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THE BUILDING ENTREPRENEURS CONSTITUTION



BY MR. CHRISTOPHER BENSON SODA PHIRI (THE CEO)
THE BUILDING ENTREPRENEURS(2023)

CREATING THE GREAT MIND FOR THE YOUTH. LOWERSHIRE- S152 ROAD

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FORWARD.

The Building Entrepreneurs partnership has since its birth in 2023 September 10th been guided by a constitution. The partnership was founded by Mr. Christopher Benson Soda Phiri (The CEO) from Nsanje district East-Bank. Among the founders of the Society are Mr. Misheck Nzondo (acting Treasurer) and Mr. Dalitso Isaac Phiri (former spokesperson). A lesson from the founders is that one needs to plant a tree in the knowledge that they may never enjoy its shadow. Rather, another generation will water the tree, another will prune the tree and finally, the subsequent generations will enjoy its shade.

In line with Article XIII, Section I, the Building Entrepreneurs Constitution was amended and enacted on 9th February, 2025. Some of the main reasons for the amendment includes; change in groups' environment and demands which created the need to have some other sections newly discovered and all its undersigned positions; the CEO, additional objectives and change on the Vision and Mission statement. The misappropriation of assets, failures on duty by office Bearers and embezzlement of funds of the partnership also created a need to have clear laws in place to guide in case of lost assets and embezzled finances, among many other changes. The amendment of this constitution was an extensive consultative process which included key stakeholders which helped to identify key areas which needed to be amended.

The constitution also incorporated guiding principles in constitution development and contents of the already existing The Building Entrepreneur's first Constitution. The amended constitution is intended to stand out as a living guiding document to inform the partnership in all its obligations to achieve the Building Entrepreneur's Vision. It is, therefore, critical that all members and office Bearers play their roles towards the realization of the partnership's objectives. The Building Entrepreneurs expects that the coming together of all key players in upholding the

amended constitution will make a significant difference in the partnership, and thereby respond to the members and public aspirations and expectations. The pivotal roles of all past members and office Bearers are highly recognized. I, therefore, call upon all members, office Bearers, partners and affiliated organizations to use the amended constitution as a guideline for the day to day running of the partnership.

(Insert Building Entrepreneur's CEO signature).

Mr. Christopher Benson Soda Phiri.

(Insert acting Building Entrepreneur's Manager-2025/2027 signature)

Mr. Lucas Mashonga

Article I: Supremacy.

This undersigned constitution shall be the supreme law governing the partnership and all activities as regards to the partnership and any law to the contrary shall be null and void to the extent to which it is contrary to the constitution.

Article II: Name.

The name of the partnership shall be **THE BUILDING ENTREPRENEURS** in Lower Shire-east bank (Nsanje and Chikwawa districts) and shall hereafter be referred to alongside its acronym as **BE**.

Article III: Vision.

To become a world class profitable partnership for the young Entrepreneurs.

Article IV: Mission.

To foster a culture of entrepreneurship among young individuals in the Lower shire, Southern part of Malawi, the whole country and beyond through equipping them with the skills, knowledge and resources necessary to succeed in business and contribute positively to their communities.

Article V: Aims, Objectives and Core values.

Aims

The aims of the Building Entrepreneurs partnership shall be:

- a) Making youth having entrepreneurial skills in the Lower shire, in Malawi and abroad.

- b) Making youths developing a hardworking spirit so that they can develop a self-reliance life styles by coming up with innovative minds.
- c) Equip youth with business ideas.
- d) Equipping youths with leadership skills hence creating the Malawi's future good leaders.
- e) Bringing ideas that can be in line with the fulfillment of MALAWI VISSION 2063.

Objectives

The objectives of BE shall be To;

- a) Raise the money. The members of the partnership shall rise the money of the group through membership fee and any other acceptable funding way.
- b) Acquire and manage buildings. The partnership shall be able to acquire land and be able to build infrastructures of the group for their purposes.
- c) Organize courses and events. The partnership shall offer trainings, mentorship, loans for the small scale business for the youths at agreed period of payments and interests and networking opportunities to help young entrepreneurs overcome obstacles and achieve their goals.
- d) Work with other groups and exchange information. The partnership shall collaborate with local stakeholders, organizations and institutions to create a supportive ecosystem that promotes entrepreneurship and community development.
- e) Identify and Nurture talent. The partnership shall discover and support young entrepreneurs with innovative ideas and a passion for business.

- f) Promoting Entrepreneurial mindset. The partnership shall encourage the culture of creativity, resilience and risk-taking among young entrepreneurs, empowering them to turn challenges into opportunities.
- g) Measure the impact and improve. The partnership shall continuously evaluate and refine their programs and services to ensure they remain effective, relevant and aligned with the evolving needs of the young entrepreneurs in the lower shire east bank area and beyond.

Core values.

The core values for BE shall be;

- a) Inclusivity. The BE shall believe that entrepreneurship is for everyone regardless of the background or socioeconomic background.
- b) Innovation. The BE shall encourage creativity, experimentation and calculated risks-taking to drive business growth and community development.
- c) Collaboration. The BE shall foster partnership with local organizations, institutions and stakeholders to leverage resources, expertise and networks.
- d) Accountability. The BE shall committed to transparency, accountability and continuous improvement in our programs and services.
- e) Sustainability. The BE shall prioritize environmentally and socially responsible practices, ensuring that the initiatives contribute to long-term prosperity of the lower shire east bank.

Article VI: Moto

The Moto for BE shall be "Creating the great mind for the youth"

Article VII: Logo, Color and their meanings.

- a) The logo is in green color representing vegetation found in the lower shire.
- b) The burning fire found at the logo means burning ideas, services and products that the partnership produces which can never be defeated easily at the market.
- c) Two-finger sign mean victory.
- d) Crocodile symbol means that the group is from both Nsanje and Chikwawa districts that represents lower shire and their native language which is Sena and Mang'anja.
- e) Stars surrounding the symbols represent light that keeps on shining 24/7/365 & ¼ days for well-functioning of the partnerships activities and notifying the youth from lower shire that now right time has come for the bright future and make dreams becomes true.
- f) 2023 at the top represents the year in which the partnership had been discovered.
- g) Green-and-white strips found inside represent the vegetation from the lower shire giving hope and the better future for the youth.

Article VIII: Membership

Section I: The membership shall follow the followings;

- a) Shall be open to any person from 18 years to 45 years from East Bank area-Chikwawa and Nsanje districts.
- b) He or she shall be joining by his or her will and not be forced to or corrupted to join by any means.
- c) The person must have an interest of helping the group to achieve its aims.
- d) He or she must be willing to abide by the rules and regulations of the group.
- e) He or she shall be willing to pay any subscription agreed by the management committee.

- f) Shall be available to anyone from lower shire-east bank regardless of gender, disability, political affiliation, sexual preferences, religion or beliefs.
- g) Membership of every member can be terminated for good reason by the management committee but the member has right to be heard by the management committee before the final decision is made.
- h) He or she must be a responsible member and if anything wrong, law and punishment shall follow.

Section II: A person shall be considered a member if he/she;

- (i). has paid an affiliation fee for the partnership as per outlined in the constitution or/and as stipulated by the executive of that time (Registration fee once joining and per every two months as membership fee);
- (ii). Attends annual meetings, general meetings and organized events regularly as indicated in the Secretary's attendance register.
- (iii) Shall fill the membership application form and assigned all the terms and conditions attached to it.
- (iv). shall be approved by the management team that he or she deserved to be a member.

Section III: A registered member shall be considered a voting member if he/she;

- (i). has attended at least 50% of all meetings in a year, as indicated in the Secretary's attendance register.

Section IV: BE alumnus whose membership has expired/ any individual above youth age as stipulated in Article VII S(I)a, shall be eligible to become an associate member of the Society if he/she;

- (i) Has paid double ($\times 2$) the contribution of subscription fee that is paid by within the range youth-age at that time;
- (ii) Has shown willingness to advise and support the partnership.

Article IX: Organs and undersigned duties of the Society

Section I: Any meeting shall be headed by the manager or secretary of the partnership, and it;

- (i) Shall be a meeting of all BE members.
- (ii) Shall elect office bearers of the partnership as provided by this constitution.
- (iii) Shall have powers in a vote of NO-confidence to remove any office bearers/the whole management team by 50% + 1 vote of the total registered member's population.

Section II: The duties of the office of the CEO.

The office of the Chief Executive officer of the Building Entrepreneurs shall have the following duties:

- a) Establish a clear direction and purpose for the group.
- b) Create and execute plans to achieve the organization's goal.
- c) Encourage innovation, risk-taking and creativity in the organization.
- d) Manage organization's resources including staff, budget and infrastructures.

- e) Establish and maintain a governance structure that ensures accountability, transparency and compliance.
- f) Identifying and mitigate risks, ensuring the organization remains compliant with relevant laws and regulations.
- g) Create and manage budgets together with treasurer that are align with the organization's strategic objectives.
- h) Identifying and secure funding opportunities, partnerships and resources to support the organization's growth.
- i) Develop and implement the strategies to ensure the organization's long-term financial sustainability.
- j) Develop strategies to attract, retain and develop top talent within the organization.
- k) Encourage continuous learning and development opportunities for staff and entrepreneurs.
- l) Ensure the organization continue success by the developing and implementing succession plans.

Section III: Duties of the office of a Manager.

The office of a manager shall hold the following duties:

- a) Build and maintain relationships with key stakeholders including entrepreneurs, investors, partners and government agencies.
- b) Effectively communicate the organization's purpose and goals to the stakeholders.
- c) Encourage stakeholder's feedback and engagement to inform the organization's strategy and decision making.

- d) Create and deliver programs and services that support entrepreneurs including mentorship, training and funding.
- e) Develop community of entrepreneurs that encourages collaboration, innovation and growth.
- f) Connect entrepreneurs with relevant resources, networks and opportunities to support their growth.
- g) Represent the group at the functions or meetings that the group has been invited to.
- h) Presenting annual report to the group explaining the functions of the group in the year ending during the annual meeting.

Section IV: The office the Treasurer.

The office of the Treasurer shall have the following duties:

- a) Supervise the financial affairs of the group.
- b) Keep proper accounts that shows monies collected and paid out by the group.
- c) Making sure that newly introduced members shall pay all the affiliation fees as per agreed by the group.
- d) Reporting financial for the year ending during the annual meeting.

Section V: The office of the Secretary.

The office of the secretary shall have the following duties:

- a) Take and keep minutes of the meetings.
- b) Prepare the agenda for the meetings of the group and the committee in consultation with manager.

- c) Maintain the membership list.
- d) Deal with correspondence.
- e) Correct and circulate any element information within the group.
- f) Writing memos of the group as instructed by any other office in the group on behalf of the partnership.

Article X: Qualifications of Officers

- (i) The aspiring officers shall be an individual from Building Entrepreneurs' WhatsApp group who have attended 75% of all meetings, paying all his or her membership fee, aspiration membership fee as indicated in the Secretary's and Treasurer's attendance register and financial book respectively and shall hold the position for the period of two consecutive years;
- (ii) The aspiring partnership manager shall be a male from the BE's WhatsApp group and meeting all the requirements as stipulated in (i) above;
- (iii) The aspiring officers shall not be executive members of other Non-Religious groups;
- (iv) The aspirants for the office of the Manager and Secretary, shall only be those who are active debate team members

Article XI: Elections

Section I: Elections of the management team.

- (i). the offices of the management team shall fall vacant a month before the period of two years of working come to an end;
- (ii). the office of the CEO shall not be voted for by default as it represents the founder of the partnership.

(iii). there shall be an Electoral Commission to conduct the elections;

Section II: The Electoral Commission

(i). There shall be an electoral commission, which shall be formed by the members of the partnership of all levels;

(ii). the commission shall consist of three commissioners and a Chairperson;

(iii). The CEO shall be the Chairperson of the commission and, the three commissioners shall be appointed by the CEO in consultation with the entire executive committee through memo adverts;

(v). The Commission shall exercise its powers, functions and duties under this section independent of any direction or interference by any authority or person;

(vi). Duties and functions of the electoral commission shall include;

- a)** To arrange, coordinate and regulate the conduct of elections;
- b)** To call for, receive and approve aspirants strictly in line with the constitution;
- c)** To determine voting members and produce ballot papers with a name of the respective voting member on the ballot paper;
- d)** Receive and deal with electoral petitions and complaints related to the conduct of the election.
- e)** Announce the electoral results by the chairperson of the commission in one day after a voting day through both writings and verbal.
- f)** Any complaints about voting process shall be reported to the commission through writings before taken to the next level.

Article XII: Finances and Assets of the Partnership.

Section I: General Provisions on Finances

- (i). Finances of the partnership shall consist of money coming in form of membership subscriptions, donations, accruals and profits from any lawful activity of the partnership;
- (ii). Members shall be the main donors of the partnership and the partnership shall NOT depend on any other organization for funding to implement its annual work plan;
- (iii). Based on the annual work plan, an annual budget drawn up by the treasurer and agreed upon by the management team shall be brought to the attention of the special meeting for approval;
- (iv). the management team shall be empowered to spend BE money in line with the work plan subject to the budget;
- (v). All expenditures outside the annual budget, shall be reported to the group at its next meeting;

Section II: General Provisions on Assets

- (i). There shall be BE assets e.g., BE file, library materials, kitchen utensils, farm inputs and machineries etc.
- (ii). BE assets shall be kept at the Treasurer's office, strictly moved for use and returned after use;
- (iii). The BE file shall strictly only be accessed at the CEO's Office by the CEO himself, Secretary or Manager.

(iv). All assets shall be sold to any organization related in activities with the Building Entrepreneurs and money being found shall be shared among partnership members according to their contribution levels when the partnerships come to an end.

Section III: Embezzlement of Funds and Misappropriation of Assets

- a) In case of embezzlement of funds or misappropriation of assets by any office bearers, the officer shall be reported to the manager/secretary who shall later report in writing to the CEO and automatically the member suspected to have embezzled the funds or misappropriated the assets, shall be suspended in his duties for further investigations.
- b) If the results of the investigation show that the member indeed embezzled or misappropriated the assets, the manager shall report him/her to the CEO's office so NOT to be cleared at the end of the working period until the funds/assets embezzled and misappropriated respectively have been given back to the partnership.

Article XIII: Provisions for removal/ replacement of Officers

Section I: The grounds for removal of an officer shall be:

- (i). Abuse of office/power;
- (ii). Insufficient time for his/her position;
- (iii). Dereliction of duties;
- (iv). Conduct unbecoming an executive e.g., breaking partnership or community or country rules & regulations, embezzlement of funds and misappropriation of BE assets;
- (v). Assuming executive membership of other non-religious clubs.

Section II: Procedure for removal

- (i). any member may bring charges against an officer or any member in writings to the office of the secretary;
- (ii). these charges must be presented in a written form to the manager's office; for review and shall be copied to the management team through the secretary;
- (iii). If the Secretary determines that there are enough grounds, the charges will be brought before the management team's special meeting;
- (iv). Management team will review the charges and vote on the removal of the officer;
- (v). Removal from the office requires a 50% + 1 vote of the total registered member's population;
- (vi). before the removal procedure is carried out, the officer shall be notified (in writing) and must be given the option to be present during the procedure.

Article XIV: Amendments and Revisions

Section I: Procedures for amendments are as follows:

- (i). any member including management team member may propose an amendment/ revision to the constitution, in a written form;
- (ii). the amendment shall be reviewed by the general group at two consecutive meetings;
- (iii). the amendment shall be voted on at the second meeting;
- (iv). Passage shall be 50% + 1 vote majority of the total registered member's population;

- (v). If passed, the manager in consultation with the management team, shall appoint a task force to make proper amendments/revisions in the written constitution;
- (vi). The CEO shall be sent a copy of the amended/revised constitution for signing.

Section II: Interpretation

- a) The constitution shall be interpreted in good faith in accordance with but not limited to the lateral ordinary meaning given to the terms in their context in light of its object and purpose;
- b) The interpretation of the management team shall be binding unless successfully challenged by the majority (50% + 1) vote of the registered members population in the general meeting, upon which the matter shall be referred to an independent body comprising at least three individuals, which shall include the CEO, any legal expert appointed for the purpose by the meeting and any appointed member of the partnership whose interpretation shall be final and conclusive.
- c) When interpreting the constitution in writing, one shall write it for example as follows; Art.(V) S(II)(a)(i) and being read by the word of mouth as follows; Paragraph roman numeral one , Subsection 'a', Section roman numeral two Article roman numeral five.

Article XV: Constitution Principles

Section I: This constitution is founded upon the following underlying principles:

- (i). All persons responsible for the exercise of powers of the partnership, do so on trust and shall only exercise such powers to the extent of their lawful, and in accordance with their responsibilities to the members of the partnership.

(ii). All members of the partnership shall preserve and uphold the constitution and the rule of law and no member of the partnership shall stand above the partnership statutes and country's laws and regulations.

(iii). Save as otherwise provided by this constitution, the authority to govern derives from the BE members as expressed through universal and equal suffrage in elections held in accordance with this constitution.

Article XVI: Social Media Platforms.

- a) The partnership shall have different social media platforms that shall be used for the purposes of the partnership as follows:
 - i. Advertising partnership's services and goods.
 - ii. Communicating with the youth from all remote areas.
 - iii. Posting anything related to the business and anything from the partnership's products such as pictures of any product or property.
 - iv. Notifying the general public about the changes taking place in the partnership.
 - v. Posting vacancies in the partnership.
- b) The media platforms allowed to use by the partnership shall be as follows; WhatsApp, Facebook, X (Twitter), LinkedIn, Amazon, Telegram and all other official and legal platforms.
- c) The following positions shall be the ones to guide and authorize those social media platforms: The CEO, The Manager, The Secretary, The Treasurer and the Spokesperson (if applicable).

- d) All the remaining positions and members of the partnership shall sent the above acceptable posts as guided in (a) above to those authorized positons to post on the social media platform to avoid posting unnecessary posts.
- e) Languages allowed for the posts shall be native ones (Sena, Mang'anja and Chichewa) and English.

Article XVII: Dissolution.

Section I: The partnership shall come to an end at any time due to the following reasons:

- a) Failing to raise its money for more than 5 years since its birth.
- b) No any progress for more than 5 years since its birth.
- c) Having conflicts beyond its control.
- d) Willfully resignation of more than half of the total registered members.
- e) When all the members present in the partnerships voluntarily agrees to end the partnership.

Article XVIII: Acceptances

Section I: The acceptance of the members shall be as follows:

The members signed herein accepted and adopted the constitution on behalf of the whole partnership, henceforth all members and office Bearers shall abide by it.

1. Mr. Christopher Benson Soda Phiri.
2. Mr. Lucas Mashonga.
3. Mr. Misheck Nzondo.
4. Mr. Fanuel Soda.