



## **CONSTITUTION**

### **FUNDASAUN MAHEIN**

#### **GENERAL PREAMBLE**

*Fundasaun Mahein* was established in June 2009 to fill a gap in the ranks of Timorese civil society by providing for fulltime monitoring and reporting on issues relating to the developing Timorese security in a manner which can increase citizen participation in the process. It is the mission of *Fundasaun Mahein* to Conduct research and advocacy to promote the democratization and development of Timor-Leste's state institutions, so that all citizens enjoy the right to live free from violence and insecurity. Its vision is Timor-Leste's state institutions guarantee the right of all citizens to live free from violence and insecurity. Additionally, it is will be *Fundasaun Mahein's* objective to increase the participation of the media, other NGOs, and wider civil society to substantively engage in public policy issues relating to the security sector in a more informed, impartial and constructive manner.

#### **1. GENERAL PRINCIPLES**

*Fundasaun Mahein's* acronym is FM and the short version of the name will from herein be FM. FM is a Non-Governmental Organisation that is a non-profit, which intends to partner with other NGOs that work on 1) human rights, 2) vulnerable persons and 3) issues in rural Timor-Leste, in so far as it relates to safety and security of citizens and those security and defense issues along with the institutions as mandated by the RDTL constitution to provide safety and security.

1. This NGO is established according to applicable law and the constitution.
2. This NGO is non-partisan and apolitical,

#### **2. NAME, BRAND AND LOCATION**



- This NGO is based in Timor-Leste
- Tetun : *Fundasaun Mahein* (FM)
- Indonesia: *Yayasan Mahein*
- English : *The Guardian Foudation*
- This NGO has a logo



### **Purpose and Activities of FM**

Vision statement : that every Timorese citizen feels sovereignty, safety, and security based on the universal declaration of human rights and the RDTL constitution.

Mission Statement: to assist in increasing the legitimacy and capacity of the Timorese security sector through citizen participation in the development of relevant legislation, policies and procedures.

#### Objectives:

1. To create and expand the space for debate, discussion, and participation in matters relating to civilian oversight and management of the security sector;
2. To provide a public repository for information and analysis on the security sector; and,
3. To assist in strengthening the institutional capacity of the security sector to provide for the security and safety requirements of Timorese citizens.
4. Fundasaun Mahein will develop partnership relations with a number of key players directly and indirectly associated with citizen participation in the development of Timor-Leste's security sector.

### **3. FOUNDERS<sup>1</sup>**

FM founders are one Timorese citizen and one non-Timorese citizen. FM is a national NGO.

#### Status of the founders:

1. Founders are non-elected as they founded FM.
2. The Timorese Founder shall be the first Executive Director of FM. Automatically became Board member. This will happen upon the resignation of the first Executive Director, the co-Founder of FM

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<sup>1</sup> Nelson Belo, and Edward Rees.



3. The non-Timorese shall be the first non-executive adviser to FM.

#### **4. ORGANISATIONAL RIGHTS**

1. It has legal status, with privileges and responsibilities, once it has completed registration with the relevant authorities.
2. It has registered in tax office.
3. It has registered in NGO Forum Timor-Leste.

#### **5. THE BOARD MEMBER**

The Board shall be an independent and credible body. Its membership shall always consist of never less than five (5) persons and never more than five (5) persons. The Board can have persons of both Timorese and non-Timorese citizenship, but the numbers of non-Timorese may never be a majority of the membership of the Board. Members of the Board must have experience in public policy issues in Timor-Leste as they relate to FM's mission statement. These positions are voluntary, non remunerative, although reasonable reimbursements for costs are only allowed.

#### **6. DUTIES AND RESPONSIBILITIES OF THE BOARD MEMBERS**

1. To elect a President and a Deputy President, Financial and Secretary (for the first year) during the first meeting. The President shall set the agenda in consultation with the Executive Director. The Secretary shall record minutes, to be distributed to all members. Minutes shall be posted on the FM website.
2. To meet every year (annual) meeting in Dili, Timor-Leste at a place and time of mutual convenience.
3. To review written activity and financial reports submitted by the Executive Director on a monthly basis.
4. To advise on organizational policy with key staff and volunteers.
5. To ensure that FM's activities remain true to and comply with FM's vision and mission statements
6. To review receive and review financial statement every 90 days, so as to monitor and oversee financial management matters.
7. To guarantee and assure that FM assets and resources are being held and used appropriately
8. Often serves as a spokesperson for the organization
9. Lobbying and search finding source for FM
10. To advise the Executive Director for FM.
11. To approve annual planning activities
12. To monitor the working programs of FM, and provide feedback to the Executive Director, staff and donors.
13. To defend FM's reputation as and when appropriate



14. To select the Executive Director through a transparent and meritorious process, which encourages women to apply. This will happen upon the resignation of the first Executive Director, the co-Founder of FM.
15. Decisions of board will be declared lawful upon a majority vote of those present at meeting of the Board of Directors.
16. To dismiss the Executive Director with majority vote of those present at meeting of the Board of Directors.

## **7. DISMISSAL OF THE EXECUTIVE DIRECTOR**

The expulsion of the Executive Director is lawful only after when the Board of Directors has 1) engaged an independent team to evaluate performance and activities 2) and after that team has submitted its report in writing to the Board AND the Executive Director 3) and the Executive Director has a right of response within 2 weeks 4) and finally if the evidence shows that the Executive Director is:

- a. Not apolitical;
- b. Guilty of professional, ethical or criminal wrongdoing;
- c. in breach of this constitution.

## **8. EXECUTIVE DIRECTOR**

The Executive Director must be:

1. A Timorese citizen
2. Physically healthy to perform his/her role.
3. Free of a criminal record
4. Free of political affiliation

## **9. DUTIES AND RESPONSABILITIES OF DIRECTOR**

The Executive Director shall:

1. Provide leadership to FM
2. Act of FM's representative in dealings with Government, donors and civil society partners
3. Implement board policy and decisions
4. Recruit in a transparent and meritorious manner all staff
5. Be responsible for supervising all staff, but may delegate authority to a deputy if necessary.
6. Attend all board meetings
7. Not have voting rights at board meetings if the executive director is NOT co-founder of FM.
8. Monitors all finances and assets, and through the board be responsible for the proper accounting of finance and assets.
9. Advise and report to the Board of Directors in writing every six months but at least 4 weeks prior to meetings of the Board of Directors.



## **10. ASSETS AND PROPERTY**

1. FM can own the land, building, vehicles, materials, and other capital or insurance which is lawful owner.
2. The staffs do not have private ownership any assets and property.
3. This organization utilizes fully all the necessary asset that own by FM for the realization of the activities according to the constitution mandate and duties.

## **11. AMENDMENTS**

1. This Constitution can only be adjusted with a majority decision by the Board of Directors and the Founders.

## **12. ENTERS IN FORCE - APPROVAL**

1. This Constitution enters in force on 29 June 2009.
2. This constitution approved by founders, are Mr. Néilson Belo and Mr. Edward Rees

