

CONSTITUTION OF THE LIVING CULTURE FOUNDATION NAMIBIA



THE LIVING CULTURE FOUNDATION NAMIBIA

(as agreed on in Windhoek, August 2007)

PREFACE

Through the colonisation of Namibia every single language group was influence by the European culture to such an extend that the original African culture developed into a mix of European and African culture. Through this transformation important parts of the culture of Namibian language groups were lost, including traditional values, customs, rites, the knowledge of their traditional surrounding etc. Consequently a lot of social problems occured.

The Living Culture Foundation Namibia sees itselfs as a tool for helping Namibian language groups to revive traditional values and customs and thus to create awareness for cultural origins and history within present Namibia. Through this awareness members of Namibian language groups have possibility to integrate their traditional culture positively in present Namibia, which helps them to regain their cultural consciousness and identity. Furthermore the regaining of cultural identity will offer them better possibilities of orientation and constructive problem-solving skills.

1. NAME

There is hereby established a voluntary association named *Living Culture Foundation Namibia*.

2. OBJECTIVES

Among others the main objectives of the Living Culture Foundation Namibia are:

- 2.1. The creation of new sources of income, the sustainable fight against poverty, the support of local economies, the strengthening of local resources in poor communities in Namibia.
- 2.2. The regain of cultural identity, the establishment of new orientational skills, the development of new behavioural patterns to solve social problems within the supported communities.
- 2.3. The support of cultural education and research.

3. REALISATION OF THE OBJECTIVES

3.1. Main Projects

- 3.1.1. The Living Culture Foundation Namibia will establish a cultural network consisting of self responsible cultural projects in Namibia. These authentic and traditional projects can be "living museums", cultural sing- and dancing groups or cultural artists and musicians.
- 3.1.2. The Living Culture Foundation Namibia will educate the members of the cultural network in basic areas of tourism, business management, sustainability and so on.
- 3.1.3. The projects will be linked in a network. That means that there will be an intercultural exchange between the different projects. Members of the cultural network will be included in the work of the Living Culture Foundation Namibia.
- 3.1.4. The Living Culture Foundation Namibia will build up a cultural platform for the network. Within the scope of this platform the Living Culture Foundation Namibia will promote the projects of the cultural network. To achieve this the Living Culture Foundation Namibia will work together with the tourism industry and educational institutions
- 3.1.5. The Living Culture Foundation will organise travel-educational for successful projects, showing them Namibia and giving them the chance to promote their project further in Namibia.

3.2. Additional Programmes

- 3.2.1. The Living Culture Foundation Namibia will support communal structures, the members of the cultural network benefit from.
- 3.2.2. The Living Culture Foundation Namibia will support researches concerning traditional or modern cultures in Namibia.
- 3.2.3. The Living Culture Foundation Namibia will additionally support and analyse traditional cultures in Namibia.
- 3.2.4. The Living Culture Foundation Namibia will additionally support and analyse contemporary arts and culture.
- 3.2.5. The Living Culture Foundation Namibia will analyse and reflect the international development aid concerning Namibia.

4. A NON-PROFIT ORGANISATION

- 4.1. The Living Culture Foundation pursues solely and directly charitable and non-profitable aims for the public benefit.
- 4.2 The Living Culture Foundation Namibia is not formed and does not exist for the purpose of carrying out any business that has as its purpose the acquisition of gain by the association or its members.
- 4.3. The income and assets of the Living Culture Foundation Namibia shall be applied solely for the promotion of the objectives for which it is established.
- 4.4 No part of the income or assets of the Living Culture Foundation Namibia shall be paid, directly or indirectly, by way of dividend, donation or otherwise, to any person, unless such payment is directly related to the furtherance of the objectives of the Association.
- 4.5. The Association shall not be entitled to carry out any trading or other profit-making activities or participate in any business, profession or occupation carried out by the Association's members or provide to any of its members financial assistance or any premises or continuous services or facilities for the purpose of carrying out any business, profession or occupation.

5. LEGAL STATUS & LIABILITY OF MEMBERS

- 5.1 The Association is and shall continue to be a distinct and separate legal entity from its members, and a body corporate with perpetual succession, with the power to acquire, hold and alienate property of every description whatsoever, and with the capacity to acquire rights and obligations.
- 5.2 All actions, proceedings at law, including but not limited to Court and arbitration proceeding, shall be brought by or against the Association in the name of the Association, and the Executive Committee may authorize any person(s) to act on behalf of the Association and to sign all such documents and to take all such steps as may be necessary in connection with any such proceedings.
- 5.3 The liability of the Association's members is limited to the amount of subscription or other moneys owing by them to the Association.

6. MEMBERSHIP

- 6.1 All persons who want to work actively or materially for the objectives of the Living Culture Foundation Namibia can become members of the voluntary association.
- 6.2 The membership will be aquired according to the decision of the Board of Directors.
- 6.3 The membership ends with voluntary leaving, exclusion or death of a member. Voluntary leaving is made by formless but written notice to the Board of Directors.
- 6.4 Exclusion takes place by decision of the Board of Directors if a member of the voluntary association breaks a rule or interest or does not meet the requirements of the Living Culture Foundation Namibia. Every member has the right to file complaint against the exclusion. This complaint has to be handed in by formless but written notice to the Board of Directors within two weeks. In this case the next Annual General Meeting or Special Association Meeting will decide about the exclusion
- 6.5 No membership fees apply.

7. ORGANS OF THE LIVING CULTURE FOUNDATION NAMIBIA

The Living Culture Foundation consists of the following organs:

7.1. Annual General Meeting

7.2. Board of Directors

8. ANNUAL GENERAL MEETING

8.1. The Annual General Meeting takes place at least once a year. The announcement of this meeting is made 2 weeks in advance by written invitation.

8.2. A Special Association Meeting will take place if the interest of the voluntary association requires it or if at least one third of all members demand it. These members have to hand in a written statement to the Board of Directors. A Special Association Meeting must be held within six weeks.

8.3. Regardless of the number of members involved, the Annual General Meeting is quorate. A meeting leader is elected among the members of the Living Culture Foundation Namibia.

8.4. Every member has one vote. Decisions are made by simple majority of votes. In the event of a tie the proposal is rejected.

8.5. The Annual General Meeting elects the Board of Directors from the members of the Living Culture Foundation Namibia. The three members with the majority of votes form the future Board of Directors.

8.6. The Annual General Meeting is able to deselect members of the Board of Directors. Therefore the Annual General Meeting needs a two-thirds majority.

8.7. Minutes of the Meeting must be recorded.

9. THE BOARD OF DIRECTORS

9.1 The first Board of Directors consists of the three founding members of the Living Culture Foundation Namibia.

9.2 The Board of Directors takes over all executive functions of the Living Culture Foundation Namibia.

9.3 The Board of Directors is elected by the Annual General Meeting for a period of four years. Re-election is possible.

9.4 The Board of Directors has at least four meetings a year. The Board of Directors is quorate if the majority of its members is present at the meeting. Decisions are made by simple majority of votes. In the event of a tie the proposal is rejected.

10. RECORDS AND REPORTS

10.1 The decisions of the Annual General Meeting, the Special Association Meetings and the Board of Directors Meetings are recorded and available to every member of the Living Culture Foundation Namibia.

10.2 An annual report about the activities of the Living Culture Foundation Namibia will be compiled and will be available to the public.

11. AMENDMENT OF THE CONSTITUTION

- 11.1. This Constitution may be amended by the members of the voluntary association at an Annual General Meeting or Special Association Meeting provided that at least two thirds of the members present at the Annual General Meeting or Special Association Meeting vote in favour of such amendment.
- 11.2. Amendments of the constitution that are claimed by authorities can be implemented by the Board of Directors.

12. DISSOLUTION OF THE LIVING CULTURE FOUNDATION NAMIBIA

- 12.1. The dissolution of the voluntary association can be carried out on a Special Association Meeting with a three-quarter majority of the attending members. In this case at least three quarters of all members of the Living Culture Foundation Namibia must be present at the meeting.
- 12.2. With the dissolution of the voluntary association the property of the Living Culture Foundation Namibia will be transferred to another non-profit organisation in Namibia, whose objectives are similar to those of the Living Culture Foundation Namibia.