

Best Practices #2.5:

Constitution





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1 Introduction

Management of your WMA is mostly dependent on the constitution that is tailored to suit your WMA's operations. A WMA cannot formally operate without it because it is a legal requirement by the government. The constitution lets the WMA have freedom to use different ways to get to its goals, but it also gives clear structure, guidelines, and roles that are to be followed by all individuals towards the development and pursuit of the WMA constitution.

Coordination of the WMA is completely reliant upon a constitution, this is why having a constitution for your WMA is legally required by the government according to the [Wildlife conservation act](#). The wildlife act also shows how to officially register the WMA through TAWA where the wildlife director analyses the criterion for the establishment of the WMA, later the director of wildlife files for approval and declaration of the WMA by Minister of Home affairs as a gazetted/registered WMA.



To be considered as a complete WMA constitution development process, there are a few checkboxes such as:

- A certified Copy of the Minutes of the Village Assembly Meeting endorsing the designation of a Wildlife Management Area.
- A duly completed Information Data Sheet in accordance with the Second Schedule of the Regulations.
- A certified copy of the Certificate of Registration of a Community-Based Organization.
- A Land Use Plan approved by the Village Assembly.
- A draft General Management Plan and a Resource Management Zone Plan

1.1 Why the constitution?



How do you manage the WMA without a constitution? It is very difficult to do so because without the laws and regulations in the constitution there would be no control on how things are done in the WMA, this makes it impossible to manage the WMA.

1.2 How to get a constitution?

Realizing the importance of having a constitution for your WMA, You might ask yourself how do you make a constitution for your WMA, By getting an expert/lawyer to help in the making of the WMA's constitution, he/she must make sure the constitution of the WMA follows the national constitution and the wildlife conservation act. The expert will make sure that the constitution covers all the aspects of



the WMA which means that the management of all the aspects of the WMA including finance, administration and other fields are properly looked out for.

2 Recommendations for Constitution Development

There are a few good practices in the conservation act of 2018 that we recommend you include in the constitution of your WMA. to make a competent and effective constitution these are the few things to put in the constitution such things include:

2.1 Establishment of a community-based organization and declaration of Wildlife Management Area.

This will help the WMA personnel know how to conduct official registration procedures for the WMA which take about three years, without proper procedures the WMA will not be recognized by the government. This practice will also help the WMA select the appropriate candidates for the Authorized Association which are largely responsible for decision making in the WMA, the wrong candidates will make development of the WMA difficult.



The Wildlife Conservation Act, section read:

“(2) A community-based organization established under sub-regulation (1) shall have a Constitution in the form set out in the First Schedule to these Regulations.”

2.2 Administration of wildlife Management Areas

Building up an administration for the WMA you need a constitution to help set up roles of the decided parties involved in the WMA. The constitution also sets qualification for the selection of all the administrative parties, this will help your WMA have the right people with the same vision which makes it easier to develop the WMA as a whole because there is a strong administrative system with better communication. By making sure every party in the WMA has put the interest of the WMA first the constitution guarantees a successful path for the WMA.



Elaboration of all the responsibilities of the parties involved in the administration of the WMA are explained in section 17 to 28.

2.3 Management of Wildlife Management Area

To control/manage the WMA you need a lot of tools, people and well-designed/drafted plans to make sure all the WMA resources are properly utilized/used. The constitution helps point out the right and legal tools and people and then directs on how the tools should be used and how the people who work



for the WMA should be treated. Here we also look at the user rights of the WMA on government/country's properties like wildlife to generate the WMA's income, how to obtain the user right and how it can be lost.



Section 29; Any person involved in the management of Wildlife Management Areas shall guarantee sustainable conservation and utilization of wildlife resources, safeguard the interests of traditional communities.

Section 31; explains preparation and approval of General Management Plan for the WMA and

Section 33; Monitoring of Resources of your WMA and the parties responsible for the supervision of resources.

2.4 Utilization of Wildlife Management Areas

You need to find a way to properly and sustainably use the resources of your WMA, the constitution creates grounds/means for you to utilize the available resources in an ecofriendly way without the violation of the wildlife conservation act. By providing different ways to generate income from all the resources available the constitution looks into all the possible ways of income generation to see if they are beneficial or not. Detailing the activities done in the WMA have different positive impacts such as attracting investors, monitoring illegal activities done in the WMA this improves the general advancement of the WMA.



Section 39-41; detail the Allocation and control of Quota for the WMA

Section 42-43; show the Utilization of Resources which are Non-Consumptive and Consumptive utilization.

2.5 Investments and Development of Wildlife Management Area

Having the future of your WMA in perspective is very important, the constitution helps to look ahead of all the operation of the WMA and possible ways of expansion in activities in all the fields of the WMA's operations. expansion and development of the WMA is possible through different means like foreign investors, donors, joint ventures and many other paths. By looking at all these possibilities the constitution helps to create a safety net for WMA in its pursuit for expansion. Through the creation of conditions for each of the means/ways of development/expansion the constitution ensures safety and progress for the WMA, because if these conditions are violated/breached the agreement between the interested parties and the WMA would be terminated/invalid.



Section 59. -(1) Any person intending to undertake any business investment shall seek authorization from an Authorised Association.

Section 59 (2) Where an investment and development in a Wildlife Management Area involves the use and occupation of land, the provisions relating to the management of village and

2.6 Dispute settlement and Conflict management in Wildlife Management Area

As the interaction of your WMA increases with other parties like shareholders, investors, NGO's and many other disagreements may arise, the constitution gives you a guide/solution on how to legally dissolve these disagreements on peaceful means. Fairness and equality are prioritized in the constitution, having a constitution will help you build and maintain relationships with the interested parties in the WMA.



Section 63. -(1) Where three quarters of members in an Authorized Association want to terminate their membership in an Authorized Association, a conflict will be deemed to have occurred and shall be referred to an arbitration process of a committee, tribunal or arbitrator, as provided for that matter under the Constitution and regard shall be on the process provided under the agreement in accordance with a respective Wildlife Management Area.

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2.7 Offenses and penalties

As the constitution is mainly laws set to govern the WMA, the breaking of these laws by an individual is often accompanied by consequences of the action. The constitution must have penalties and types of violations/offenses created according to the laws that have been broken. The type of punishment is dependent on the law that has been violated/broken; this helps to create discipline and respect in the coordination of activities in your WMA creating a conducive environment for the WMA.



Section 64; Except where it is otherwise provided, any person who contravenes any of the provisions of these Regulations commits an offence and is liable on conviction.

Section 64; also looks at the count of offenders to rule out the penalty.



2.8 Miscellaneous provision

Collectively look at all the important fields that make a functioning WMA, this helps you get a bigger picture of the WMA and decide what works for the WMA and what does not. Covers the general management of the WMA, by looking at the importance of financial management of the WMA the constitution provides basic guidelines that influence the financial direction of the WMA from financial policy formation to financial laws that protect the welfare of the WMA.



Section 66-(1) Benefit sharing in Wildlife Management Areas shall comply with circulars issued by the Government from time to time and shall adhere to mechanisms of equitable distribution of costs and benefits targeted at promoting wildlife conservation, enhancing economic development and poverty eradication.

The WMA's constitution should be reviewed and if there have been changes over time on the operation of the WMA as well as the Wildlife Conservation Act the WMA's constitution has to be updated. By reviewing the constitution, you get an opportunity to fix all the weak links that were not identified in the formation of the constitution. Giving you the opportunity to make the operation of the WMA smoother and more efficient.



Caution!

The constitution set rules on how to coordinate the WMA but it is not referred to as a tool to facilitate the management of the WMA and therefore it should not be included in the toolkit.

Recommended Reading.



- [Introduction to Constitution](#)
- [Sample Company Constitution](#)
- [Wildlife Conservation Act](#)
- [Sample Constitution for a Community Based Organization](#)
- [Impact of constitution on a company](#)