, the President of that body, or equivalent, shall be deemed to have been appointed as delegate for that country provided that he/she or a nominee in writing is present at the Round of the Championship during which the meeting is being held.”

I affirm this clause partly as it provides no definition of what a national debate body is, but only makes mention of it in this provision and other clauses as well. It also provides no framework and mechanisms for its function, its structural and compositional set up, and other standards requiring of any national debate body and how relevant it is to the PAUDC. One needs not to overly exude efforts and energy to call reforms of the constitution as it is evidential and not solving the needs of today. It is no doubt that Joseph Raz, a jurist, legal theorist and philosopher indicated that, a rule serves you by mediating between you and the balance of reason that apply to your situation, but it is no rule if it fails to mediate between you and the balance of reason that

15 See PAUDC Constitution 2011 Article 7(2)
apply to a situation.\textsuperscript{16} It is interesting to note that the constitution as it solves some issues in part lacks clarity on the other hand. This lack of clarity may give rise to arbitrary decisions at council which might not follow the due precedents or any purposive decision process, and in most cases no direction is realized from the rule given, which intends gives rise to conflicts. Finally, the legal framework and structure of the constitution requires reforms to make the institution of PAUDC keep pace with developments.

By Article 7 (3) members at a debate round who do not have a national body would need to appoint delegates to represent the country’s interest. I agree with this but I will encourage member countries to form national debating bodies. Countries which do not have a national debating body, should make a deliberate attempt at establishing and this requirement must be explicitly enshrined in the new proposed PADB constitution. A deadline will be given to countries to form such bodies. This enhance the development of our debate institutions and youth leadership.

Article 7 (4), states that:

\begin{quote}
Every delegate shall provide the Chair of the PAUDC Council with notice of his/her appointment, a home telephone number and address, and an alternative contact number and address if home details do not relate to permanent residence. This information shall be provided within 24 hours of appointment of the delegate or, in the case of an appointment not taking place during a Round of the Championship, within two weeks of appointment. The Chair of the PAUDC Council shall then furnish a list of all information provided under this paragraph to all delegates within two weeks of the end of the Round for which he/she is responsible\textsuperscript{17}.
\end{quote}

Article 7 (4) is not so laudable. An established secretariat will be the right institution to collect the addresses and contact details of stakeholders, debaters, and officials.

The absence of a structured PAUDC is a defect and this has tended to cripple some of the functions of the organization. Whenever I ask the question, “which countries are the recognized and formal members of PAUDC,” I only get varying answers. Besides, there is no way of verifying these answers. This should not be the legacy that our generation should bequeath posterity. Where there are national bodies with functioning administrative processes the local secretariats shall provide these information to the headquarter being the PAUDC or PADB. Noting the essence for record keeping and research is very important for our dear institution.

\textsuperscript{16} (Penner, Morrison and Gearey, 2012)
\textsuperscript{17} See PAUDC Constitution 2011 Article 7 (4)
The PAUDC cannot just exist and have things done in a vacuum. For instance, there is a lack of a detailed database for participating debaters since the maiden edition in 2008. Whatever records there are very scanty online information about all the previous events from 2008 to 2013. A secretariat under the PAUDC or PADB must be established to coordinate the database. The delegates must provide information to the host institution notably on debaters’ institutions, number of teams filed and if necessary arrangements for accommodation, food preference etc. The host institution must collaborate with the PAUDC to ensure a successful tournament. The PAUDC should be the record receiver to be able to work on it administratively and all that it would be used for.

Furthermore, considering Article 7 (5), which states that, “A delegate may resign from office only by appointing his/her successor in writing.”\textsuperscript{18} This Article directs no interpretation of terms and fails to state the mode of appointment for a delegate to assume office. How then could such a delegate call for resignation and further drift to appoint a successor. This is structurally flawed and need further consideration for its operationality. This particular article reveals many of the constitutional structural flaws in the constitution.

Moreover, Article 7 (6) indicates that, “A delegate shall hold office until his/her successor takes office.”\textsuperscript{19} This is not much different from the 7 (4). This particular article poses a number of legal questions which should be of much concern to all stakeholders in the PAUDC. It is quite evident that the functions of the offices designated for delegates are unclear and ambiguous. Who are the assignors of this office? Which delegates are assigned this office? Is there any legal authority that sanctions the assigning of delegates’ offices? Delegates typically represent their countries at PAUDC and national debating tournaments, therefore the constitution and functionality must be legally precise and clear. The constitutional clause of 7(4) and (5) does not function legally in the absence of verification and validation. This clause lacks a legal and an administrative operational framework therefore needs to be reviewed. I therefore propose the establishment of national debate bodies with a proper legal and operational framework. Article 7 (2) should be adequately reviewed to make the office holding operational.

The maximum ceiling of persons to be at council meeting should be not more than four persons from a representative member country.

\textsuperscript{18} See PAUDC Constitution 2011 Article 7(5)
\textsuperscript{19} See PAUDC Constitution 2011 Article 7(6)
Moreover, Article 7 (7) states that “Delegates shall take office immediately upon appointment.”\textsuperscript{20} This is also analogous with my earlier submission on the delegates.\textsuperscript{21} It is essential to note that a delegation which of course elects itself as such is no delegation properly so called. Again, when a group of person(s) hold themselves as delegates of a particular country, it shall not be deemed valid. This is because there is nothing conferring legal authority for their validation. These are some of the basic concerns identified with 7 (4) (5) (6). These identified problems prevail in most countries that are represented at Council. Even if some groups of persons decide to appoint these delegates what legal capacity do they operate under to appoint? Are they from the same institution or rather the institutions participating at the PAUDC round from that country who elected the delegates? If it is the latter then there will be no problem especially in a situation where the country has not yet formed a national debate body. But if a national debate body exists, then the nomination of delegates become invalid as the process lacks validation of authority. There must be terms of reference inherent thereof in the appointment as well as duration of terms of office of delegates. The election must also be accompanied with a validation letter to council covering all delegates. Where these issues are settled and clarified then I believe delegates can act in the constitutional framework devoid of legal flaws. The constitution therefore needs to consider these proposed constitutional procedures for electing delegates.

Thereafter, Article 7 (8) states that, “Each delegate member of Council shall be entitled to cast one vote on every substantive motion placed before the Council.”\textsuperscript{22} As stated earlier the only four delegates each from each representing a qualified country should be elected to Council. I also recommend that when delegates are so many and could not be accommodated in the gallery with members from their respective countries then the chair may ask such persons to sit outside and excuse the rightful delegates. The delegates seating in council will have to update their respective members on all deliberations and discussions at the council meeting. There should be a head of delegation to be appointed among the four delegates. The appointed head of the delegation should be given entrusted with the power to vote as enshrined in 7 (8) of the constitution. One of the delegates should also be appointed to take minutes of proceedings with the remaining two supporting the others. In line with Article 7 (9) a simple majority vote is

\textsuperscript{20} See PAUDC Constitution 2011 Article 7(7)
\textsuperscript{21} See PAUDC Constitution 2011 Article 7(6)
\textsuperscript{22} See PAUDC Constitution 2011 Article 7 (8).
needed to determine motions deliberated upon. Article 7 (10), directs that the chair does not have the right to vote, unless in the event of a tie.

6.1.2 Amendments to Constitution and Procedural Proceedings

Article 7 (11) states that:

Where there is placed before the Council a substantive motion which proposes an amendment to this Constitution, such a motion shall not be carried unless it gains the support of at least two-thirds of overall votes. All proposed edits to the Constitution must also be announced through the PAUDC mailing list at least two weeks before the Round of the Championships where they are to be proposed.23

This clause makes it quite evident, why there is the need for a clear article standing on its own strength rather than a sub-clause of an article as it is now. Moreover, the amendment procedures are inadequate as the constitution provides opaque procedures for amendments. There are no clear guidelines to ensure that committee or an officer receives an amendment proposal. There are also no formalities or procedures that officer or an authority can follow to invoke amendment proceedings until council finally votes by 2/3 majority to effect an amendment to any part of the constitution. These issues must be considered in the reform process. It is imperative to have a holistic appraisal of the current constitution to define our institution of debate. The following recommendations should be considered:

1) Any proposal for amendment shall be sent to the Judicial Committee
2) The committee shall consider the proposal given not more than 72 days and communicate it position to the chair of Council
3) The chair at council would invite the chair of the Committee of all proposal received for the year and the ones for Council to deliberate on and vote;
4) The chair shall table the motion
5) Any provision of this constitution may be amended by a two-third majority vote of bonafide members present at Council meeting.
6) Any proposal for amendment of this constitution shall be sent to the appropriate governing authorities for approval so as to reach him not later than two months before the date of the council.
7) A motion in respect of the amendment shall not be passed unless two third (2/3) of members present at council, vote in favour of such motion.
8) The Committee shall inform all petitioners on the state of their proposals and shall amend the constitution as voted for.

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23 See PAUDC Constitution 2011 Article 7 (11).
9) The committee shall communicate the new provisions to the public through the Communications Officer.

I shall expound on my introduction of the Judicial Committee and its relevance in relation to committees. The clause also mentions making a proposal through a PAUDC mailing list. However, the so-called mailing list and a secretariat, which can facilitate this important constitutional provision, has not been established. These constitutional flaws have rendered this clause ineffective. This is an event organizing PAUDC, which at the end of every event have new executives and council members who come to office with no record documents of the past PAUDCs but may have some knowledge of past issues. Majority of tend to be new and therefore face administrative charges. These problems notwithstanding, the secretariat would be more purposive in orienting the executive management on their various tasks.

6.2 Composition of Council

At the PAUDC 2013, a controversy emerged on the issue of who represents a country at Council. I have already discussed this subject thoroughly. However, the discussion of this controversy will be made with reference to Article 4 (2) which gives conferring power to Article 7. That notwithstanding, on the composition of council, Article 4 (3) (4) interestingly indicates that Council is made up of members of the Executive Committee who do not have power to vote and who are appointed in accordance with Article 7. The Executive Council members include: the chair of the Executive Committee; Communications, Sponsorship and Fundraising Director, Convener of the next tourney and the Secretary as well. Moreover, Article 4 (5) indicates that proxy can be granted by a council member to a deputy to attend meetings, vote, speak and act on his or her behalf. My opinion on this is that it is a blanket clause lacking operational functionality. It also lacks a procedural description and an auxiliary mechanism to it functions.

The problem of the rightful person to represent a country can be solved establishing national debating associations. These associations must then be given a legal backing, by explicitly enshrining their roles and functions in the constitution. A university can also decide to be a representative of a country at Council over other universities from the same country by virtue of how long they have been attending Pan-African Debating Championships. For example, a university in this position changes to another institution when a substantive university in a bizarre situation fails to attend Pan-African Debating Championships, then another assumes their
position in the interim or otherwise. I have experienced these situations over the years. If this is the case how can we reconcile a rather problematic situation as this with the exercise of proxy as described by Article 4 (5). How legally valid would this be? A Proxy instrument is important but the constitution must establish the procedures thereof. Another interesting matter to consider is who issues this proxy instrument and in what capacity does this authority emanate? To whom the proxy goes to is not much the problem but authentication of the issuing source is. If the issuing source is unrecognised, unstructured or chaotic and there is a rival proxy, how can the validity of this proxies be proved?

The solution to this is the structuring of National Debate Associations in member countries to make procedures and mechanism simple, proper and clear. Thus, an accredited PAUDC national body can issue proxy and this will be effective because the issuing party is identifiable and legally valid to do so for its interest. A national body must represent a country at council with the complimentary membership and support of its affiliated universities and polytechnics. These supporting institutions must be the source of authority for proxy and this will ensure transparency, better management procedures and the proper functioning of structures. This will ensure efficiency and consistency of the function of council as a whole. I shall expound more on national bodies and how they fit in my planned structured PAUDC or PDB layout. A blanket proxy as it is with Article 4(5) is rather problematic as there are no sufficient procedures of verification of proxy. Contrary to the provision on proxy, representatives show up at Council without any identification or authority. Representatives merely show their national and institutional affiliation and are allowed to seat in Council. What happens if two nationals of different institutions press to have full rights as councillors? Remember the chair cannot excuse both nationals from Council, as he does not have the constitutional right to do so. A problem arises, as the constitution has no solution to this. Article 7 tackles this question partially. However, when a similar problem occurred at the 2013 council meeting at Calabar, the two parties, the debate associations of University of Cameroon and the University Gae could not sort their differences on country representation. It is not in the function of Council to exclude individuals or institutions as such when such conflicts arise in member countries.

In sum, the PAUDC must identify its member countries by national debate bodies that are accredited as well as elective representation from countries without national debate bodies. The
provision for proxy refers to prompt attention and reframing of clause but dependent on institutional structures for its effectiveness.

6.2.1 Standing Committees, Ad hoc or Sub Committees
Considering Article 4 (6), which indicates that Council may appoint advisors to it on matters of concern and interest where they have no power and knowledge to deal with. I believe this is in the right direction, as it further states that such category of persons will have no power to vote but only the primary functions allotted them. Furthermore, considering Article 4 (7) which states that, “Council may form subcommittees to pursue specific aims and Chairs of said subcommittees will have a seat at council (but not have a vote).”

24 This particular article gives no ceiling and provides no framework on how subcommittees should be created. How such committees would be monitored for effectiveness and efficiency per terms of reference is imperative, as this is absent. I have experienced this problem due to my participation in Council meeting since 2012. One chair puts up a committee and the monitoring of it becomes a problem. Their terms of reference are nearly non-existent even though they may have a sense of what they have to do but the mode of operation of this ad hoc committees lacks greatly due to the absence of standing committees and institutionalisation of the PAUDC. I propose that entrenched structures are what will guarantee an efficient and effective PAUDC or PDB. I will call for the creation of standing committees and the need for these to be enshrined into the constitution. Both ad hoc and standing committees shall have their own functions and must be stated explicitly in the constitution. I am not totally dismissing ad hoc or Sub Committees but they are evidently less important than the standing committees.

Standing Committees are permanent committees prescribed with duties and obligations whereas the ad hoc or subcommittees are temporary with referred duties and obligation all stated. Subcommittees may be formed to deal with specific situational problems. I also propose that members elected to the Subcommittees should be five. Terms of reference should be granted and there should be selection criteria for all committees and reportage procedures as well. I propose a Technical and Judicial Committee must be included in the Subcommittees.

24 See PAUDC Constitution 2011 Article 4 (7).
The Technical Committee:
This committee will be made up of persons in odd numbers with a ceiling of three (3) persons. The committee will be concerned with all technical matters of the organisation they will be members of the new executive management. There must be an audit function for both the PAUDC or PADB event and a finance director. The duty of institutions publishing expenditures per the constitution will be done by this committee. Most institutions evidently do financial directors as per Article 6 (5) (5.5). The yearly financial publication would help the PAUDC in financial planning and development. The committee will also have performed an inspectorate function on host the country and their facilities institution twice before the event is organised. This will help council to be advised and well-informed about the progress of a host institution rather than mere reports.

The PAUDC must grant an equal opportunity to Anglophone and francophone students. Similarly all technical decisions should be communicated to Council. Host institutions must support Council with technical reviews and investigations. The visit of members of Council to host countries must be monitored by a constitutional provision as outlined in the Standing Committee and other Sub Committees.

I will subsequently outline the financial model and sources of funding for this committee. A well constituted PAUDC will draw ‘x’ percentage on event registration fees to the PAUDC or PADB secretariat. The relevant percentage would add up to the income flow of the PAUDC or PADB such that functionality of this committee would be potent. The PAUDC must be financially sound to conduct and coordinate debate championships and training programmes on the African continent. Part of the finances must pay for the costs of renting an office space, and the training of staff and personnel. I propose that the Committee must be charged with the responsibility of auditing the finances and also review and visit prospective countries preparedness to host a PAUDC event.

Judicial Committee:
The Judicial Committee shall be vested with judicial powers over all member countries. More importantly, it would be tasked with receiving matters on the constitution and the review of the constitution with final approval from council. All conflicts of member countries shall be lodged with the Judicial Committee. The Judicial Committee would be tasked with all adjudication proceedings on complaints that may arise during the champs or any misconduct by any officer of
the Executive committee or member(s) or council member(s) brought before it. It would also be in odd number of which I propose five (5) members. Summarily, the committee would have both constitutional review function on amendments and a disciplinary function as well. The committee shall have investigative powers to investigate all matters including executive members when complaints are brought before it. That is the latter function would be for the committee to seat and hear complaints filed by members of the community who have been wronged and initiate investigative procedures. The members of this committee as I said earlier shall be five in membership and chaired by a Legal Director who ought to have a law degree in Law or is reading same. This should be the minimum qualification for a chair but the members may not necessarily be asked for this, it would be an advantage though for vetting purposes. Members vying for this position shall be vetted and appointed by the chair of PAUDC.

6.2.2 Awards, Honoria and Procedures

Article 4 (8) (a) of the PAUDC constitution refers to grant of awards and states that “Awardees shall be given the title Pan African Council Member Emeritus.” This particular constitutional provision lacks objectivity. In practice, the provision seems to thrive on the subjectivity of an incumbent chair and members of the Executive Council of the PAUDC. I propose that the review of these apparent flaws may prevent arbitrary and unilateral appointment of awardees. Another important problem which is worthy of attention is the award scheme of the PAUDC. Apart from the awards given to Council Member Emeritus, article 4(8) (a) is silent on any other award scheme. There is the need to check the unbridled awards at PAUDC events, which host universities, have to bear. These award schemes are not recourse to any standard criteria or authority. Thus, local organising committees decide who is eligible for an award category. For instance, one PAUDC event may award top five public speakers a different one may decide to recognize a different category of people to be awarded. You may also have top ten best adjudicators all awarded by either trophies or medals in one event and the other event it is otherwise.

In 2013, University of Calabar, Nigeria donated three redeemable trophies to the PAUDC. However winning institutions who desire to take it for keeps were required to pay a sum. This initiative is good as it can bring in revenue. However, there seems to be no legal

25 See PAUDC Constitution 2011 Article 4 (8) (a)
framework to facilitate the transfer of trophies and the financial transactions involved in such exchanges.

I will conclude by recommending that a clear article on awards be designated and embedded within the framework for a standard awards scheme for the PAUDC or PDB rather than it being unilaterally decided by a local organising committee.

In sum, I have called for reforms in areas of Article 4 (2) as granting secondary function to Article 7 which is problematic. Article 4(5) also needs reframing and clarity per the issues I raised as based on certainty of the issuing party and for its validity. Attention must be given to certainty and validity of proxy. My advocate for Article 4(6) is essential as I call for standing committees to be a permanent feature in the constitution by not relegating ad hoc subcommittees as also mentioned should further have a reframing of the clause to ensure specificity. Both should have their mode of operations and functions allotted them. I thereafter proposed technical and judicial committee as standing committees. These proposed reforms will deepen the functioning of the structures of PAUDC. Finally, the awards department need reforms, as it is evident with the lack of standardisation of awards. The constitution should have a primary legislation on awards or giving the authority for the drafting of award criteria.

7.0 FUNCTIONS OF COUNCIL

The Council as I have stated earlier is the decision making chamber and the highest collective group in the PAUDC. It is now evident that the PAUDC is a socio-educational group that organises debate tournaments for tertiary institutions in Africa rather than a legal entity with functioning structures to do more than just mere organisation of debate tournament. Reforms beckon at the doors of the current PAUDC. The function of Council per the current constitution indicates the various duties and obligations conferred on council as far as the PAUDC is concerned. By Article 5 (1) (1.1) of the constitution indicates, council is to “appoint a host for each round of the championship.” This is in the affirmative and further considering Article 5 (1) (1.2) which indicates that council shall decide on appropriate sanctions for institutions who do not comply with the terms of the bid. I agree Council is the decision making body of the PAUDC but again I think it is imperative to outline sanctions as the consequent result for breach of the terms of the bid rather than make it discretionary. There could be a standard memorandum of understanding to confer such rights on a host. Thus, the PAUDC would sign with the winner of a
bid. This in effect indicates the assigning of a legal right to a host than what it is done now which lacks any legal backing. Uncertain sanctions which are pending prescription by Council is not legally constructive. These developments make Council vulnerable to legal contestations. Due process must be observed such that all bidding institutions have a clear understanding of the terms of bidding and the visible prescription of sanctions contained thereof in the constitution rather than the non existence of terms of the bid and the otherwise absence of an MOU. How can PAUDC sanction when the party has won a PAUDC bidder nothing of its terms to perform impliedly or expressly? Even were implied it must be objectively be known by the two parties such a breach of it would warrant a sanction. Sanctions should not emanate arbitrarily from the thoughts of council members should a situation arise but must be prescribed in the constitution or an MOU is drawn to bind and confer rights to a bid winner. By this we would be observing a strong organic growth of an internal management, legal and due process. Such matters should also be referred to the Judicial Committee for their ruling as they observe their own proceedings. Council is not and cannot assume disciplinary measures as against other matters inherent of it. We must create and refer matters to organs in the institution to deal with this. Furthermore, Article 5 (1) (1.3) states that council has the function “to further the interest of African debating locally and internationally, which include but not limited to, representing these interests at international events and building debate structures on the African continent.” I affirm this clause but have problems to the practicality of this. This clause is not feasible as the constitution itself has not developed or created structures to allow for this function. I shall proceed to expound more on my thought. Council has the duty to promote the interest of the PAUDC but in reference to the clause this exercise is expressed in a vacuum. There are no structures for Council to perform this function. Building debate structures on the African continent is imperative but how can this means reach an end? Council should reform the PAUDC such that all member countries will organise their own national debate championships by an established national debate body. The national debate body must be formed and registered by all the institutions forming the championships. These national debating bodies must conglomerate to form regional debate bodies. These regional bodies will then form what I call the Pan African Debate Board to replace the Pan African Universities Debating Championships. The designation, PAUDC must only refer to the debating tournaments that will be organised at the national and Pan-African levels. Therefore debate championships will still be called Pan African Universities Debating
Championships under the PADB. As stated earlier the PADB must be run on a managerial, legal and proper administrative framework.

Currently all the features I have mentioned are absent with the PAUDC a phenomenon, which apprehends my mind even when I am sleeping. I would expound more on this in my discussion of Article 7. The fulfilment of Article 5 (1) (1.3) would be realised pragmatically with the matters I have discussed. Event organising is not the only direction for the PAUDC and I know my critics will be quick to take refuge in this. The ‘PAUDC’ is old and experienced enough to relate with government and non-government organizations. Attempts at reaching out will generate the necessary publicity and attention needed from government agencies, financial institutions etc. I will urge my critics to consider these issues as well in their deliberations of the matter. It is by this that the frontiers of pan-African debating will develop.

The breach of terms of a bid by a host university or tertiary institution must be prescribed in the constitution or a memorandum of understanding. The host university must be made to understand the full consequences of such a breach. In the case of a breach of terms, I propose that punishment must not be based on conventions, which cannot be substantiated. This anomaly may lead to the imposition of arbitrary sanctions by Council. Council must refer the breach proceedings to the Judicial Committee for review and pronouncement. It is important to know that the hosting of debate championships alone is not the critical success indicator but the collective drive to implement reform is. These are the functions of Council as per the constitution. However reforms must go beyond these constitutional provisions. For example, Council must have the power to acquire assets such as office spaces, fixtures and fittings, plant and machinery etc in order to facilitate day to day activities. These proposals will materialize if Council registers the institution as a legal entities and as international non-governmental organisations.

7.1 The Executive Committee
The Executive Committee is the next major clause under Article 5 of the constitution. It basically prescribes the composition and functions of the executive committee. Article 5 (2) (2.1) (2.1.1) indicates that “Council shall elect members of the Executive Committee for one year terms during each PAUDC round of championships. Terms begin and end at the end of each championship.”26 The constitution is silent on renewability of tenure for officers and the number

26 See PAUDC Constitution 2011
of terms for an officer. This issue came up in 2013 at Council when the then president sought for a second term and was nominated for the presidency. But the tenure issue was resolved at that stage barring any variance of interpretation. But this needs to be restructured as candidates may so occupy the positions for as many terms as it may be depending their probable chances of winning the election or years in school.

Furthermore, the constitution explores and draws on the composition of the executive committee. Thus, Article 5 (2) (2.1) (2.1.1) prescribes the functions of the President of the Council and states that “...Convene and Chair at least two meetings of the Council. The first meeting shall be a preliminary meeting which shall determine the eligibility of competitors and set the agenda for the second Council meeting. The second meeting will be the main meeting of Council and may determine any other issue.” It is important to note that the discussion on the appointment of a chair needs to be opened up again. That it need not be limited to undergraduate students’ stricto Senso. Thus, trainers and coaches should be able to apply for executive positions. Thus, students pursing master’s programmes should be eligible to apply for positions. Also, students who have graduated and working for PAUDC accredited National Debate Organisations in their respective countries should be able to apply for executive positions. Non-student applicants must however fall within the internationally accepted definition of who constitutes a youth.

I recommend that all persons wishing to apply for executive positions should buy application forms and go through vetting processes. Applicants should then be short-listed based on performance at the vetting. Applicants must be short-listed to ten and must be introduced at Council for voting. This will curb the ill of appointing cronies to executive positions. This practice has provided us with leaders with no substance, manifesto, direction, vision or dream which is in alignment with the overall objective of the PAUDC. This can be seen in leadership so far from 2008 to date. We need leaders who have track records, or the ability to lead us to development and who can build the institution with their ideas. Thereafter, shortlisted applicants would be presented at council for voting by the heads of delegates.

Perusing through Article 5 (2) (2.1) (2.1.1), I also identify some issues of concern. Thus, I rather find it difficult as to how the president and council can effectively verify the eligibility of

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27 See PAUDC Constitution 2011
28 In the strict sense of the matter
29 By this reform all national bodies shall be accredited to strengthen the institution structure.
30 The time of life when one is young; especially the period between childhood to adulthood and maturity. Thus, the early period of existence growth or development (Dictionary, 2014)
competitors at a debate round. To the best of my knowledge this effort has not and never been attempted by any president. That alone indicates that the clause is defeated as it is not operational given the circumstance of the structure of the constitution. How possible is this and per my experience at council this has never been a priority because it is supposed to be an administrative function performed by the proposed secretariat I have recommended. The secretariat would verify the eligibility of participants based upon correspondent documents sent to it for registration and the necessary support letters from the universities and national debate body from members’ country of origin. I would suggest that participant’s eligibility for the debate round would be for the university to provide to the national body records of participants where such body is existent. The body acts as a referee\textsuperscript{31} for the names as provided by the Debate Society of the university. These names would then be sent or mailed to the secretariat. But where there is not a Debate body in such a country then, the Debate Society should indicate as such with letter of support from the office of the vice chancellor or Dean of Student Affairs or simply the university. The essence of the national body is to have participant records and as such relate with the secretariat on administrative function of teams for the event. By this verification it would be administratively prudent rather than the president who I believe would not have all these apparatus practically to operate and for the PAUDC to come to a more verified position of a debater and avoid the situation where the president doesn’t even perform this function at all. Currently there is no means of verification for participants at the PAUDC events and this can be corrected only by an administrative recommendation as done.

By suggesting a secretariat, I propose that the president must be the head of it as his executive committee would now be executive management as well as employed staff to work on the administrative functioning of the organisation. The president would play management and ceremonial functions and be the link between it and council. The president shall be the head of the organisation and work with all to achieve the goals of the PAUDC. The organisation would also be composed of hired staff being graduate debaters to assist executive management in running the organisation. They would function in the various capacities of the marketing, finance, operations, programmes, projects and all other functions and departments that may be designed for it. This would make the debate institution a better institution ready to function,

\textsuperscript{31} Final endorsing unit or organisation in the filing process as a PAUDC recognised organisation in a member country. It would confirm the membership of a participant to the PAUDC event as erode doubt and keep records of country’s participants to the event.
coordinate debate activities on the continent and be regarded as an International Non-Governmental organisation.

Nonetheless, I noted a constitutional blunder committed by the drafters of this constitution. A provision is made for “Deputy Chair” immediately after Article 5 (2) (2.1) (2.1.7)\(^{32}\). It is as though it was cut and pasted there. It is rather regrettable for such blunder to be evident in an international document as this. More so, I find it interesting that individuals offer themselves for this position and run for an unspecified term of office. I do not blame those who vie for the position or those who have occupied it or occupy’s it now but put the question, what designation and portfolio comes with this? Nothing, as the constitution provides no such answer. It is a rebuttable presumption for a suggestion to be put up as this position is deputising the president and so it can be implied. This cannot be as it ought to be expressly written. This named position has no reference, no clauses or sub-clauses to indicate the functions of its officer as the case may be. Currently there is an occupant of the said position being a gentleman from Nigeria for the 2013/14 year. This is constitutional calamity and must be apprehended only by a reform clause stating the portfolio expressly in the new constitution. The best to be said of this anomaly is that an occupant of such a position has no office, no function and designation, and no legal reference of support. It is vague, equivocal. A subject drawing no constitutional source has no constitutionality at all.

Furthermore, Article 5 (2) (2.2) (2.2.1) describes the duties of the General Secretary. The general constitutional definition of this designation is satisfactory but I have a notable reservation. According to Article 5 (2) (2.2) (2.2.3) which states that, “Update and maintain this constitution as required by Council and forward it to all delegates of Council within one month of the end of a Championships.” It is my humble opinion that a secretary cannot assume the capacity of updating and maintaining the constitution. A standing Constitutional or Judicial Committee should be responsible for this constitutional activity even if council were to direct the secretary it would be wrong to do so.

This brings me to my brief discussion of the absence of Amendment procedures in the constitution.

\(^{32}\) See PAUDC Constitution 2011
7.1.2 Amendment Procedures

Amendment procedures should be an Article on its own per my recommendation. This is to help in identification of provisions and clarity same. Furthermore, I would put on record that there should be a Judicial Committee where petitions bothering on constitutional matters be petitioned. When it is petitioned it should respond to the petitioner in 14 days and thereafter convene either physically or electronically within three months of being petitioned. The committee shall finally respond to the petitioner on the status of the petition not more than 21 days after the date of the lapse of the three months. This is to grant the committee ample time for consideration of the petition. Where it is affirmed by council all constitutional changes to the provisions of the constitution shall be made known at Council and the general meeting of participants at the annual Pan African Debating Championships. The committee would update all constitutional links to the website as well and give a general notice to the African debating community by the best possible medium including the council’s website, email and social media platforms.

Furthermore, considering the duties of the secretary, Article 5 (2) (2.2) (2.2.2) of the constitution indicates that the secretary will record and publish minutes. This is too simplistic as it has no timelines as to when a secretary ought to give this information out to council members. My experience with the Pan African debate community have not witnessed any minutes posted by a secretary. I recommend that minutes be read during the week of Council meetings to the general assembly before the assembly is dismissed for another year. Copies of the minutes must be given to Head Of Delegates (HOD) by mail. This would help the community to be better briefed of the progress of the community. Thereafter, the incoming secretary would have the duty to ensure that the minutes of the outgoing secretary be published it not more than 14 days after assuming office. This is to make the work of the general secretary effective and enhance record keeping. It should be posted on the website. Moreover, duty is owed by the exiting secretary and the incoming one. The existing officer gets to conduct its final duty and make it effective.

Additionally, the secretary should be responsible for updating all social pages, blog sites and websites of the community. None other than the secretary should do this job, as currently there are multiple social and websites dubbed in the name of the PAUDC with information not controlled by the secretary of the PAUDC. Immediately thereafter, considering Article 5 (2) (2.2) (2.2.3) there is a designation being “Deputy Secretary”. This designation to my amassment is just like the deputy president I cited earlier. Just as that one this one has no portfolio but yet still
people struggle to win this office. I only wonder what roles they perform or would perform. It comes under no constitutional clause or Article and this makes it a lacuna in the constitution. I firmly affirm Article 5 (2) (2.3) which describe the duties of the Communications Director. I rather observe that the officer has overlapping duties with the secretary and call for clear designation between the two for the organisational goal.

Nonetheless, Article 5 (2) (2.4) stipulates the functions of the Director of Sponsorship and Fundraising. I wholly affirm the duties and obligations assigned to this position but unfortunately it has no operational and legal capacity. There is no framework to monitor funds raised as well as how to write reports on funds secured. Is this officer a fundraiser and grant-seeker for debate championships for host countries or the PAUDC? Unfortunately the PAUDC is not a registered institution so how can this officer relate with other organisations to seek for funds for the PAUDC not to even mention seeking funds for the host institution. As I mentioned it has operational and legal capacity problems. It is important to note that investors, philanthropists, corporate bodies, etc would not want to deal with a non-registered organisation especially when the PAUDC is sourcing funding. It is also interesting to add that, the PAUDC is only a socio-educational grouping that organises a debate event but not clothed in a legal person. In order words, the PAUDC cannot sue or be sued, enter into contracts or confer legal rights. International and local organisations would always want to know the uses their funds will be put. An established secretariat with properly constituted operational structures will rectify these anomalies. It is time for the PAUDC to be more relevant to society.

The provision for “Recruitment Director,” is another constitutional blunder that needs to be reviewed. This designation has no correlation to any provision thereof in the constitution but an idle citation, which is unsupported, similar to other identified problems. I do not intend to totally dismiss this designation. I propose that the provision for “Recruitment Director” must be redrafted properly. It is important to note that, in designing this portfolio where national bodies are not created this officer would have operational and administrative problems. Thus, this director would have to work with other regional recruitments officers as mentioned in the constitution. However, their duties have no bearing on practical management functions. There are no regional debate bodies being the body framework this director would coordinate as a director. Thus, the recruitment officers would be from the regional debate bodies and effective policies on expansion and the like from the director would be effective and they can decentralise
policies to local national bodies in their region and then to debate societies as well. The non-development of this would mean a redundant designation just as it is. The various recruitment officers who work under this officer must all work with regional and national bodies to make the recruitment portfolio effective and efficient. Anything less than this would mean that the position would be redundant. The structures are the most important thing and an institution without any management structure would crush or better still be yielding stagnated growth or negative returns. This further adds to Article 5 (3) on the need to develop national debate bodies on the African continent.

Furthermore, these constitutional developments, brings me to my considerations of the next provisions being Article 5 (3). It makes interesting propositions and calls on members of the executive committee to commit themselves to building debate on the African continent. Moreover, Article 5 (3) (2), further indicates that “Building national debate organizations and general debate capacity in African countries.” Interestingly, I have espoused on national bodies but that notwithstanding, the constitution calls on the executives to build national debate bodies on the continent. This is construed as encouraging and empowering member countries and participants to create national bodies in their respective countries. This should be cloaked in a constitutional framework to draw the functions of a national debate body as this is currently absent. This would ensure national debate bodies are operational and properly institutionalized, well structured and incorporated into the PAUDC as an international organisation. These should be considered by the constitution: definition of a national debate body, constitutional composition and corporate structures, the registration of national body with local Law agency as an NGO, such that it would ensure the body is an artificial legal body to deal with other corporate bodies both local and international organizations (programs, funding etc), application and membership to the PAUDC or the PADB, accreditation of national debate bodies by the PAUDC.

Definition of a national debate body
A national debate body must be established in all African countries and must include the debating societies of all the universities and polytechnics. The institutions must include all

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33 See PAUDC Constitution 2011
34 Pan African Debate Board as was the founding name of the organisation then for PAUD Championships to be a competition and the Council to be a general assembly of all member states.
tertiary institutions. It should reflect a national representation. A national debate body should be made up of a tertiary composition of all or nearly all debate societies of the institutions in the country. A national body should be registered under the local laws of their countries of origin as an NGO. It ought not to be a socio-educational group to organize debate competitions and programmes but as referred.

**Composition and corporate structure**

The institutional structure of the organization should have basic elements required by the PAUDC. These must include the membership procedures and other internal elements which may be prescribed by the local organisation. A basic requirement include: the presence of an Executive Council, Executive Management, a Chair and Executive Director, Secretary or Director General or President, Board Members, a functioning financial module and other management modules for its departments, general assembly and a national constitution which is subject to the PAUDC constitution. The organisation is youth based and must be reflected as such.

**Registration of national body**

The national body ought to be registered under the local laws of its origin. This is to have the organisation as a legal person for it to acted for and on behalf by its members’ either local or international and be an artificial legal person. This would strengthen the position of the organisation in sourcing for funds and other management engagements. It would be a requirement to membership into the PAUDC. Member national bodies not registered would be given a period to do so by the executive council. This should be part of the restructuring of the PAUDC and a membership procedure. In simple terms a national body would register with it local laws and then with the PAUDC.

**Accreditation of National Debate bodies by PAUDC**

This is imperative for the international governance structure of PAUDC. National debate bodies shall be accredited representatives of PAUDC at the local level. By this the rule of representation in the country and at council is established. Not anybody or group of persons, would entertain arbitrary ideas to participate at council. Persons attending council must have locus. This is our highest organ and ought to be respected by drafting constitutional prescriptions to protect it. This
will also affirm commitment to the corporate governance of both the national body and the PAUDC. Moreover, it gives notice to all concerned in the jurisdiction of the local body’s country and makes it worthwhile corporate-wise. Moreover it would settle agitations by aggrieved parties not necessarily to move away to form their own national body but solve problem eminent. The formation of numerous national bodies will be curtailed when an accredited body is established. This problem is common in many countries, including Ghana. For instance, Debate Ghana Association has been the registered national body under the laws of Ghana for the past four years. It is made up of all the tertiary debate societies in the country. It has organised three national debating tournaments of which two were television productions being the recent two. Some participants upon being visited with disciplinary measures after gross misconduct of fighting, and verbal assaults in 2012 and 2013 became aggrieved and established own “national body.” Where there is accreditation disgruntled members would rather commit to solve conflicts rather than create apathy and the need to strengthen the local institution. Nigeria and Cameroon have had their own problems to deal with, as the Ghana problem is a fledgling one. The national body can act for the PAUDC as the representative of a particular country. Once accredited the national body can act for the PAUDC as the representative organisation in the country. This finalises the last phase of membership.

Furthermore, considering other provisions include Article 4 states that,

“It is further the role of the Executive Committee to:
4.1 Collect from the host university and hold records of the Championships, including attendees and results
4.2 Make recommendations to Council based on year long discussions with Committee members and anyone else who cares to comment.
4.3 Investigate on behalf of Council and report back at the next championships on any matter deemed appropriate by council.
4.4 To maintain and review the rules of the Championship
4.5 To provide a full report to the main meeting of Council regarding the completion of the Duties outlined above.”

I will not pronounce otherwise on the functions prescribed herein by Article 4 but rather affirm my position that the PAUDC be run as a corporate non-governmental organization. An elected Executive Committee must manage the PAUDC on scientifically. Article 4 will provide

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35 See PAUDC Constitution 2011
the constitutional basis for the management of the PAUDC. The lack of logistics and personnel may hamper the implementation of these proposals.

Article 5 of the PAUDC constitution must also be reviewed. According to this provision: “Nations from the following jurisdictions represented at Council shall elect a delegate from the participants of the Championship to be members of the Executive Committee

5.1. North Africa
5.2. West Africa
5.3. East Africa
5.4. Southern Africa
5.5. Central Africa
5. Africans from the diaspora.”

The above provision is vague and lacks clarity. Article 5 must require more rather than this simple prescription. It is not bad for the election of delegates from the various regions mentioned to be represented on the Executive Committee. However, one should know that the election is premised on no constitutional platform. The election of candidates by the Electoral College must always be premised on the majority votes of the constituent members. The Executive Committee must see to it that members of the Electoral College do not vote on regional basis. The votes must be a true reflection of the PAUDC’S purpose.

The constitution should draw a more constitutional framework for regional debating bodies. It should have a definition of what a regional body is, its constituent national debating bodies and functions. The constitution must also explain how and why national debating bodies must be accredited by the regional bodies. Furthermore, the chair of the region must represent the region at council. This function is important because the chair has been elected by popular acclamation at regional elections to lead the region at any conference for a specified tenure. It is important to note that individual universities or tertiary institutions do not have the legal capacity and authority to represent the region.

There ought to be reforms to these provisions in order to ensure that the legal position is maintained. Unfortunately, this unconstitutional situation is what happens at Council. Very little can be done without the initiation of reforms. Regional bodies ought to be established and registered as an international NGO. The headquarters of the proposed regional debating bodies

36 See PAUDC Constitution
must be established in countries which has been agreed on. The regional bodies must be made up of the national bodies as they also represent their debate societies. Where this is done then the five regions of the continent will be covered. These problems affirms there has been not been phenomenal growth for the past seven and half years. Participation increases and dwindles down from time to time while debating in the regions and nations remain undeveloped. It is not coincidental that there has been no participation from North Africa to date. This is not a prior fault by them but PAUDC has failed to incorporate the region into a progressive paradigm. Unless PAUDC reform its structures the championship event would only be patronized by few countries and development of the continent would be tentative. West Africa has had Ghana and Nigeria leading the way, not much can be said about Central Africa as Cameroon represents them. Averagely majority of participants come from the south because the event started there. The PAUDC is still treated as though it was formed today to satisfy the needs of a select few but not the whole of Africa. The east cannot say much. It is imperative for us as active citizens and members of council to develop the PAUDC. A constitutional reform for is the way to go for the PAUDC in creating a better African debate institution.

The figure below explains my argument I have put across throughout my submission. The most prioritized reform to start with is the change of name from Pan African Universities Debating Council to Pan African Debate Board. Aside the objective of the initiating organisations such as Open Society Institute and International Debate Education Association upon the formation of our debate organization as Pan African Debate Board for it to run the event Pan African Universities Debate championships. Moreover, successive youth leaders have failed and departed from the formative objective in this regard. To progress means we need to reform the PAUDC constitution to meet the current developmental needs of the African youth. This shall be a youth-based organization to coordinate the activities of debate on the African continent. Below is a graphical figure to reflect this paragraph.
7.2.0 Perspectives on Pan African Debate Board

Furthermore, I propose the Pan African Debate Board how it can be incorporated into the constitution to make the pan-African body more relevant. The PADB must be registered as an international non-governmental organisation. The objectives, vision and mission statements of the PADB must be well stated. I propose that the head office of the PADB must be established at Gabarone, Botswana, in recognition that country’s pioneering of the PAUDC. I suggested this at Council meeting in Calabar, Nigeria in 2013. I admire the enthusiasm with which the then chair welcomed the resolution. It is interesting to note that without constitutional reforms no Chair can make a formal move to get an office space or register. The institution whether under the name PAUDC or PADB, as there would be no constitutional capacity to do. The person would have no locus standi to do so, hence my advocacy for a reformed PAUDC. I would discuss how funds would be generated to fund all of these in my further discussions.

In sum, per my brief discussion, my opinion calls for reforms. Thus, the introductory part of the Constitution should lay out the institutional vision, mission and objectives. Also, the name of the socio-educational group must be settled upon finally, going forward whether PAUDC or PADB.
The name PAUDC in my humble opinion is inappropriate as it is an event name with an event governing council overseeing its function. As I stated earlier, we need to posture a legal and corporate look. That other formats should be named in the constitution or that the constitution should have the flexible clause to organise other format events apart from British Parliamentary formats and the development of the youth in general not just universities. By this the PAUDC would be stronger as it would coordinate all debate programme of the continent, tertiary, senior and junior high schools. That the constitution should not limit debating to tertiary’s or universities debating as with Article 2, but open up to lower levels. Given the inaugural objective we must approach the vision of debating holistically rather than conservative ideas which is not pragmatic to development of debate and leave us short-chain. A debating Board has no limit as it coordinates all debate and debate related matters on the continent and other programmes it deems fit to enter into. Also the new PAUDC would be PADB and shall be registered as an international non-governmental organisation as mentioned.

The powers of the Pan African Debate Board must be managed by the Board. In ordinary terms the Board shall be referred to as Executive Council. The Executive Council must have provisions to pay all expenses incurred in the promotion and registration of the PADB. Individuals must not bear this cost. A person may temporarily bear the cost of formation as a promoter but his or her cost shall be paid upon incorporation. The Executive Council may exercise all such powers of the Board, including powers to borrow money and mortgage or charge its property and to issue debentures but all these Regulations is required to be exercised by the members in general meetings. Moreover, in any transaction with the Board or on its behalf and in the exercise of their powers the members of the Executive Council shall observe the duties and obligations imposed on them.

Further to this, the Executive Committee must be replaced by an Executive Management. This will be the operational and management arm of the organisation and shall be elected into office at tenure by the Executive Council. It will be led by the Secretary General or President. Other departments that remain relevant would be finance, marketing, operations, Communications etc. I believe by now, you should be able to reconcile the fluidity in the proposed management of the organogram graph below (figure 1). Organizations that lacks an effective framework or superstructure may collapse. (Guest, Geary, Penner and Morrison 2012). Where there is disjoint or no order in the flow of leadership or management there will be
stagnation in growth. There must be a combined leader as chair of Council and leader for the executive management being the secretary general or president. This is to ensure good corporate governance of the organization. The chair must be in charge of Council and the whole organization including its management functions. Below is the executive management structure of the new PAUDC.
Figure 2: Executive Management Structure for the New PAUDC, Pan African Debate Board
7.2.1 Financial Model for the New PAUDC

Figure 3: financial model

There is no organisation that can run without a financial model or means of raking in revenue in order to cover its cost of operation. These thematic areas are what I propose but it is not limited to them as I have only started the discussion. Inasmuch as the PAUDC will be an NGO, it cannot run without funds, as it would rent office space, pay staff, bills and other operational cost. I will briefly expound on the above figure.

**Consultant Services:** the staff of the organisation may consult international organisations to work on projects on the continent. The PADB generate revenue from consulting on projects with other organisations as far as its objectives are concerned.

**PAUDC Event Revenue Payment by Host Institution:** the host university would pay a stated amount to the PAUDC on hosting the event of the organisation. Thus, a formula would be calculated on the registrations paid to the host institution. This may be a percentage calculated per registrant or on the total participants at the event. Remember that the event is for the PAUDC and it gives the event rights to bid institution’s to host. The host institution should be able to market the event and raise funds to make the event worthy for participants.
Sales from Souvenirs: This involves the sale of branded items on the logos of the PAUDC. It may be shirts, mugs, hand bands, tote bags etc. This would increase the revenue stake of the organisation as it may be done at any social gathering.

Grants or Donations: This is very important for any organisation. The new organisation should be creative to draw up project that can source funds for implementation. Once the organisation is registered it can source for grants whether it is a solicited or unsolicited grant. Funds can also be raised through donations either by creating the medium on the website or in social gathering or identifying organisations or persons who can donate to a particular course.

Commercial Revenue from Television Production: The incorporation of the organisation as an NGO will give it the legal capacity to negotiate its rights with third parties. By this the organisation can negotiate with media houses to televise the PAUDC event and broadcast on a major channel. Until the organisation gains a legal personality this cannot be achieved. This initiative when done would be the back bone of the organisation. Ghana became the first country in Africa to lead this way as its national debate body piloted this in 2012 and move into main television production in 2013. There remain much royalties the PAUDC can derive to support its programs when this is done.

Subscription fees by National and Regional Debate Bodies: All national debating bodies must pay yearly subscription to the PAUDC. The bodies pay these fees to maintain their membership and it must be renewed yearly. Failure to pay these membership fees must lead to the withdrawal of accreditation. Where there are no debate bodies in member countries debate societies would pay fees to be determined by the organisation.

Fundraising Activities: this is one of the most popular means of raising funds. This may be done auctioning items, sales, sponsorship proposals, organising fundraising ceremonies etc. This depends on the creativity of the officer in charge or the grant seeker involved.

Disciplinary Fines: these are fine meted out to societies or individuals who fall short of the conduct rules at event. But these fines shall be approved by council whenever the judicial committee fines someone culpable.
8.0 CONVENER OF THE PAUDC TOURNAMENT

Article 6 (1) draws on the functions of the convener of any PAUDC tournament. “The acceptance of a bid by the Council in accordance with Articles 15-18 shall be deemed to operate as the election of the proposer as the Convener of the PAUDC Tournament.” It is laughable to note that the referred Article 15-18 cannot be found in the constitution. The constitution ends with Article 12. I will further point out other copy and paste provisions I have identified. I realized the framers copied this clause from other debate jurisdictions without any recourse to fit ours. It is no joke when I recommend that we need a Judicial Committee and not a secretary of the Executive Committee to be custodian the constitution. If we are serious about being seen as an international organisation certain basic instruments must be our pillars. This provision needs reforms without hesitation. My call for a legal reform is eminent.

Furthermore, the convener is deemed as the chair of a competition and as such the chair of the local organising committee of the PAUDC event. The general function of the convener is acceptable to me but more needs to be done. I recommend that standard positions for the formation of local organizing committee be named in the constitution and their functions prescribed so to ensure standardization and performance across board. Other peripheral positions could be added by the host country.

Accordingly Article 6 (2) which states, “The Convener of the Tournament elected under para 1 above shall take office two weeks after his/her election.” I find this provision interesting. This provision refers to “para 1” but indeed there is no such provision unless am quick to assume its Article 6 (1) which is also the problematic constitutional provision I had drawn attention to. If it is so as I may proceed on that analysis it cannot derive primary legislative function from it. I see this as a constitutional error on the part of the framers. Its needs attention as I assume that “para 1” as referred to is Article 6 (1). Unless otherwise then my humble submission for reforms in this area of the constitution is more potent than I thought. There are more problems in the constitution as I have identified to this point of my discussion and this indicates that the constitutional document is outmoded and needs a replacement to drive our vision.

37 See PAUDC Constitution 2011
38 See PAUDC Constitution 2011
I rather find it interesting considering the provision that a convener takes office. As I am aware upon winning a bid the host institution has a nominal convener. I doubt if this tenure serves any purpose. Josep Raz one of the greatest legal philosophers of the twentieth century indicated that if a rule does not serve your interest or without the rule you would achieve your balance of reason then it is no rule at all (Guest, Geary, Penner and Morrison 2012). By this authority it is important to make this position clear. I recommend that the office of a tenured convener must be reviewed.

Further considering Article 6 (5) (5.5) “Within six months of a Championship, the outgoing Convener of the Tournament shall send to the Convener for the next Championship full accounts of the income and expenditure in relation to the organization of the Championship. The accounts shall be considered in the following meeting of the Council. These accounts should reflect ordinary accounting standards applicable in the host nation.” I partially affirm this clause but would recommend that expenditures and account of the event should be forwarded to the technical committee for audit and publication. This is to benefit the whole community and not just a convener and the institution. Past conveners have failed to conform to these requirements. In most circumstances the incoming convener being the next host institution is even unaware of this provision. Moreover, the income and expenditure of the recent events ought to be published on the website of the PAUDC for transparency sake progressive learning. Event reports and finance should be published.

9.0 BIDDING TO HOST PAN AFRICAN UNIVERSITIES DEBATING CHAMPIONSHIPS

This paragraph draws on the procedures and processes for bidding and hosting the PAUDC. My basic concern with the PAUDC event is heartily. I have already recommended a name change for the event from Pan African Universities Debating Championships to Pan African Tertiary Debating Championships which truly reflect the participation of all tertiary institutions. I will not want us to be distracted by argument that the World Universities Debating championship maintains the name ‘universities’. Debating in Africa reflects specific experiences and realities which makes us peculiar. Therefore the African problem must be addressed in the best way.

39 Joseph Raz developed the philosophical theory of Practical Reason and the Authority of Law
40 See PAUDC Constitution 2011
possible to suit continental peculiarities. We need to concentrate on the debate community of Africa and thereon make our community better, progressive and attractive for participation under guided rules founded on the values common to all Africans.

I rather find it problematic when a select few make the argument of literal interpretation to the possible exclusion of other tertiary institutions when indeed PAUDC 2011 was hosted by a polytechnic in Zimbabwe. Rather, I see this argument as shallow and constricting. I rather use the purposive approach of interpretation to appreciate participation to the event wholly. But given these two schools of thought the only way we can put this to rest would be construe it constitutionally. As it is, the constitution provides no interpretation for this. Some patrons in Ghana for example are causing problems with waves of this argument but as I indicated I see it as shallow, flawed, discriminatory and not in the interest of PAUDC. Resuming to discussion and considering Article 8 (2) which amongst other things indicates that a bid shall have the support of the university administration is true.

Furthermore, Article 8 (3) lacks more clarity and call for reformation for better understanding of the provision. Article 8 (4) gives direction to the executive committee to decide on the future of a bid where there are major concerns. As I suggested in my earlier submission, a standing committee such as the technical committee should be construed in the constitution and be tasked with the review of bids. Subsequently, the committee would present their report to the executive committee and they would intend forward that to Council. Thus, executive committee ought not to sit in the comfort of their own to determine the future of bids whether successful or not without any scientific or legal methods. It would be unfair and unconscionable process. The executive committee can not alone sit in a purported or virtual chamber and determine bids as this provision suggests.

Finally considering Article 8 (7) which states, “Where no bids are received for the hosting of the next Championships, it is the duty of the Chairs of the PAUDC Council to solicit bids from African universities.” I would suggest otherwise of this provision, for the sake of the absence of procedures as I don’t believe in arbitrariness or discretionary powers. Where this is so, I believe the chair should act through the technical committee arm of his functions for the process to be open, transparent and scientific and not based on one’s own imagination or direction of beliefs and thoughts.
Another problematic situation is when a university and national debating body bids to host a pan-African tournament. When the two indicate their intentions through a motion and their bid documents are presented, council confers the right on the two being from the same country as a successful bid after voting. Moreover, in the progress of the year leading to the next council meeting for ratification of the successful bid and there is breakdown of relationship the procedures of new bid must be initiated by either party. Thus, a new bid by either party if their relationship is not solved would open the entire bid process again. Once the arguments take that tone it means that the parties want to table a new bid and as such a new bid it would be. By this development new bid ought to be opened by council for the feuding parties to also join the general tender to bid. This is what happen in the Cameroonian bid process from 2012 to 2013 and finally lost their bid to South Africa in 2014. The Cameroonian party contested to win the bid for their country. The bid was won by University of Buea with Cameroon Debate Association writing that bid. Prior to this, the Cameroon Debate Association sought express written consent from the then vice chancellor of university of Buea to present the bid in 2012 but failed to secure a renewal of that consent letter with the New Year, as the then vice chancellor ad retired by 2013. Now, in South Africa 2012 the Association could not present the bid but a an official of it attempted to do so on behalf of the Association, the said university and country but university of Buea officials stopped the officer and subsequently, presented the bid. The bid was thereafter won by the university even though the Association wrote it and sought to present it. Unfortunately the council then was not privy to the brewing problems of the two, so much so that the council could have interrogated the matter or prevented the bid from progressing. But rather council walked into the problem ignorantly. Council granted rights to University of Buea oblivious of the problem of the two as being latent from the beginning. At the next council meeting in Nigeria the two parties fiercely contested each other to win the battle for the final rights conferment. This notwithstanding, and barring all other issues the university had won the bid in 2012 and ought to present ratification report to council but they didn’t and continue the banter with the sad Association. Both parties’ petitions were heard in council and subsequently, the situation meant new bids ought to be opened since each party wanted to present a new bid. Their case meant that since the university failed to provide a report for ratification then the bid

41 PAUDC Nigeria 2013 at University of Calabar
process ought to be opened again. The bid process was thereafter opened and South Africa won the bid to host PAUDC 2014 at University of Limpopo.

We should all be worried about the growing trend of conflicts in the bid process and also the spate of institutional conflicts in member countries. A constitutional problem eminent in PAUDC now is because the pan-African debating body is not a legal entity. The PAUDC lacks a managerial, operational and legal structures to regulate, control and coordinate debate development is turning to be problematic for it. The PAUDC 2013 nearly could not come off as a court injunction almost rendered it so, and then came the Cameroonian incident. Ghana won the bid to host Africa in 2015 as that bid was another partnership bid won for the country between University of Ghana and Debate Ghana Association, the national debate body. Should there be a break up leading to the event then it would affect the ratification bid and the Cameroon incident would happen again. This should not be our direction. We need to reform to strengthen our internal structures as PAUDC is not the same small regional championship that was started in 2008 in the south of Africa. We cannot continue without any structure. I would name this nature of conflict institutions that feud in the community to the extent that it affects their bid and eventual loss of the bid as the “Cameroonian disease”.

Strong guidelines must be outlined for the bid process, hence my call for reform. Thus, were one or two institution presents a common bid with common express intention to the world to host and the motion is moved at council, and the votes are cast based upon the motion before the house being the partnership of the two. But were they win and thereafter fail to forge on and their relationship breakdown it would affect the motion that won them the right should one party call for withdrawal. There would be a reversion or a rescission to the tender period. This then leads to the opening of new bids. In this situation it would be unfair to other bidders in the tender process and also the other partner not bid again hence the opening of a new bid. Two parties bidding ought to know and understand the negative and positive indicators that herald them. If there is a breakdown of relationship then equity must make the two loose the bid and open the bid entirely for other bidders to tender based on the principle of equitable remedy. This would satisfy the equity test as it would be unconscionable to allow one party of the bid to have its way and negate the other party when they both bided for the right together.
In such situations there must be procedures guiding council to make the process proper as this is now a rising trend. Ghana is also yet to make a pointer whether the Cameroonian disease would affect it or not.

However, considering the two situations I have expounded i.e. the Cameroonian disease and Article 8 (7), the chair should operate through mechanisms as explained above rather than just intuition of the mind which this provision seeks to grant. I witnessed the Cameroonian problem in council and it followed that there were no guidelines or procedures drawn by the constitution. I propose the standards herein to be followed. This would modify Article 8 (7):

I. That the Chair upon getting knowledge of this should draw the attention of council;

II. That the Standing Committee being the Technical Committee is empowered to work to get the bid processes commenced again;

III. That the committee would work for the period of notice until the lapse of the event

IV. That the committee would present all report finding to the chair;

V. The committee opens a new bid process through a communication medium to all institutions for a period not more than three months since it is emergency;

VI. The committee shall evaluate and make report to the chair for consideration two weeks after close of date.

VII. That the chair would convene council electronically for voting not more than 14 days after the report.

VIII. Voting should not be more than 7 days after chair convening the Electoral College and when this is done voting open 00:00am and ends 0:00 am. The winner shall be announced at the end of the voting.

10.0 ELIGIBILITY OF COMPETITORS AT PAUDC

This heading reviews the provisions concerning competitors, institutions and general participants at the PAUDC. Article 9 covers this regulation and Article 9 (1) “Competitors must be students in a university in Africa. All African countries are eligible to participate. Both members of a team should be attending the same university.” I affirm this in part but have definitional concern as well. This is as a result of the absence of interpretation of terms in the constitution. Thus, the word “university” in its contextual sense is not defined and this is rather saddening. On a bare fact this should result in no problem, but the absence of interpretation has caused much

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42 See PAUDC Constitution 2011
concern. A school of thought pursues the definition as a limitation to only universities using a literal approach of interpretation. The other using purposive approach defines this based on the contextual fact of it. Thus, including both universities and other tertiary institutions of which I support the latter. It sad that some youth activists and more so patrons or university officials of some universities hold a contrary opinion and pushing for a different definition agenda. In growing debate in Africa I do not believe it should be limited to “universities” alone in its name or interpretation sense, but must include all tertiary institutions. Developing the youth of Africa means a lot, as we cannot be selective of those to support and those we cannot by virtue of the course students read or their institutional affiliation. It is laughable that these recent debate activists are not even aware that a polytechnic in Zimbabwe hosted the PAUDC in 2011. How does this “university” argument hold then? Our only solution is ether to expand the definition to include tertiary institutions or a change in the name. An example is that, in Ghana some recent patrons of debate of some universities are of the opinion that the literal definition should be limited to universities alone and not tertiary institutions as it may be. They have therefore elected to form a rival national body. Moving away from this example, I have suggested in my earlier arguments that the name of the event be changed from “university” to “tertiary”. I have sponsored teams from Togo, Burkina Faso and my own country aside the Zimbabwe example who are not from universities but all belong to the tertiary class. It is palpably wrong to limit the definition. The provision needs reform.

Furthermore, considering Article 9 (2) “Teams from non-African countries can participate as guests, at the discretion of the host university but should not take up places of African institutions. These competitors may also not compete in the finals series of tournament, vote at council meeting or be elected to Executive positions. They are eligible to win speaker awards and maybe observe and speak at council at discretion of council.”

I have a problem with the lack of standardization and certainty with this provision. The use of the phrase “discretion of the host...” creates a situation of uncertainty and lack of apparent standardization. The clause grants discretion to a host institution to allow non-African to participate in a PAUDC event to a certain degree as far as the competition is concerned. Further words as “may” in the sentence “competitors may also not compete in the finals series of tournament”. This should be rather obligatory and not discretionary. The use of the words “shall” rather than “may” make it obligatory. This means that a host institution “A” is at liberty to decide
whether this category of persons can break out to the finals while host institution “B” may think otherwise. There will be variance of standards and rather cast uncertainty on what the clause actually seeks to achieve. Not that alone, but the policy and intention of the clause is not clear and needs clarity. Two institutions cannot have different policy approach to the same proposition when there is a supervening authority as the PAUDC constitution. There ought to be a standard rule which transcends every competition. It must come clear on the position of non-Africans. The clause is not certain as it also speculates the voting of these non Africans into office as executive committee members or even speaks at council. This area needs clarity.

In addition, Article 9 (3) states that, “During the academic year of the competition, competitors shall represent the institution at which they pursue at least half of their courses toward a particular degree. This affirms my argument about who qualifies to make it to the PAUDC”. The qualifying word is “institution” and this is not limited to universities or polytechnics or any other tertiary institutions. Moreover, a definition of the term would make the matter to lie as a constitution must have an Article for “interpretation”. I affirm 9 (3) - (8) but call for a holistic approach and evaluation of this Article. Thus definition of who qualify to compete should be clear and unambiguous, proper correspondence and structures should be built to ensure effectiveness and efficiency in the PAUDC, i.e. from the council to regional and national bodes and institutions.

11.0 ADJUDICATION

Adjudication forms a major component of the PAUDC event. The process of adjudication is situated in the context of the PAUDC and its purpose is to settle rankings of teams and indicate speaker positions based upon review of debate team presentations in a debate round. This is a simplistic definition of the technical purpose of adjudication. The adjudication core of a championships round supervise and coordinate all matters relating to adjudication of teams and panelists in the competition.

It is an important wing of any debate championship. Article 10 (10.1) states that “There shall be a deputy Chief Adjudicator from a country other than that of the hosting nation appointed to assist the Chief Adjudicator of the host university to: Assist in the training of adjudicators from the host university from at least two weeks prior to the Championship”\(^{43}\).

\(^{43}\) See PAUDC Constitution 2011
First and foremost, considering this Article, definition of the term is absent and it is the important component of a legal document. Far from that the terms “Chief Adjudicator” or “Deputy Chief Adjudicator” ought to be defined but this is to the contrary. Those are the vital things to be noted with this provision. Further, I identify an appointment function in the clause. There ought to be sub clauses indicating selection criteria of the chief and deputy chief adjudicator and the entire adjudication core. This would ensure standards across board and not limit the appointment function to the host to determine what is or is not of an adjudication core and policy or better still guide the host to make selection and appointments. The latter has been the case for the PAUDC as every host comes up with their own standard. The criteria should be presented in the constitution and should be followed as such by all host institutions’. Where there are better adjudication policies, amendment procedures need to be initiated to make the adjudication policy of the PAUDC better and the criteria for selection as well.

Secondly, the composition of the adjudication core should be in the framework of an Article design. The adjudication core or team should not be a convention as it is now. Conventions don’t have legal enforcements. By my proposal the various positions required in an adjudication core team should be made known to the world through the constitution and not a convention or knowledge to be expressed by few. This would rather help with the lateral development of adjudication policy as members would contribute to its effective development. This creates an informal selection process and creates irregular standard in adjudication team or policy. Thus, what one host institution would deem necessary the other would not and the incidence of this has not been helpful for development of debate.

Finally, the functions of all the adjudication core members should be expressly stated so to modify Article 10. It thus, only states mostly the functions of the deputy chief adjudicator.

### 12.0 THE DEBATE FORMAT

The debate format employed by the PAUDC is the British Parliamentary style. A contemporary format practiced by many tertiary institutions around the world. The format consists of eight speeches and proceeds as follows:

As British Parliamentary debates take place between four teams their roles are split into two categories, those for the Opening factions, and those for the Closing factions.

**Opening Government** (first faction): 7 mins
Prime Minister
Deputy Prime Minister

Opening Opposition (second faction): 7 mins
- Leader of the Opposition
- Deputy Leader of the Opposition

Closing Government (third faction): 7 mins
- Member for the Government
- Government Whip

Closing Opposition (fourth faction): 7 mins
- Member for the Opposition
- Opposition Whip

Moreover, Article 11 covers all matter relating to the format. Before I make any recommendations and draw any analysis I observed something quite interesting in this Article. It is as though the framers did a typical copy or cut and paste from some other legal document to paste in the PAUDC constitution. I shall identify these anomalies to you as far as this Article is concerned. They are as follows:

The quoted provision from Article 11 is problematic and a matter of constitutional defect which needs ATTENTION. References are mostly made to Article 11 (3) (c) (d) (e) (f) which is not existent in the constitution. It needs serious attention as I mention. Below are the identifications and to make the notable obvious I have underlined to make them copious enough for readers.

3. If any pool (The Upper Pool) consists of an amount of teams equivalent to a number that is not divisible by four, then teams from the pool ranking immediately below that pool (The Lower Pool) may be promoted to the Upper Pool, so that the Upper Pool consists of a number of teams that is divisible by four; provided that; (i) Team from the Lower Pool are selected on a random basis; and (ii) The pools are made up into numbers of teams divisible by four by starting at the highest ranking pool and moving consecutively to the lowest ranking pool, subject to 3f) below.

4. Once the pools have been adjusted in accordance with 3c) then the pools are divided into debates of four teams on a random basis, subject to 3f) below.

5. Once the teams have been placed in groups of four they shall be allocated Speaking Positions on a random basis, subject to 3f) below.

6. The Tournament Director may devise a tabulation program or system that alters or varies:
   I. the random allocation of teams to a debate in accordance with 3d);
   II. the random allocation of teams to Speaking Positions in accordance with 3e); and/or
III. the random promotion of a team from a Lower Pool to an Upper Pool in accordance with 3c); in order to provide that teams are given as even an amount of the various Speaking Positions as possible over the nine preliminary rounds.

7. The Tournament Director shall not be permitted under any circumstances to alter the composition of a pool beyond what is permitted under 3f).”

The above requires reform as the framers simply could not make a legal understanding.

Aside this constitutional flaw, the initiators for the formation of the PAUDC was for it to coordinate debate on the continent. By that I don’t see the limitation in the format to the tertiary level alone. There should be other formats and coordination with the lower levels of our education such as senior and junior high schools should be effective. By that the internal coordination to build a debate Africa must be intentionally constructed. Anything less than this would mean no progression or stagnation or better still contorted growth.

It is important for the constitution to identify and entrench French as a second language in the constitution of the PAUDC event. The debating sessions must run both English as Second Language (ESL) and French as Second Language (FSL). No institution should have the option to choose what to do or what policy to exclude or include as reasoned by their thoughts in their arm chairs. The absence of FSL in PAUDC events is not helping the French speakers. There must be a parallel francophone debating session at every PAUDC event. Francophone debaters must have the option to debate in their language of preference. No third party or the host institution or country must decide the language that non-English speaking debaters should use. The Executive Council of the PAUDC must provide clear guideline on this. I made a case for the inclusion of FSL in the 2014 PAUDC event but this was sharply rejected as against the expressions and wishes of others. A host institution or country is only to host an event as the name suggests and as such should not be involved in deciding what type of competition to take place at PAUDC whether ESL or FSL or otherwise in the wider event of the PAUDC which is in English.

13. CODE OF CONDUCT

Article 12 primarily draws out the code of conduct and the complaint procedures during any PAUDC event. I hugely applaud this provision but it has its own construction flaws as I have identified. Article 12 (1)

Code of Conduct Requirement: Each host of each round of the Championship shall be required to draft, implement and enforce a Code of
Conduct which will uphold the principle and the purpose of the Championship.\textsuperscript{44}

Considering this clause, I cannot phantom how that constitution can open itself for multiple draft codes of conduct. There is the need for a standard code of conduct for all and not variant disciplinary regulations which comes up at every PAUDC or debating event. One uniform code is what we need as a debate institution not institutions coming up with their own code every other year. This would be a subjective activity embarked on by the institutions’ rather than an objective test principle construed in the constitution for enforcement. It is interesting to note that if Article 12 (1) is problematic as I have identified then it cannot be reconciled with 12 (7) which states that: “Example of Code of Conduct. Hosts of each round of the championship may chose to adopt the example of a Code of Conduct in Schedule One of this constitution.”\textsuperscript{45}

The above clause cannot be operational and needs reform as code of conduct regulations cannot be at the discretion of a host. Moreover, I would add that schedule in the constitution is also another document copied from other debate institution as it proves t worth. A thorough work needs to be done.

In conclusion, I have carefully reviewed the whole of the constitution and as such made the necessary recommendations where possible. Alas, this document is not absolute in thought but my commitment is to initiate the need to reform the PAUDC. It would be vital aid to activists to refer to as far as the future direction of the PAUDC is concerned. Our institution needs to grow to help the teeming youth of Africa. This is not the time for conservatism. We need to venture beyond the comfort zones of the PAUDC. My submissions have covered if not almost all the major concerns as far as the debate community in Africa and the PAUDC is concerned both legally and managerially. God bless us all and especially all African youths who stand for change.

\textbf{***GOD BLESS PAUDC***}

\textsuperscript{45} Article 12 (7)
BIBLIOGRAPHY


