

# Compliance Monitoring SOP Facilitators' Handbook

STANDARD  
OPERATING  
PROCEDURE



Ministry of Environment and Tourism

## **COMPLIANCE MONITORING [7]**

Introduction [7.0, 7.1]

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- Failure of the Conservancy to report to the Police are grounds on which the Minister may also use his discretion to withdraw recognition of the Conservancy

- D. Facilitate a General Meeting (by Director or representative)
- To address general members on the problem, Response Procedures & the responsibilities of Conservancy Committee & general members in solving the problem
  - The Director will give the Conservancy 60 days to meet requirement
  - The Conservancy should take responsibility for solving the problem, rather than the MET doing that & taking power away from the Conservancy
  - Regional MET Staff, TA, Regional Councillors & supporting NGOs should be consulted for their support
- E. Issue a Letter of Warning (signed by the PS)
- This STEP is taken if requirement is not met within 60 days of General Meeting
  - The MET should circulate copies of this Letter to the Chairperson, CC and general members as well
- F. Advise the PS in writing (by Director) that Conservancy is non-compliant
- This STEP is taken if Conservancy fails to meet requirement within 60 days of PS's Letter
  - At Minister's discretion, withdrawal of recognition of Conservancy may proceed
- G. Conservancy to Report to the Police any apparent misuse of Conservancy funds for personal use
- The Conservancy must report to the Police as they are required to be accountable for funds derived from game utilization. Failure of the Conservancy to report to the Police will indicate to the MET that the Conservancy is not an accountable institution and is not serious about deterring future misuse of Conservancy funds or upholding the laws of Namibia.

## INTRODUCTION [7.0, 7.1]

- Conservancy registration is dependent on meeting prescribed conditions
- Some of these conditions are not 'once-off' requirements but are recurrent
- MET is responsible to ensure that Conservancies continue to be compliant
- Standard procedures defend against charges of being 'arbitrary or 'unfair'
- Regular monitoring leads to high levels of voluntary compliance
- Compliant Conservancies will be more successful than non-compliant ones
- Responsible Conservancies will seek assistance to avoid de-registration

## **ROLE OF MINISTRY STAFF [7.2]**

### **Regional Staff**

- To annually monitor their Conservancies following the Monitoring Process STEPS
- To keep files of Annual Monitoring Reports & send copies to HQ Coordination Unit
- To notify HQCU of reported or suspected non-compliance
- To implement Response Procedures as instructed by Director

### **HQ Coordination Unit (HQCU)**

- To check that Regional Staff carry out their monitoring programme
- To read & file Annual Monitoring Reports received from Regional Staff
- To instruct Regional Staff via Director (STEP by STEP) to implement Response Procedures
- To inform the Director at each STEP of the Response Procedures
- To inform the PS that a Letter of Warning should be sent when a Conservancy fails to correct its compliance requirement

then they may write & sign such statement]

- Whoever is making the charge should state some evidence

[The following STEPS apply to both unsatisfactory AFS & allegation of mismanagement]

- B. Issue Letter of Inquiry to Chairperson (signed by Director)
- This Letter should request a written response within 30 days to either:
    - a) Confirm the problem & state what steps are being taken to correct the problem, & when this will be completed within 60 days; or
    - b) Deny the problem & present evidence of that fact
  - If the Conservancy confirms the problem as in (a), they should be asked if they currently have sufficient help (from MET, NGOs or accountant) or whether they need more help
- C. Issue a Letter of Request for the accounting records (signed by the PS)
- This STEP is taken if no response to Letter of Inquiry within 30 days, or
  - an unsatisfactory response is received (no commitment to correct in 60 days)
  - the requirements are not met within the 60 days [specified in B above]
  - The Letter should request delivery of the accounting records within 30 days
  - The Letter should also request a General Meeting be called on a specified date [within 60 days of this Letter] with the Conservancy Committee in attendance
  - A copy of the Response Procedures must be attached to the Letter

## 2. Response Procedures for failing to meet requirements for Financial Management [7.7]

The following procedures apply if:

- Conservancy fails to provide a satisfactory Annual Financial Statement, and/or audit; or if
- An allegation of apparent financial mismanagement has been received

[FOR FAILURE TO PROVIDE ANNUAL FINANCIAL STATEMENT AND/OR AUDIT]

### A. Issue a Verbal Advisory to Chairperson (by Deputy Director)

- Advise Chairperson which specific requirements are late
- Provide copies of Response Procedures to Chairperson
- Offer MET's assistance to help Conservancy meet requirements
- Advise Chair they should meet requirements within 30 days or Letter will follow
- Note the day time, place & witnesses to Verbal Advisory & put in file

[IF ALLEGATION OR REPORT OF FINANCIAL MISMANAGEMENT IS RECEIVED]

- Request signed written statement of allegation
  - This ensures that any investigation by MET can not be seen as arbitrary /unfair
  - If there is no signed written statement then MET should make no response
  - Even if allegation is made by MET staff, there must be a written signed statement. [e.g. If Regional Staff attended an AGM where the AFS did not satisfactorily account for funds,

## CHECKLIST OF KEY RECURRENT REQUIREMENTS [7.6, 7.7]

1. Holding the AGM [according to the constitution]
2. Conducting elections [if and as required by the constitution]
3. Following the benefit distribution procedure in constitution & as per Benefit Distribution Plan
4. Managing wildlife according to GMUP & providing Wildlife Utilization Report
5. Providing Annual Financial Statement (AFS)

## SOURCES FOR KEY RECURRENT REQUIREMENTS [7.3]

- Nature Conservation Amendment Act, No. 5, 1996
- Amendment of Regulations Relating to Nature Conservation, No. 304, 1996
- National Policy on CBNRM, March, 2013
- Nature Conservation Ordinance, No. 4 of 1975 (Section 31)
- Guidelines to Management of Conservancies & SOPs, August 2013

## MONITORING PROCESS STEPS [7.4]

- A. Set up & maintain a list of Conservancies in your area**
- Present copy of Checklist of Key Recurrent Requirements to each Conservancy Committee
  - Obtain a copy of each Conservancy's constitution
- B. Maintain a calendar for AGM dates for each Conservancy**
- Request each conservancy to notify MET of AGM dates so MET may attend
- C. Study each Conservancy's constitution before attending AGM**
- Note the quorum; BD procedure; & whether audit or elections are required, etc.
- D. Attend & Witness AGM**
- Note whether quorum was met; BDP procedure followed; elections held, etc.
  - Inform Chair that minutes must include the manner & results of Benefit Distribution
  - If MET cannot attend, AGM to proceed & MET to get documents later
- E. Request copy of Conservancy's GMUP**
- Check to see if GMUP is valid & meets requirements
  - If not – it must be reviewed & updated
- F. Compile indicator documents into Annual Monitoring Report & file**
- Write cover letter which states whether Conservancy is in full compliance or not
  - If not, specify which requirements have not been met
  - Send a full copy to the Director
- G. Request instructions from Director to implement Response Procedures for non-compliance**

letter) with the Conservancy Committee in attendance

- A copy of the Response Procedures must again be attached to the Letter

- D. Issue a Letter of Last Warning to Chairperson (signed by PS)**
- This Letter sent if requirements not met within 60 days of General Meeting
  - This Letter will advise the Conservancy it has a final 60 days to comply
  - MET should again offer to help along with any other partners if Conservancy invites
  - MET should circulate copies of this Letter to general members, Chair & CC

- E. Advise the PS in writing (by the Director) that the Conservancy is non-compliant**
- This Letter written if Conservancy fails to meet requirements by 60 days of PS's Letter of Last Warning
  - At the Minister's discretion, the withdrawal of the recognition of the Conservancy may proceed

## DETAILS OF SCHEDULE OF RESPONSE PROCEDURES

### 1. Response Procedures for failing requirements for AGM, Elections, BDP or GMUP [7.6]

- A. Issue a Verbal Advisory to Chairperson by Deputy Director
  - Advise Chairperson which specific requirements are late
  - Provide copies of Response Procedures to Chairperson
  - Offer MET's assistance to help Conservancy meet requirements
  - Advise Chair they should meet requirements within 30 days or Letter will follow
  - Note the day, time, place & witnesses to Verbal Advisory & put in file
- B. Issue Letter of Inquiry to Chairperson (signed by Director)
  - This Letter is sent if requirement has not been met by 30 days of Verbal Advisory
  - Specify requirements; date of Verbal Advisory & date when it must be met (specified date must be within 60 days of this Letter of Inquiry)
  - Offer assistance of MET to Conservancy to help meet requirements
  - Attach copy of Response Procedures to Letter of Inquiry
- C. Issue a Letter of First Warning to Chairperson (signed by PS)
  - This Letter is sent if Chair has not responded to Letter of Inquiry within 30 days; or no specific commitment has been made to correct the problem within 60 days; or the requirements have not been met by the date specified in the Letter of Inquiry
  - In this Letter of First Warning the PS will request a General Meeting be called on a specified date (within 60 days of this

## SCHEDULE OF RESPONSE PROCEDURES

Response Procedures for financial requirements are different than the other 4 Key Requirements (AGM; elections; BDP; and GMUP), so there are 2 sets of Response Procedures – 1 & 2:

### 1. Response Procedures for failing requirements for AGM, Elections, BDP & GMUP [7.6]

#### Summary Outline:

- 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 the Director) that Conservancy is non-compliant

### 2. Response Procedures for failing to meet requirements for Financial Management [7.7]

- 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 the PS) [60 days]
- F. Advise the PS in writing (by the Director) that the Conservancy is non-compliant
- G. Conservancy to Report to the Police any apparent misuse of Conservancy funds for personal use