Constitution of the Maewo Telecommunications Committee (Inc.) Charitable Association

Date of Constitution: Thursday, 17 March 2016

Name of Charitable Association: Maewo Telecommunications Committee (Inc.)

Office Address: Gwatiawol Community Center, Gwatiawol Village,

Maewo Island, Republic of Vanuatu

1. Preamble

We, the Maewo Telecommunications Committee (Inc.) (referred to as the **MTC**), are a community-led, incorporated charitable association committee under the *Vanuatu Charitable Associations* (*Incorporation*) *Act* [*CAP.140*]. We aim to empower communities to seek relationships with NGOs, Governmental agencies, and other non-profits in order to find creative solutions for telecommunication needs on Maewo Island while building the capacity of our own islanders and sharing lessons learned with other islands facing similar telecommunications issues.

This constitution has been written with individual community members at the core, in collaboration with US Peace Corps volunteers, and serves the MTC to enable due process, inclusion, transparency and accountability for the isolated and underserved peoples of Maewo Island. The MTC will work to give Maewo communities a voice in future developments of telecommunications on the island through consensus-based decision making and planning.

Although some forms of telecommunications currently exist on Maewo as of the writing of this constitution, mobile voice is limited, especially in East Maewo, and broadband internet access is almost non-existent on our island. Schools, government offices and health facilities are currently unable to connect electronically with government offices. Bridging these connections with reliable telecommunications will improve our educational opportunities, monitoring of services, and health outcomes—thus, helping to end needless deaths and to advance long-term economic, social and community development prospects.

We have created this document to help facilitate the operations of the MTC committee. If there are additional operating procedures needed to handle normal operations of the MTC, then these may be created or amended as articles or bylaws, so long as they do not violate the aim of this constitution, vision and goals of the MTC, or Vanuatu Law.

2. Vision and Goals (Object)

2.1. Vision Statement:

To have good access to telecommunication services on Maewo Island so that we, the people of Maewo, can communicate with the outside world and have easy access to accurate information at all times

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Blong gat gudfala akses long telekomiunikesen netwok long Maewo Aelan we hemi givim mifala ol pipol wan wei blong komiuniket wetem aotsaed wol mo gat isi akses long stret infomesen oltaem

2.2. **Goals**

- (1) **Goal 1:** To improve education and training through improved telecommunication services
 - Blong impruvum edukesen mo trening tru long gudfala telekomiunikesen sevis
- (2) **Goal 2:** To improve health service delivery through improved telecommunication services
 - Blong impruvum akses blong ol helt sevis tru long gudfala telekomiunikesen sevis
- (3) **Goal 3:** To improve all areas of work and life (i.e. economic, custom, social, etc.) through improved access to telecommunication services

 Blong impruvum ol erias blong wok mo laef (i.e. ikonomik, kastom, sosal, etc.) tru long qudfala akses long telekomiunikesen sevis

3. Powers

- 3.1. The MTC has the power to do anything which is for the benefit of the Maewo communities, is in line with its vision and goals, and which follows Maewo Kastom, Vanuatu Law and Constitution and United Nations Sustainable Development Goals. Some of these powers are as follows:
 - (1) speak on the behalf of the Maewo people with one voice;
 - (2) own, sell or rent land, equipment or capital;
 - (3) employ staff as necessary for carrying out work of the MTC, but only to the extent which is indicated in this constitution and complies with those clauses;
 - (4) deposit or invest funds for the benefit of the community which does not benefit one or a limited number of individuals, or family members of those individuals;
 - (5) and borrow money or fundraise.

4. Membership of the Association

4.1. Admission of General Committee Members:

- (1) Any man, woman or youth may be a committee member.
- (2) Committee members may not be discriminated by age, race, island of origin, sex, geographic location, or any other factor under Vanuatu Law
- (3) Membership has a term of 2 years. A committee member has the ability to remove themselves or continue membership after that period through being voted to serve again. Committee members have the responsibility of nominating new members from their village to replace them.
- (4) Addition of new members is determined by a majority vote of hands.
- (5) The MTC committee must ensure that there is representation of at least 3 people from each village, including a mama, chiefly member and a youth member at minimum.
- (6) Termination of a member may occur if:
 - (a) a member dies or does not renew their term
 - (b) a member resigns

- (c) a member owes money to the committee and it is not paid in full within 3 months of it being due
- (d) the committee decides that it is in the best interests of the MTC that the member is removed, and thus pass a resolution to remove the member during a general meeting. In this case, a written letter with at least 30 days' notice before removal must be provided to the committee member, offering that member a chance to speak on their own behalf for consideration or to reinstate them as a member. After the 30 day period, a member is effectively terminated and must return all property, assets or information to the MTC within 30 days of termination date.

4.2. Executive Committee Members

(1) Admission

(a) New executive members are nominated for vote at the end of the previous executive member's two year term. Committee votes for an executive member by a majority show of hands. A ballot vote option is possible if the vote is close or if it is requested by the nominee.

(2) Roles and Responsibilities

(a) Chairperson

-Chairs meetings; works as the leader of the MTC; shares opinion and works by consensus; leads the committee to fulfil its vision and goals, while following the MTC constitution and rules

(b) Vice Chairperson

-Assists Chairperson in any way necessary; represents or signs on the chairperson's behalf if they are not present

(c) Secretary

-Takes meeting minutes and notes; maintains records; takes calls and communications on behalf of the committee; ensures all members follow constitution, rules, bylaws, etc.

(d) Vice Secretary

-Assists the Secretary in any way necessary; represents or takes notes on the Secretary's behalf if they are not present

(e) Treasurer

-Manages all financial matters of the committee

(f) Vice Treasurer

-Assists or represents Treasurer if they are not present

(g) Public Relations Officer

-Promotes activities of the MTC via written, verbal or internet social media in order to raise awareness of MTC activities and profile

4.3. Meetings

- (1) General meetings must occur at a minimum of 3 times per year.
- (2) General meetings must be called to order with written notice, addressed to every committee member.
- (3) Quorum of general meetings requires two committee members from each village to be present; otherwise, a quorum is not possible. However, members may send representatives on their behalf with a letter indicating this person will act as a representative during the meeting.

- (4) Special meetings may be called for specific events or reasons at will, so long as there is adequate notice given to all members.
- (5) Executive members may meet without general members for special or extraordinary items at will, but information must be communicated to general members at the next general meeting.
- (6) All committee members have equal voting rights, regardless of whether they are an executive or general member.

4.4. **Rules**

- (1) Committee has the right to post rules to assist the MTC in carrying out its goals in a professional manner. Basic rules of the committee are as follows:
 - 1) Be transparent and actively give information out to the public
 - 2) Work to help those in need and think about those without access to telecommunications
 - 3) Never discriminate or offer preferential treatment
 - 4) Be respectful to all
 - 5) Come to every meeting and be on time

5. Conflicts of Interest and Conflicts of Loyalty

- 5.1. Any conflicts of interest that committee members have must be told to the MTC and/or Chairperson.
- 5.2. Committee members who have conflicts in any way must remove themselves from committee meetings where there may be in conflict. In their absence, they may not vote and not be counted as part of a quorum.
- 5.3. Conflicts or disputes must be discussed and resolved by the Chairperson or executive committee. If additional conflicts arise, outside advice or support by a chief, family member or community leader may be required. If conflicts affect the work of a committee member, this may be grounds for termination or resignation. The committee may proceed to terminate or request resignation if outside support is not effective.

6. Amendments to the Constitution or Addition of Bylaws

- 6.1. Amendments or revisions to the constitution are acceptable, given the committee follows the following process
 - (a) Committee members propose a change at a general meeting
 - (b) A change is written and new wording submitted for review
 - (c) Amendment/revision is made public with a minimum review time of 21 days
 - (d) Amendment/revision is ratified and constitution updated at least yearly to include the updates
- 6.2. Bylaws may be amended here at the discretion of the committee, given they follow an approval process with committee consensus and public notice period of a minimum of 21 days, similar to the amendment process. Bylaws are more specific and cannot be less strong or counterintuitive to the constitution. In the case of making critical changes, an amendment or constitutional revision must be made.

7. Application of Income and Property

- 7.1. The income and property of the MTC must be used for the promotion of the MTC vision and goals, not to meet individual needs or to increase wealth of individuals
- 7.2. Committee members or individuals may not receive any income or property earned or belonging to the MTC. However, reasonable payment for expenses incurred, or goods and services provided is acceptable given that it is reviewed and approved with committee consensus and follows constitutional requirements and bylaws.

8. Benefits and payments to Committee Members and their Families

8.1. General provisions

- (1) Committee members work as volunteers and committee members may not:
 - (1) buy or receive any goods or services from the MTC preferential to members of the general pubic
 - (2) be employed by or receive any contracts or payment from the MTC, except in accordance with the following clause and Clause 9.
- (2) Committee members may be employed or receive payment for goods or services if:
 - (1) they fulfil all requirements outlined in Clause 9;
 - (2) a majority of executive committee members and/or general committee members do not benefit in this way, directly or indirectly, with money, goods or preferential treatment.

9. Employment and Contracting of Goods and Services

9.1. Employment or Contracting of Goods and Services process:

- (1) Committee reviews budget to ensure funds are available and develops request for employment, goods or services during a general or special meeting.
- (2) Committee posts a detailed request to the general public. This request notice must be posted from West to East Maewo. It may also be posted or sent to other islands or internationally, depending on the contract needs.
- (3) Members of the general public submit application letters (for employment or paid work) or proposal letters (for goods or service providers)
- (4) Committee reviews applications and/or proposals during general or special meetings. If any committee members have submitted per this request, they may not take part in these meetings and do not have any voting rights at this time. Outside discussions about these contracts are not acceptable, as this may interfere with fair decision-making process.
 - For employment or paid work, gender equality, inclusion, experience, skill level and the right person to represent the needs of the MTC are all necessary factors.
 - For suppliers, goods or service providers, price is not the only factor to consider. Selection is based upon quality of proposal, proven ability, potential to complete the work in a timely manner, price and other factors.

- (5) Once the committee approves application for employment, an acceptance letter is sent and must be signed by the committee and the employee (or worker). For approved proposals for goods or service providers, a contract may be issued that includes the date, names, scope, time period or other requirements agreed upon for delivery of the good of service.
- 9.2. Employment or contracting of goods and services supplied to the MTC is a transparent process to the general public where every community member has a fair chance to participate and be awarded employment or contracts if they provide a quality service or product. Small purchases under 20,000 vatu do not need to go through this process, but the committee must review available funds, approve purchase and collect receipts for all purchases. If expert skilled labour, goods or service providers are unavailable on the island of Maewo, the Committee has the right to make request for quotations directly to these providers on other islands or internationally.
- 9.3. MTC has the right to stop services, return goods, or end employment at any time at will, especially if contracted individuals do not meet the requirements as indicated in the contract.
- 9.4. Committee members may participate in this process (as an employed individual or a supplier) if they meet the criteria set out in this constitution. Committee members may not receive any preferential treatment. Failure of committee members or members of the general public to follow this process may result in removal from the committee or removal of any future opportunities. MTC has the right to remove any person, applicant, or contractor if they were untruthful or misleading and/or misused or mismanaged projects or resources in the past.

10. Misuse and Mismanagement

10.1. Misuse and Mismanagement Process

Misuse of funds or mismanagement of the MTC would erode public trust in the MTC and its vision and goals. Therefore, if misuse or mismanagement occurs, the MTC has a process for resolving these issues for individual committee members or partners involved with MTC:

- (1) If misuse or mismanagement is suspected—directly, through an audit, or indirectly the committee has the responsibility to talk with the person suspected of mismanagement. If the committee finds that a simple mistake has been made, the committee has the power to fix the mistake with this individual, internally. If it is not a simple mistake and a solution cannot be made internally, the committee is responsible for conducting a review or finding an outside authority to conduct an audit or a review.
- (2) Upon review, a report must be produced (by the committee or an outside authority) for internal review by the committee. The general public may not request this report until two weeks after its release. This is to protect specific individual(s) if a mistake has been made, with time to rectify it.
- (3) If misuse or mismanagement has been found in the report, the person(s) responsible for the abuse must be notified immediately after the report is available.
 - (a) If this was a non-malicious mistake or legitimate oversight, the individual must (1) be given a chance to speak on their own behalf, (2) receive training or mentorship to fix the problem or prevent it from happing in the future. (3) If, after training and

- reasonable time, the abuse occurs again or is unimproved, the MTC now has grounds for termination of the committee member.
- (b) If this was a purposeful violation or an illegal activity, the committee may move to terminate this member of the committee, as well as request any funds that were stolen be returned with an agreed upon fine, and/or request chiefly, police or legal intervention
- (4) Follow-up reports may be requested by the committee or public to stop any future misuse or mismanagement.

11. Financial Policy

11.1. Budget

- (1) A yearly budget must be passed by the committee before 15 January each year and posted to the public.
- (2) Budgets are to be reviewed by the executive committee and signed by the Chairperson and Treasurer.

11.2. Handling of Money and Financial Records

- (1) Approved signers on the MTC bank account are the Chairperson, Vice Chairperson and the Secretary. Two of the three must be present to make any transactions.
- (2) All cash must be placed in the MTC bank account. Cash may not be held unless the committee authorises withdrawal of money for purchases. If cash is not used within 1 week, it must be returned to the bank immediately.
- (3) Every record is public and any committee member or the general public have the right to audit financial records by request or to request that an audit be performed on their behalf by an outside authority.
- (4) Every purchase must have a receipt and record indicated in the accounting books held by the treasurer.
- (5) To prevent misuse of funds, committee members must follow clause 10 on Misuse and Mismanagement.

11.3. Financial Reports

(1) All reports are public information. Requests for a copy of a report may be made to the committee Chairperson. Reports should be housed in a safe location, along with other committee records.

(2) Report Frequency

11.3.2.1. Every general committee meeting includes a financial update report from the treasurer (cash available, transactions, purchases, etc.)

11.3.2.2. Monthly Reports

- (1) These may be made available to the general public by request only
- (2) These include cash flow statements, income statements (income, expenses, surplus/deficit)

11.3.2.3. Annual Financial Reports

(1) Annual financial reports include budget comparison, cash flow statements, income statements (income, expenses, surplus/deficit) for the year and/or monthly, etc.

- (2) Reports are posted to the general public each year.
- (3) All financial reports should be included with the Annual Report sent to the Vanuatu Financial Services Commission (see Clause 12 for information on the Annual Report).
- (4) Reports are to be signed by the Chairperson and Treasurer

12. Annual Reports

- 12.1. Annual reports should be written by the executive committee and reviewed and supported by general committee members. Information should be accurate, truthful and include successes, failures and future plans. There is no report length requirement, but it should give any donor or member of the general public a clear view of the organisation for the past year.
- 12.2. Annual reports are to be signed by the Chairperson, secretary and at least one other executive committee member.
- 12.3. Annual reports are required to be sent to the Vanuatu Financial Services Commission and must meet the requirements of the *Vanuatu Charitable Associations (Incorporation) Act* [CAP.140] 2015 Amendments section 8A as follows:

"8A. Annual reports

- (1) A Committee must provide to the Registrar within 3 months after the anniversary of the incorporation of the Committee, a report on the operations of the Committee for the preceding year.
- (2) An Annual report under subsection (1) must be made to the Registrar in the prescribed form and must be accompanied by the prescribed annual report filing fee.
- (3) The Minister may by Regulation prescribe the form of an annual report and the amount of fee to be paid under subsection (2).
- (4) If a Committee fails to file an annual report required under subsection (2), the Registrar must at least 10 working days prior to the date that is 3 months after the anniversary of incorporation of the Committee, give notice to the Committee to comply with this section.
- (5) If a Committee fails to comply within 14 days after the expiry of a final notice issued by the Registrar under subsection (4), the Registrar is to appoint a Receiver for the purposes of rectifying all breach of the Committee or cancel the certificate of incorporation dissolving the Charitable Association and disposing of the assets according to the Constitution of the Committee."
- (6) The Registrar may issue a fine to a Committee for failing to comply with a notice issued under subsection (4) and (5).
- (7) The Minister may by Regulation, prescribe the amount of fine to be paid under subsection (6).
- (8) For the purposes of this section anniversary means the annual recurrence of the date on which a Committee was registered in a previous year."

13. Dissolution of the MTC and Liability of MTC Committee Members on Assets or Liabilities

13.1. The MTC may be dissolved at the request of its members, the community or government. A committee vote with unanimous approval and approval from chiefs of each member village must occur before dissolution may occur.

If the MTC is dissolved at the request of its members, communities or government:

- 13.2. individual members of the MTC take no personal responsibility on assets, debts or liabilities belonging to the MTC, because under Vanuatu Charitable Associations (Incorporation) Act [CAP.140], the MTC is treated as a legal personality.
- 13.3. the MTC must pay all debts, liabilities, fees and fines from the committee bank account.
- 13.4. the MTC committee must decide how to best donate remaining funds in a way that meets the vision and goals of the MTC. These funds may not be distributed to committee members or other individuals, but go to the benefit of a social cause or project on Maewo Island.

Ratification of this constitution by committee me 17 th day of March 2016	embers with the signatures below occurred on this

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Ratification of this constitution by committee members with the signatures below occurred n this 17th day of March 2016

Japini Ngwera J.N.

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Mike Boe M.T. For morris sale

Franklyn Paniaru: F.D

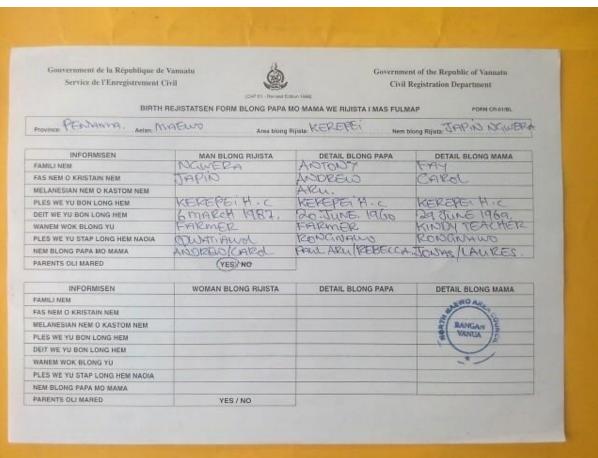
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Ezekiel Boelum, Chairman



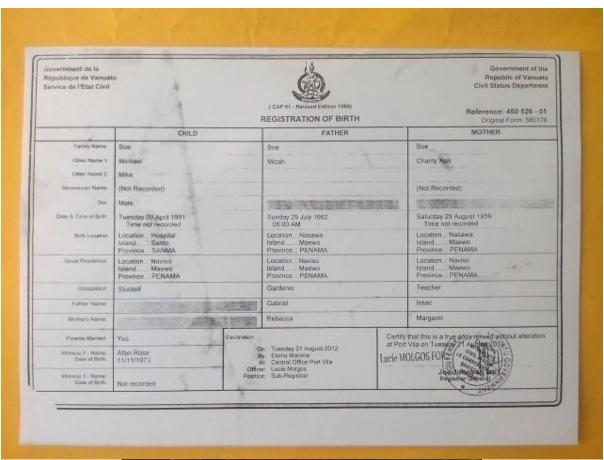


Japin Ngwera, Vice Chairman

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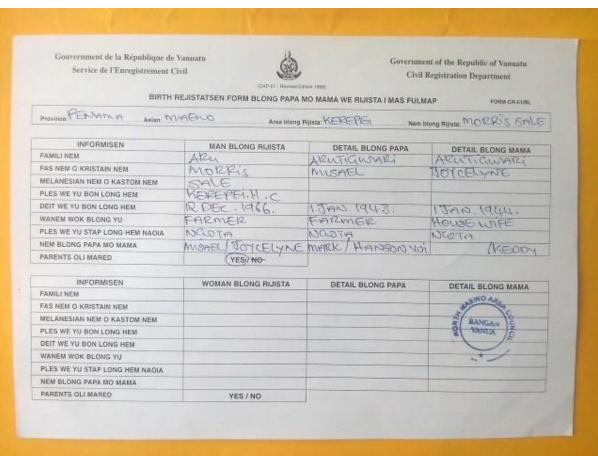


Lily Mana, Secretary





Mike Boe, Vice Secretary





Morris Sale, Treasurer

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Franklyn Daniaro, Vice Treasurer

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Maewo High Chief "Rasa Ure" Elison Reveala, Public Relations Officer



Alexis Cullen, US Peace Corps Volunteer, Grants Manager