

**REPORT OF THE 3RD SOUTHERN AFRICA  
COUNCIL OF NON-GOVERNMENTAL  
ORGANISATIONS (SADC-CNGO) CONSULTATIVE  
PLANNING WORKSHOP**

**HELD AT  
THE BOTSWANA CONFERENCE AND EXHIBITION CENTRE  
GABORONE, BOTSWANA  
4 - 6 FEBRUARY 1998**



<b>Funded by</b>	<b>The Southern Africa Regional Democracies Fund USAID/RCSA</b>
<b>Hosted by</b>	<b>The Botswana Council of Non Governmental Organisations (BOCONGO)</b>
<b>Facilitated by</b>	<b>Morongoe Ntloedibe Disele</b>
<b>Report Prepared by</b>	<b>Christopher Adjah, Integrated Resources Development Consultants</b>

## TABLE OF CONTENTS

### SECTION ONE

#### OPENING CEREMONY

1 1	<u>Welcome and opening remarks</u>	1
1 1 1	The objective of the workshop	1
1 2	<u>Background to and objectives of SADC-CNGO</u>	1
1 2 1	Introduction	1
1 2 2	Relationship between SADC-CNGO and SADC	2
1 2 3	Objectives of SADC-CNGO	2
1 3	<u>Official opening</u>	3
1 4	<u>Vote of thanks</u>	4

### SECTION TWO

#### PRESENTATION OF WORKING PAPERS AND GROUP DISCUSSIONS

2 1	<u>The draft constitution</u>	5
2 1 1	Name and Legal Status	5
2 1 2	Membership	6
2 1 3	Location of Secretariat	6
2 1 4	Governance Structures	7
2 1 5	Elections	7
2 1 6	Objects of the Council	8
2 1 7	Obligations of Members	8
2 1 8	Rights of members	9
2 1 9	Adoption of Constitution	10
2 2	<u>Strategies that could sustain the SADC-CNGO</u>	10
2 2 1	Structures	11
2 2 1	Failure of SADC-CNGO to take off	12
2 2 3	Problems	12
2 3	<u>Staffing and conditions of service for SADC-CNGO</u>	14
2 3 1	Comments from Delegates	14

### SECTION THREE

#### THE WAY FORWARD

3 1	<u>Regional Council</u>	16
3 2	<u>Host Country</u>	16

3 3	<u>Election of Office Bearers</u>	17
3 4	<u>Plan of Action</u>	17

## SECTION FOUR

### OFFICIAL CLOSING CEREMONY

4 1	<u>Information By The SADC NGO Desk Office</u>	18
4 2	<u>Office closure by USAID/RCSA Director</u>	20
4 3	<u>Comments from Delegates</u>	21
4 4	<u>Vote of Thanks by the Co-Director PACT/IRCE</u>	22
4 5	<u>A Final Note from Delegates</u>	22

## SECTION FIVE

### WORKSHOP RESOLUTIONS AND IMMEDIATE ACTION ITEMS

5 1	GOVERNANCE STRUCTURES	24
5 2	SECRETARIAT	25
5 3	CONSTITUTION	25
5 4	REGISTRATION	25
5 5	CHIEF EXECUTIVE	26
5 6	PROGRAMME AREAS	26
5 7	LABOUR POLICY	26
5 8	MONITORING MECHANISMS	26
5 9	MEMBERSHIP	27
5 10	SUSTAINABILITY	27
5 11	SADC	27
5 12	PLAN OF ACTION	27

## ANNEXES

ANNEX ONE	SADC-CNGO Constitution	29
ANNEX TWO	Staffing and conditions of service	35
ANNEX THREE	Strategies that could sustain SADC-CNGO	49
ANNEX FOUR	Official Opening Speech by Mr L B Monyake	57
ANNEX FIVE	List of participants	60

# SECTION ONE

## OPENING CEREMONY

### 1 1 Welcome And Opening Remarks Mr Agreement Tamuhla

The Executive Secretary of the Botswana Council of Non- Governmental Organisations (BOCONGO), Mr Agreement Tamuhla, welcomed delegates to the **3rd SADC Council of NGOs Workshop**. He acknowledged the presence of Mr Ozias Tungwarara from the USAID/Southern Africa Regional Democracy Fund which have funded the workshop. He also apologised for the late sending of PTAs.

He informed the workshop that the Deputy Executive Secretary of SADC, Mr Monyake, would conduct the official opening, since the Executive Secretary, Dr K Mbuende, could not perform the official opening due to unforeseen circumstances.

He went on to urge delegates to use the workshop platform to share ideas and roll up their sleeves to make the Southern African Development Community - Council of Non- Governmental Organisations ( SADC-CNGO) a success.

#### 1 1 1 **The objectives of the Workshop were**

- To present, discuss and adopt the draft constitution of the SADC-CNGO
- To present and discuss strategies/ways to sustain the council
- To present and discuss possible programme areas for the council
- To present and discuss staffing requirements and conditions of service for SADC-CNGO
- To develop a Plan of Action for the SADC-CNGO

Delegates were invited to observe a minute of silence in memory of Mrs Cecilia Mwansa the Executive Secretary of Zambia Council of Social Services who passed away in late December 1997. The deceased was actively involved in formative stages of the SADC-CNGO and had always been a keen civil society activist. She is survived by her husband and their five-year-old child.

### 1 2 Background To And Objectives Of SADC-CNGO Mr Phillip Makgalemele

#### 1 2 1 **Introduction**

Mr Makgalemele began his presentation by welcoming the delegates to the workshop and to Botswana. He briefed the delegates that SADC-CNGO a regional body of NGOs in Southern Africa was established at the Conference of the SADC Council of NGOs held in Johannesburg from 17 to 21 July 1995. During that same conference the NGOs agreed to the establishment of the SADC-CNGO Secretariat to be based in Gaborone and initially housed by the Botswana Council of NGOs (BOCONGO).

The Secretariat was to be headed by an Executive Director. The conference also established a policy making body called the Committee of National Representatives (CONARE) consisting of two representatives selected by each country through a national umbrella body. All national NGOs were requested, where they had not done so, to establish national NGO umbrella bodies to coordinate national NGO activities and to become the main link with the SADC-CNGO Secretariat. Membership of individual NGOs to SADC-CNGO was to be organised through national umbrella bodies. The conference agreed that the national umbrella bodies would be responsible for raising the financial resources for the activities of the SADC-CNGO and its institutions.

### **1 2 2 Relationship between SADC-CNGO and SADC**

With the establishment of the Southern African Development Community (SADC) through a Treaty signed by Heads of States or Governments of ten Southern African Countries in 1992, it was stressed that SADC shall seek the full involvement of NGOs and the peoples of the region in the process of regional integration. The SADC Secretariat organised the Windhoek NGO Conference in 1994 as a follow up initiative to broaden participation in the integration process, by bringing into the community building process, structures outside governmental bodies. During the Windhoek and the Johannesburg Conferences, NGOs agreed that there was a strong case for acting regionally and for establishing a regional NGO body to coordinate their interventions and their collaboration with SADC institutions.

### **1 2 3 Objectives of SADC-CNGO**

The initial objectives of SADC-CNGO were the following:

- a) Advocating for a better enabling environment for NGOs at national and regional levels
- b) Representing NGO interests at meetings of SADC institutions
- c) Collecting and disseminating information on the activities of NGOs throughout the region in order to influence national and SADC policies
- d) Identifying jointly with SADC structures and governments areas that may be best tackled by NGOs, even where NGOs have to use resources raised by or through governments
- e) Providing a forum for regional NGOs to develop common positions, activities and practices for improving NGO effectiveness and efficiency
- f) Facilitating the process of sharing information and experiences among NGOs
- g) Preparing position papers on issues relating to the abuse of human rights, corruption, political victimisation etc for consideration by the SADC Council and Summit
- h) Collectively petitioning governments on issues of vital importance to NGOs

The formation of the SADC Secretariat and implementation of the plan of action drafted in Johannesburg in 1995 did not all go well. The committee chosen to see the smooth formation of the SADC-CNGO and the implementation of the plan of action did not meet since then. He informed the delegates that the purpose of this particular workshop was

to carry on from where we had left in Johannesburg in 1995

**1 3 Official Opening Speech Deputy Executive Secretary of SADC, Mr L B Monyake**

The Deputy Executive Secretary, Mr Monyake indicated that he felt honoured, on behalf of the Executive Secretary, to have been invited to conduct the official opening of the 3rd SADC-CNGO Workshop

According to Mr Monyake, SADC countries continued to attach great importance to the role and contribution of the Civil Society and Non Governmental Organisations in the process of regional integration. One of the guiding principles of the process of integration in our region, he said was effective participation of all the stakeholders. Experience in many parts of the world, especially in Africa, have shown that integration schemes designed by politicians and government officials with little or no involvement of interested parties in civil society have not been successful.

He emphasised that SADC was avoiding the pitfall by involving not just government departments, but also the business community, labour movement, NGOs, professional organisations and academics in the debate about SADC and regional integration issues. This has been done through community building workshops and seminars that have been convened at both national and regional levels. The interest response and enthusiasm shown by the stakeholders participating in these events have been impressive. As a result, stakeholders feel they are part and parcel of the integration process. In the light of the above, he commended the SADC-CNGO concept paper to be in line with SADC spirit of integration as reflected in the SADC Treaty of 1992.

He encouraged that the theme of the concept paper was a very important one, which other organisations should copy. Any organisation that is started should be sustainable. Basic to that sustainability was the dedication of the membership to sustaining the organisation and its programmes.

Confirming the commitment of SADC to working with NGOs, Mr Monyake said that "SADC is eager to benefit from NGOs innovative, flexible and responsive approaches to development issues including grassroots involvement in the development process and activities. The contribution of NGOs in SADC region, he noted, was most noticeable in a number of areas such as:

- a) Community based natural resources management and environmental conservation
- b) Education and vocational training
- c) Gender issues especially the plight of the girl child and women empowerment
- d) Primary health care and the risk of HIV/AIDS
- e) Sustainable agriculture and small-scale enterprise development

From the SADC-CNGO objectives, one could not but conclude that the NGO community in the SADC region was indeed responding to the challenge set out in the SADC Treaty (Article 23) that commits member states

*to fully involve, to cooperate with and to support the initiatives of the peoples of the region and NGOs in the community building process*

He lamented the uncoordinated efforts by the NGO community and could only hope that the formation of SADC-CNGO will result in effective and full participation by NGOs in SADC activities, especially that the overall legal and political environment has already been made conducive

Besides, the issue of the sustainability of SADC-CNGO, the Deputy Executive Secretary felt that other areas that deserved equal attention during the workshop were NGO accountability, transparency and partnership with governments

The Deputy Executive Secretary further urged the participants to come up with a Plan of Action, indicating among other things what has to be done, by whom, and by when. He suggested that the lack of a clear Plan of Action, could have been one of the major factors that hampered progress in implementing the Johannesburg initiative

He concluded, by reaffirming SADC's commitment to the continued involvement of NGOs in the process of integration and community building

#### **1.4 Vote of Thanks Workshop Participant, Mr Victor Chisi**

In giving the vote of thanks Mr Chisi thanked the Honourable Deputy Executive Secretary of SADC for making himself available to conduct the official opening of the 3rd SADC-CNGO workshop. He also thanked the Deputy Executive Secretary for the words of wisdom and encouragement carried in his speech

He indicated that the civil society, was comfortable with the mission to make SADC-CNGO a reality because whilst it was initially an independent thrust as far back as 1992, the moral booster from the SADC Treaty of 1992 in which the role of civil society in the SADC integration process was clearly enunciated. It was pride Mr Chisi noted on the part of the participants that SADC recognised that civil society reaches the grassroots and has a diversity of critical skills, and was capable of initiating and stimulating development.

We feel strongly that as a matter of right, civil society's basic sustainability should be guaranteed by our own governments through the provision of necessary funds from national coffers

While NGOs appreciated the efforts by SADC to ensure an enabling environment at the macro level by enunciating the necessary policies, Mr Chisi suggested that a lot was still to be done in a practical way at the national level through serious engagement of civil society in the processes of policy formulation and implementation

Mr Chisi concluded by pointing out that it was the serious intention of the workshop participants to make SADC-CNGO a reality and to allay any fears that civil society cannot put its act together and was therefore not easy to consult particularly at SADC level

## SECTION TWO

### PRESENTATION OF WORKING PAPERS AND GROUP DISCUSSIONS

#### 2 1 The Draft Constitution Mr Ramashia Ramashia

Mr Ramashia Ramashia, the originator of the draft constitution, presented it to the plenary After his presentation the plenary was divided into groups to discuss the issues as presented below

- Issue No1 Name and legal status Where does the council derive its legal status? Is there any legislative or legal political framework/document within the region from which the council derives its legal status? Is it derived from common law?
- Issue No2 Institutional links with national and regional SADC political structures and institutions This should be discussed in the light of the need for autonomy
- Issue No3 A follow up on the Memorandum of Understanding(MOU) which is supposed to have been developed and signed between NGOs and SADC Heads of States following the Johannesburg meeting It would be useful to study it and to make use of it in the preamble Mr Makgalemele was to act on the issue of the MOU
- Issue No4 The Secretariat – its location and form should it be on a fixed or rotational basis
- Issue No5 The objects of SADC-CNGO
- Issue No6 and clearly stated provisions on the following areas
- 1 Preamble which captures the historic milestones issues of transparency and accountability
  - 2 Procedures for Arbitration
  - 3 The process of the development of Code of Ethics
  - 4 Individual and Collective Obligations
  - 5 Rights of Members
  - 6 Disposal of Assets/Liabilities in the event of Dissolution
  - 7 Mechanisms for election and voting – whether it is the individual representative who is involved or the country

#### GROUP PRESENTATIONS ON THE CONSTITUTION

##### 2 1 1 Name and Legal Status

The name SADC-CNGO was upheld because it gives recognition to NGOs and commits

SADC not only to work with NGOs, but to allow NGOs to participate in SADC structures SADC countries have recognised the pressure from NGOs and have acknowledged that recognition, through the SADC Treaty of 1992

### **2 1 2 Membership**

The provisions in the draft constitution were considered adequate However, regional networks operating in about 60% of the SADC member states, would be accepted as associate members ( i e IRED, MWENGO, SANASO, WLSA, SAHRINGON, etc ) Associate members have observer status on the Governance Structures of SADC-CNGO ( i e Executive Committee, Regional Council and the Regional Assembly)

The issue of national representation to the Regional Assembly should be dealt with at national level, and process used should be democratic Procedures should be put in place to ensure that country elections are carried out through fair, transparent and democratic means and that representatives are accountable to their respective country constituents/ stakeholders Countries with no coalitions/ umbrellas and /or have more than one coalitions/ umbrellas are encouraged to form one

All members including associate members, pay subscriptions/fees as may be decided by the Regional Council and there should be a penalty for non-payment of the prescribed subscriptions/fees Such penalty should also be dealt with in the constitution

It was also agreed that **Career Politicians and Government Employees** are not eligible for nomination/ election to the Regional Council and Executive Committee It was also explained that people serving on the Executive Committee and the Regional Council serve in their individual capacities The provisions for Acquisition of membership and for Membership Fees were also considered adequate On the issue of loss of membership delegates suggested an addition that, civil society should be allowed continued membership of SADC-CNGO even if a country loses its membership of SADC

### **2 1 3 Location of Secretariat**

It was agreed that the Secretariat should rotate on a five year basis unless the secretariat can be moved before the end of the five-year period due to non-performance or other country specific situations, which may emerge

Delegates stressed the need to seek for a balance between logistical considerations involved in moving and rotating the secretariat and the need to give each member the chance to host the secretariat Participation and democracy should not be sacrificed and efforts should be made to come up with innovative ways of coping with the logistical issues related to rotation Delegates stressed that by decentralizing and contracting out programs and activities to member countries SADC-CNGO should be able to operate efficiently on the rotational basis Institutional memory would be vested in the stakeholders and members through their participation

The host country and host organization it was agreed should contribute to the logistics

of the Secretariat Delegates agreed that the conditions in the country should meet the criteria before any country is given the chance to host the Secretariat The criteria was set as follows

- Ease of communication – air, rail, road, phones, fax, e-mail
- Ease of entry into the country – visa/permit requirements not too stringent, and accessibility
- Tax exemptions and other facilities extended to the Council
- Human rights and democracy issues and Emergent issues

In order to create some sort of immunity, it was resolved for strategic purposes, that the Secretary General of SADC-CNGO should not come from the host country In addition to other qualification and experience, delegates stressed the need for a reputable person, who is politically sensitive and understanding

It was felt that it is important to develop an adequate performance management system and instruments to measure performance of the Secretariat so that the Secretariat's (non-) performance should not be confused with that of the country Delegates agreed that macro issues of a country should not cloud the evaluation of the performance of the secretariat

Delegates agreed that contracts should be fixed for three year however the Executive Committee should work out the details of such contracts including provisions for renewals

#### **2 1 4 Governance Structures**

It was stressed that at the end of the day what is needed is an appropriate structure, which is democratic allows participation and is flexible enough to respond to the needs and emergent situation of the council

The governance structure as proposed in the constitution was maintained It was actually felt that the structure was democratic enough and allows every SADC member country to participate in SADC-CNGO however the seven meetings per annum were cut to four to avoid unnecessary costs

It was agreed that the Regional Assembly comprising of three representatives per member country will meet once every two years The Regional Council comprising one representative per country will meet once a year while the Executive Committee, comprising of seven members will meet twice a year The Executive Committee will be elected by the Regional Council The Executive Committee shall work directly with the Secretariat The workshop noted that it was desirable that the Executive Committee should comprise people who are members of the Regional Council

#### **2 1 5 Elections**

Umbrella organizations in the different member countries must organise elections for

Regional Council representatives Regarding rules for holding elections and the need for an electoral committee for the Executive Committee elections, the Regional Council will formulate its own election rules

### **2 1 6 Objects of the Council**

The objects for SADC-CNGO were reviewed by the workshop delegates and modifications made accordingly (see **Annex One** for adopted objects of the constitution) An additional object was added and it reads as follows “Encourage better NGO coordination at national level”

### **2 1 7 Obligations of Members**

A task force established by the workshop formulated the following obligations of members, which were adopted

Members of SADC-CNGO are obliged to

- a Regularly distribute information about the activities of the SADC-CNGO to their national membership
- b Consult with and represent views of their membership on administrative and policy issues arising in council meetings
- c Raise understanding and knowledge of their membership and the public on SADC-CNGO programs for example through seminars, meetings, and research papers on regional integration
- d Collaborate with each other in organising region wide lobbying and advocacy activities to build partnerships with civil society actors and NGO networks working at the regional level
- e Institute dialogue with national governments SADC sectors and organs on policy issues which are of concern to NGOs
- f Keep an updated calendar of activities of SADC and arrange for timely interventions To regularly analyse and critique SADC programs from the perspective of poverty alleviation social and environmental development and citizen’s empowerment
- g Submit a written report at each council session on progress made in implementing agreed actions as well as general issues relating to events in national NGO sectors and submission of annual reports
- h Assist the secretariat actively in maintaining a regional database of member NGOs

- i Contribute to the financial stability and sustainability through timely payments of annual membership fees
- j Organise, at national level, election of delegates to the Regional Assembly and of Regional Council representatives
- k Provide support to the Secretariat - individually and or collectively, as and when needed
- l Provide annual reports

## 2 1 8 Rights of Members

Another task force of the workshop worked on the issue of rights of members and tabled the following,

### Observations

- a That the Constitution should make provision for a procedure of calling and holding extra ordinary General Meetings when requested by a simple majority plus one of members
- b That this right applies to all members that are both full and associate members Except that Associate members do not have voting rights and cannot participate in decisions on representations to the three structures of the organization

Members also have a right to

- a Deliberate on constitutional matters for the SADC-CNGO
- b Participate in all business meetings for the SADC-CNGO and its subsidiaries
- c Present their views without undue influence
- d Make decisions on representations to the Regional Assembly
- e Access and receive any information of their choice that SADC-CNGO may hold
- f Vote on issues/matters of the business regarding the SADC-CNGO when the need arises
- g Withdraw any decision that they may have made on issues affecting the business of the SADC-CNGO
- h Participate in forums other than those for the business of the SADC-CNGO

- i Uphold self/own organisational mandate at any time within and outside SADC-CNGO
- j Apply self-censorship to avoid activities that may lead to conflict of interests

**Associate Members**

- a Deliberate and participate on constitutional matters for the SADC-CNGO at the Regional Assembly
- b Present their views without undue influence
- c Make decisions on representations to the Regional Assembly
- d Access and receive any information of their choice that SADC-CNGO may hold
- e Withdraw any decision that they may have made on issues affecting the business of the SADC-CNGO
- f Participate in forums other than those for the business of the SADC-CNGO
- g Uphold self/own organisational mandate at any time within and outside SADC-CNGO
- h Apply self-censorship to avoid activities that may lead to conflict of interests

Delegates agreed that these provisions should apply until such time that bye laws Code of Ethics and other policy documents have been put in place with the Section on Rights and Obligations incorporated in the appropriate documents

Delegates agreed that the Constitution should include provisions for extra ordinary meetings and to indicate that the quorum needed for such meeting is the simple majority plus one

**2 1 9 Adoption of Constitution**

The move for the adoption of the constitution together with all the above mentioned recommendations was made by Lesotho and it was seconded by Mauritius and Zimbabwe

**2 2 Strategies That Could Sustain The SADC-CNGO Mr Desmond Maphanga**

The purpose of Mr Maphanga's paper was to provoke the minds of delegates and steer the meeting into collectively thinking of strategies which would best sustain the regional body A full copy of Mr Maphanga's presentation is included in Appendix Two of this report Mr Maphanga dealt with the following essential elements of sustenance and financial autonomy

- a The development and implementation of traditional fundraising models
- b The creation of a capital reserve fund which can generate enough interest earned on investments, to cover the core budget
- c The development of regular sources of income through income generating projects and/or sale of services

**2 2 1 Structures\_**

- a There is a definite need to plan before acting
- b The resource development programme/plan
- c In establishing a resource development plan one has to consider the following factors
  - i Plan has to be based on the mission/vision of the body with long term goals and objectives
  - ii Plan has to be realistic and based on the regional SADC plan of action such that it looks at how best to supplement rationalise, harmonise and complement them
  - iii Public image of SADC-CNGO or the body would need careful attention as its programme performance and financial accountability should/must stand up to public scrutiny and are worthy of support
  - iv There has to be a strong commitment and belief in the need and support for SADC-CNGO by National umbrella bodies
  - v There will be a need for support committees of active dependable and influential volunteers from the region

**MOST IMPORTANT OF ALL**

- d The 'Executive Director/ Secretary General' of the secretariat as had been earlier resolved should have the capacity dynamism and responsibility for co-ordinating the funding plan
- e The Executive Directors/ Secretary General s initiatives as far as managing SADC-CNGO can conveniently be grouped into the following broad categories

- i initiatives relating to establishing a financial institution responsible for pensions, fleet insurance and credit loan schemes etc to umbrella bodies in the region
- ii initiatives relating to the sale of services
- iii initiatives relating to organising effective regional training and conferences
- iv initiatives relating to other trading activities

Mr Maphanga stressed that the Secretary General s/he should have responsibility for finding out all that is available about donors, and so develop ways in which he is able to relate to them on a personal level S/he should recruit a highly motivated secretariat, which should be provided with training to keep the staff and volunteers confident, motivated and competitive

#### **2 2 2 On the failure of SADC-CNGO to take off, the following were identified**

- a Lack of conviction or belief in its necessity, commitment to, co-ordination and availability of resources as well as in our effort to sell the idea of SADC-CNGO and the opportunities it presented
- b No development plan, funding plan and none of us had worked on the image of the body itself The governing body could not meet

He identified five types of traditional fund raising strategies, namely **Grants, Trusts, Members subscriptions, Corporate industry, Legacies and/or Special events**

He went on to identify new financing models based on institutional development and increasing self financing activities for achieving financial autonomy Some of these include

- a Emergency relief and welfare grant
- b Small grants tied to specific development projects
- c Flexible programme grants that would allow the body to take its own decision and to adapt its plans as necessary
- d Institutional - building grants to help the body establish itself (e.g. the initiative taken by BOCONGO and USAID/SARDF)
- e Non-earmarked grants which could allow maximum flexibility and the possibility of building reserves
- f Rotating loan funds
- g Access to bank guarantees

#### **2 2 3 Problems**

These have to do with the fact that some donors are still using out-of-date financing

methods that are inappropriate to the needs of this body Furthermore there are inconsistencies with the stated aims of the donor agencies themselves

However, they could improve this through taking cognisance of the need to revisit relationships between NGOs and donor in the north such that they are realistic to and equally sensitive to mutual partnership development with their southern counterparts, especially for such an institution as the body He argued that donors would need to be convinced to move towards more flexible funding based on

- a Programme grants
- b Institutional building
- c Unearmarked organisational grants
- d Revolving loan funds
- e Bank guarantees

**He went on to speak about how NGOs can generate their own incomes through**

- 1 Contributions by members
- 2 Income generating activities
- 3 Sale of services
- 4 Types of services
- 5 Interest from investments and reserves
- 6 Special reserve funds
- 7 General reserve
  - i contractual obligations
  - ii renewal funds
  - iii research and innovation
- 8 Exchange rate/ Hard Currencies
- 9 Investments
- 10 Administrative overheads on project grants

**He concluded by pointing out twelve steps towards financial autonomy**

- 1 Attain donor funding for the creation of the body
- 2 Develop its own resources (land labour etc )

- 3 Market and sell appropriate products and services to country bodies
- 4 Establish capital reserve's funds (using profits from the sales)
- 5 Programme fundraising through northern partners and financial institutions (e.g. IMF, World Bank and/or the African Development Bank)
- 6 External fundraising, if necessary based on specific projects
- 7 Institutional development, management, capacity, organisational structure and self evaluation
- 8 Development of the capital reserve fund and an increase in service sales (these could include vehicle fleet insurance schemes, other insurance benefits and selling franchises)
- 9 Negotiating for flexible grants from the donor community
- 10 Negotiation of a grant for a revolving credit fund that the organization administers for its members
- 11 Substantial increase in the reserves and in sales
- 12 Credit negotiations with regional banks based on 'bank guarantees' provided by international financial institutions

### **2.3 Staffing And Conditions Of Service For SADC-CNGO Mr. Caleb Nchafatso Sello**

Mr Caleb Nchafatso Sello of Lesotho Council of NGOs gave a presentation on the SADC Council of NGOs Draft Manual on Conditions of Employment. Part one deals with labour law as the basis of the policy. It covers principles which derive from labour law regarding employment, remuneration, conditions of work, trade unions, health safety and welfare regulations, social security and labour – management relations. Part Two is the substantive draft manual.

#### **2.3.1 Comments from Delegates**

Delegates agreed that the Draft Manual on Staffing and Conditions of Service were comprehensive and easy to understand. On the issue of Probation period that is Section 5.2.1 delegates suggested that the minimum period of probation should be six months.

Regarding working on Public Holidays that is Article 9.3.4 delegates agreed that it should be treated as overtime but that this does not apply to the Chief Executive Officer.

It was also suggested that junior staff could be encouraged to take time off in lieu of pay. Such arrangements should be discussed with supervisors who could give approval. Delegates stressed the need to make sure that drivers take due rest. There should be good record keeping of their schedules and rest periods due to them should be adhered to.

Regarding the provisions for Redundancy, Severance and Physical Incapacity, that is Article 6 7, delegates agreed that it is important to be guided by the laws of the host country.

Regarding Trade Union activity, it was agreed that other staff could be encouraged to join but not the Chief Executive Officer who delegates argued should not be a member of a union.

That in the section on Study Loans and Leaves, articles 9 8 3 and 9 8 4 were left blank deliberately so that delegates and members could come up with suggestions regarding what other conditions should be in place for people to qualify for study leave.

On the issue of (gender) abuse and or (sexual) harassment delegates felt that these have been adequately handled both under Discipline and Personal Conduct, that is Articles 12 1 and 12 2. However, it was suggested that "no spiritual abuse" should be added to the list.

On the issue of Leave entitlement that is Article 9 3 0 delegates felt there was need to

- a Make an explicit statement about what the situation is regarding "accrued" leave
- b State explicitly that there will be full paid leave

## SECTION THREE

### THE WAY FORWARD

#### 3 1 Regional Council

Delegates took the decision to constitute themselves into the Regional Council of the SADC-CNGO until the first General Assembly. This was to enable the process of election of Secretary General of the SADC-CNGO to take place. The following text was tabled and a proposal for adoption was moved by Botswana and seconded by Zimbabwe.

- *Noting that we constitute more than two thirds of the eleven SADC umbrella NGOs represented at the 1995 Johannesburg workshop of SADC Council of NGOs we hereby resolve to constitute ourselves as a Regional*

***Council and accordingly undertake to carry out all responsibility conferred onto the Regional Council by the interim constitution***

Delegates also agreed that the Johannesburg plan of action would serve as a basis for planning. Some activities from that document could be relevant for the short-term plan whilst other items would be used for long term strategic planning.

In that respect, delegates agreed that the Executive Committee is mandated to review the Johannesburg plan of action as a basis for action planning. In doing this, it should pull out those items from the Johannesburg plan of action which can be implemented within the first six months, and use the rest as basis for long term strategic planning.

**3.2 Host Country**

In order to avoid the disaster of non-performance, which took place after the Johannesburg workshop, delegates agreed that clear mandates should be given to people to carry out the work. This would also ensure accountability. Such mandates could include managing the affairs of the SADC-CNGO and preparing for the Regional Assembly and other processes and interventions which would carry the organization forward.

It was pointed out that the country which is given this mandate would have prime responsibility to mobilise resources for recruitment and remuneration of staff/ Secretary General and his/her staff, and that the host country would make arrangements for elections. Delegates also stressed that other members are not absolved of responsibility to make contributions. It was argued that all members should consider themselves equally accountable to play their part and make whatever contributions is asked of them. All members have the obligation to support the host country. All the work will not simply be left for the host country. All members have the responsibility to volunteer and carry out tasks assigned to them in as much as the host country should make efforts to mobilise funds for people to be paid for work done. In this respect, it was suggested that it is good practice for the host country to involve other member countries as observers in the process of election.

It was agreed that Botswana should be the host country for the next six months. Reasons given by different delegates for the choice of Botswana included:

- The enthusiasm Botswana has shown so far as regards the SADC-CNGO process
- The proximity to the SADC headquarters makes it strategic especially for the young organization to get moving quickly
- Available infrastructure including communications and accessibility
- There is general confidence in Botswana

Delegates also mandated Botswana to take steps for SADC-CNGO to participate in the upcoming SADC Heads of States Summit to be held in Mauritius. Delegates suggested that SADC-CNGO should request an agenda and work with help of delegate from

Mauritius to ensure the participation of the organization

A letter should be drafted and distributed to the National umbrella bodies, which they can use at national levels to lobby for participation at the SADC Heads of States Summit

### **3 3 Election of Office Bearers**

The following procedures were agreed upon

- Non eligible members move out to leave eligible members in inner circle
- Use of Secret ballot
- Each position voted for on its own
- Number of countries participating - 8

There was discussion regarding the desire to include countries and persons not present in the process with some delegates arguing that one or two seats are reserved for those countries. However, in view of the fact this is an interim committee, it was agreed that all the seats would be filled. No seats would be reserved for those not present. However, the meeting put on record its desire to bring all SADC country NGOs on board. After this meeting, the Executive Committee should enter direct communication with persons/countries not present to invite them to come on board.

#### **3 3 1 The Election Results**

- |                      |  |
|----------------------|--|
| • President          | Mr Ramashua Ramashua (SANGOCO)               |
| • First Deputy       | Desmond Maphanga (CANGO)                     |
| • Second Deputy      | Hemsing Hurrinag (MACOSS)                    |
| • Treasurer          | Phillip Makgalemele (BOCONGO)                |
| • Secretary          | Theresa Chewe (ZCSD)                         |
| • Additional Members | Victor Chisi (NANGO)<br>Gurvy Kavei (NANGOF) |

### **3 4 Plan of Action**

Following the Strength, Weaknesses Opportunity and Threats (SWOT) analysis based on Mrs T Chewe's presentation the delegates agreed on the following key programme areas

- Resource Mobilisation
- Advocacy and lobbying
- Democracy governance and human rights
- Collection and dissemination of information
- Networking and coordination of NGO programme activities

Delegates suggested that the Executive committee and the Secretariat should extract from the Johannesburg report some action items for inclusion in the new plan of action. In this respect it was suggested that the President or the Chief Executive Officer could do a concept paper if (s)he is in place and circulated

Delegates then elaborated the following short-term plan of action

- a The Secretariat should lobby for SADC-CNGO to be invited to Mauritius to participate in the deliberations of the SADC meeting
- b The Secretariat should see to the Translation of Constitutions within six (6) months that is by end of August
- c Fund raising to establish the SADC-CNGO secretariat This should be initiated and coordinated by the Executive Committee and the Host Country
- d The Executive Committee should meet by the latest in April 1998 19 – 25 April 1998 was suggested as a tentative day to coincide with the UNESCO meeting
- e Registration of SADC-CNGO immediately and not later than March
- f Preparation for the official launch of SADC-CNGO to be held in August – Executive Committee
- g Stepping up Public Relations and promotions to strengthen relations with SADC and learn more about the donors supporting SADC community Executive committee and Host Country
- h Issue a Press Release immediately This is to be done by the President and his team Such a press release should be given Regional coverage A communique should be sent to regional and umbrella NGOs, relevant government ministries, SADC and other strategic partners
- i A request for suggestions for the Logo should go out with the Press Release to regional umbrella organizations immediately
- j Monthly reports should be sent to regional/National Councils and regional umbrella organizations

## SECTION FOUR

### OFFICIAL CLOSING CEREMONY

#### 4.1 Information By The SADC NGO Desk Officer Mr Stephen Sianga

Delegates had the opportunity to be addressed by Mr Stephen Sianga who is the SADC-NGO Desk Officer Mr Sianga informed delegates about the different sectors of the

SADC He indicated that SADC initially focussed on the development of infrastructure, on economic issues and the productive sectors, namely agriculture, trade, and industry Today, he explained, SADC is beginning to give some attention to the Social Sector including education and training and human resources development, employment and labour, health, housing and shelter, information, sports, gender, population, culture and information

The SADC-CNGO desk interacts with civil society organizations through meetings, seminars and correspondence They also facilitate sectoral meetings, which NGOs can attend Giving the example of the Blantyre meeting on human rights, he explained to delegates that civil society organizations were in attendance as observers

On the issue of whether his office is able to defend and fight for NGOs views to be represented at SADC Heads of States meetings and other structures/forums, Mr Sianga assured delegates that summaries of NGOs proposals, or position papers are always made by his office and included in briefing documents for Heads of States His office also makes recommendations and at times includes the full text

Mr Sianga acknowledged however that the degree of interface between the SADC-NGO desk and NGOs has been poor He explained that his office has been dealing with sector specific NGOs on issues such as reproductive health gender, human rights and so on He expressed the hope that a structure such as SADC-CNGO would contribute to greater collaboration since in the past it was difficult to know where to turn to or which NGO to deal with He also made the point that the Maputo meeting of the SADC Heads of States noted that NGOs were quiet and that a committee had been appointed to make it possible for NGOs to stand up and be counted Delegates on the other hand expressed the disappointment that even though the Treaty provides for the participation of NGOs it is distressing to note that it is the Heads of States and SADC which failed to support the NGOs There were no budget allocations to involve NGOs and NGOs were not supported with any funds For example it should be possible to get the SADC-CNGO and NGO Councils to meet prior to the Heads of States meetings as is often the case with the Commonwealth Heads of States meetings or with the UN

Delegates pointed out that the breakdown in communication between NGOs and SADC was very much a result of non-commitment on the part of SADC to support the NGOs A Memorandum of Understanding(MOU) which was developed was never signed or if it was NGOs have not been kept informed about the status of the MOU Delegates resolved to take action to find out what happened to the MOU – whether it has been signed or not Delegates also wanted to know what Heads of States thought should be the role of NGOs they argued that it is not enough to refer to the Treaty

Mr Sianga urged that NGOs should begin to access available information on SADC agenda issues and processes through E-mail and the Internet and that funds will only become available when NGOs start lobbying for these and making demands in terms of programmes which they submit

On the question of what SADC does to popularise the World Trade Organization agreements, he explained that these are normally operationalised at the relevant levels in each country. He also expressed the hope that the trade protocol and other arrangements for free movements of people and trade within the region would be implemented within the next three years – that is the time it takes to remove barriers to free trade.

#### 4.2 Official Closing: The USAID/RCSA Director, Ms. Valerie Dickson-Horton

Mr Makgalemele introduced the Guest Speaker as a partner from whose long experience in the field of development work the SADC-CNGO which is still taxiing on the runway and is about to take off stands to learn a lot from.

For her part, Ms Valery Dickson-Horton expressed the pleasure to be present at the closing ceremony. It gives her an opportunity to be away from computers and E-mail and to enter into dialogue with other committed development practitioners.

Ms Valery Dickson-Horton traced her background from her Peace Corps Volunteer service days to when she joined AID in 1997. Since then, she has been involved in development work in Swaziland, Sudan, Liberia and Niger. She informed delegates that she would be going back to work in Washington in April 1998.

She explained to delegates that USAID has been engaged in a programme of (re) structuring its programme – content and approach – so as to cope with political changes taking place within the region. She made reference to the regional approach and initiatives for democracy, enterprise development and also programmes such as STRENGTH for supporting NGO capacity building.

More specifically, she drew attention to the following:

- The desire to build on what is going on at community level
- The desire to add a little bit more fire to the NGOs belly
- The need to do an assessment of where one is at the present. This should take the form of a Strength Weakness Opportunity and Threats analysis.

She argued that if we understand where we are today, it would help us to position ourselves for the next millennium, that is the future. Turning to the future, she posed the question: What are we going to do with it?

The future is not too far away, she explained. It has arrived. It is already with us. The biggest problem with the future is that opportunities are unevenly distributed with the majority of the poor in Africa who have never used a telephone, have no access to proper education and live in poor housing conditions and are suffering from malnutrition.

It is in this fight against poverty and equal access to resources that NGOs and civil society

in Africa have important roles to play. The message is that every body has an important role to play in society. The crucial thing is to identify what their role is and to act on that role. There is no place for wasting resources in Africa. What is needed is the appropriate utilisation of all Africa's resources. Ms Dickson-Horton has a prescription for Africa's success, namely the appropriate utilisation of all of Africa's resources "for the best results do not dilute, use at full strength"

However, she cautions that whilst working as a group, it is important to remain sensitive to individual needs. She went on to argue that "we are our brothers keepers". We should hold ourselves accountable for responsible behaviour.

Turning to the Networking among NGOs and building partnerships, she noted that networking is a crucial and effective method of learning. She urged NGOs to learn to attach concrete values to abstract notions like partnership. It is not simply a donor /recipient relationship. The nature of the relationship should be clearly defined and in this regard she argued that any partnership arrangement should have clearly defined goals and intermediate results to achieve during the period of the partnership.

#### **4.3 Comments from Delegates**

Delegates commented on the positive note of the closing speech. One delegate urged the Guest Speaker to continue in the same spirit and plant the seed of understanding and partnership building among the American donor community when she is back in the United States. Delegates welcomed the idea of Donor – NGO partnership on a basis of equality and shared common goals and strategies.

Commenting on the need to learn from past experience, another delegate added that sometimes projects which are considered to have failed do offer opportunities for learning. Giving the example of business/enterprise promotion project in Swaziland, it was noted that some positive lessons came from the experience and that some of the tools developed during the project are still useful.

Other delegates articulated the frightening perspective of funding from donors drying up. However, it was also noted that partnerships should not be limited to funding. It was argued that NGOs could enter fruitful dialogue with donors on a whole range of other issues besides funding. Such dialogue could cover identification of areas of agreement between donors and NGOs through discussion and dialogue, institutional development, networking and things such as identifying markets for fair trade and opportunities for joint ventures and micro financing. The latter could for example add value to the work of women traders from the SADC region.

It was noted with regard to Donor NGO relations in the region that donors were beginning to understand and give NGOs more autonomy. NGOs are becoming more assertive.

Delegates noted that it is appropriate that the issue of Donor – NGO partnerships should be put on the table for open and frank discussion. After all, it could be all too easy to talk of equal partnership when one party controls the purse! The question is whether NGOs are recipients of donor money or whether NGOs and donors are partners? Under what conditions are these implemented? Since the NGOs are often negotiating for the money in the donors' purse, there have been cases of donor driven programmes at times

Finally, on the issue of sustainability of NGOs, the question is what would happen when all donors stop funding in the 21<sup>st</sup> Century. It was noted that it is very difficult to get seed money for investments to secure sustainability. Delegates expressed the hope that USAID would take up these issues for dialogue especially with national governments. In Botswana for example, donors are leaving under the pretext that the country is rich. And yet it is known that the GDP is a poor indicator of success. There is still massive poverty in Botswana as documented in the recently released Study on Poverty (November 1997) by the Botswana Institute of Development Policy Analysis. Delegates argued that in partnership with NGOs, AID could raise the attention of national governments to some of these pressing issues

#### **4 4 Vote of Thanks The Co-Director PACT/IRCE, Ms Joan Leavitt**

The Co-Director of PACT/IRCE, Ms Joan Leavitt gave the Vote of Thanks. After acknowledging Mr Phillip Makgalemele for chairing the session, she went on to thank the following

- BOCONGO especially Ms Vivian Mazunga and Mr Agreement Tamutlha for doing the preparatory footwork
- The Facilitators – Caleb Sello, Ramashia Ramashia and Mrs Morongoe Ntloedibe–Disele
- Resource persons and those who wrote discussion papers – Mr Ramashia Ramashia for work on the draft constitution. Mr Caleb Sello for work on the draft staffing manual. Mr Desmond Maphanga for work on the paper on strategies for sustainability and Ms Chewe for her paper on possible programme areas
- Southern African Regional Democracy Fund (SARDF) for funding the workshop

#### **4 5 A Final Note from Delegates**

On behalf of delegates Mr Caleb Sello gave a response in which he reiterated the positive words of wisdom given by Ms Valery Dickson-Horton and the comments from participants especially in relation to the need to learn and draw from past experiences as

in the example given from Swaziland. He went on to emphasise the need to view the current initiative in the light of the multiplier effects it is bound to have. Through the commitment and dedication of delegates here present, Mr Sello felt sure that the initiative would bear fruit. He acknowledged the personal sacrifice, which each individual delegate has made by giving up time to attend this planning and consultative workshop.

He argued that whereas SADC has to be seen to be involving NGOs, NGOs have the responsibility and obligation to make the SADC-CNGO work. If it fails, it would have serious implications of failure at the regional level.

## **SECTION FIVE**

### **WORKSHOP RESOLUTIONS AND IMMEDIATE ACTION ITEMS**

#### **5 1 GOVERNANCE STRUCTURES**

GOVERNANCE STRUCTURES WERE ADOPTED AS FOLLOWS

##### **REGIONAL ASSEMBLY**

THE REGIONAL ASSEMBLY SHOULD BE THE HIGHEST DECISION MAKING BODY FOR SADC-CNGO

IT SHOULD CONSTITUTE THREE REPRESENTATIVES FROM THE MEMBER STATES THE MEMBER STATES SHOULD DEMOCRATICALLY ELECT THEIR REPRESENTATIVES

THE REGIONAL ASSEMBLY SHOULD BE HELD ONCE EVERY TWO YEARS AT A PLACE TO BE DECIDED BY THE REGIONAL COUNCIL

##### **REGIONAL COUNCIL**

THE DELEGATES OF THE WORKSHOP SHOULD CONSTITUTE THE REGIONAL COUNCIL EACH MEMBER STATE SHOULD BE REPRESENTED BY ONE DELEGATE

THE DECISION WAS BASED ON THE FACT THAT THEY CONSTITUTED 2/3 OF THE SADC MEMBER STATES REPRESENTED AT THE JOHANNESBURG MEETING OF 1995 THIS WAS FURTHER TO ENSURE ELECTION OF THE EXECUTIVE MEMBERS TO ENABLE THE ORGANISATION TO START OPERATING

THE REGIONAL COUNCIL SHOULD MEET ONCE A YEAR

##### **EXECUTIVE COMMITTEE**

THE EXECUTIVE COMMITTEE WAS ELECTED FROM THE MEMBERS OF THE REGIONAL COUNCIL THE PRINCIPLE WAS TO ENSURE A BALANCE OF THE MEMBER COUNTRIES THE RESULTS OF THE ELECTION WERE AS FOLLOWS

PRESIDENT	MR RAMASHIA RAMASHIA (SANGOCO) SOUTH AFRICA
1ST DEPUTY	MR DESMOND MAPHANGA (CANGO) SWAZILAND

2ND DEPUTY	MR HEMSING HARRYNAG (MARCOS), MAURITIUS
TREASURER	MR PHILLIP MAKGALEMELE (BOCONGO),BOTSWANA
SECRETARY	MRS THERESA CHEWE (ZCSD), ZIMBABWE
ADDITIONAL MEMBERS	MR VICTOR CHISI (NANGO), ZIMBABWE MR GURVEY KAVEI (NANGOF), NAMIBIA

THE EXECUTIVE COMMITTEE SHOULD MEET TWICE A YEAR

## **5 2 SECRETARIAT**

THE SECRETARIAT SHOULD ROTATE ON FIVE YEAR BASIS FOR THE FIRST SIX MONTHS BEGINNING MARCH -AUGUST 1998, BOTSWANA SHOULD BE THE SECRETARIAT REASONS GIVEN WERE THAT

BOTSWANA HAS SHOWN A LOT OF ENTHUSIASM FOR AS REGARDS THE SADC-CNGO PROCESS

THE PROXIMITY TO THE SADC HEADQUARTERS MAKES IT STRATEGIC ESPECIALLY FOR THE YOUNG ORGANISATION TO GET MOVING QUICKLY

AVAILABLE INFRASTRUCTURE AND THE GENERAL CONFIDENCE IN BOTSWANA

THE GENERAL ASSEMBLY WOULD DECIDE ON THE NEXT HOST FOR THE SECRETARIAT

THE SECRETARIAT SHOULD LIAISE WITH AND UPDATE THE EXECUTIVE COMMITTEE OF PROGRESS MADE AND ANY OTHER DEVELOPMENTS

## **5 3 CONSTITUTION**

THE CONSTITUTION SHOULD BE ADOPTED WITH AMENDMENTS THE ORIGINATOR, RAMASHIA RAMASHIA, SHOULD INCORPORATE THE AMENDMENTS ONTO THE CONSTITUTION AND FORWARD SAME TO THE SECRETARIAT FOR REGISTRATION

## **5 4 REGISTRATION**

REGISTRATION SHOULD BE DONE BY THE SECRETARIAT AS SOON AS THE CONSTITUTION THIS SHOULD BE DONE BEFORE END OF MARCH 1998

**5 5 CHIEF EXECUTIVE**

THE CHIEF EXECUTIVE SHALL BE THE SECRETARY GENERAL WHO SHALL GO THROUGH THE PROCESS OF ELECTION AND SUBSEQUENT APPOINTMENT BY A PROFESSIONAL ORGANISATION

THE SECRETARY GENERAL SHOULD NOT COME FROM THE HOST COUNTRY THE RATIONALE WAS THAT THE SECRETARY GENERAL SHOULD BE INDEPENDENT FROM THE POLITICAL CLIMATE IN THE HOST COUNTRY

**5 6 PROGRAMME AREAS**

AFTER A SESSION PRESENTED BY MISS CHEWE OF ZAMBIA IT WAS AGREED THAT THE PROGRAMME AREAS SHOULD BE FOCUSED ON

RESOURCE MOBILISATION

ADVOCACY AND LOBBYING

DEMOCRACY , GOVERNANCE AND HUMAN RIGHTS

COLLECTION OF AND DISSEMINATION OF INFORMATION

NETWORKING AND COORDINATION OF NGO PROGRAMME ACTIVITIES

**5 7 LABOUR POLICY**

THE PAPER PRESENTED BY MR CALEB SELLO LESOTHO REPRESENTATIVE, WHICH COVERED THE CONDITIONS OF EMPLOYMENT AND STAFFING SHOULD FORM THE FRAMEWORK FOR THE LABOUR POLICY OF THE ORGANISATION

AMENDMENTS TO THE PAPER WERE SUGGESTED AND THE PAPER IS STILL THE PRESENTER WHO SHOULD INCORPORATE THEM TO PRODUCE THE FINAL PAPER

THE SECRETARIAT SHOULD RECONCILE THE TERMS PROVIDED FOR IN THE PAPER WITH THE LOCAL LABOUR LAWS AND POLICIES

**5 8 MONITORING MECHANISMS**

MANAGEMENT PERFORMANCE SYSTEMS SHOULD BE PUT IN PLACE TO MONITOR AND ASSESS THE PERFORMANCE OF THE SECRETARIAT THE SECRETARIAT SHOULD FORMULATE THE MODALITIES FOR

## MONITORING MECHANISMS

### 5 9 MEMBERSHIP

MEMBERSHIP SHOULD COMPRISE OF NATIONAL UMBRELLA NGOS REGIONAL NETWORKS SHOULD ONLY BE ACCORDED ASSOCIATE MEMBERSHIP WITH OBSERVER STATUS AND NON-VOTING POWERS WITHIN THE GOVERNING STRUCTURES

### 5 10 SUSTAINABILITY

THE PAPER PRESENTED BY DESMOND MAPHANGA, THE SWAZILAND REPRESENTATIVE, ON RESOURCE MOBILISATION AND SUSTAINABILITY SHOULD BE USED BY THE SECRETARIAT AS THE BASIS FOR PUTTING IN PLACE SOME SOUND STRATEGIES FOR FUNDRAISING AND SUSTAINABILITY OF SADC-CNGO

### 5 11 SADC

SADC-CNGO SHOULD SEEK RECOGNITION WITH THE SADC-NGO DESK, AND THE SADC AS AN INSTITUTION IN TERMS OF ARTICLE 23 OF THE SADC TREATY, WHICH PROVIDES FOR THE PARTICIPATION OF NGOS IN THE SADC AGENDA, AS A REGIONAL ORGANISATION WITH A VIEW TO PARTICIPATE IN THE SADC VARIOUS FORA

MEMORANDUM OF UNDERSTANDING WHICH WAS DEVELOPED AND PRESENTED TO SADC SHOULD BE FOLLOWED UP WITH A VIEW TO HAVE IT SIGNED TO ESTABLISH AN OFFICIAL RELATIONSHIP WITH SADC

SADC-CNGO SHOULD REQUEST SADC FOR ANY INFORMATION ON THE POTENTIAL COOPERATING AGENCIES AND FUNDERS

SADC CNGO SHOULD INFORM SADC ON REGULAR BASIS ABOUT THE PROGRESS MADE IN THE ESTABLISHMENT OF THE SADC-CNGO

### 12 PLAN OF ACTION

THE SECRETARIAT SHOULD IMPLEMENT THE FOLLOWING SHORT-TERM PLAN OF ACTION

TO NEGOTIATE FOR SADC-CNGO TO BE INVITED TO PARTICIPATE IN THE DELIBERATIONS OF THE SADC MEETING TO BE HELD AT MAURITIUS

SECRETARIAT SHOULD REQUEST SADC FOR ITS AGENDA AND LIAISE

WITH THE MAURITIUS REPRESENTATIVE TO ENSURE PARTICIPATION OF THE ORGANISATION

NATIONAL UMBRELLA SHOULD FURNISH MEMBER COUNTRIES WITH INFORMATION IN ORDER FOR THEM TO LOBBY THEIR HEADS OF STATE

TO REGISTER SADC-CNGO TO BECOME A LEGAL ENTITY

TO FUNDRAISE FOR THE ESTABLISHMENT OF THE SADC-CNGO SECRETARIAT

TO PREPARE FOR THE OFFICIAL LAUNCHING OF THE SADC-CNGO TO BE HELD ON OR BEFORE THE END OF AUGUST 1998

TO TRANSLATE THE CONSTITUTION OF SADC-CNGO INTO PORTUGUESE FOR THE BENEFIT OF THE LUSOPHONE MEMBERS

TO PREPARE FOR THE MEETING OF THE SADC-CNGO EXECUTIVE COMMITTEE BY THE LATEST APRIL 1998 TENTATIVE DATE AGREED UPON ARE 19-25 APRIL 1998

TO PREPARE A PRESS RELEASE TO BE SENT TO REGIONAL UMBRELLAS AND OTHER STAKEHOLDERS AND COOPERATING AGENCIES  
TO PREPARE LONG TERM PLAN OF ACTION THE PLAN OF ACTION AGREED UPON AT THE JOHANNESBURG 1995 SHOULD FORM THE BASIS FOR THE LONG TERM PLAN OF ACTION TO BE PREPARED

## ANNEX ONE

### SADC-CNGO CONSTITUTION

#### *Preamble*

Whereas representatives of National NGO consortia and umbrella bodies, noting the political and socioeconomic interdependence of southern African countries

And whereas appreciating efforts by respective states organized under the banner of Southern African Development Communities (SADC) to collaborate together in promoting political and socioeconomic conditions of member countries and the southern African region as a whole

And whereas noting further that noble efforts of governments represented at SADC may be frustrated (to be rephrased) without the active participation by organised institutions of civil society Hereby resolve to establish a voluntary association to be called SADC-CNGO with the aim of carrying out the aims stated in this interim constitution

#### 1 NAME

The name of the organization shall be the Southern African Development Community Council of Non Governmental Organizations herein referred to as SADC-CNGO

#### 2 LEGAL STATUS

SADC-CNGO is and shall continue to be a distinct and separate legal entity and body corporate with the capacity to acquire rights and incur obligations and shall have perpetual succession

#### 3 NATURE OF BUSINESS

- (a) The SADC-CNGO is not formed and does not exist for the purpose of carrying on any business that has its object the acquisition of gain for the SADC CNGO or any of its affiliates
- (b) The income and assets of the SADC-CNGO shall be applied solely for investment and for the promotion of the objects for which it is established
- (c) No part of the income or assets of the SADC-CNGO shall be paid directly or indirectly by way of dividend donation or otherwise to any person provided that the SADC-CNGO shall be entitled to pay fees for honoraria to any service provider for services rendered to the SADC-CNGO

#### 4 POWERS OF THE SADC-CNGO

Subject to the provision of section 3 and without derogating from the generality of section 2 the SADC-CNGO shall have all such powers as are necessary for the proper attainment of the objects set out in section 5 and shall in particular have the following powers -

- (a) To acquire hold or alienate any movable or immovable property for the SADC-CNGO calculated to benefit SADC-CNGO and to advance its objects and to maintain improve and alter any of the SADC-CNGO property
- (b) To institute conduct defend or abandon any legal proceedings by or against SADC-CNGO or its officers provided that SADC-CNGO would only defend action against officers only if activities giving rise to the action committed against an officer of SADC CNGO was carried out in good faith and in pursuance of SADC-CNGO business

- (c) To open bank and building society accounts in the name of the SADC-CNGO and to draw accept, endorse make and execute cheques and other negotiable instruments connected with the business and affairs of the SADC-CNGO
- (d) To invest and deal with any money of the SADC-CNGO not immediately required for the purpose of SADC-CNGO
- (e) To borrow or raise money and give security for the same by mortgage of all or any part of the property of the SADC-CNGO
- (f) Subject to the provision of section 3, to enter into leases and any other contracts whatsoever including sales and purchases of property of any kind whatsoever

## 5 *AIMS OF SADC-CNGO*

The objects of the SADC-CNGO shall be to -

- (a) Contribute towards the creation and sustenance of an enabling environment for NGOs at national and regional levels
  - (b) Represent the interests of Civil Society in the institutions of the Southern African Development Community
  - (c) Collect and disseminate information on the activities of NGOs throughout the region in order to influence national and regional development policies especially with regards to the distribution of resources
  - (d) Collaborate with government in identifying issues and development challenges which should be addressed by NGOs with the necessary support of government
  - (e) Participate in debates aimed at formulating policies relating to development co-operation internationally and with other interested parties
  - (f) Facilitate the provision of opportunities for capacity building of NGOs consortia in the SADC-CNGO
  - (g) Create a forum aimed at sharing best experience and skills on development issues affecting the region
  - (1) Encourage its members to promote participatory development in approaches in their respective countries
- (a) Encourage its members to promote and adopt practices that ensure NGOs accountability and transparency to their respective stakeholders
  - (b) Keep a data bank of service providers and Human Resources in the region
  - (c) Promote the culture of democracy and Human Rights in the region and monitor observance of the same by respective SADC CNGO governments

## 6 MEMBERSHIP

### (a) Eligibility

- (i) Any national council, umbrella, consortium or co-ordinating assembly of NGOs as the case may be shall be eligible to apply for membership provided it is domiciled in a SADC - country
- (ii) Only one representative per SADC country shall be eligible for membership in SADC-CNGO

### (b) Acquisition

- (i) Any national councils, umbrellas, consortia or co-ordinating assemblies of NGOs as the case may be which became a member of the SADC-CNGO at the inception of the SADC-CNGO or become a member subsequent to the inception of the SADC-CNGO but prior to the commencement of this constitution shall, subject to the fulfilment of obligations imposed by this constitution, be deemed to be a *bona fide* member of SADC-CNGO
- (ii) Subject to the provision of subsection 1(a) and (b), any council, umbrella, consortium or co-ordinating assembly of NGOs that subsequent to the commencement of this constitution apply for membership for members and meet such obligations as are imposed by this constitution shall be deemed to be SADC-CNGO members

### (c) Membership Fee

The SADC-CNGO Regional Council shall from time to time decide on a fee to be paid by members of SADC-CNGO

### (d) Loss of Membership

Every member of SADC-CNGO admitted as such in terms of this constitution shall continue to be a member until -

- (i) It withdraws membership *mero motu* that is of its own accord or
- (ii) Is expelled for a just cause or
- (iii) It neglects or fails to meet obligations imposed on it by this constitution

## 7 GOVERNANCE

### (a) Regional Assembly

- i) The Regional Assembly of SADC-CNGO shall be the highest decision making organ of the SADC-CNGO
- ii) The Regional Assembly shall consist of three representatives of each of its members provided that no representative shall be a career politician or government employee/representative
- iii) The Regional Assembly shall meet once a year at a place and time decided by the Regional Council

- iv) Fifty one percent of member countries of the Regional Assembly shall constitute a quorum for Regional Assembly meetings
- v) The following transactions shall be conducted at the Regional Assembly
  - (1) tabling the report of the President
  - (2) tabling the report of the Secretariat
  - (3) presentation of financial statements
  - (4) tabling country reports of the respective members
  - (5) granting and reviewal of mandates, and
  - (6) subject to the provision of paragraph c(v) conducting elections of office bearers

*(b) Regional Council*

- i) The Regional Council shall be the second decision making organ of SADC-CNGO
- ii) The Regional Council shall consist of one representative from each of the members of SADC-CNGO provided that no representative shall be a career politician or government employee/representative
- iii) The Regional Council shall meet once every six months at a place decided on by the Regional Council
- iv) Fifty one percent of the member countries of the Regional Council shall constitute a quorum
- v) The Regional Council shall decide on general SADC-CNGO policies and strategic direction

*(c) Executive Committee*

- i) The Executive Committee shall be the executive organ of the Regional Council
- ii) The Executive Committee shall consist of -
  - X The President
  - X First Deputy President
  - X Second Deputy President
  - X Treasurer
  - X Secretary and
  - X Two additional members
- iii) No more than one executive member shall come from the same country
- iv) The Regional Assembly shall elect the Executive Committee
- v) The term of office of the Executive Committee shall be two years provided that

Executive members shall be eligible for election for one more term provided further that, no Executive members shall be eligible for holding office for more than two successive terms

- vi) The Executive Committee shall meet four times a year
- vii) At least four members of the Executive Committee shall constitute a quorum
- viii) The Executive Committee shall be responsible for establishing supervising and determining the condition of employment of the Secretariat
- ix) In the event an Executive position becomes vacant in between Regional Assembly meetings the Regional Council shall have the competence to elect a candidate to fill the vacancy

## 8 *ELECTIONS*

Elections for office of SADC-CNGO shall be held according to the following procedure -

- (a) In respect of elections for members of the Regional Assembly respective councils umbrellas consortia, coalitions or co-ordinating assemblies of NGOs as the case may be shall elect their representative in accordance with procedures determined by the relevant national structures
- (b) In respect of the Regional Council respective Councils umbrellas consortia coalitions co-ordinating assemblies as the case may be shall elect their representatives to the Regional Council in accordance with procedures determined by the concerned national structures
- (c) In the case of the Executive Committee an outgoing Executive Committee would appoint an Electoral Committee to oversee the elections according to the following procedure -
  - i) The Electoral Committee shall invite nominations from member organizations
  - ii) Nominations will be effected by member organizations and submitted to the Electoral Committee
  - iii) Only nominations which have been seconded shall be considered
  - iv) Nominations shall be submitted to the Electoral Committee not later than one month before the date of the Regional Assembly
  - v) Voting at the Regional Assembly shall be by secret ballot
- (d) In the case of the General Secretary the following procedure shall be followed -
  - i) Nominations shall be submitted to the Electoral Committee with a brief CV of every nominated candidate
  - ii) Only nominations which have been seconded shall be considered
  - iii) Nominations shall be submitted not later than one month before the date of the Regional Assembly
  - iv) Voting for the General Secretary shall be by secret ballot

9 **SECRETARIAT**

- (a) The SADC-CNGO shall establish a Secretariat consisting of the General Secretary and as many other employees as the Executive Committee may determine
- (b) The Regional General Assembly according to the procedure laid down in section 9 shall elect the "General Secretary"
- (c) The 'General Secretary' shall hold office for a period of three years
- (a) The "General Secretary" shall be eligible for election for an additional two year period, provided that a 'General Secretary' shall not be eligible to hold office for more than two successive terms

10 **SEAT OF THE SECRETARIAT**

- (a) The Regional Assembly shall decide on the seat of its Secretariat
- (a) The country of the seat of the Secretariat shall be for a minimum of three years and a maximum of five years
- (b) No country shall hold the seat of the secretariat for more than five consecutive years

11 **AMENDMENT TO THE CONSTITUTION**

No amendments to this constitution shall be valid unless occasioned by means of a special resolution passed by two thirds majority of all members entitled to vote at a Regional Assembly provided that notice of intention to effect an amendment to the constitution is submitted to the Secretariat and the same shall have been circulated to the entire membership at least three months before the meeting at which such proposed amendment shall be considered

12 **DISSOLUTION**

The SADC-CNGO shall be dissolved by special resolution passed by two thirds majority of members at a properly constituted meeting provided that notice of the intention to dissolve the SADC-CNGO shall have been submitted to the Secretariat which shall in turn circulate the same to all member organizations at least three months before the day on which such motion shall be considered

13 **DISPOSAL OF ASSETS** – *(to be included See recommendations from plenary and group discussions )*

## ANNEX TWO

### CONDITIONS OF SERVICE AND STAFFING FOR SADC-CNGO

#### PART ONE

#### LABOUR LAW AS A BASIS FOR THE POLICY

##### 1 PREAMBLE

The need to develop a staff policy document outlining among other things conditions of employment and/or service derives from a principle of labour law applied to such matters as employment remuneration conditions of work trade unions and labour-management relations This varied body of law it is maintained in its most comprehensive sense also includes old age and disability insurance Labour law as clearly stipulated in the New Encyclopaedia Britannica differs slightly from the laws of contract, tort or property in that its elements are less homogenous than the rules governing a particular legal relationship Over and above the individual contractual relation labour law deals with statutory requirements and collective contractual relationships that may exist in a particular state or an interstate arrangement such as we have in the SADC region

The extent to which labour law is recognised as a separate branch of legal practice by states academics and practitioners varies widely depending partly on the extent to which there is a labour code such as there exists in Lesotho or other distinctive body of labour legislation in the country concerned, partly on the extent to which there are separate labour tribunals partly on the extent to which an influential interest group of the legal profession practice specifically as labour lawyers

The historical development of labour law can be traced in various societies around the globe back to the remotest and most varied parts of the world Based on the literature review done for this exercise one comes across what are referred to as the basic elements rules of different systems and unifying and contemporary tendencies of labour law which in the opinion of this presentation have to be born in mind when drawing the terms and conditions of service for the SADC-CNGO

##### 2 ELEMENTS OF LABOUR LAW

Literature reveals that the basic subject matter of labour law can be considered under nine broad heads but it is possible that more could be added on to the list, or at worst there might be disagreements on some of those identified These are employment individual employment relationships wages and remuneration conditions of work health safety and welfare social security trade unions and labour-management relations the administration of labour law and special provisions for particular occupational or other groups

###### 2.1 EMPLOYMENT

Whilst historically emphasis has been upon the prevention or reduction of excessive unemployment the evolution of the process has over the years tended to focus on long-term employment policy as part of a comprehensive scheme to promote economic stability and growth In the contemporary sense arising as it has been found from changes in political outlook and contemporary economic thought the approach has found expression in legal provisions that establish the creation of employment opportunities as a general objective of national policies

Consequently legislative instruments of various states tend as a rule to establish the necessary legal framework for the forecasting of manpower needs and availability They also make provision of employment services and recruitment vocational training and apprenticeship Under this general subject in a broad sense can be included unemployment compensation equality of treatment in employment and

occupation, as well as freedom from forced labour

## 2.2 INDIVIDUAL EMPLOYMENT RELATIONS

In as much as it is important to carefully consider conditions, under which a relationship is developed, it is equally crucial to document conditions under which the relationship is undone. Thus the making, modification, and termination of relations and the resulting obligations for the parties need to be spelled out. Aspects of promotion transfers compensation and dismissal procedures have to be included in the contract

There is evidence in the literature on labour history that the individual employment relationship will continue to be the subject matter of labour law to which the general principles, as opposed to statutes and collective agreements still have the greatest application. This has therefore, potentially complex implications at the regional level where you engage personnel under the auspices of say a SADC regional body

Again going back to history the law on individual employment relations was at one time often described as the law of master and servant. The implication here being a contractual relation in which one party (employee) agreed to be under the control of the other (employer) in the sense that she/he was bound to obey orders not only as to work that has to be executed, but also as to the details of the work and the manner of its execution. In the contemporary sense, the law has developed to the extent that now the implied terms and statutory incidents attached to a relationship of this nature concerning such matters as termination of employment, minimum wages conditions of work, and social security rights began to limit freedom of contract

## 2.3 WAGES AND REMUNERATION

The substance of law here essentially covers such elements as forms of wages and methods of payment the protection of wages against unlawful deductions and other abuses minimum wages, fringe benefits in relation to wages and, in highly sophisticated economies, incomes policies designed to protect the real value of wages against erosion of inflation

The legal requirements concerning the forms of wages and methods of wage payment deal with such matters as the proper notification of wage conditions the payment of wages in legal tender or by cheque the limitation and proper valuation of payments in kind the freedom of the worker to dispose of his wages regularity in payment of wages the treatment of wages as a privileged debt and restrictions upon the attachment or assignment of wages

Protection of wages against deductions and related abuses covers such topics as placement fees payment at company stores or for tools or other supplies and fines for alleged breaches of discipline. Minimum-wage regulations take varied forms from country to country. On the other hand statutory provisions and collective agreements for determining wages may embrace such varied matters as skill differentials qualifications the elimination of race and sex differentials payment according to results and the relationship of wages to productivity and wage guarantees for agreed periods of time

Fringe benefits such as bonuses payable in varying contingencies are a matter for collective agreements. Income policies are reflected in some writings as remaining the subject of much controversy. It is therefore why their general purpose often embodied in legislation and sometimes expressed in collective agreements or statements of government policy is to restrain inflationary pressures resulting from wage increases unrelated, as economists would argue to increased productivity. It is argued sometimes that this is done in a manner that promotes a fairer distribution of income

## 2.4 CONDITIONS OF WORK

This involves hours, rest periods, holidays and vacations, the prohibition of child labour and regulation of the employment of young persons, and some special provisions concerning the employment of women. This part of the law, according to research done elsewhere, originated in protective legislation for women and children. It will be acknowledged that these elements of its content and their relative importance have been wholly transformed in the present day industrial relations.

Several aspects have limited recourse to child labour in many countries, although in some cases it is still prevalent. Economic and educational progress and changed social habits have largely contributed in this score. There has been a similar shift of emphasis from protective legislation for women, as employment opportunities for them have become more varied and responsible. Protective legislation has now become to be regarded as discriminatory in areas where it tends to limit such opportunities.

The shift is much more towards legal guarantees of equal pay and equal employment, coupled with adequate maternity protection and provision of facilities to enable women with family responsibilities to continue to be employed. The slackening of what used to be called morality of work, relating to limitation of hours of work, is yet another, no less important change that has taken place. The principle of resting one day of the week, sanctioned largely by religious practices in many places, was widely incorporated in most countries' legislation at an early stage. Subsequently statutory requirements have lengthened this weekly rest to five days, and more commonly to eight hours and increasingly forty-hour per week maximum limit.

In the last six decades, legislation granting annual holidays with full pay and comprehensive agreements providing for such, has developed and has become a common phenomenon. In some cases increasingly organisations are making it a policy to increase a period for the minimum holiday period. The Lesotho Council of NGOs' (LCN) collective agreement for instance, makes provision for a two week holiday for its employees during the Christmas and New Year period.

Equally important and worthy of consideration, is the question of sabbaticals, educational or study leaves. In modern organisations, provisions are being considered for secondments and placements to other organisations in or outside the country.

## 2.5 HEALTH, SAFETY AND WELFARE

General matters such as occupational health and accident prevention regulations and services, special regulations for particularly hazardous occupations such as and mining, building and dock work, and provisions concerning such health and safety risks as poison, chemical factories, dangerous machinery, dusts, noise, vibration and radiation, fall under this category.

Over the years, efforts of organised safety movements and environmentalists, as well as the progress of occupational medicine, have produced comprehensive occupational health and accident-prevention services and regulations, no longer limited to a few specially acute risks but covering the full range of dangers arising from modern industrial processes.

Welfare benefits, in the sense of communal services and special schemes and facilities for disadvantaged groups of society, go well beyond the scope of labour law. On the other hand, there is increasing provision by law or collective agreement for welfare facilities related to employment, including feeding, rest, recreation, and transport facilities.

## 2.6 SOCIAL SECURITY

Social security under the modern labour law, ranges from relatively straight-forward employers' liability for occupational accidents to the most comprehensive schemes of payment, including income security, in

the form of sickness unemployment, old age employment injury maternity family invalidity, and survivors benefits and medical care. In the case of Lesotho for instance, it is mandatory for all employers to cover their employees under the Workman's Compensation Act of 1967. In other words there has been a progression from the particular to the general, characteristic of other aspects of the labour law.

The pattern varies from country to country partly as a reflection of different relationships between social security and private life retirement and health insurance, partly because of differences in economic and social conditions. It will therefore be advisable for SADC-CNGO to conduct research in the SADC region of all applicable laws particularly for the host country of the Secretariat in the present case Botswana.

## 2.7 TRADE UNIONS AND LABOUR-MANAGEMENT RELATIONS

It is not clear whether the secretariat of the SADC NGO Coalition will be joining or forming a trade union, but this is one of the fundamental freedoms that all workers have and in Lesotho this provided for in the Constitution of the country under Principles of State Policy. Research has revealed that a number of complex legal relationships fall under this category. These include legal status, rights and obligations of trade unions and employers' associations collective bargaining and collective agreements, the representation of employees at plant and enterprise level (including joint consultation and where it exists code termination and other forms of workers' participation in management) work rules and labour discipline the prevention and settlement of labour disputes in general and strikes and lockouts in particular.

There are wide variations both in the extent to which such matters as the representative character and capacity of trade unions their legal status the obligation to recognise and bargain with them the enforceability of collective agreements the scope of activities permitted to trade unions and their obligations in contract and tort are subject to legal rules and in the content of such rules.

In general it is held that the trend is to expand the role of law in labour-management relations to reduce the increasing disruption caused by industrial conflict in a more complex setting. At the end of the day how to reconcile freedom of associations with the stability and growth of the economy remains the most challenging and difficult problem of labour law.

## 2.8 THE ADMINISTRATION OF LABOUR LAW

This is an area involving the organisation and functioning of administrative authorities concerned with labour problems including labour inspection services and other organs of enforcement. Administration of the law also encompasses the organisation jurisdiction composition and procedure of labour courts and other bodies for the settlement of grievances arising from existing contracts or collective agreements.

Authorities in this subject have observed that the principal problem in many countries is to relate the process of labour administration and its special intimacy with labour and management to overall economic and social planning in a manner that gives proper weight to social considerations in economic policy. It is acknowledged however that this problem falls outside the scope of labour law mostly. Its solution nonetheless does depend in part on the extent to which labour law provides for and secures effective standards of administration.

## 2.9 SPECIAL CATEGORIES OF WORKERS

A well-balanced labour law makes provision for a wide range of special and particular occupational or other groups. If necessary these sometimes appear as special parts of a general code or a special legislation sometimes it has been found that they take the form of provisions that limit the applicability or vary the mode of application of specific legislative provisions with particular groups. The broad sectors of the economy for which such special provisions are particularly common and important might not

necessarily be relevant for the sector in question at this stage. However, cutting across these broad sectors are the traditional legal distinctions made in some countries between workers and salaried employees and certain newer distinctions such as that between employees who earn annual salaries and have rights to tenure and persons with no such rights engaged and remunerated on monthly or weekly basis or that between white collar and manual workers- the latter often resting on a factual rather than a legal basis

## PART TWO

### DRAFT MANUAL ON CONDITIONS OF EMPLOYMENT

#### SECTION ONE-PRELIMINARY

##### 1 SHORT TITLE AND COMMENCEMENT

This Manual may be cited as the SADC - Council of NGOs (SADC-CNGO) Staff Manual 1998 and shall come into operation on such date or dates as the SADC-CNGO Committee of National Representatives (CONARE) shall have resolved at a General Assembly (GA) sitting at an Annual General Meeting (AGM) or an Extra-Ordinary Meeting (EGM), and endorsed by the SADC Council of Ministers

##### 2 SCOPE AND PURPOSE OF THE MANUAL

- 2.1 The Manual shall apply to any employment within the Secretariat of SADC-CNGO (hereinafter referred to as the Council) and to any employment by or under the SADC-CNGO or by or under any of its affiliates provided such employment is done on behalf and with the expressed authority of the COUNCIL.
- 2.2 The manual deals with the administration of the personnel function and also sets out the personnel policies currently in force. It is also to be used as a guide for supervision and management on all matters affecting staff and personnel at work on behalf of the Council.
- 2.3 The ultimate responsibility for ensuring that personnel policies are adhered to rests with the Executive Director.
- 2.4 The Personnel Officer or such other officer with responsibility for personnel matters has the responsibility to see that manual is up-to-date and that copies are in the hands of all staff expected to implement the personnel policies.

##### 3 EMPLOYMENT POLICIES

- 3.1 The Council will from time to time develop a number of rules and regulations and disciplinary codes which are applicable to all employees and to which it adheres in so far as is practicable at all times. Some of the more important and relevant of these procedures are set out below.
- 3.2 The Council will apply common sense and accepted norms of behaviour will be applied in interpreting written rules and in dealing with eventualities not covered by written rules.
- 3.3 The Council recognises the right of the employees to organise themselves into or belong to any Trade Union duly registered in terms of Law. The Council will recognise and negotiate with any union which qualifies to represent any section of its employees in terms of the appropriate Labour Laws in the country of its abode.

- 3 4 The Council will not victimise or discriminate against employee on the grounds of her or his membership of or legal actions as an official of any registered trade union
- 3 5 The Council does not discriminate against any person on the basis of his race colour of skin gender, and religious or political beliefs When the Council wishes to fill a vacant position any employee of the Council or its affiliates or its associated organisation or any citizen of SADC Member States may apply, and will be considered on merit Where, in the opinion of the CONARE and the management an employee candidate is as well suited to the position as an outside candidate the employee will be given preference
- 3 6 When the Council wishes to promote to a higher position one of its employees, and in management's opinion two or more employees are equally suitable for promotion preference will be given on the basis of length of service
- 3 7 The Council shall endeavour to the best of its ability to adopt a policy of fair representation of all the SADC Member States in the appointment of staff in its Secretariat

#### 4 APPLICABILITY

- 4 1 The conditions of employment apply equally to all staff unless otherwise specified Where a written contract has been entered into between the Council and an individual employee and there is a conflict between the provisions of that individual contract and those of the condition employment, the provisions of the individual contract will apply
- 4 2 The conditions of employment will comply with the minimum requirements of and subsequent to all the laws of the host country regulating conditions of employment These conditions may be altered from time to time as circumstances dictate and such alterations will be duly advised to employees and to any body or union representing the interests of the employees
- 4 3 These conditions cannot cover all aspects of employment nor cater for all eventualities Common sense and accepted norms of behaviour will be applied in interpreting these conditions and due regard will be taken of the common and statutory law obtaining in the host country (Botswana)
- 4 4 No employee shall directly or indirectly be employed for gain in any business pursuit other than that of the Council without approval of the Executive Director Permission for extraneous part-time employment will only be granted provided the Council is satisfied that the activity is not contrary to its interests and provided management is satisfied that employee's efficiency will in no way be impaired by the proposed activity

#### 5 TERM OF OFFICE

##### 5 1 APPOINTMENT

The appointment of staff will be initially for a period of four years renewable except in the case of the Executive Director whose term can only be extended for one more term

##### 5 2 PROBATION

- 5 2 1 All new employees will initially be employed for a probationary period not exceeding six months in the case of the Executive Director and four months for the rest of the other staff at the end of which their performance and conduct will be assessed towards confirmation of appointment The Council reserves the right to extend the probationary period by no more than three months if deemed necessary

- 5 2 2 If at any time during the probationary period, or immediately at its end, the employee or the Council wishes to terminate service this can be done by either party giving two week's notice to the other
- 5 2 3 The probationary period may be extended beyond a period stipulated for respective employees only with the leave in writing of the Labour Commissioner or as provided for in the labour laws of the country of resident
- 5 2 4 Annual leave accrues during the probationary period as it would under conditions of permanent employment

## 6 TERMINATION OF EMPLOYMENT AND ACCRUED RIGHTS OF PARTIES

- 6 1 The termination of any contract under the provisions of this Part shall be without prejudice to any accrued rights or liabilities of either party under the said contract at date of termination
- 6 2 In the case of death of an employee, her or his accrued rights and liabilities, except the duty to perform services of work under a contract shall devolve upon his or her heirs or dependants
- 6 3 Either the Council or the employee may terminate service by giving due notice Notice period shall be one (1) calendar month for all employees with the exception of the Executive Director and Deputy Director whose notice periods shall be three (3) and two (2) calendar months respectively Where there is need for immediate separation cash in lieu of notice is payable by either party
- 6 4 Notice period commences on the first day and ends on the last day of the month
- 6 5 Notice of termination of employment may not be given whilst the employee is out of the office either on an authorised annual or sick leave or official trip
- 6 6 The periods of notice do not apply in instances where the conduct of an employee warrants dismissal

## 6 7 REDUNDANCY SEVERANCE AND PHYSICAL INCAPACITY

- 6 7 1 Where dismissal is on the grounds of physical incapacity or redundancy the Council will pay the employee in addition to notice pay and leave pay redundancy pay calculated as follows  
  
Two (22) weeks salary for each completed year of continuous service with the Council
- 6 7 2 Should circumstances arise where dismissal on the grounds of redundancy is necessary the Council will take account of competence in deciding which employee should be made redundant In the case of employees of equal competence the Council will use last in first out principle

## 7 CERTIFICATE OF SERVICE

On termination of a contract SADC-CNGO shall if so requested by an employee whom it has continuously employed for more than a month furnish the employee with a certificate which identifies the parties and shows the period of service and the nature of the employment

## 8 DISTRIBUTION OF ASSETS OF DECEASED EMPLOYEE

After the death of an employee SADC-CNGO shall as soon as practicable, pay or deliver to the appropriate Labour Authority, for distribution in accordance with the relevant law, all wages and other remuneration due to and all property belonging to the deceased employee which is in its possession

## 9 PROTECTION OF SALARIES

### 9 1 HOW SALARIES WILL BE PAID

9 1 1 All salaries shall be paid monthly, during the last week of the month in arrears of 30 days Salaries will be reviewed from time to time, and shall at any rate be subject to annual increments, which will be effected during the month of January

9 1 2 The salaries of local employees shall be made payable in legal tender only and any agreement whereby the whole or any part of the wages of such employees are made payable in any other manner shall be void

9 1 3 The salaries of expatriate staff shall be made payable in United States Dollars (US \$s)

9 1 4 However nothing in this manual shall render illegal an agreement or contract with an employee to provide SADC-CNGO as partial remuneration for his or her services in addition to salaries, with food, a dwelling place and/or such other allowances or privileges as may be customary in the trade or occupation concerned

### 9 2 SALARIES AND BENEFITS

9 2 1 Local employees will be entitled to a 3% Staff Benefit Allowance subject to internal tax Non-residents will be entitled to Expatriation Allowance (to be determined by CONARE) not subject to Internal Tax

9 2 2 In addition expatriate staff will be eligible to a) Dependants Allowance b) Education Allowance for children at primary secondary and high school levels c) Rent Allowance d) Entertainment Allowance for both the Executive and Deputy Directors e) Installation and Transfer Grants f) Home Leave and Exemption from Internal Tax

9 2 3 Conditions of service will include normal working hours of 8 00 Am to 4 30 p m or as regulated by the Law of a host country Annual Leave Superannuating scheme and season ticket loan Telephone rental charges met at a given percentage of the total cost of metered calls within the host country and Salary will be subject to internal tax and exempt from the host country's income tax

### 9 3 0 LEAVE ENTITLEMENTS

#### 9 3 1 MATERNITY AND PATERNITY LEAVES

The Council shall grant to employees up to three months MATERNITY and two weeks PATERNITY paid leaves following confinement or such leave entitlements shall be in accordance with the legal requirements of the host country - whichever is greater

9 3 2 A further forty-two (42) days may be granted prior to confinement if the employee produces a medical certificate issued by a registered medical practitioner that her confinement will probably take place within six (6) weeks

9 3 3 Employees are granted all public holidays as published in the host Government Gazette

- 9 3 4 Should an employee be required to work on a public holiday or on a Sunday it will be treated as overtime and payment will be made at the current official/legal rates
- 9 3 5 The Council recognises the need for employees to have a complete break from work and believes that to maximise this benefit, each employee must have a period of set days leave per annum (minimum of 18 days for support staff to 25 for the Executive Director) No employee may take up paid employment during leave period
- 9 3 6 Whilst the Council will take every effort to meet an employee's request as regards the timing of leave it however reserves the right to make the final decision Employees will not normally be allowed to sell their leave days for cash Notwithstanding in exceptional cases and with the approval of the Executive Director, pay in lieu of no more than ten (10) days may be made
- 9 3 7 Any employee to who leave is granted may immediately prior to commencing such leave apply for payment on account of her/his next salary
- 9 3 8 Leave entitlements will be on a sliding scale as follows
- |                   |   |                           |
|-------------------|---|---------------------------|
| Support staff     | - | 18 working days per annum |
| Middle management | - | 22 working days           |
| Top management -  |   | 25 working days           |
- 9 4 All employees are allowed two (2) weeks' holiday over and above their annual leave during the Christmas period to enable them to be with their families during the festive season
- 9 5 0 SICK LEAVE
- 9 5 1 If an employee falls ill and stays away from work he/she will be required to notify her/his immediate superior by 4 00 p m of the first day of such absence The employee must produce a doctor's certificate if
- The period of absence is three consecutive days or more provided that Sectional Heads have the right to require a doctor's certificate even for shorter periods of absence (It must be noted that a doctor does not grant leave but recommends sick leave to the employer)
- She/he is away on a day immediately before or after a weekend or public holiday
- 9 5 2 The Council retains the right to have an employee who professes to be ill examined by a Council appointed doctor before it is decided whether or not to grant sick leave
- 9 5 3 The Council will grant paid sick leave to employees who comply with the conditions set out under this section up to a maximum entitlement of
- The first year of service up to twelve days on full pay after six months service with the Council
- After one year of service up to twelve (12) days on full pay and twenty-four (24) days on half pay in 12 months periods of continuous service
- 9 5 4 Compassionate leave on full pay may be granted at the discretion of the Executive Director to employees when there is death or serious illness in the family involving close relatives (e.g spouse parents and children)

9 6 0 UNPAID LEAVE

9 6 1 Leave or time off without pay may be allowed in special circumstances but must be discussed and agreed with the Executive Director (in the case of the rest of the staff) or the Chairperson of CONARE (in the case of the Executive Director) Such leave may only be granted provided all annual leave has been used up and provided management is satisfied that the circumstances warrant such leave Documentary evidence of the circumstances should accompany all applications for unpaid leave

9 6 2 The duration of leave without pay is determined by the circumstances for which it is required

9 6 3 The employee must maintain her/his contributions to the Pension Fund and Medical Aid for the duration of such leave

9 7 0 NOTIFICATION OF ABSENCE

Staff should notify the Executive Director through appropriate means of any absence by 10 am of the first day of such absence wherever possible

9 8 0 STUDY LOANS/LEAVES

9 8 1 As a matter of policy the Council will not normally entertain applications for study leaves However in exceptional cases employees may be granted time off for a short to medium length course that is deemed by management to be relevant and essential for the concerned employee The Council would in such cases consider a paid time off for the duration of such period

9 8 2 Study loans may also be granted under exceptional circumstances at the discretion of CONARE and management to employees who wish to improve their qualifications and who will thereby become of greater value to the Council In order to qualify for a study leave an employee must meet the following conditions

- a) The proposed course of study must be relevant to the applicant's field of employment
- b) The course must be taken on a part-time basis and must not interfere with the employee's performance of duty
- c) The applicant must satisfy the Council that she/he is competent to undertake the proposed course and must be willing to undergo aptitude tests if so required

9 9 0 WELFARE LOANS

9 9 1 Welfare loans may be granted by the Council to employees who have suffered a serious setback caused by factors beyond their control which would naturally exclude debt purchase of furniture repair or purchase of a motor vehicle and such related matters

9 9 2 Such loans may be authorised by the Executive Director on the recommendation of an immediate supervisor of the concerned employee

9 9 3 The following limits may not be exceeded when granting welfare loans

- a) Employees with less than 12 months service no loan
- b) Employees with 12 to 24 months service up to equivalent of one month s salary
- c) Employees with more than 24 month s continuos service up to equivalent of 2 month s salary

9 10 0 PENSION FUND

- 9 10 1 A contributory pension scheme is available to all employees on permanent employment The scheme is compulsory upon confirmation of employment
- 9 10 2 The employee contributes 5% of her/his own gross salary per month and the Council contributes another 5% per month
- 9 10 3 If the employee leaves the Council s employ for whatever reason before retirement age she/he receive back her/his contribution plus interest
- 9 10 4 On leaving the service of the Council staff will be entitled to share in the contributions made by the Council on a graduated scale to be determined by the Council
- 9 10 5 The pension (based on the average of the highest three years earning) is paid for life upon retirement
- 9 10 6 Retirement age is 60 years
- 9 10 7 Upon death of the retired member the spouse will receive a pension equal to one half (1/2) of the monthly pension paid to the member This will continue for life or until re-marriage
- 9 10 8 In the event of death or re-marriage of the spouse of the deceased member her/his pension entitlement will continue to be paid to the legal guardian for the benefit of minor children
- 9 10 9 In the event of the death of the member before retirement her/his contributions will be refunded with interest immediately and lump sum death graduate paid to the beneficiary in addition
- 9 11 0 MEDICAL AID
- 9 11 1 The Council operates Medical Aid Scheme available to all employees
- 9 11 2 The Council bears 50% of the cost of monthly contributions for

10 CONFIDENTIALITY OF INFORMATION AND SECURITY

- 10 1 Employees will not divulge or communicate to any parson or make use of any information which they may acquire in connection with the Council s property business or general affairs or any official secrets Breach of this condition shall if proved be grounds for summary dismissal
- 10 2 All manuals and procedures which may be issued to the staff by the Council are confidential and remain the property of the Council
- 10 3 The Council reserves the right to order a search of an employee or of any vehicle of an employee at any time whilst leaving the premises

- 10 4 The Council may enforce adherence to security regulations by, for example requiring all employees to wear identification cards

## 11 TEMPORARY CASUAL EMPLOYEES

- 11 1 Temporary and casual employees are those engaged to work normal hours but for a limited period of time and /or duration
- 11 2 It is also those employed for a minimum of four (4) consecutive days and a maximum of three (3) months
- 11 3 A letter of employment is issued to temporary employees specifying among other things the period of employment
- 11 4 Casual employees are employed from a minimum of one (1) day to a maximum of three (3) days in any one week No letter of appointment is necessary

## 12 GENERAL CONDITIONS

### 12 1 0 Discipline

- 12 1 1 The Council shall develop a grievance procedure and disciplinary code in line with the guidelines provided under the labour law of a host country The disciplinary code is a guide to the action that has to be taken if a supervisor or manager wishes to take action that is not covered in the Employment Act, or Disciplinary Code of a host country The Executive Director must approve the proposed action If any member of staff has a grievance relating to their employment, they should refer to this manual which will be kept in the office of the personnel officer

- 12 1 2 In general disciplinary action is in the first instance educational and then corrective Punitive action is only taken when earlier steps have proven ineffective

- 12 1 3 No employee may be dismissed without the approval of the Executive Director

### 12 2 0 Personal Conduct

- 12 2 1 Employees are expected to conduct themselves in such a way that they do not violate the common decency or morality of the community or other members of the secretariat It is an offence for example to drink alcoholic beverages intoxicating drugs or to do drugs whilst on duty or within the premises of the Secretariat
- 12 2 2 No employee shall assault threaten intimidate or abuse (physically mentally psychologically or sexually) any other person
- 12 2 3 Insubordination including refusal or failure to perform work assigned and disobedience of orders or acts of disrespect towards superiors is unacceptable
- 12 2 4 No employee may incite others to violence or disobedience of rules and instructions or to disorderly conduct
- 12 2 5 It is an offence to falsify documents or lie to superiors with regard to matters concerning duties and discipline

- 12 2 6 Proper care must be taken of any Council s or other employees property
- 12 2 7 It is an offence to sleep whilst at work during working hours
- 12 2 8 No money collection for any purpose shall be done without the Council s approval
- 12 3 0 Health and Safety
- 12 3 1 Unauthorised possession of the Council s or any other employee s property is forbidden
- 12 3 2 Remaining or entering Council premises outside agreed working hours is forbidden unless permission has first been obtained
- 12 3 3 No meetings of employees may be held on Council's premises without permission
- 12 3 4 No employee may disclose to any person or make use of any information obtained during the course of her/his employment if it may established reasonably that such a disclosure or use, may be detrimental to the work of the Council
- 12 3 5 There shall be no removal of any documents from the offices of the Council without specific permission being given
- 12 3 6 The Council reserves the right to inspect at any time personal cupboards toolboxes bags etc whether owned by the employees or the Council
- 12 4 0 Personal Matters
- 12 4 1 The Council accepts no responsibility for any private correspondence sent to employees at its address
- 12 4 2 The use of the Council s telephones faxes e – mail facility and basic office equipment is restricted to genuine cases of emergency and such other circumstances as will be determined by the Executive Director
- 12 5 0 Trade Union Membership and Activity
  - Every member of Staff has the right to
  - Be a member of such lawfully registered Trade Union as they may choose
  - A reasonable time off to take part in the activities of such a Trade Union including the seeking and holding of office
- 12 6 0 Communication with the Media
  - All letters press releases reports interviews and such other communication to the media relating to the Council will be done through or with the express authority of the Executive Director
- 12 7 0 Extraneous Remuneration
  - All remuneration received by staff from sources outside the Council and arising directly in connection with their employment with the Council shall become due and payable to the Council
- 12 8 0 Criminal Proceedings

Any staff member charged with criminal offence taking place during working hours or in the course of duty must report the offence to the Executive Director (CONARE) in the case of the Executive Director) Conviction for a criminal offence, which affects the ability to perform duties, related to work, or which compromises the credibility of the Council shall be enough grounds for dismissal

12 9 0 Disciplinary Code

See table below for schedule of offences and consequent penalties

Mr Sello invited delegates to come up with suggestions to fill in blank sections He ended his presentation with a Schedule of Offences and Consequent Penalties which is reproduced below

Offence	First Time	Second Time	Third Time
Absent without leave			
2 – 4 consecutive days	Final warning	Dismissal	
5 consecutive days	Dismissal		
Arriving late at work Leaving work early Leaving work without permission	First warning	Severe warning	Final
Possession of or sale of alcohol or drugs at work	Dismissal		
Working under the influence of alcohol or drugs	Final	Dismissal	
Neglect of safety or security procedures	Final	Dismissal	
Fighting at work	Final	Dismissal	
Misuse of property or neglect of such			
Neglect of duty/ horseplay	First	Severe	Final
Committing any criminal offence e.g	Dismissal		
Carrying a dangerous weapon	Final	Dismissal	

## ANNEX THREE

### A PAPER ON STRATEGIES THAT COULD SUSTAIN SADC-CNGO

PREPARED BY NKOSINATHI DESMOND MAPHANGA

FOR THE SADC-CNGO CONFERENCE , BOTSWANA  
ON 4TH - 6TH FEBRUARY 1998

#### INTRODUCTION

The purpose of the paper is not to provide a finite solution to this complex problem but rather to provoke the minds of esteemed participants and steer this meeting into collectively thinking of strategies which would best sustain this regional body

The concept of sustenance or financial autonomy, is a subject that has been much spoken about. Many authorities have tabled various practical techniques which such a body can adopt (as with other development organisation) for such an exercise

It is my intention therefore to confine this paper to models based on three essential elements, namely

- The development and implementation of traditional fundraising models
- The creation of a capital reserve fund which can generate enough interest earned on investments to cover the core budget
- The development of regular sources of income through income generating projects and/or the sale of services

#### STRUCTURES

##### Steps to Financial Self-reliance

Attractive ideas abound for fundraising and generating revenue. There are many success stories, working methods, innovations, techniques, schemes, and gimmicks of all kinds that make lots of money. Where to begin? Which techniques to use? Answer: The techniques can wait. Put first things first. Success comes from planning, and the most successful nonprofit organisations PLAN BEFORE THEY ACT. They also constantly diversify their sources of revenue.

##### The Resource Development Programme

In establishing what I would term a resource development programme, one needs to consider the following:

1. The development to a plan has to be based on the mission of the body, with long term goals and one-year objectives
2. The plan has to be realistic and based on the regional SADC plan of action and how they could supplement and complete these by SADC-CNGO, paying special attention to its current and future programme needs and a market analysis. This planning should involve the CONARE body working through the Executive board and the Secretariat.

SADC-CNGO, hereafter referred to as the Body, has to come up with a plan of action including a timetable, a list of assignments, and a budget for income and expenditure. They will have to consider "revenue generating" activities, and solicit income and diversify in each of those areas to spread the risk. These would have to be tabled to CONARE for scrutiny and approval.

- 3 The public image of the Body has to be given careful attention as its Programme performance and financial accountability should/must stand up to public scouting and are worthy of support
- 4 There has to be strong commitment and belief in the need of and support for SADC-CNGO or the Body by national umbrella bodies
- 5 There will also be a need to develop a support committee of active dependable and influential volunteers from the region

The Director of the Secretariat should have the capacity, dynamism and responsibility for coordinating the funding plan. The Director should also have the responsibility for finding out all that is available about donors, and so develop ways in which s/he is able to relate to donors on a personal level (the bodies (i.e. SADC-CNGO's) programmes). This of course will involve some degree of personal touch e.g. thanking the donors and telling them how their gifts are producing results.

Recruit a highly motivated secretariat, which should be provided with training to keep the staff and volunteers confident, motivated and competitive.

SADC-CNGO, failed to take off as it seems, from a lack of conviction or belief in its necessity, commitment to coordination of and the availability of resources. It had been resolved in the World Trade Centre meeting in Johannesburg that it was the duty of all umbrella body representatives to go and sell the idea of SADC-CNGO and the opportunities it presented. However, this dismally failed. There was no development plan, funding plan and none of us had worked on the image of the body itself. The governing body could not meet, and all this added to a sure failure.

### Traditional Fundraising Strategies

Traditional aid takes five forms: grant or trustees subscriptions, corporation, legacies and special events.

### Grants and Trusts

However, at present most donors - whether they are governments or intergovernmental organisations like SADC or NGOs - only provide grants for specific short-term projects. They may call them 'micro projects', small projects or large-scale integrated projects. At this inception stage SADC-CNGO has to depend on external aid or grants. Funding for such had to come from the US AID - an external assistance grant. This therefore takes us to looking at the whole subject of the first strategy: grants or donor funding or external assistance.

However, as Barnard Lecomte<sup>1</sup> has clearly shown, the project approach is essentially a tool used by donors to control development assistance. In fact, the project often ends up as a straitjacket that prevents the body from effectively managing its own activities/programmes.

Development is, however, a complex, unpredictable process that we can rarely divide into neatly packaged projects with predetermined and easily measured results.

Donors too need a change in policies which will enhance genuine and effective partnerships that will lead to flexible long-term grants, both for projects and institutional development. This infers the end of the project approach to development funding.

## **Subscriptions**

Regarding the issue of subscriptions it is terrifying to realise that currently this is almost an impossibility as local umbrella bodies are themselves struggling to maintain themselves. However, it is my strong belief that if the subscriptions would prove to be an investment by which what we contribute as subscriptions, produce returns that show significant value for the money, this too would prove a viable strategy. The Body therefore would have to provide services that would help local umbrella bodies sustain themselves.

## **Corporate Institutions**

Regarding corporations, they tend to favour sponsorships, they often think around the company's image and marketing strategy. They will only sponsor if this will enhance the marketability of the corporation. They too, like donors, often have similar disadvantages in that, somehow they try to influence the priorities of their development partners. Careful planning before embarking into corporate fundraising such that industries appreciate value for their money, would effectively make this strategy a major source of income.

## **Legacies**

The same would apply to legacies in that they all require the Body to spend vast amounts of time and resource in preparing fundraising proposals, negotiating with the grant givers, keeping separate accounts and providing long detailed reports. However, if carefully nurtured, this could also be a valuable source of income.

## **Special Events**

Other traditional fundraising methods/strategies involve the organisation of special events. They should achieve three related objectives, raise money, increase awareness (which would be an effective lobby method given the type of event, for example a regional dinner for heads of states where each would make a pledge) and lastly to build capacity. Events build capacity through identifying national and regional leaders who will help in the future and through expanding the network for the body. Events raise money in three ways, they prompt additional funds from current donors, they obtain new gifts from new donors and help collect names and addresses to add to the donor base, they increase awareness through drawing attention to the body, educating people about what SADC-CONGO is all about.

## **NEED FOR NEW FINANCING MODELS?**

There is, however, a clear need for new financing models that are based on the institutional development of the Body. This infers that it is important that the Body significantly works on establishing and increasing its own self-financing activities such that it aspires for achieving financial autonomy.

Financial autonomy is not a dream, but it is very difficult to achieve. First, for success to be realised, there is need for effective strategic management, i.e. the ability to draw up long-term strategic plans to adapt to changing circumstances and to manage growth. Secondly, there is the development of reserves that can, on the one hand, produce income for the core budget and on the other hand, provide some degree of financial stability and security. Thirdly, is long-term profitability. This will involve the formulation of a fundraising strategy based on the long-term plan that should also adapt with the times. The body should have a long-term financing strategy for fundraising and/or generating income to cover the costs of the secretariat and programmes during the same period.

It is interesting that there are many different financing methods available to donors:

- Emergency relief and welfare grants

- Small grants tied to specific development projects

- Flexible programme grants that would allow the Body to take its own decision and to

- ◇ adapt its plans as necessary
- ◇ Institutional - building grants to help the Body establish itself (e.g. the initiative taken by BOCONGO and US AID)
- ◇ Non-earmarked grants which could allow maximum flexibility and the possibility of building reserves
- ◇ Rotating loan funds
- ◇ Access to bank guarantees

The main problem, however, is the fact that some donors are still using out-of-date financing methods that are inappropriate to the needs of this Body. Furthermore, there are inconsistencies with the stated aims of the donor agencies themselves. However, they could improve this through taking cognisance of the need to revisit relationships between NGOs and donors in the North such that they are realistic and equally sensitive to mutual partnership development with their Southern counterparts, especially for such an institution as the Body.

For these reasons, donors would need to be convinced to move towards more flexible funding based on

- ◇ Programme grants
- ◇ Institutional building
- ◇ Unearmarked organisational grants
- ◇ Revolving loan funds
- ◇ Bank guarantees

#### **GENERATING YOUR OWN FINANCIAL RESOURCES (SELF-FINANCING METHODS)**

This part of the paper looks at some methods for generating financial resources. It makes sense to look at these methods through six suggested principal self-financing approaches:

- Contribution by members
- income-generating activities
- Sale of services
- Interest from investments (reserves)
- Fundraising from the general public
- Administrative overheads on project grants

#### **A Contribution by members**

##### **I Membership fees and shares**

Membership fees or subscriptions are essential even if they are very small. They increase the commitment of the members to the body and as such would also help convince donors to give support. Contributions by member umbrella bodies would have to be voted for at General Assembly meeting. The General Assembly has to be convinced of the benefits to be accrued from joining SADC CNGO. The need for the body has to be apparent to all. Some umbrella bodies who cannot pay subscriptions can be made to contribute in kind through the provision of resource personnel for specific projects run by the body.

#### **B Income Generating Activities**

Small income-generating activities are perhaps the most common way of generating funds for the organisation.

#### Examples include

- ◆ Offering consultancies on capacity building to local umbrella bodies
- ◆ offering training courses on subject relating to regional concerns (e.g. disaster preparedness, National dept management, sustainable strategic management etc.)
- ◆ playing an effective lobbying role in enhancing the creation of an enabling environment for local umbrella bodies
- ◆ Influencing the prioritisation of Government activities such that they synchronise with the concerns raised by the total NGOs therefore compelling Governments to subcontract activities to the NGOs

#### C Sale of services

There is a need to identify services carefully that can be effectively sourced and as has been noted " in the south, the problem is not lack of demand, which is generally very high, but that of the capacity to pay for the service at a reasonable price"<sup>2</sup>

##### Types of services

- Bulk buying of fixed assets such as vehicles, stationery and office equipment thus taking advantage of the huge discounts thereof
- Offering various insurance covers to regional umbrellas for their members (e.g. life covers, investment policies, evaluation consultancies, etc)
- Creating and setting standards and codes of ethics for umbrella body operations
- Lobbying and influencing the creation of structures that will enhance an enabling environment for the operation of NGOs at country level

#### D Interest from investments and reserves

The key to financial security cannot be found in external sources but rather in the creation of reserves and a capital fund. The interest earned by investing the reserves can be used to cover the administrative expenses and possibly even some of the programme costs. The very idea of reserves unfortunately is resented by many people working in social development. However reserves do represent the key to financial security and as such are a vital element in institutional development.

#### E) Special Reserve Funds

##### i) General Reserve

Donors are often suspicious of general reserves particularly if you use their grants for such purposes however, in commercial law, a company has the obligation to put a percentage of its profits into the general reserves. It could be worth a try to persuade some of the donors to allow you to use a percentage of their grants for special reserve funds. These reserves can be justified on the basis of legal contractual obligations and through basic management principles.

##### ii) Contractual Obligations

Set aside funds to cover all your contractual obligations for the unlikely situation in which the Body would have to close (Not that I wish this to be the case)

- \* Several month's salary for each member of staff (and related costs)
- \* Rent of the offices until the contract expires (allow for the whole period of the contract)
- \* Routine bills (allow for several months)

These are all real expenses that the Body may have to pay Hence it is entirely reasonable to set up a "contractual obligation reserve"

iii) **Renewal funds**

Equipment, vehicle, machines and buildings are often financed through grants From the bookkeeping perspective one can therefore assume that they can be paid off at 100% However all these items have to be replaced and so a "renewal fund" becomes vitally important Each year according to the standard depreciation rates, amounts should be transferred to cover the cost of purchasing replacement items for all the major/capital expenditures

iv ) **Research and Innovation**

The survival of the Body will depends on its capacity to innovate and to create new "products" Creativity depends to a large extent on special studies and research So with some donors you can ask for funds for such activities

v) **Exchange Rates**

**Hard Currencies**

Donor agencies generally work in their own currencies, which are hard currencies As exchange rates fluctuate so widely the body can exploit these vacations If the opportunity arises sign the contracts with the donors in a hard currency (their own currency)

Then identify the rates of exchange at the signing stage when money is received, and lastly when the money is actually spent

There might be six months or more between the first and last phase Depending on the exchange rate that you choose you may be able to generate some unearmarked funds

vi) **Investments**

There are basically three types of investments short term medium term and long term

A few tips I wish to share are if you go about this

- ◆ use specialist help on local market and international situation trends
- ◆ do not take unnecessary risks and never speculate
- ◆ invest in hard currencies
- ◆ Check your cash - flow situation and your investment regularly
- ◆ Do not invest in financial institutions whose practices are inconsistent with your own

vii) **Administrative overhead on project grants**

This is one area raising a principal problem where at NGOs have to finance their

administrative costs for example

- ◆ Salaries of the staff
- ◆ Travel expenses
- ◆ Purchase and maintenance of equipment and vehicles

In order to deal with these I propose the following

- 1 Cut down administrative expenditure
- 2 Reduce the administrative budget to the minimum by putting "support programme activities under programmes budgets
- 3 Request an "overhead" administrative allowance from donors on all project grants
- 4 If no overhead is available, debit the project accounts for all services rendered by the organisation
- 5 Negotiate institution - building grants from donors
- 6 Increase income sources to cover administration

### **TWELVE(12) STEPS TOWARDS FINANCIAL AUTONOMY**

As part of a process leading to financial autonomy I would therefore recommend that the Body follows the chronological steps listed below

- 1 Attain Donor funding for the creation of the Body
- 2 Develop its own resources (land labour etc)
- 3 Market and sell appropriate products and services to country bodies
- 4 Establish capital reserve's funds (using profits from the sales)
- 5 Programme fundraising through northern partners and financial institutions (e g IMF World Bank and/or the African Development Bank)
- 6 External fundraising, if necessary based on specific projects
- 7 Institutional development Management, capacity organisational structure and self evaluation
- 8 Development of the capital reserve fund and an increase in service sales (these could include vehicle fleet insurance schemes other insurance benefits and selling franchises)
- 9 Negotiating for flexible grants from the donor community
- 10 Negotiation of a grant for a revolving credit fund that the organisation administers for its members
- 11 Substantial increase in the reserves and in sales
- 12 Credit negotiations with regional banks based on bank guarantees provided by international financial institutions

### **SADC-CNGO**

One primary factor toward ensuring permanent sustenance of the body is through the development of

appropriate structures and instruments This will enhance the recognition and financial support of this focal point by SADC governments and as such to facilitate the financing of this concern through state controlled means generating processes (e g state lotteries where applicable) and a percentage of these money put into the coffers of the secretanat This of course would entail extensive marketing of this idea and getting a commitment from SADC heads of states Moreover this will entirely depend on the ability of the Secretanat to lobby and convince governments at SADC levels to support the capacity building of this focal point

### CONCLUSION

In conclusion one would reiterate that the sustenance of such a body depends entirely on the commitments and reserve building capacities of the member bodies

This has to be equally enhanced by the dynamism and innovative abilities of the director and his staff

Conventional fundraising strategies have to be effectively applied whilst at the same time influencing donors to become more inclined towards organisational development

Alternative resource building strategies have to be implemented and these have to be carried out such that service delivery is balanced with income generation

The exercise is not a conventional one but complex and therefore would need to have in place structures that encourage lateral thinking Funding sources as used by the main SADC body have to be streamlined to enhance the capacity of this Body

- 1 Project Aid Limitation and alterations 1986 Paris OECD 1986 ISBN 92-64-12802-02
- 2 Towards Greater Financial Autonomy - Fernand VINCENT and Piers Campbell 1989
- 3 Raising Money from Trusts - Michael Norton
- 4 Raising Money from Industries - Michael Norton
- 5 Legacies - Michael Norton

**ANNEX 4**

**ADDRESS BY MR L B MONYAKE  
DEPUTY EXECUTIVE SECRETARY  
OF THE  
SOUTHERN AFRICAN DEVELOPMENT COMMUNITY(SADC)  
AT  
THE SADC-COUNCIL OF NON- GOVERNMENTAL ORGANISATIONS'(SADC-CNGO)  
GABORONE, BOTSWANA  
4 - 6 FEBRUARY 1998**

Chairperson  
Invited Guests  
Distinguished Delegates  
Ladies and Gentlemen

I feel honoured, on behalf of the Executive Secretary, to have been invited to the opening of this workshop. I bring the apologies of the Executive Secretary who has had to be away for reasons beyond his control. He had already accepted your invitation, but he had to leave suddenly and at the last minute. He sends his good wishes for the success of this workshop. Let me at the outset extend a warm welcome to those delegates who are attending this workshop from outside Botswana. I have no doubt that you will have a pleasant stay in Gaborone.

SADC continues to attach great importance to the role and contribution of the civil society and Non-Governmental Organisations in the process of regional integration. One of the guiding principles of the process of integration in our region is effective participation of all the stakeholders. Experience in many parts of the world, especially in Africa, has shown that integration schemes designed by politicians and government officials with little or no involvement of interested parties in civil society have not been successful.

We have avoided this pitfall in SADC by involving not just government departments but also the business community, the labour movement, NGOs, professional organisations and academics in the debate about SADC and regional integration issues. This has been done through community building workshops and seminars that have been convened at both national and regional levels. The interest, response and enthusiasm shown by the stakeholders participating in these events have been impressive. As a result, stakeholders feel they are part and parcel of the integration process.

As stated in your Concept Paper - The Operations Of The SADC-CNGO there is a need for a regional NGO body. The paper further quotes the provisions of the SADC Treaty that refer to NGOs. It was the wish and intention of the founding fathers of SADC that the Community should be for everybody, not only for governments. All stakeholders are to be involved in the process of integration, in community building and in the programmes of SADC. The objective is to build a community of the people, by the people and for the people. The process has to go right down to the grassroots and come back up to the pinnacle of administration. Who then is better placed than the NGOs to reach down to the people? Who is better placed than the NGOs to stimulate and motivate the people to joint action in building the community? At the national level you are called to play a positive and constructive role in complementing government efforts and reaching those areas that traditionally governments do not reach. The primary objective should always be the welfare of all the people.

If national NGOs are to assist in the community building effort, they should work together at the regional level. That is why the establishment of a SADC Council of the NGOs was a commendable and highly welcome event. The theme of your concept paper is a very important one which other organisations should copy. It is important that any organisation that is started should be sustainable. It is very frustrating to the membership to find an organisation that inspired hope in

them suddenly collapsing before their eyes. Your deliberations in this workshop should result in a well thought out plan of maintaining a sustainable organisation. Basic to that sustainability is the dedication of the membership to sustaining the organisation and its programmes. Those in the leadership should know that members also expect to benefit from their membership. Let them have a vision and involve all their stakeholders in the plans and operations of the organisation. I commend the concept paper to your close and objective scrutiny.

NGOs' comparative advantage in relation to government agencies have long been recognised. SADC is eager to benefit from NGOs' innovative, flexible and responsive approaches to development issues, including grassroots involvement in the development process and activities. The contribution of NGOs in SADC region is most noticeable in a number of areas such as:

- a) community based natural resources management and environmental conservation,
- b) education and vocational training,
- c) gender issues, especially the plight of the girl child and women empowerment,
- d) primary health care and the risk of HIV/AIDS
- e) sustainable agriculture and small scale enterprise development, the convening of this workshop is therefore timely and commendable as it will help to sustain the momentum that was generated at previous workshops that were held in Windhoek and Johannesburg in 1994 and 1995 respectively.

It will be recalled that both workshops addressed the need to adopt and put in place an appropriate institutional framework for NGOs at the regional level. Another main issue at hand was that of fostering collaboration between SADC as an intergovernmental body and the NGO community. As we all know now, these initiatives culminated in the establishment of the SADC- Council of NGOs that set itself a number of objectives including the following:

- a) **advocate for a better enabling environment for NGOs at national and regional levels,**
- b) **represent NGO interests at meetings of SADC Institutions,**
- c) **collect and disseminate information on the activities of NGOs through out the region, in order to influence national and SADC policies and resources towards people's development,**
- d) **identify jointly with SADC structures and governments areas that may be best tackled by NGOs even where NGOs have to use resources raised by or through governments**
- e) **make input in the formulation of policies that influence regional cooperation and integration, representing the views and interests of the NGO clients, most of whom are the region's poor,**
- f) **provide a forum for regional NGOs to develop common positions, activities and practices for improving NGO effectiveness and efficiency,**
- g) **facilitate the process of sharing information and experiences among NGOs,**
- h) **prepare position papers on issues relating to the abuse of human rights, corruption, political victimization etc, for consideration by the SADC Council and Summit, and**

From the stated objectives one could not but conclude that the NGO community in the SADC region was indeed responding to the challenge set out in the SADC Treaty ( article 23 ) that commits member States "to fully involve, to cooperate with, and to support the initiatives of the peoples of the region and NGOs in the community building process."

Regrettably there has been little, if any progress in implementing the good ideas and intentions that come out of the Windhoek and Johannesburg workshops and other subsequent consultations. This poor progress has not escaped SADC's attention. The SADC Council of Ministers at its meeting held in Maputo last week (on the 29 January 1998) expressed deep concern that its policy directive that all SADC institutions should involve NGOs in the various activities of the organisation, including attending SADC sectoral meetings at the technical levels is being hampered by poor organisation and coordination of the NGO community. It is, therefore important that you, the NGO community get your act together now so that you can effectively and fully participate in SADC activities since the overall legal and political environment has already been made conducive.

I believe that this workshop should provide an opportunity to address the above concern and other important organisational and policy matters affecting your organisation. It is gratifying to note from the objectives of the workshop that NGOs at the regional level are now tackling issues that have been a stumbling block to the launching of the SADC-CNGO and to their full participation in SADC activities. I, therefore, urge you to translate the noble aims and objectives that you have set yourselves into action and to effectively mobilise your members in addressing the priorities of our integration agenda. These priorities include trade and investment, creating a competitive SADC regional market, promotion of science and technology, human resource development, private sector development.

I am confident that you will use your wide expertise, rich experiences and your commitment in realising the objectives of this workshop which include examining the constitution of the SADC-CNGO, identification of regional priority areas for the SADC-CNGO, financial sustainability and the commitment of NGOs in the region to SADC-CNGO. Other areas that deserve equal attention during your workshop are NGO accountability, transparency and partnership with governments.

Let me also urge you to come up with a Plan of Action, (indicating clearly, among other things what has to be done by whom and by when). Lack of a clear Plan of Action could have been one of the major factors that has hampered your progress. I am confident that this gathering will critically examine these and other related issues in the next two days and come up with proposals and recommendations to carry the daunting NGO agenda forward.

In conclusion, chairman, let me reaffirm SADC's commitment to the continued involvement of NGOs in the process of integration and community building. With these words I declare this workshop officially open, and wish you all successful and fruitful deliberations.

Thank You

ANNEX 5

LIST OF PARTICIPANTS AT THE SADC-CNGO CONSULTATIVE PLANNING WORKSHOP

NAME	ORGANISATION	ADDRESS	TELEPHONE/FAX	E-MAIL
Christopher Adjah	IREDEC	P/Bag BO 65 BONTLENG Botswana	267-301944 267-301944	
Morongoe Ntloedibe-Disele	PACT/IRCE	P/Bag 00245 GABORONE Botswana	267-314757 267-314784	pact@info bw
Claude Gabanakemo	Bots Council for the Disabled	P/Bag 459 GABORONE Botswana	267-373599 267-311784	bcd@info bw
Canny Johnson	BOCONGO	P/Bag 00418 GABORONE Botswana	267-326927 267-326000 OR 267-311319	
Phillip D Mkgalemele	BOCONGO	P/Bag 00418 GABORONE Botswana	267-311319 or 267-313654  267-311319 or 267-300376	

Keaise Moeti	Bots Council for Women	Box 339 GABORONE Botswana	267-352109 267-373698	
Alice Mogwe	Ditshwanelo - The Bots Centre for Human Rights	P/Bag 416 GABORONE Botswana	267-306998 267-307778	ditshwanelo@infor bw
Lorraine Tebogo Makati-Ndala	WILSA	P/B 0022 GABORONE Botswana	267-359699 267-359699	
Agreement Tamuhla	BOCONGO	P/Bag 00418 GABORONE Botswana	267-311319 267-311319	
Stephen Sianga	SADC Secretariat	P/Bag 0095 GABORONE Botswana	267-351863 267-372848	ssianga @ sadc int Telex 2555 SADC, BD
Ivor F Williams	BOCONGO PSI BOTS	P/Bag 00465 GABORONE Botswana	267-357610 267-305265	psbots lplus@info bw
Caleb Nchafatso Sello	LCN	P/Bab A445 MASERU Lesotho	266-317205 266-325798 266-851600(h)	Lelongo@lespf co za

Hemsing Hurrinag	MACOSS	Astor Court Port Louis Mauritius	230-2084425 230-2086370 230-6864100	macoss@mtnet.mu
Gurvy Kavei	NANGOF	BOX 70433 Khomasdal Windhoek NAMIBIA	264-61-239469 264-61-239471	
Ramasshia Ramashia	SANGOCO	6TH Floor, SABLE Centre, 41 DE Korte St BRAAMRONTEIN South Africa	27-11-4033010 27-11-4031104	
Desmond Maphanga	CANGO	c/o SACRO, Box 3230 MANZINI OR CANGO Box 1384 MANZINI Swaziland	268-45006(O) 268-55945(H) 268-54961 268-53587(CANGO)	Sacro@realnet.co.sz (w) Dmaphanga@africa.sz(h)  Canga@realnet.co.sz (CANGO)
Theresa Chewe	ZCSD	Box 50153 LUSAKA Zambia	260-238574 260-230593/ 221898	

Muleya Mwananyanda	AFRONET/SAH RINGON	Box 31145, LUSAKA Zambia	260-25181314 260-251776	afronet(@zamnet.zm
Victor T Chisi	NANGO	Box 1251 MUTARE Zimbabwe	263-4-708761 263-4-794973 263-4-1206441	
Nancy Kachingwe	MWENGO	20 McClery Ave Eastlea HARARE Zimbabwe	263-4-721469 263-4-738310	MWI NGO@harare.africa.com  nancy(@harare.africa.com
John Mwanika	IRED	Box CY3 Causeway HARARE Zimbabwe	263-4-741289/711483 263-4-711459 263-4-708856	ired@Africaonline.co.zw ired@MANGO.ZW