



PACIFIC ORGANIC & ETHICAL TRADE COMMUNITY (POETCom) STATUTES

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The Pacific Organic and Ethical Trade Community is to serve as the regional peak body for the organics industry, to facilitate provision of services and advocate at the international level on issues that impact on the development of organics and ethical trade in the Pacific and at regional and national levels to reach the vision:

“Organics and ethical trade: the key contributor to sustaining our cultures and communities, improving farmer livelihoods, people’s health and the environment in the Pacific.”

1 Name and Seat

The name of the organization is “POETCom – The Pacific Organic and Ethical Trade Community”. It is not a formally constituted organization but is housed in the Secretariat of the Pacific Community, Land Resources Division (SPC LRD) Suva FIJI, which undertakes agreed legal requirements of POETCom activities on its behalf.

2 Purposes

The purpose of POETCom is to protect the culture, environment and people’s health and enhance livelihood opportunities by promoting organic agriculture and ethical trade.

Toward this end POETCom may provide, for example:

- the exchange of knowledge and ideas among its members and for the information for the public,
- representation in policy and administrative rule-making at national and regional level,
- the development and permanent revision of Standards for Production, Processing and Trading,
- the development and implementation of an organic guarantee system for the Pacific,
- develop a common generic mark to be used on products certified to the Pacific Organic Standard or equivalent standard if complying with certain rules.

POETCom pursues the public interest solely and directly. Its activities are benevolent only. It does not engage in activities primarily intended to accumulate capital. Its funds must be used exclusively for statutory purposes. Its members may not benefit from payments by POETCom, which are not covered by the scope of its purpose, or from payments which are disproportional.

3 Affiliation

There are three categories of affiliation with POETCom:

Focal Point (with voting right), **Member** and **Supporter** (without voting right).

Affiliation as member is open to organisations including but not limited to farmers and producer groups, processors, traders and consumers as well as to those engaged in research, education, training, consulting, certifying, promoting and advocacy that are permanently based and registered in the Pacific Islands.

All members must actively pursue POETCom’s objectives. The activities of members must be predominantly consistent with the statutory purposes and standards of POETCom. Members must be prepared to provide proof of compliance with the membership requirements.

The members of each national movement select or nominate through its own agreed process a member to affiliate to POETCom as their Focal Point. Focal points are responsible to represent the views and opinions of the national organic movement they represent. Organisations which do not meet the activities requirements for members may affiliate as supporters. Individuals may affiliate as supporters. The Advisory Board decides upon admission of members and supporters. It may expel affiliates that act against POETComs’ objectives or interests. Affiliates may cancel their membership by means of a written statement.

All disputes between POETCom and its affiliates related to affiliation status which may occur in the context of these

statutes or with reference to their validity will be finally decided upon, without the possibility of recourse to legal action, according to the arbitration processes of the Secretariat of the Pacific Community.

4 **Organs**

POETCom's organs are the General Assembly and the Advisory Board. The Coordinating Officer carries out their decisions.

5 **General Assembly**

A regular General Assembly is held every two years. It is announced in writing by the Advisory Board. General Assemblies must be announced three months in advance.

The General Assembly elects a Chair. Decisions of the General Assembly are recorded in Minutes, which are signed by one member of the Advisory Board, who was present at the GA. The refereed minutes shall be sent to each affiliate.

The quorum shall be established by at least 25 per cent of the members represented at the opening of the General Assembly. In case the General Assembly will not meet the established quorum of 25 per cent a call for a second General Assembly (subsequent assembly) with identical agenda has to be sent out together with the call for the General Assembly (primary assembly). No quorum will be required for the subsequent assembly. The subsequent assembly may take place one hour after and at the same place of the primary assembly. The simultaneous call for the subsequent assembly has to explicitly clarify that the subsequent assembly will have a quorum independent from the number of members represented.

The General Assembly votes by simple majority. Focal points have one vote each. Voting is open or by secret ballot, if so requested by one member.

POETCom focal points and the Advisory Board may submit motions to the General Assembly. Motions from focal points must be proposed to the Advisory Board at least 90 days before the session of the General Assembly. Motions must be sent out at least 60 days before the session of the General Assembly. Motions from the floor may only amend the aforementioned motions. Adopted motions must be implemented. Once adopted, the content of a motion can only be changed by a new motion at the next General Assembly.

6 **Ballot Voting**

The General Assembly or the Advisory Board may decide that General Assembly votes may be executed in writing and may be transmitted electronically; this includes votes for the election of an officer or board member. Votes may be cast in person, by mail, by fax, by email or by using an internet portal. The Advisory Board shall appoint a natural person to carry out the voting procedure. This person shall also convey the voting results to the voting members in a suitable form. Voting members shall receive the ballot as well as information about the deadline, address and method for submitting the votes at least 30 working days before the deadline for casting the votes. A vote is considered cast on the day it is delivered personally, deposited with the postal system as airmail, or sent electronically.

7 Elections

The Advisory Board consists of 5 members. Every regular General Assembly elects three Advisory Board members. Two standing Advisory Board members will be selected by the standing Advisory Board to maintain their seats for a successive term to provide for continuity and maintenance of institutional memory on the Advisory Board. Nominations for Candidacies must be received at least two months before the General Assembly and must be endorsed by two members. A presentation of the candidates must be sent to the members at least 30 days before the General Assembly. The Advisory Board chooses a Chair from amongst the elected members before the end of the General Assembly. The Advisory Board may co-opt up to two further Advisory Board members.

8 Advisory Board

The Advisory Board decides all issues not yet determined by the General Assembly. The Advisory Board establishes rules of procedure for the Advisory Board and the General Assembly, which are to be approved by the General Assembly. The Advisory Board Chair chairs and facilitates meetings of the Advisory Board but has no other executive functions. The Advisory Board may set up Working Groups, Committees, and regional or thematic task groups. It may also delegate specific tasks to such bodies or to individuals. The Advisory Board takes decisions by consensus or simple majority with at least half of the members present and by open vote.

9 Coordinator

The Advisory Board in collaboration with the Secretariat of the Pacific Community may appoint a Coordinator, and may install an office, which executes the decisions of POETCom's organs under guidance by the Advisory Board and the Secretariat of the Pacific Community, Land Resources Division.

10 Amendments, Modifications

The Advisory Board may unanimously pass provisional amendments of these statutes that remain in force until the relative decision is taken by the next General Assembly. Any such amendments have to be made known to all members at least three months before they are implemented. Any modification of the statutes proposed by the Advisory Board should be sent to the members not less than two months before the next General Assembly. A majority of two-thirds of the votes given is required to amend the Statutes.

11 Finances

The Advisory Board submits a financial report covering the period since the preceding General Assembly to every regular General Assembly. A budget and work plan covering the period until the next General Assembly is to be submitted to the General Assembly by the Advisory Board for approval.

When POETCom is terminated its remaining assets shall be transferred to the Secretariat of the Pacific Community or a public interest organization.