



# CBNRM Governance Manuals

## CRB Constitutions



# Zambia Community-Based Natural Resources Management (CBNRM) Governance Manuals

## *What Members Need to Know About CRB Constitutions*

2023

Cover photo: Mike Gower (top); North Luangwa CRB elections, ILRG (bottom), verbal consent gained.

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# ACRONYMS

AGM	Annual General Meeting
CBNRM	Community-Based Natural Resources Management
CRB	Community Resources Board
DNPW	Department of National Parks and Wildlife
GM	General Meeting
GMP	General Management Plan
USAID	United States Agency for International Development
VAG	Village Action Group

# I.0 INTRODUCTION

The Wildlife Act No 14 of 2015 provides for local level governance structures to support the implementation of the Act and provides for Community Resources Boards (CRBs) to be formed from representatives from the Village Action Groups (VAGs).

The governance and operations of the CRB are determined by the Act and guided further by individual CRB Constitutions drafted before the CRB is registered and submitted with the application for registration as a CRB. The Constitution outlines the details of the operational rules by which the CRB will abide in line with their mandate in the Act.

A **Constitution** is a set of rules agreed upon by a group of people who have decided to govern themselves.

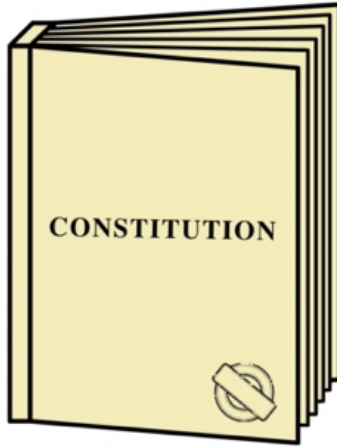
A CRB Constitution is the formal written agreement between all CRBs and their respective VAG members on how they will govern themselves and is the most important guiding document for the functioning of the CRB - it establishes the requirements for good governance. Every CRB member should be aware of the contents of the Constitution, and this should empower them to hold each other accountable for management actions.

Accountability and good governance can be promoted in CRBs if all members have access to the Constitution. Knowledge of the Constitution will enable the membership to monitor the governance actions of the Board and VAGs and hold them accountable.

## I.1 BACKGROUND

The Board supervises the day to day running and administration of the CRB by the Secretariat and is responsible for facilitating the implementation of decisions of the communities represented by the

VAGs in a Chieftdom through the Technical Sub-committees of the Board. The Board is elected through a democratic process every three years. The actions and decision-making processes of the Board are determined by the Constitution. As such, the Constitution is probably the most important governance tool that a CRB has.



## 1.2 CONSTITUTIONS AND GOVERNANCE

Constitutions are necessary for good governance because they:

- Establish the fundamental **rights** and responsibilities of all members.
- Distribute **roles and powers** amongst CRB members, committees, structures, officers, and staff and establish the limit of these roles.
- Describe the procedures for making decisions and for accountability of the Board to the members – provides for **accountability**.
- Establish systems and rules to ensure **transparency** of the actions of the Board.

- Establish opportunities and incentives for member **participation** in CRB activities.
- Set out the procedures by which the CRB implements and provides oversight to the decisions on how **benefits** will be used.
- Sets out rules for managing and utilising the natural resources upon which the CRB is based.

The Constitution should clearly define the limits of the powers of the Board and the powers of the members. For example, the budget and any amendments to the budget should be approved by members at an Annual General Meeting (AGM) or General Meeting (GM). The Constitution should also specify other issues that require approval of the membership.

The Constitution should provide guidelines for a transparent process for the election of the Board and VAG members at an AGM. In addition, it should clearly indicate how individual members of the Board and VAG can be replaced and under what circumstances (e.g. provision for a vote of no confidence).

The Constitution should address potential conflicts of interest in decision-making and distribution of benefits. These provisions in the Constitution may differ from one CRB to the next and will depend on local circumstances and partnerships in which the CRB is involved. However, the Department of National Parks and Wildlife (DNPW) provides guidance through a constitution templet.

The Constitution should provide for proper financial management including separation between the person who approves expenditure and the person who issues the cheques or makes payments. This is an essential component of good governance.

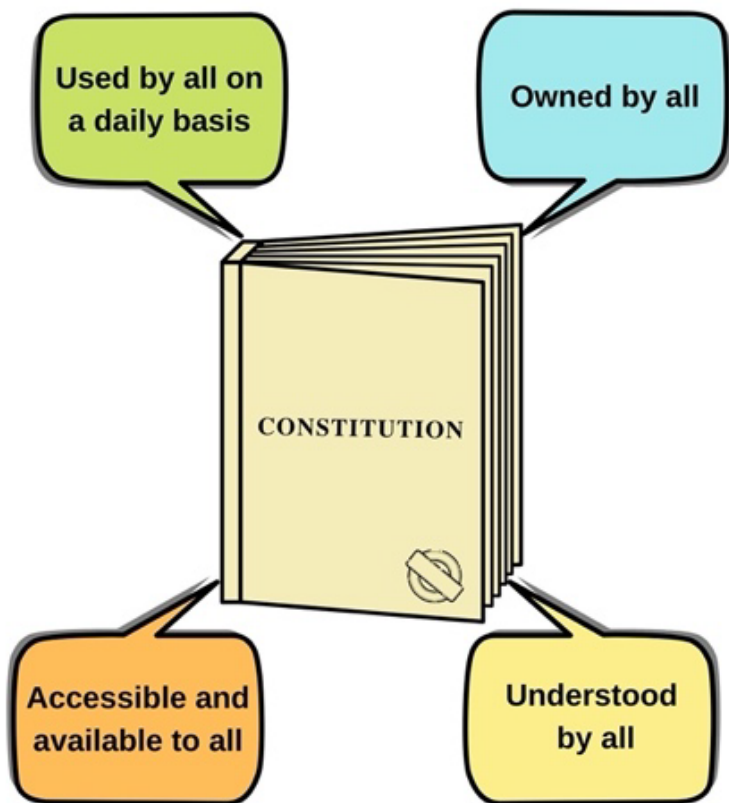
### **I.3 COMPONENTS OF A CONSTITUTION**

The CRB Constitution is one of the key documents that are submitted to DNPW. In practice the Constitution is submitted after

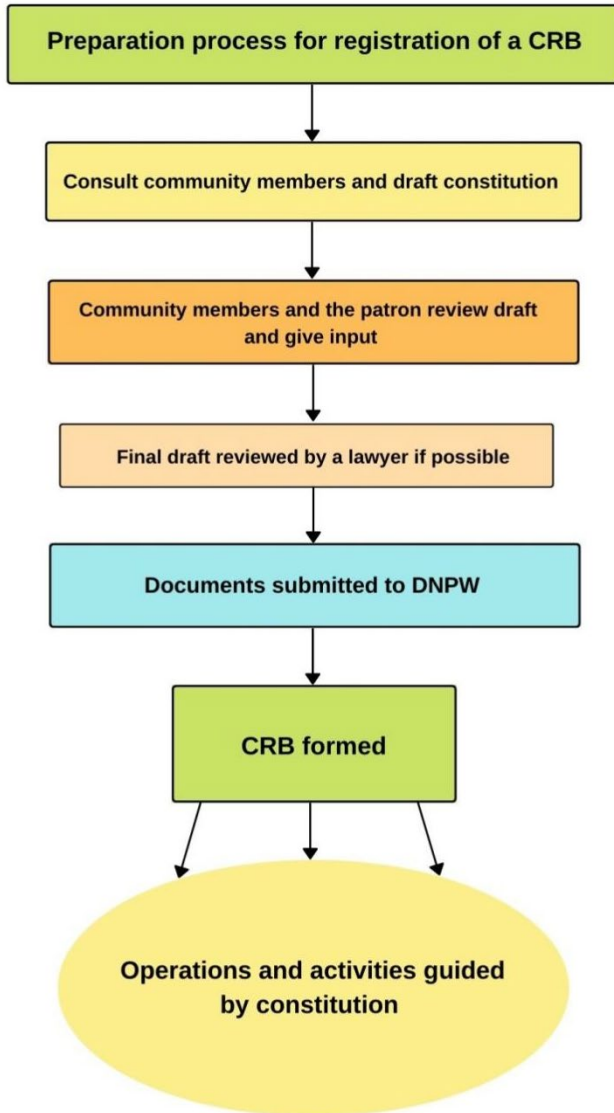


the CRB has been constituted. The CRB Constitution is subject to review by Patron, DNPW through Community-Based Natural Resources Management and Legal Units. A constitution should, among others, be made up of the following parts:

- A statement of the objective/s of the CRB.
- Procedures for decision making.
- Procedures for election and removal of members of the Board.
- Responsibilities and powers of the Board.
- Provisions relating to the holding of meetings.
- Criteria and procedures for committees.
- The rights and obligations of members.
- Procedures for equitable distribution of benefits.
- Provisions for managing finances.
- Procedures for dispute resolution.
- Procedures for amending the Constitution.
- Steps for reviewing the Constitution and obtaining expert legal advice.



## CRB formation process



## **I.4 AMENDMENTS TO THE CONSTITUTION**

The Constitution should not be easily changed. However, as the CRB develops, it may be necessary to make a few changes. Constitutions are living documents in that they should always include procedures for changing them.

Amendments can only be done at a properly constituted and properly convened AGM. A quorum must be present at the meeting. The Constitution may be amended by a vote of the number of members as indicated in the Constitution. The changes should be submitted to DNPW for their checking and review and for their records.

Since it is a lengthy and sometimes complicated process to make changes to a Constitution and get these changes approved by the membership, changes should be carefully considered and widely discussed before they are proposed. The Constitution should contain things that won't need to be changed again soon. The Constitution should not contain details that might change from year-to-year but should rather focus on rules that will apply in the long term.

**The Constitution formulation and amendment process is very costly since it requires adequate consultations with relevant stakeholders.**

# 2.0 IMPORTANT PARTS OF THE CONSTITUTION THAT MEMBERS NEED TO KNOW ABOUT

Every VAG member should know the contents of the Constitution of the CRB of which they are a part. While the Constitution may contain much detail regarding compliance to the standard operating procedures of DNPW, there are some essential parts that guide the operation of the CRB. Here are some of the parts of your CRBs' Constitution that you must make sure you know.

## 2.1 REQUIREMENTS FOR MEMBERSHIP

**Membership** means an individual joins a group of people who have formed an organization because they want to participate in shared activities.

The eligibility of a community member to the membership of the VAG is much more related to the period that a member has resided in that particular VAG for and exhibiting generally acceptable conduct in the community.

The VAG may provide its own guidance on how a new member in the VAG can be acceptable as eligible member of the VAG thereby making that member eligible to participate in VAG activities. Any member who wishes to become a committee member at the VAG level can do so by standing for election in an election year. Once elected, a member who wishes to relinquish the position can notify the Chairperson.

The Chairperson will advise DNPW in writing of the vacancy and request for appointment of a member to act on a vacant position until such a time that the community can re-elect a new member.

Any member who does not honour the CRB objectives, the Constitution and their obligations may have their membership rights suspended or withdrawn by the Board. Before suspending or withdrawing of membership rights, the rules of fairness will apply, and a member will be given the opportunity to be heard.

It is good practice for any CRB to maintain a membership register for each VAG and this should be updated yearly. The register should indicate the full name of the person, their date of birth and their gender.

Some Constitutions also document the rights and obligations of the CRB/VAG membership. A CRB may have specific obligations for membership and these obligations need to be described in the Constitution.

## 2.2 THE RIGHTS OF COMMUNITY MEMBERS

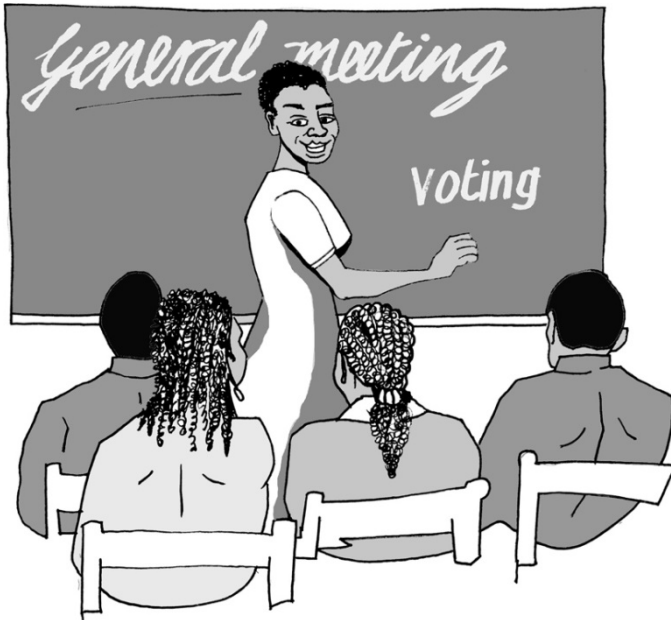
It is important to establish the relationship between rights and obligations - without fulfilling obligations, the enjoyment of rights may be threatened.

**Rights** are the powers or privileges that automatically come with membership.

The rights of community members include the right to:

- Attend, speak and vote at GMs;
- Request the VAG leadership to call for GMs;
- Elect members to positions within the VAG;
- Remove elected members who violate specified principles, by-laws, and procedures;

- Inspect the records, minutes, financial statements, asset register and membership list;
- Have equitable access to CRB benefits; and
- Propose community projects
- These rights will be further defined in the Constitution and additional rights may also be included.



### 2.3 THE OBLIGATIONS OF MEMBERS

**Obligations** are the required duties that come automatically with membership.

The obligations of members include the following:

- To support the objectives of the CRB;
- To support the implementation of the General Management Plan (GMP);
- To abide by the lawful decisions of the Board;
- To attend all AGMS and GMs;
- To know and exercise their rights and obligations as specified in their Constitution;
- To know and exercise their obligations to hold their elected members or paid staff accountable for properly managing the CRBs finances, and implementing the objectives, principles, procedures, by-laws and decisions of the CRB;
- To sanction members including suspension or termination of rights, and if necessary, the laying of criminal charges; and
- To follow and adhere to the Constitution and the GMP.





## 2.4 THE ELECTION OF THE BOARD

The Constitution should outline the procedures for election and removal of members of the Board. The Constitution should also outline the qualification of the candidates in the elections who should be members in the Chiefdom for a specified number of years.

The election of VAG Committees is held at the VAG level every three years. The VAG elections determine the VAG Chairpersons, Vice Chairperson, and other positions of the VAG Committee.

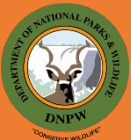
The CRB comprises of the Chairperson and in certain cases the Vice-Chairperson from each of the VAGs in the Chiefdom, along with the Chief's representative and a nominee of the local authority.

From VAG representatives to the CRB, members are voted into the positions or portfolios on the Board. These include the CRB Chairperson, the CRB Vice-Chairperson, Chairpersons of the various Technical Sub-committees. CRB members without positions in the Board may serve on various committees or sub-committees or may have special responsibilities assigned to them by the Chairperson.



### **3.0 CAN YOU ANSWER THESE QUESTIONS ABOUT THE CONSTITUTION OF YOUR CRB?**

- Can you name one of the objectives of the CRB?
- How many people are there on the CRB Board?
- What criteria does a person have to meet to become a VAG committee member?
- Are you a VAG committee member?
- Who represents the Patron (the Chief) on the Board?
- In which month is the AGM held?
- Who is responsible for preparing the annual Financial Report?
- What process is required to make changes to the Constitution?
- What quorum is required for CRB meetings?



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