

INSTITUTIONAL TRAINING

Module 1.1: CONSTITUTION DEVELOPMENT AND/OR REVISION



ACKNOWLEDGEMENTS

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GENERAL TRAINING TIPS

Preparation:

- Prepare each session in advance and ensure all necessary materials and visual aids are available (use visual aids wherever possible to enhance your training).
- Be aware of local customs – remember to open and close the training day with a prayer and give due recognition to any traditional leaders present.
- Provide translation services where necessary (this will need to be arranged in advance – it may not be appropriate to ask a participant to translate).

General training and presentation guidelines:

- Use good time management to ensure every aspect of your training is completed – but take into account the possible need for translation and be prepared to slow down if necessary to ensure that all participants understand.
- Maintain good eye contact with participants.
- Speak clearly.
- Keep your training language simple and appropriate to your audience.
- Bridge one topic to the next.
- Provide clear instructions for activities and check to see if your instructions are understood.
- Where appropriate, summarise each component of the module.
- Avoid reading from this trainer's manual.

Visual presentation:

- Write clearly and boldly if using flipchart sheets.
- Keep your visual aids clear – avoid blocking participants' view of visual aids.

Involving the participants:

- Encourage questions and participation.
- Ask questions to get participants thinking about the topic and key issues.
- Keep the group focused on the task, but take breaks if participants are tired and losing concentration – be aware of body language.
- Be patient and courteous with all participants.
- Talk to your participants and not to the flipchart.
- Acknowledge the comments and feedback from participants.



NB: Where we wish to indicate that text in this module refers to an activity that training participants are expected to undertake, we have employed this little icon.



ABOUT MODULE 1.1: CONSTITUTION DEVELOPMENT AND/OR REVISION

OBJECTIVES: People who receive training in MODULE 1.1 will gain knowledge on:	<ol style="list-style-type: none"> 1. The importance and purpose of a constitution for conservancy governance 2. MET requirements and legislation regarding constitutions; components of a conservancy constitution and their purpose 3. Involvement of the community in constitution development and revision 4. The process for constitution revision and the role of different stakeholders 5. Communication of a constitution to the community, including translation and awareness raising
COMPETENCIES: People who receive training in MODULE 1.1 will be able to:	<ol style="list-style-type: none"> 1. Explain the role of the constitution in conservancy governance 2. Describe the constitution components 3. Understand the steps in the process of developing or revising a constitution 4. Explain the importance of communication in constitution revision
MODULE 1.1 is intended for:	Conservancy staff, the Conservancy Manager and the Conservancy Committee, including any representatives from villages/sub-areas in the conservancy
Duration of MODULE 1.1:	The training for this Module will usually last 2 days

To train this MODULE 1.1 you will need to have (enough for everyone):	Check
	✓
Copies of the 'Participants' Manual'	
Flipchart stand, sheets and different coloured marker pens ("kokies")	
Module 1.1 Handouts #1 – #2	
Prepared Flipchart Sheets #1 – #8 if you prefer to use them (can be laminated for duplicate use)	
Paper and pens for participants	

The training of this MODULE 1.1 will generally follow this schedule:

TOPIC 1:	The importance and purpose of a constitution for conservancy governance
TOPIC 2:	MET requirements and legislation regarding constitutions; components of a constitution and their purpose
TOPIC 3:	Involvement of the community in constitution development and revision
TOPIC 4:	The process for constitution revision
TOPIC 5:	Communication of a constitution to the community
SELF-ASSESSMENT:	Assessing participants' understanding of this Module: Revising the constitution



KEYWORDS and ACRONYMS for this MODULE

AGM	Annual General Meeting
CC	Conservancy Committee
constitution	The document in which basic laws and principles that govern the nature, functions, and limits of a conservancy are set out
MET	Ministry of Environment and Tourism, Namibia

NOTE TO TRAINERS/FACILITATORS: HOW TO USE THIS TRAINER'S MANUAL

This Manual provides a guide for delivering the training course for Module 1.1: Constitution Development and/or Revision. The Manual provides a step-by-step approach for delivering training on each topic in this Module. The training approach includes a mix of participatory activities and delivery of information to the participants. Instructions for these participatory activities are provided in the Manual. The Manual also indicates where trainers/facilitators need to have material prepared in advance and where they need to have Handouts ready to give to participants.

The Manual also provides essential information and messages that need to be conveyed to participants at each step of the Module. *This material is provided as a foundation on which the trainers/facilitators should build the delivery of the Module.* More detailed information and more examples that can be used in delivery are provided in the Participants' Manual, which will be provided to all course participants. Trainers/facilitators should familiarise themselves with the contents of the Participants' Manual. You will not be able to cover all the information that is in the Participants' Manual and in some cases you will need to tell participants to refer to their Manual for more details.

Sometimes, topics have been divided into 'sessions', with amounts of time allocated to them. These time frames are a guide only, and trainers/facilitators might need to adapt them as they deliver the Module.



INTRODUCTION

- 1** **LIST:** The **overall objectives** of the Constitution Development and/or Revision training module on a flipchart sheet (you may wish to prepare this in advance as Flipchart Sheet #1). Explain the objectives in detail.

Objectives of this workshop: you will gain knowledge on –

1. The importance and purpose of a constitution for conservancy governance
2. MET requirements and legislation regarding constitutions; components of a conservancy constitution and their purpose
3. Involvement of the community in constitution development and revision
4. The process for constitution revision, and the role of different stakeholders
5. Communication of a constitution to the community, including translation and awareness raising

- 2** **LIST:** The **competencies** of Module 1.1 by writing them on a flipchart sheet. To save time you may prefer to have Flipchart Sheet #2 prepared in advance.

People who receive training in Module 1.1 will be able to:

1. Explain the role of the constitution in conservancy governance
2. Describe the constitution components
3. Understand the steps in the process of revising a constitution
4. Explain the importance of communication in constitution revision

EXPLAIN: Our first topic considers the importance and purpose of a constitution in conservancy governance.

- 3** **DISTRIBUTE:** Give copies of the Participants' Manual to all people attending this workshop.




TOPIC 1: The importance and purpose of a constitution for conservancy governance

Session 1: Why does a conservancy need a constitution?

NOTE: The aim of this first session (*approximately 30 minutes*) is to get participants involved early on and to lay the foundation for future sessions by developing an understanding of why a conservancy needs a constitution.

1 **EXPLAIN:** Session 1, Topic 1 will focus on **developing an understanding of why conservancies need a constitution.**

2 Ask participants to state why they think a conservancy needs a constitution. Capture responses on a flipchart sheet under the heading 'Why does a conservancy need a constitution?'. 

3 **EXPLAIN** (using the responses of participants where appropriate): The following are the main reasons why a conservancy needs a constitution. (**NB:** Display prepared Flipchart Sheet #3, which you may prefer to create as a laminated poster):

Why should a conservancy have a constitution?

1. It is one of the steps required by MET before conservancies can register.
2. To meet the requirement for giving the conservancy legal status under Namibian law.
3. To show commitment towards sustainable wildlife management.
4. To explain clearly what the conservancy is about and how it will operate as a business.
5. To spell out clearly how the conservancy is to operate and be managed or run.
6. To state clearly the particular needs and objectives of a specific conservancy community.
7. To provide the conservancy with the appropriate legal status to enter into contracts with others (such as lodge operators or professional hunters).
8. To set procedures by which to resolve internal problems in a consistent, organised manner according to agreed-upon guidelines.
9. It is required by government if a conservancy wants to apply for tax-exempt status.



Session 2: The role of the constitution in conservancy governance

NOTE: The aim of Session 2 (approximately 45 minutes) is to develop:

- An understanding of what is meant by 'conservancy governance'.
- An understanding of the role of the constitution in conservancy governance.

1 **EXPLAIN:** Session 2 will focus on **developing an understanding of what we mean by 'conservancy governance' and an understanding of the role of the constitution in conservancy governance.**

2 Ask participants to think about what we mean by 'governance' in the context of a conservancy. Capture responses on a flipchart sheet under the heading 'Conservancy governance'.



3 **EXPLAIN** (using the responses of participants where appropriate): 'Governance' is about the use of power, authority and decision making, whether in Namibia as a country or in a conservancy. 'Good governance' is about **how** power, authority and decision-making are used, for example when power is used in the interests of the people governed. **Good governance in conservancies is guided by the following key principles** (NB: Display prepared Flipchart Sheet #4, which you may prefer to create as a laminated poster):

Principles of good governance:


1. **Broad representation** (gender, area, tribe, age, etc.) in decision making.
2. **High participation of all (men and women)** in decision making, with freedom of expression and association.
3. **Accountable and transparent management (e.g., finances, staff, assets, quotas, etc.).**
4. **Responsiveness of the Conservancy Committee** to conservancy members' needs.
5. **Effectiveness and efficiency of the Conservancy Committee** in producing results that meet members' needs while making best use of available resources.
6. **Clearly-defined roles and responsibilities.**
7. **Ethical standards and code of conduct.**
8. **Clear rules understood, agreed upon, and used by the majority,** and which are fair and enforced impartially.
9. **Accountable and transparent decision making by the Conservancy Committee and all other conservancy decision-making bodies.**



4 **EXPLAIN:** The following are some key points regarding good governance in a conservancy:

1. Good governance depends on the standards of behaviour of the members of the Conservancy Committee (CC), who should be acting in the interests of the conservancy members.
2. Good governance also depends on the standards of behaviour of conservancy members – they should act together in the interests of all members.
3. In addition, the conservancy members need to ensure that the CC remains transparent and accountable in its decision making.
4. In order to do this, conservancy members need to understand their rights, responsibilities, powers and obligations so that they can take an active part in conservancy governance. These rights, responsibilities, powers and obligations are contained in the conservancy constitution, which is one of the main tools for achieving good governance in the conservancy.

5 *Ask participants to state how they think the conservancy constitution can be a tool for good governance. Capture responses on a flipchart sheet under the heading 'The conservancy constitution and good governance'.*



6 **EXPLAIN** (using responses of participants where appropriate): A constitution lays out the rules for decision making in the conservancy and defines the relationship between the different structures and components of the conservancy. **(NB: Display prepared Flipchart Sheet #5, which you may prefer to create as a laminated poster).**

The conservancy constitution as a tool for good governance:

1. Clearly defines and distributes **roles and powers** within the conservancy structures, membership and staff.
2. Clearly stipulates the **procedures for accountability**.
3. Gives fundamental **rights** to all conservancy general membership.
4. Establishes clear mechanisms to ensure **transparency**.
5. Establishes opportunities and incentives for conservancy member **participation**.
6. Determines the procedure for deciding how **benefits** will be used.



7 **SUMMARISE/LINK:** In these two Topic 1 sessions we have looked at why a conservancy needs a constitution and we have considered the role of the constitution in conservancy governance. In Topic 2 we will look at the relevant MET requirements and legislation regarding conservancy constitutions, as well as key components of a constitution and the purpose of each.

Let's just go back and look at our objectives for this workshop to confirm that we are 'on track' so far (*refer back to the first flipchart sheet – or prepared Flipchart Sheet #1*). Does anyone have any questions before we move on to the next topic?



TOPIC 2: MET requirements and legislation regarding constitutions; components of a constitution and their purpose

Session 1: MET legal requirements for conservancy constitutions

NOTE: The aim of this first session (approximately 20 minutes) is for participants to understand the MET legal requirements for conservancy constitutions.

1

EXPLAIN: Session 1 in this topic will focus on **developing an understanding of the MET legal requirements for conservancy constitutions.**

2

Ask participants to refer to Handout #1 and discuss the contents together in detail. This may take some time.



Session 2: The key components of a conservancy constitution

NOTE: The aim of this second session of Topic 2 (approximately 20 minutes) is for participants to understand the key components of a conservancy constitution.

1

EXPLAIN: Session 2 will focus on **identifying the key components of a conservancy constitution** and the **purpose of each.**

2

Ask participants to refer to Handout #2 and discuss the Handout contents together in detail. In particular be sure to explain the purpose of each component. You may wish to give participants an opportunity to ask questions after you have described each component and its purpose.



EXPLAIN: The list of key components in Handout #2 is a standard set of things that must be covered by all conservancy constitutions.

1. However conservancies should add to this list any key issues that they wish to have included in their constitution.
2. Many of the problems with existing conservancy constitutions have arisen because conservancies simply used the template provided in the 'Conservancy Toolbox' in order to speed up their registration process. These conservancies are now finding there are several issues that should also have been included in their constitution, but weren't.
3. Some common problems in older constitutions are the following (**NB:** Display prepared Flipchart Sheet #6, which you may prefer to create as a laminated poster):



Common problems in older constitutions:

1. Vague or unclear language or provisions.
2. Non-compliance with MET legal requirements.
3. Meeting frequency not clearly stated.
4. Election processes not described/not understood properly.
5. Quorums too high to be attainable/not understood properly.
6. Unclear membership – who is a member, how does one become a member, what are the members' rights? etc.
7. Decision-making structures have changed over time (e.g., creation of sub-units) but not covered in the constitution.
8. Constitutions contain provisions that are not appropriate for a constitution and hinder decision making.
9. Constitutions not referred to.

4. When revising a conservancy constitution it is therefore important to think carefully about what needs changing and to take the necessary time to make these changes so the constitution becomes more appropriate and will be used as a reference in conservancy meetings.

3 EXPLAIN:

1. The MET's legal requirements for constitutions are primarily intended for emerging conservancies that are in the process of developing their constitutions.
2. However, any conservancy revising its constitution will also need to ensure that all the legal requirements are met. When revising a constitution, use Handout #1 as a checklist to ensure the MET requirements have been fulfilled in the revised constitution.
3. In addition, MET uses the provisions of the constitution when monitoring the ongoing compliance of conservancies with the conservancy legislation. MET personnel will check whether the conservancy has held:
 - a. An Annual General Meeting, as provided for in the constitution.
 - b. Elections of a Conservancy Committee, as provided for in the constitution.
 - c. An audit (if provided for in the constitution).






- 4** **SUMMARISE/LINK:** The two Topic 2 sessions looked at MET's legal requirements for conservancy constitutions and the key components of a conservancy constitution (and the purpose of each). In Topic 3 we are going to look at the involvement of the community in constitution development and revision. Let's just go back and look at our objectives for this workshop to confirm that we remain 'on track' (*refer back to the first flipchart sheet – or prepared Flipchart Sheet #1*). Does anyone have any questions before we move on to the next topic?

TOPIC 3: Involvement of the community in constitution development and revision

1 **EXPLAIN:** We will now look at the **importance of involving the community in constitution development and revision.**

2 Ask participants if they think it is important for the community to be involved in developing or revising a conservancy constitution. (Ask participants to explain why they think it important if they state this.)
 Capture responses on a flipchart sheet under the heading 'Community involvement in developing or revising the constitution'. If the following points did not emerge from the discussion, add them to the list on the flipchart sheet:

1. The constitution **defines the relationship between members and the CC**, so members should have a say in what this relationship should be.
2. It **defines the powers of the CC**, so members should have a say in defining these powers.
3. It **defines the powers of the conservancy members** and members should help define their own powers.
4. It **defines the procedures for transparent management of conservancy finances**, and members will want to make sure that proper financial management procedures are in place that ensure that CC members act in the interests of members.
5. It **defines how the conservancy budget** should be approved and how members should be involved in approving the budget.
6. It **makes reference to other policies and procedures by which the conservancy is managed, e.g., staff policy, assets, vehicle management, etc,**

NOTE: If the community are not involved, the CC members can take all the power for themselves.

3 **EXPLAIN:** All these points on the flipchart sheet provide strong reasons for involving the community in developing or revising the constitution.

4 **SUMMARISE/LINK:** This short topic considered the involvement of the community in constitution development and revision. The next topic looks at the actual process for constitution revision.



TOPIC 4: The process for constitution revision

1 **EXPLAIN:** We will now look at **the process for constitution revision**. We need to consider some key principles when planning how to revise a constitution. (**NB:** Display prepared Flipchart Sheet #7 which you may prefer to create as a laminated poster):

Key principles for revising a constitution:

1. The process for revising the constitution should aim to **involve as many conservancy members and stakeholders as possible**.
2. At the same time, the process needs to be **practical and affordable**.
3. When revising a constitution, the process used will need to be **a balance between as much involvement of members/stakeholders as possible and what can be done in the time available and with the available funds**.
4. The changes should be **within the legal framework** for conservancies.
5. The changes should **promote accountability and transparency**.
6. The constitution should contain things **that won't need to be changed again soon**, as it is a time-consuming and difficult process to make changes and get them approved by members.
7. **Detailed procedures** (e.g., for staff employment, use of vehicles and equipment, etc.) **should be developed separately** as these are often subject to more frequent change.
8. **The constitution should be understood by all**.
9. It should be **useable on a daily basis** by all.
10. It should be **'owned' by all**.
11. The constitution should be **accessible and available to all**.

2 **EXPLAIN:** We will now look at **steps in the process for constitution revision**. The following is a summary of the process. More detail can be found under Topic 4 in the 'Participants' Manual'. (**NB:** Display prepared Flipchart Sheet #8, which you may prefer to create as a laminated poster.)

NOTE: Use the information in the 'Participants' Manual' to explain the points on the following page in more detail.



Steps in revising a conservancy constitution:

1. **Assessment of conservancy needs** (this is necessary before you can carry out Step 2). You need to assess the following:
 - a. The nature of the problems the conservancy is experiencing with the constitution.
 - b. The changes needed to address these problems.
 - c. The extent to which members were originally involved in developing the constitution.
 - d. The resources available for carrying out the amendment process.
2. **Decide on the process for amending the constitution.** I.e., the Conservancy Committee and any external facilitators supporting the process should use the information gathered from Step 1 to adapt the process to the individual needs of the conservancy:
 - If the constitution has few problems and members have a good knowledge of the constitution, a quick update of the constitution can be carried out with an agreed level of member participation (but note that a quorum will still be required to make even minor changes).
 - If the constitution needs major changes, members are not aware of what is in the constitution and were not very involved in its original drafting, then the conservancy should consider using the full participatory process provided in the 'Participants' Manual'.
3. **Identify amendments** to the constitution using the process decided on in Step 2 above, but ensuring as much participation by members/stakeholders as possible:
 - a. Awareness creation and education at sub-area/village level (what is a constitution, its importance, contents, role of members).
 - b. Identification of gaps and proposed changes at sub-area/village level.
 - c. Conservancy meeting to discuss proposals from sub-areas/villages and agree on changes.
4. **Draft amended constitution** and carry out review. As part of the review, the draft constitution should be checked by a lawyer, either from a private firm or from the Legal Assistance Centre.
5. **Finalise new constitution.**
6. **Adopt new constitution** (at AGM or a General Meeting called for this purpose).
7. **Translate and circulate widely**, including a summary in everyday language.
8. Constitution **used by CC and members** – not sitting on a shelf and ignored!






- 3** **SUMMARISE/LINK:** Topic 4 considered the process for constitution revision. In the final topic we will look at the important process of communicating a conservancy constitution to the community. Let's just go back and look at our objectives for this workshop to confirm that we still remain 'on track' (*refer back to the first flipchart sheet – or prepared Flipchart Sheet #1*). Does anyone have any questions before we move on to the final topic?


TOPIC 5: Communication of a constitution to the community

1 **EXPLAIN:** We will now look at **communicating the revised constitution** to members.

2  Ask participants if they think it is important for the community to know and understand what is in the constitution. (Ask participants to explain why they think it important if they state this.) Capture responses on a flipchart sheet under the heading 'Communicating the constitution to the community'. If the following points did not emerge from the discussion, add them to the list on the flipchart sheet:

1. The constitution provides the rules and procedures for the operation of the conservancy, so members need to know these rules.
2. Members need to know the powers of the CC and the limits on those powers.
3. Members need to know their rights – for example, how they can remove CC members if they are not acting in the interests of members.
4. Members need to know what financial management procedures are required by the constitution, in order to make sure they are being followed by the CC.

3 **EXPLAIN:** We will now look at **some methods for communicating** the revised constitution to members:

4  Ask participants if they can think of some methods for communicating the constitution to the community. Capture responses on a flipchart sheet under the heading 'Methods for communication the constitution to the community'. If the following points did not emerge from the discussion, add them to the list on the flipchart sheet:

1. Translate the constitution into appropriate local languages and distribute as many copies as possible.
2. Develop a summary in everyday language, translate it into local languages and distribute it widely to members (have the summary checked by a lawyer against the main document before distribution to ensure the summary is accurate and will not cause problems).
3. Make sure copies of the constitution and the everyday language version are available at the conservancy office.
4. Make sure the traditional authority and the regional councillor have copies.



5. Visit your NBC language service and record a programme (or series of programmes) or have a call-in session about the constitution and the proposed revisions.
6. Arrange meetings with special stakeholder groups (such as the traditional authority, women's council or the youth group) to inform them about the constitution and discuss their queries.

5 **SUMMARISE/LINK:** This final topic considered the importance of communicating the constitution to conservancy members. We have now completed this training. The last thing that needs doing is a self-assessment activity relating to constitution revision, so that you can see how well you now understand the issues concerning constitution development and revision.

Before we do that, let's just go back one last time to look at our objectives for this workshop to confirm that we have covered all the training aims adequately (*refer back to the first flipchart sheet – or prepared Flipchart Sheet #1*). Does anyone have any questions?




SELF-ASSESSMENT: Assessing participants' understanding of this Module: Revising the constitution

1 **EXPLAIN:** The aim of this self-assessment activity is to enable you to use the knowledge and skills that you have received during this training to:

1. Draw up a list of the problems being experienced with your own conservancy constitution.
2. Use this list to develop an Action Plan for revising your conservancy constitution.

EXPLAIN: Participants from the same conservancy will work together on this activity in a small group. Each group should aim to develop an Action Plan for revising their constitution that balances the involvement of as many conservancy members as possible with the resources available for the revision process.

2 *Each group of participants should develop a list of problems relating to their constitution on a flipchart sheet. They should also formulate an*
 *Action Plan for revising their constitution on a separate flipchart sheet.*

3 **EXPLAIN:** You should keep your flipchart sheets safe and at the end of today, take them back to your conservancies. These sheets will be used as a starting point for the planning of the constitution revision process for your conservancy.

NOTE: *The trainer/facilitator for this workshop should monitor the progress of the groups during this activity and assist them where possible as this is not just an evaluation of what they have learnt, but what they produce needs to be useable when they return to their conservancies.*



List of Handouts that you should make available for this Module

MODULE 1.1, HANDOUT #1: MET legal requirements for conservancy constitutions

MODULE 1.1, HANDOUT #2: The key components of a conservancy constitution

All Handouts are one page only. Please make sure that you make enough copies for each trainee.

Please also ensure that you take the following document to each training workshop – enough for each participant to have a copy to keep:

- The 'Participants' Manual'



NOTES



