

UNITED REPUBLIC OF TANZANIA



MINISTRY OF WATER

WATER SECTOR DEVELOPMENT PROGRAMME (WSDP)

PROGRAMME IMPLEMENTATION MANUAL

ANNEX 7

**GUIDELINES FOR FACILITATING COMMUNITY PLANNING
OF WATER AND SANITATION PROJECTS**

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ABBREVIATIONS

CBO	-	Community Based Organization
COM	-	Community Ownership and Management
DWE	-	District Water Engineer
DWSTs	-	District Water and Sanitation Teams
ESA	-	External Support Agency
FMP	-	Facilities and Management Plan
FSPs	-	Facilitation Service Providers
GoT	-	Government of Tanzania
LGA	-	Local Government Authority
MoU	-	Memorandum of Understanding
NGO	-	Non Governmental Organization
O&M	-	Operation and Maintenance
RWSSP	-	Rural Water Supply and Sanitation Project
VC	-	Village Council
VEO	-	Village Executive Officer
VG	-	Village Government
WEO	-	Ward Executive Officer
WATSAN	-	Water and Sanitation
WUA	-	Water Users Association
WUC	-	Water User Community
WUG	-	Water User Group
NRWSSP	-	National Rural Water Supply and Sanitation Programme

A. GUIDELINES FOR FACILITATING COMMUNITIES TO ESTABLISH LEGAL WATER USER ENTITIES

1. OBJECTIVE

Enabling community members to establish an autonomous, legally recognized community entity responsible for ensuring smooth operation and maintenance of completed water supply facilities in a sustainable way

2. OUTPUTS

- FMP Part B duly filled
- Constitution and organization structure of a legal entity approved by the Village Assembly - Water User Community (WUC)
- A set of rules and regulations (MoU) for the protection of the water supply facility and environmental sanitation agreed upon by WUC
- New office bearers (board or executive committee) elected
- Community water users entity legally registered

3. MATERIALS/TOOLS REQUIRED DURING MEETINGS

- A Kiswahili copy of the National Water Policy (2002)
- Guidelines for facilitating communities to formulate constitution for water user entity
- A handout detailing features, merits and limitations of water user management options (Annex 3)
- FMP Part B forms (See Annexes 1A&1B)
- Flipcharts, markers and masking tapes

4. STEP BY STEP APPROACH

STEP 1: FSPs and DWSTs orientation to the water users management models and the facilitation process to enable communities choose and establish appropriate management systems.

This process will include:

- Reviewing the status of the existing management systems in each completed project. Use progress and completion reports.
- Identifying major management concerns in each sub project area
- Plan meetings with communities including dates, venues and agenda and inform communities well in advance
- Get a feedback from the community leadership

STEP 2: Initial meetings with Village Council (VG) leaders and WATSAN committee members in order to enable them appreciate the need to institute a sustainable water user legal entity and be able to present recommendations to the Village Assembly meetings for approval.

Activities for the initial meetings will include:

- To make a brief transect walk along the scheme/water points in order to obtain first hand information on its status. This could include conducting informal discussions with water users especially women you meet at the water points
 - To facilitate VC and WATSAN meeting to assess the existing management system of their scheme by identifying strengths, weakness and how they have tried to mitigate any leadership concerns
 - Introduction and discussion of the various management options for water user legal entities including the features, advantages and disadvantages of each option (See Annex 3)
 - To choose the most preferred/suitable management option for the community water supply to be presented later to the Village Assembly meeting for approval.
 - To assist WATSAN Secretary to start filling FMP form Part B. Note that some data already are available at the DWE's office e.g. community basic data, project completion report-as built drawings, construction, etc.
 - Election of the interim leadership of the selected option.
- **STEP 3: Facilitate Village Assembly meetings to ensure that water users have a clear understanding on the need to establish a legal water user entity and assist them in making the appropriate management choice**

Activities/ Agenda of the meeting:

- Opening of the meeting by the VC Chairman
- Brief assessment of the existing structure of the water supply scheme. Ask probing questions to enable community to express their own opinions on how they appreciate and/or are dissatisfied by the present management arrangements e.g. WATSAN committee
- Presentation and discussion of the proposed management system of their water users legal entity. The VC chairperson should take the lead role in this process, assisted by the FSP and DWST.
- Selection/appointment of an interim committee to prepare the water users' legal entity constitution that will have to be presented in another Village Assembly meeting which will finally approve it.
- WATSAN secretary continues to fill FMP Part B

STEP 4: Facilitating the interim committee to prepare a draft of the preferred water user entity's constitution.

Activities:

- Opening of the meeting by Village Council Chairperson
- Presentation of the draft constitution by the facilitator of the interim committee (Allow discussions and provide clarifications)
- Adoption of the final draft of the constitution
- To prepare draft of the rules and regulations which will bind WUC members together

STEP 5: Processing the legal registration of the community water users' entity

Activities will include:

- To present the final draft constitution, MoU and organization structure to the Village Assembly for approval
- To obtain application forms for registration from the relevant registrar (depending on the selected management system) and filling it as required
- To submit all relevant documents and registration fees (if required) to the relevant registrar. Specific documents to be submitted include:
 - A duly filled Application Form

- A copy of the minutes of the Village Assembly meeting which approved the constitution with signatures of the VC chairperson and village executive officer or ward executive office (in case of a multi-village scheme)
 - A copy of the constitution signed by the elected scheme chairperson, secretary and at least ten (10) other ordinary members.
 - CVs of the office bearers in case of the WUA option, registration fee
- FSP and DWST to assist WUC to make a follow up in order to timely obtain a registration certificate from the registrar

STEP 6: Official presentation of the registration certificate to the WUC

Activities:

- Convene an extra ordinary WUC meeting
- Ask the members to confirm the interim leadership in office or elect first office bearers in accordance with the approved constitution
- Present the registration documents to the office bearers
- FSPs will have to spend some time (according to contractual terms) with the community to make sure that they provide sufficient management capacity support to the new executive committee or board.
- Adoption of the rules and regulations governing the O&M of the completed facilities.

B. GUIDING PROCESS FOR ENABLING COMMUNITIES TO DISCUSS AND PREPARE A WATER USERS' ENTITY CONSTITUTION

OBJECTIVE:

To enable WUC reach agreements on the major elements to be included in their Constitution.

ROLE OF A FACILITATOR IS:

- To facilitate the process so that WUC prepares their constitution
- To help WUC to build their capacity to organize and manage themselves
- To provide advisory support to WUC in strengthening their newly formed organization

HOW CAN A FACILITATOR DO THIS EFFECTIVELY?

(a) Begin by finding out from the WUC how much they know already about the term: Constitution. Ask them such questions as: *What do you understand by a Constitution? Why is a constitution necessary for a legal entity? What are the main elements of a constitution?*

(b) Make clarifications based on what the WUC have expressed:

A CONSTITUTION IS A WRITTEN AGREEMENT MADE BY MEMBERS THAT SETS OUT WHAT IS EXPECTED FROM THEM AND WHAT THEY CAN EXPECT FROM THE ORGANISATION

Attributes of a CONSTITUTION are:

- The organizational purpose** i.e. reason for the organisation's existence

- ❑ **Rules and regulations** i.e. Statements of what can, or must be done and by whom in order to create an enabling environment for the organization to achieve its objectives
 - ❑ It must be **simple and clear** for the members to understand
 - ❑ It should be in **a language that every member is conversant with** in this case Kiswahili
- (c) A Constitution is necessary because:

- ❑ **It defines why the organization exists, and as such keeps members upright and well focused.**
 - ❑ **It creates local ownership and control of the organization**
 - ❑ **It provides a clear and consistent set of guidelines in defining each member's rights and obligations to the organization**
 - ❑ **It improves efficiency of group decision making**
 - ❑ **It minimizes internal conflicts**
 - ❑ **It minimizes organizational deviation from the desired direction**
 - ❑ **It improves transparency and accountability**
 - ❑ **It promotes participatory leadership**
 - ❑ **It leads to legal recognition**
 - ❑ **It empowers the members of the organization**
 - ❑ **In brief, a good constitution is what makes the organization exist. No organization is better than its constitution**
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- ❑ **Organisational Identity**
 - ❑ **Organisational goal and objectives**
 - ❑ **Type of Membership**
 - ❑ **Governance and leadership**
 - ❑ **Type and frequency/periodicity of meetings**
 - ❑ **Resource management**
 - ❑ **Dissolution of the organization**

(e) **Checklist:** Use the checklist in Annexes 4A & 4B to initiate discussion and agreements among the WUC members. Write down their agreements in the last column/cell.

ANNEX 1

GUIDELINES IN FACILITATING COMPLETION OF THE FACILITIES MANAGEMENT PLAN – PART B

NO	ELEMENT	KEY QUESTIONS	EXPECTED RESULTS
1.	Description of Constructed Facilities	What is the type of the constructed water supply facilities	Technological description of the water facilities
		Where is it located and what is the water distribution network?	Location and water distribution network
		What are the technical descriptions of the water supply scheme?	Technical data on the water supply system (intake pumping capacity, water quality etc)
		What is the total capital cost and what is the contribution of each partner involved?	Capital costs breakdown
		When was the facility commissioned?	Official commissioning date
2.	Organization and Management Arrangement	How are you going to organize yourself in the management of the water facility?	Agreed waters users management system
		Who will be responsible for supervising the operation and maintenance of the water facility?	List of Board/Executive committee members
		Who shall be the operators/caretakers of the facility?	List of operational staff (e.g. pump attendant, mechanics caretakers etc)
3.	Operation and maintenance management plan	What are the costs involved in maintaining your facilities?	Detailed breakdown of O&M costs e.g. fuel, spare parts staff wages etc.
		What will you do when the facilities are too old to function?	annual and monthly provisions for depreciation on infrastructure
		How will you get money for O&M?	Methods of collecting water fees. Concrete plans for raising O&M funds
		Who will be responsible for the collection of money	Persons charged with money collection e.g. caretakers, treasurer
		Where will the money be kept?	Name of Bank and list of bank signatories

4.	Repairs and Maintenance Plan	What will you do if the pipe breaks?	schedule for regular maintenance and repairs
		Who will do the regular repairs and maintenance?	List of persons responsible for repairs and maintenance
		What spares and tools are needed for maintenance and repairs?	List of spares and fast wearing parts and tools, their prices and source of supply
		What parts of the system need maintenance?	Parts of the system requiring close attention and type of maintenance needed
5.	Adoption of the Facility Management Plan	How does one tell that you are committed to O&M management?	Declaration on the approval of the Facility Management Plan

ANNEX 2

FACILITY MANAGEMENT PLAN (PART B)

NAME OF WATER ENTITY:

NAME OF VILLAGE (S):

This Plan describes the features of the completed/improved facility and how the user community shall be involved in operating and maintaining it. Users will be assisted by both the FSP and TSP to fill in this document as part of the preparation for the commissioning of the facilities to the users.

A. Description of Constructed Facilities

1. Type of Facility (<i>Tick whichever is applicable</i>)	a. Hand Dug Wells b. Hand Drilled Borehole c. Machine Drilled Borehole d. Gravity System e. Rainwater Harvesting f. Charcoal Dam
2. Project Location: including distribution network (<i>Attach a simple "As built drawings of the facility"</i>)	
3. Service Levels	<ul style="list-style-type: none"> • Number of hamlets served by the scheme: • Total number of users

	<p>served:.....</p> <ul style="list-style-type: none"> • Number of tap stands/water points:..... • Number of users per tap stand/water point:..... • Mixed system: <ul style="list-style-type: none"> ○ No. of Public taps..... ○ No.of Individual connections:.....
<p>4. Technical Details</p>	<ul style="list-style-type: none"> • Hand Dug/Drilled Wells: <ul style="list-style-type: none"> ○ Depth:..... ○ Water level:..... ○ Type of lining:..... ○ Yield of Well ○ Water Quality:..... ○ Type of H/Pump..... • Machine drilled borehole: <ul style="list-style-type: none"> ○ Depth:..... ○ Water Level:..... ○ Yield (m³/h):..... ○ Type of lining:..... ○ Water Quality:..... ○ Hand pump..... ○ Capacity of Hand pump ○ Type of Hand Pump ○ Water lifting device: <ul style="list-style-type: none"> - H/pump: - Mechanised: • Machine drilled borehole with pipe system: <ul style="list-style-type: none"> ○ Depth..... ○ Water Level..... ○ Yield (m³/h)..... ○ Tank capacity (m³)..... ○ Length of pipe/distribution system ○ Type of machine..... ○ Power type (Diesel/Electricity/ wind will ○ Casing diameter..... ○ Drawdown..... • Gravity system:(Tick) <ul style="list-style-type: none"> ○ Spring ○ River with Gravity ○ Tank Capacity ○ Length of pipe/distribution system • Rainwater Harvesting:(Tick)

	<ul style="list-style-type: none"> ○ Roof top ○ Ground Water ○ Water Quality:..... ○ Quantity.....
5. Total Investment Cost (In Tshs)	
6. Sub project financing (mention how different stakeholders financed the sub project)	<ul style="list-style-type: none"> • ESA contribution: • GOT contribution:..... • User Contribution:.....
7. Date of commissioning of the facility (Attach a copy of the specific agreements between user community and LGA)	

B. Organisation & Management Arrangements

1. Type of Selected Management System (Attach registration certificate or approved constitution)			
2. Members of the Board/Committee			
	Name	Sex (F/M)	Position
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
3. Operational Staff (e.g. Pump attendants, mechanics, caretakers etc)			
	Name	Sex	Title
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			

C. Operation & Maintenance Management Plan

1. Monthly Operation & Maintenance Costs

Type of Technology	O&M Costs (<i>Running Costs</i>)				Replacement Costs		Total Cost incl. x% Depreciation
	Spares	Fuel	Wages	Transport	Economic Life Span (Years)	System Cost per month	

2. Tariff System

1. Agreed Methods for Collection of O&M funds (<i>list methods, water charges and periodicity e.g. monthly, annually, collection at tap e.g. 20/= per a 20-litre bucket or 1000/= per HH/month etc</i>)	1.
	2.
	3.
	4.
2. Exemptions/subsidy for vulnerable groups	•
	•
	•
3. Agree rules for non-compliance/default	•
	•
	•
	•

3. Financial Management

1. Persons Responsible for collecting & managing O&M funds	Name:.....
	Title:.....
	Name:.....
	Title:.....
	Name:.....
	Title:.....

2. Bank Account Details	Name of the Bank:.....
	Branch:.....
	Account Number:.....
	Amount as at.....(date)
	Tshs:.....
	<u>Signatories:</u>
	Name:.....
	Title:.....
	Name:.....
	Title:.....
Name:.....	
Title:.....	
Name:.....	
Title:.....	

D. Repair & Maintenance Arrangements

1. Maintenance Plan

Level of Maintenance	Timing	Responsible Persons	Resources Required e.g. Guide
1. Preventive maintenance			
2. Minor Repairs			
3. Corrective Maintenance			
4. Minor/Major Breakdown			

2. Spares Parts & Consumables Supply Chain

Type of spares/Consumables	Sources	Responsible Persons

Fuel		

E. DECLARATION

This Facility Management Plan for the completed water and sanitation sub-project was adopted at a meeting held on..... which was attended by.....(no.) users ofvillage/hamlet. *(Attach minutes including a full list of community members who attended the meeting)*

The community members whose names and signatures appear on the attached minutes of the meeting accept and adopt this FMP and state that it reflects the way they have decided to operate and maintain the completed/improved water supply and sanitation facilities.

We therefore:

- Authorise the persons listed below to sign this document as a proof of the community's consent to the terms and conditions of the NRWSSP support.
- Agree to bear the full operation and maintenance costs of the facilities.
- Agree to participate in all activities as identified in the FMP.

SIGNED ON BEHALF OF THE COMMUNITY ONDATE.....BY:

FOR THE WATER USER ASSOCIATION

Executive Committee Chairperson: Name:Signature:.....

Executive Committee Secretary: Name:Signature:.....

(Official stamp)

IN WITNESS OF:

VC/Sub village Chairperson:
(Witness 1) Name:..... Signature:.....

(Official stamp)

VEO:
(Witness 2) Name:Signature:.....

Ward Executive Officer (WEO):
 (Witness 3) Name: Signature:.....

(Official stamp)

(In case of a multi - Village Scheme)

ANNEX 3

SUMMARY OF KEY FEATURES, MERITS AND DEMERITS OF VARIOUS MANAGEMENT OPTIONS FOR WATER USER ENTITIES

TYPE/ FACTOR	WATER USER GROUP (WUG)	WATER USERS ASSOCIATION (WUA)	WATER AND SANITATION COMMITTEE (WATSAN)	WATER USERS COOP. SOCIETY	WATER CO LIMITED BY GUARANTEE
LEGAL RECOGNITIO N	Legal entity under local Govt. Act (1982) – By laws of District Councils	Legal entity under Societies Ordinances Cap. 337 or Water Rights Act Amendments (No 8 of 1997)	Not legally registered. Operates under the social welfare sub-committee of the village council	Legal entity under the Coop. Societies Act (No. 20 of 2003)	Legal entity the Compan Ordinance C
OPERATION AREA	Water Point level	Village / scheme level	Village level	Village /scheme level	Scheme level
MEMBERSHI P	<ul style="list-style-type: none"> All adult water users at the water point who contribute towards the construction Entrance fee for new comers 	<ul style="list-style-type: none"> All adult water users in the village/scheme area who contribute towards the construction Public institutions in the area 	All village members	<ul style="list-style-type: none"> All adult water users who have paid entrance and shares Public institutions in the area 	Registered members in accordance Articles and memorandum Association
BODY WITH SUPREME AUTHORITY	Members general meeting	Members general meeting	Village Assembly	Members general meeting	Shareholder meeting
MANAGING ORGAN	WUG Committee	WUA Board or Executive Committee	WATSAN Committee	Board/Executive Committee	Board of Dir

<p>ADVANTAGE S</p>	<ul style="list-style-type: none"> • Better and sustainable services • Common bond among members (they know each other well) • Abide by MOU and constitution • Close / tight control over funds and other assets • (High sense of ownership) 	<ul style="list-style-type: none"> • Members abide to constitution and MOU • Central management of the scheme with more than one WP • Autonomous and independence of the scheme from village leadership interferences 	<ul style="list-style-type: none"> - Very useful during the mobilization and promotion stage - Central management of the scheme 	<ul style="list-style-type: none"> - Members abide to constitution and rules - Participation of members in planning decision making and implementation - Members control their organization as the Board is answerable to the members. (Strong sense of ownership) 	<p>Scheme ma purely on commercial</p>
<p>DIS-ADVANTAGE S</p>	<ul style="list-style-type: none"> • Possibility of having poor leadership due to family influences • Where two or more WUGs share a water source likelihood of conflicts between the WUGs exist 	<ul style="list-style-type: none"> • Possibility of conflicts between WUA and VG leadership 	<ul style="list-style-type: none"> • Frequent changes in the WATSAN for lack of constitution /MOU • Interferences from the VG leadership including the use of funds for other village activities 	<ul style="list-style-type: none"> • No major decisions can be effected unless sanctioned by the Registrar of cooperatives • Historical background make them unpopular to communities 	<ul style="list-style-type: none"> • Only shareholders can decide behalf the community • Not fit for community

ANNEX 4

CHECKLIST TO INITIATE DISCUSSION AND AGREEMENTS ON WATER USER ENTITY CONSTITUTION

No.	Element	Questions	Expected output/decisions	Community d
1.	Identity	What will be the name of your organization?	Name of the Organisation i.e. WUA, WUG	
		Where will the registered office be located?	Location of the Organization's office	
		Are you going to have any logo? How will it look like?	Logo or specific identity	
		What is your postal/address contact?	Postal and contact address	
2.	Purpose and Objectives of the Organization	What is the overall objective of your organization or reason for your organisation's existence?	A well defined statement showing organization's purpose	
		Do you have a well-defined and shared mission, vision and values?	Mission, Vision and Values	
		What are the key objectives of your organization?	Specific objectives outlined	
3.	Membership	Who are the organization members? (Individuals, village, institutions)	A list of person likely to be members (Individuals, Villages, Institutions)	
		What are the qualities of members? (Age, etc)	A summary of membership criteria and conditions	
		When and how will a member cease to be a member?	Conditions for gaining and losing membership	

		What are the rights and obligations of members?	A list of obligations and rights of members	
		What are the codes of conduct for members?	A set of code of conduct for members and leaders	
		What about membership fees? Entry fees? Other contributions?	Agreed contributions from members, fees, entrance fee etc.	
		What are the membership limits? (Geographical etc.)	Conditions that will make a person not eligible for membership	
4.	Governance and Leadership	What will be the legal operating machinery?	Agreed legal operating machinery (e.g. association, trustee, cooperative society or company)	
		What is the likely organization structure?	A well defined and gender balanced structure (draw the suggested structure on the flipchart for everyone to follow – and make opinion)	
		How many committees/boards will exist?	A list of roles and responsibilities for each committee	
		What should be the qualities of office bearers/committee or boards members?	A list of required qualities for different positions.	
		How will the leadership be accountable to the members	Relations between leaders and members established.	
		What mechanism needs to be put in place that will ensure participatory and shared leadership?	A code of conduct for leaders and employees developed and internalized.	
		How will the leaders be replaced and removed from authority?	Clear procedures for election and terms of office or termination	
		What are the powers and limits for each position?	A well defined division of tasks	

		How are various organs going to work together?	Open-door management procedures stipulated	
		Who is going to represent the organization in various occasions?	Spokesman of the organization known	
5.	Meetings and decision making	What will be the meeting frequency for each organ?	Number of meetings for each organ in the structure	
		How many members are allowed to make decisions in a meeting? (e.g. $\frac{2}{3}$, $\frac{3}{4}$)?	Clear guide on how to reach decisions (votes, etc.)	
		Who are the core members/who are the invitees, ex-officio?	List of members with rights to vote and list of invitees	
		What about the absentees?	Meetings rules and regulations	
		Any disciplinary measure against non-conforming members?	Stipulated procedures for conducting meetings	
		Will the agenda be sent to members some days before the meetings?	Methods of informing members on the meeting and agenda	
		Where will the meetings be conducted (rotating from one village to another/ at the organization's office etc?)	Meetings schedule for the year and places where they will be conduct	
		Which organ shall have the final say in decision-making?	Organ with supreme authority over the affairs of the organization e.g. Village Assembly or WUC General Meeting	
			Will there be extra ordinary meetings? How will they be conducted?	Clear procedures for convening extra-ordinary /ad-hoc meetings
6.	Management of organization's resources	What natural resources are to be owned by the WUC (e.g. land, water sources, etc)?	Natural resources to be owned by the WUC identified	
		What will be the sources of income/resources?	Sources of income for the organisation identified and approved	
		How are funds of the entity going to be utilized?	List of items of expenditure	

		What will be the financial regulations/procedures?	Financial regulations and management procedures	
		Who will be authorizing payments/levels of payment approvals?	A well-established approval levels for payments	
		How will the non-financial resource be managed?	Transparent system of resource management system	
		How will the audits be conducted?	Audit procedures/guidelines	
		How many times/ and who will do the audits?	Frequency of audit and names of audit firm	
		Who will legally own organizational assets on behalf of the organization?	Name(s) of legal owner/trustees of organization's properties	
7.	Networking and Affiliations	What are the scenarios for networking with other organizations: Government departments, NGOs, CBOs?	Prospects for increased networks identified	
		Will there be any affiliation other organizations?	List of organizations to network with	
8.	Dispute handling and arbitration	How will the organisation handle disputes? (E.g. among the members, between the organization and other organizations etc)	Agreed procedure of conflict management and resolution	
		Who will be the arbitrator?	Name of organ with final arbitration powers	
9.	Agreements	Who will be making agreements on behalf of the members?	A goal stipulation on agreement management	
		Which agreements must seek approval from the General meeting?	Types of contracts requiring the approval of all members	
10.	Alteration of the constitution	Will there be a provision for constitutional amendment?	Circumstances which may lead to constitutional changes/amendments outlined	

		How can ordinary members channel their proposal for constitutional amendment?	A transparent and clearly stipulated procedure for members to influence changes of their constitution	
		What will the procedures?	Procedures in making amendments	
11.	Dissolution of Organisation	Under which conditions can your organization be dissolved?	Clear conditions of dissolution of the organization listed	
		What will be the procedures?	Procedures on dissolution listed	
		Who will make final decisions for dissolutions?	Organ with final mandate on dissolution	
12.	Disposal of Organization's Assets	How are the assets going to be disposed in case of dissolution of your organization?	Clear stipulation on disposal of organization assets	

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