

10 Questions & Answers Compliance Monitoring (SOP)

Standard
Operating
Procedure



Ministry of Environment and Tourism

1. What is Compliance Monitoring?

- MET will be checking that each Conservancy is meeting 5 legal requirements
- “Compliance” means meeting requirements and “Monitoring” means checking.



2. What is a SOP - Standard Operating Procedure?

- SOPs are written instructions to MET staff on how to do a specific job.
- “Standard” means that the instructions must be followed by all staff in all regions every time they do that job.
- “Standard” instructions mean that all Conservancies will be treated the same, and that they can know beforehand, how and what will be done.

10. What can Conservancies do to prepare for Compliance Monitoring?

- Make copies of their current signed Constitution, give one to MET and study their own (especially about AGM, elections benefits and audits).
- Decide when to hold their AGM and notify MET regional staff. Study what notice and what quorum is needed for their AGM, and what reports or other decisions are required by their constitution (e.g. draft Budget, BDP).
- If elections are required, check carefully the procedures (e.g., are village representatives elected before the AGM?)
- Check what the benefit distribution procedure is in their constitution, and make sure that they follow it. Study what their BDP says.
- Study a copy of their Game Management & Utilization Plan, make sure they are following it, prepare a NRM Report if required by their constitution, and make sure they have sent MET their latest Wildlife Utilization Report.
- If an audit is required in addition to the Annual Financial Statement, begin right away to identify who will conduct that audit and contact them. For their Annual Financial Statement, make sure all their records are up to date with copies of their bank statements, etc.



2. STEPS for failing to provide a satisfactory Annual Financial Statement/audit; OR, if receiving an allegation of financial mismanagement
 - A. Issue Verbal Advisory to Chairperson (by Deputy Director) [30 days] *Request signed written statement of allegation [if appropriate]
 - B. Issue Letter of Inquiry to Chairperson (signed by Director) [60 days]
 - C. Issue Letter of Request for the accounting records (signed by PS) [30 days]
 - D. Facilitate a General Meeting (by the Director or representative) [60 days]
 - E. Issue a Letter of Warning (signed by PS) [60 days]
 - F. Advise the PS in writing (by Director) that the Conservancy is non-compliant
 - G. Conservancy must Report to Police any apparent misuse of funds for personal use

3. Why is MET doing Compliance Monitoring?

- In order to become a Conservancy, a community must meet specific requirements. Some, like having a map, or getting approval from the Regional Governor, only need to be done once, when submitting their application. But other requirements have to be met every year, such as holding an AGM and producing an Annual Financial Statement .
- Wildlife is a national asset, and MET has a legal responsibility to make sure that when it gives rights to communities to use and benefit from that national asset, that they continue to meet those requirements.
- Compliance Monitoring measures are put in place by MET to improve Conservancy management and to ensure the sustainability of the Conservancy programme.

9. Can MET withdraw recognition of a Conservancy?

- Yes, the Nature Conservation Amendment Act, gives the Minister the power to withdraw recognition after writing a letter to the Conservancy Committee, explaining the reason and giving them a chance to respond.

4. What are the 5 Key Requirements that MET is monitoring?

- Conducting the AGM each year.
- Conducting elections (if they are required that year by the constitution).
- Following the Benefit Distribution procedure in constitution, and BD Plan.
- Following the Game Management & Utilization Plan, including making the Wildlife Utilization Report.
- Producing Annual Financial Statements (& audits if required in constitution).

5. How did MET choose these 5 Requirements?

- They are all in the Nature Conservation Amendment Act, No. 5 of 1996.
- Meeting these will help make sure that Conservancies are successful.

8. What are the STEPS in Response Procedures - A & B?

(1) STEPS for failing to hold AGM, hold elections, follow BDP or

GMUP

- A. Issue Verbal Advisory to Chairperson (by Deputy Director) [30 days]
- B. Issue Letter of Inquiry to Chairperson (signed by Director) [60 days]
- C. Issue Letter of First Warning to Chairperson (signed by PS) [60 days]
- D. Issue Letter of Last Warning to Chairperson (signed by PS) [60 days]
- E. Advise the PS in writing (by Director) that the Conservancy is non-compliant



7. What happens if a Conservancy fails to meet any of the 5 Requirements?

- MET staff will follow the written Response Procedures in the SOP.
- Each STEP in the Response Procedure is on the direction of MET HQ.
- There are 2 sets of Response Procedures – (1) & (2)
(1): is for failing to meet AGM, hold elections, follow the BDP or the GMUP
(2): is for failing to produce Annual Financial Statement/ audit; or being reported for financial mismanagement.
- The STEPs are the specific actions MET will take if a Conservancy fails to meet any of the requirements.
- The STEPs are written so that MET staff will treat every Conservancy fairly; and so that the Conservancy will know what will happen STEP by STEP.
- The STEPs are taken only one after the other, and become more serious each time. Each STEP includes time for the Conservancy to work to meet the requirement.
- Meeting the requirements is the responsibility of every Conservancy, but MET and NGOs will try to assist if they can.
- If after going through all the STEPs (which take a minimum of 7 months), the Conservancy is still failing to meet the requirements, the Minister is given the decision to withdraw the recognition of the Conservancy or not.

6. How will MET do the Monitoring?

- Regional MET staff will open files on each of their Conservancies which will include their Constitution, Benefit Distribution Plan and Game Management and Utilization Plan.
- MET will check the Constitutions and ask each Conservancy when they will hold their AGM.
- MET staff will attend each AGM as Observers, recording whether the meeting was held according to the Constitution (notice, quorum, etc.), and collecting copies of documents (Reports, Annual Financial Statements, audits).
- If MET staff cannot attend the AGM, the AGM must go ahead, and MET staff will collect the documents and minutes later.
- MET will obtain signed minutes of the AGM and include these and other documents in an Annual Monitoring Report for each Conservancy.
- If any Conservancy fails to meet any of the 5 requirements, MET will then follow the Response Procedures in the SOP.

