

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

1. Conservancy legislation

The *Nature Conservation Amendment Act* of 1996 is the legislation which provides for the establishment of conservancies. The Act states that an application for registration as a conservancy must be accompanied by a constitution. In addition, the constitution must provide for the sustainable management and utilisation of game in the conservancy.

2. The 'Regulations'

The Regulations that accompany the 1996 Act state that a conservancy constitution must provide for the following:

- a) **Conservancy Objectives**, which include the following:
 - Sustainable utilisation and management of game.
 - In accordance with a Game Utilisation and Management Plan.
 - The equitable distribution of the benefits derived from the sustainable use of game.
- b) **Procedure for election/removal of Conservancy Committee members.**
- c) **Conservancy Committee powers and responsibilities**, which will include power to enter into agreements relating to consumptive/non-consumptive game use.
- d) Provisions related to **holding of meetings such as:**
 - Conservancy Committee meetings.
 - Annual General Meeting (AGM) and General Meetings (GM) with conservancy members.
 - Recording of proceedings of any such meetings.
- e) **Criteria and procedure for member.**
- f) **Rights and obligation of members.**
- g) Procedures for the **equitable distribution of benefits.**
- h) Provisions for **managing finances**, including:
 - Appointment of Treasurer experienced in financial matters and bookkeeping.
 - Keeping proper accounting records and preparation of annual financial statements.
 - Opening of bank account in the conservancy name.
 - Procedure for determining the manner of appropriating derived income.
- i) Procedure for **dispute resolution.**
- j) Procedure for **amending the constitution.**
- k) Any other necessary matters.
- l) Signatures to the constitutions.

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

The following are the key components of a conservancy constitution. It should be noted that these are the standard components that should be covered in all conservancy constitutions. **Conservancies are encouraged to add any other issues to the constitution that they think important for their own requirements.**

- a) Contents page
- b) Preamble
- c) Definitions
- d) Conservancy Purpose or Objectives
- e) Operating Principles
- f) Conservancy membership:
 - Criteria for membership
 - Rights, responsibilities and powers of conservancy general members
 - Behaviour governing conservancy members
 - Termination of membership
- g) Conservancy structures:
 - Conservancy Management Committee and sub-committees
 - Conservancy Executive Committee (where appropriate)
 - Sub-structures (sub-units/villages/cluster/area) where appropriate
 - How sub-units are represented in the main Management Committee
 - Membership, roles and powers of the different level structures
 - Elections of the different level committees and representation
 - Disqualification of the different level committee members
- h) Meetings:
 - Members' meetings such as General Meetings (GMs), Extra Ordinary General Meetings (EGMs) and Annual General Meetings (AGMs) in light of the devolved structures and powers
 - Committee meetings for the different structures at the different levels in the conservancy
 - Quorums for the different meetings
 - Decisions that can be made at different meetings and levels
- i) Provision for vote of no confidence in the Conservancy Committee
- j) Financial management procedures
- k) Benefit distribution procedure
- l) Procedure for drafting and approving the conservancy budget
- m) Power to appoint staff, and supervision of staff
- n) Dispute resolution procedures
- o) Provision for and procedure for dissolution of conservancy
- p) Procedure for amendment of the constitution