

GOVERNANCE REVIEW TASK FORCE DISCUSSION PAPER 1

WOSM MEMBERSHIP

August 2009

The Governance Review Task Force has produced the following discussion papers in order to inform its work:

- 1. *WOSM Membership*** – sent to World Scout Committee members and Youth Advisers. Subsequently, proposals were made to the World Committee in September 2009
- 2. *Representation and Communications*** – distributed to NSOs November 2009
- 3. *Operations*** - distributed to NSOs November 2009
- 4. *World and Regional Committees*** - distributed to NSOs November 2009

GOVERNANCE REVIEW TASK FORCE

First Report to the World Scout Committee

1. Introduction

1.1 The World Scout Committee (WSC) agreed the working methods of the Governance Review Task Force at the same time as it approved its terms of reference. A key feature of the task force's approach is the use of discussion documents ("green papers") to help the task force to formulate final proposals. The first green paper was circulated amongst members of the WSC and Youth Advisers only, seeking observations so that final proposals on the governance aspects of membership of the World Organization of the Scout Movement (WOSM) could be formulated, in accordance with the agreed working methods.

1.2 The Chairman of the Constitutions Committee took part in discussions leading to the first green paper but its contents did not necessarily reflect his views or those of his committee.

1.3 The other aspects of the task force's work will be the subject of further green papers which will be circulated more widely than the first, in particular to National Scout Organizations (NSOs), so that the final proposals of the task force will be informed by the debate.

1.4 This report contains the recommendations of the task force on WOSM membership issues. In arriving at these recommendations, the task force was helped by the observations of those members of the WSC who responded to our invitation to comment. The task force is mindful of the reality of opinion in the World Movement (as evidenced particularly during the period leading up to and during the last World Scout Conference) and has produced proposals which it is hoped are realistic and help the Movement to continue to grow and unite.

1.5 In saying this, we ought to mention that changing or fine-tuning our governance provisions is not all we need to do; merely legislating does not make something happen – action, based on our values and guided by our approach to governance, is also necessary.

2. Recommendations

The Governance Review Task Force recommends to the World Scout Committee that:

Federations

1. The WSC consider putting a resolution to the World Scout Conference asking the Conference to agree with the WSC's current position on federations
2. The current requirements of WOSM as to constitutions be clarified to allow for appropriate and necessary sanctions to be applied to constituent associations in federations rather than only to the federation as a whole
3. It be a requirement that federation constitutions make appropriate provisions to deal with the situation where the work of a federation can be frozen if just one constituent association declines to work with the others

National Scout Organizations

4. The existing category of Accredited National Scout Organization be expanded and re-named Accredited Scout Organization
5. Accredited Scout Organization status be available to a Scout organization which is in:
 - An overseas territory/department of a politically independent country (that is, a sovereign state)
 - An autonomous region of a sovereign state
6. If potential Accredited Scout Organizations are in countries with an NSO already, the conditions for recognition as an Accredited Scout Organisation should include the agreement of that NSO
7. The 1,000 member membership requirement for recognition as an NSO be removed

Note 1: The issue of WOSM membership has implications for the voting system at World Scout Conferences. This will be addressed in future proposals but the decisions of the World Scout Committee are requested on the principles set out here, without prejudice to future decisions on voting rights

Note 2: The respective requirements for recognition as an NSO or an ASO will need to be distinctly stated, with appropriate references in the Constitution

National Minorities

8. The Constitution of WOSM expressly recognise the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage

Dissident Associations

9. No change in WOSM's governance is required in the case of dissident so-called 'Scouts'

Compliance with the WOSM Constitution

10. There is no need to change constitutional or governance provisions to deal with failure of NSOs to comply with the WOSM Constitution

Scout and Guide National Organizations (SAGNOs)

11. That WOSM develop a comprehensive, updated description of a SAGNO, reflecting our own current policy on membership of WAGGGS and WOSM, including fee payment obligations, and describing all forms/models of membership of the two world organizations

Constitutional Amendments

12. That following the decision of the WSC on these recommendations, the necessary draft amendments to the WOSM Constitution be prepared under the supervision of the Constitutions Committee

3. Arguments for the Proposals

3.1 Federations

1. *The WSC consider putting a resolution to the World Scout Conference asking the Conference to agree with the WSC's current position on federations*

2. *The current requirements of WOSM as to constitutions be clarified to allow for appropriate and necessary sanctions to be applied to constituent associations in federations rather than only to the federation as a whole*

3. *It be a requirement that federation constitutions make appropriate provisions to deal with the situation where the work of a federation can be frozen if just one constituent association declines to work with the others*

The WSC, based on its perception of its pre-eminent role in promoting the unity of the Movement, has adopted a policy that it will not recommend to the World Scout Conference any future recognition of federations (except in rare situations where there are historical reasons that might justify a continuation of that form of membership).

The view has also been expressed that 'federations don't work' – but this raises the question, what is it they are not doing that they should be doing?

The question was raised whether the WSC's position on not recommending federations for membership of WOSM was strictly constitutional. We believe that this should be addressed in an open and transparent way by a debate at the World Scout Conference. The WSC should put a resolution to the Conference asking for approval to the WSC's position. Debate can only be healthy.

Can a better governance approach to federations be found to make them more effective where there are problems? Although the anecdotal evidence for problems is available it should be borne in mind that federations are not always dragged down by difficulties and that NSOs that are not federations have their fair share of problems.

A particular difficulty seems to be that the federation is the NSO and difficulties with one of the constituent associations can only ultimately be dealt with by sanctions that affect all associations in the federation, whether or not they are all involved directly in the problem. WOSM's current arrangements need to be clarified to allow for appropriate sanctions to be applied to parts only of federations, leaving those parts that are not in default to continue the good work.

Another aspect of the working of federations is that they can be frozen if just one association declines to work with the others – exercising what is in effect a veto. We propose that it be a specific requirement that federation constitutions make appropriate provisions to allow for stagnation such as this to be dealt with. This could be by way of an arbitration provision to an appropriate organ of WOSM, for example.

Of course, the question of federations could also be dealt with by allowing multiple NSOs from any one country to be in direct membership of WOSM. The problem here is that this could encourage (or at least not prevent) conflict and lack of co-operation between associations (and one of our prime aims must be the unity of Scouting). The task force takes the view that this solution would end up being worse than the problem.

3.2 National Scout Organizations

4. *The existing category of Accredited National Scout Organization be expanded and re-named Accredited Scout Organization*

5. *Accredited Scout Organization status be available to a Scout organization which is in:*

- *An overseas territory/department of a politically independent country (that is, a sovereign state)*
- *An autonomous region of a sovereign state*

6. *If potential Accredited Scout Organizations are in countries with an NSO already, the conditions for recognition as an Accredited Scout Organisation should include the agreement of that NSO*

7. *The 1,000 member membership requirement for recognition as an NSO be removed*

A current basic requirement for recognition as an NSO is for the organization to be operating in a politically independent state as defined under United Nations criteria and for there to be only one NSO in each such country.

Generally, current WOSM policy can lead to apparently inequitable treatment of entities that have much in common. For example, Liechtenstein (an NSO) and Monaco (an Accredited National Scout Organization) are both of similar size but have different status within WOSM, although both satisfy the independent state requirement. Hong Kong is recognised as an NSO while Macau is not, although both are Special Administrative Regions of the People's Republic of China.

Some territories not currently eligible for NSO status (for example, the Netherlands Antilles) have strong Scouting which for various reasons is distinct from the NSO relating to the state of which the territory is formally part. They do not see why they should be denied membership of WOSM.

The question is what do we want to accomplish? To recognise as many valid Scouts as possible? To increase the number of recognised NSOs? References to having a total WOSM membership of 160 NSOs can be counter-productive: everyone knows there are 192 countries recognised by the UN and two or three more that also could be argued to be countries, including Taiwan (where, of course, there is an NSO).

Options put to the task force include:

- The International Olympic Committee uses different criteria; these allow territories such as Puerto Rico to participate in the Olympics as a 'country'

- The World Trade Organization (WTO) has its own criteria based on the purpose of the Organization (for example, autonomy over trade policy); could this be translated into 'youth policies' for WOSM membership?
- Allow multiple NSOs in any country (not in a federation)

The question of small NSOs and Accredited National Scout Organizations has also been raised with the task force, as already mentioned. The discussion extends to, for example:

- Overseas territories/departments of the United Kingdom, France or the Netherlands, or the Macau Special Administrative Region of the People's Republic of China, where the possibility of achieving NSO status under the current rules (especially the need to be in a politically independent country as recognised by the United Nations) seems remote
- Small independent states, where membership is never likely to reach 1,000 or more

The task force recognises that having some form of clear objective criteria is essential to avoid never-ending debates and potentially divisive arguments over individual cases. There is a need to weigh the costs – financial and otherwise - of making determinations as to whether membership criteria have been met: simple cases are not the issue, it is the grey areas that are hard and expensive to judge. There will always be potentially sensitive cases and it is true that any change in existing criteria will not necessarily eliminate all possible anomalies.

Taking all this into account, the task force feels that equity will be served and clarity maintained to the maximum by a combination of the proposed new Accredited Scout Organization and the elimination of the minimum membership requirement. We believe that this approach will foster the unity of the Movement.

As stated when we considered federations, the task force does not consider that multiple NSOs in any one country should be an option. However, the possibility of a change in criteria (as in the Olympic Movement or the WTO) should not, we suggest, be forgotten. We hope that the WSC will return to this in the future, as opinion and practice in international organizations develop.

3.3 National Minorities

8. The Constitution of WOSM expressly recognise the right of persons belonging to national minorities to establish and maintain free and peaceful contacts across frontiers with those with whom they share an ethnic, cultural, linguistic or religious identity, or a common cultural heritage

A consequence of our proposal that NSO status should remain based on sovereign states, with Accredited Scout Organization available in some other cases, is that those national minorities who have created emigré Scout organisations would not qualify as NSOs and probably not as Accredited Scout Organizations either.

But the question of our handling of national minorities remains to be dealt with in a sensitive manner.

There continues to be an expectation of minority groups in some countries to be treated as NSOs in their own right. The issue is perhaps most prominent in the European Region and our attention was drawn to the Council of Europe's Framework Convention on the Protection of National Minorities, from Article 17 of which the wording for our recommendation is taken. We feel that such a statement is necessary because existing resolutions of the World Scout Conference (for example, in Oslo), aimed at encouraging integration of emigré associations with host NSOs, have been largely unsuccessful.

We suggest that the proposed provision in the Constitution be implemented by the conclusion, with the support of the World Scout Bureau Central and Regional Offices and by elected and other volunteers, of agreements between host NSOs and NSOs in other countries where emigré groups seek contacts. Guidelines (not constitutional provisions) will be essential to help this approach to be more successful than the previous attempts. Within the guidelines, there should be clear conditions on any rights of minority groups to participate in WOSM youth and adult support events and to be present at World Scout Conferences.

Ultimately, we take the view that integration by some appropriate method into the host NSO is still the most desirable outcome.

3.4 Dissident Associations

9. No change in WOSM's governance is required in the case of dissident so-called 'Scouts'

A large number of dissident groups do not comply with current (or no doubt any changed) membership criteria; the responsibility of the WSC, on behalf of the World Scout Conference, to protect the unity of the Movement entails close monitoring of the credentials of all those who seek to be part of WOSM in the same way as should be the case for continuing compliance by existing members. We do not see the need for any change in our constitution or governance to deal specifically with dissident associations who may seek to join WOSM.

3.5 Compliance with the WOSM Constitution

10. There is no need to change constitutional or governance provisions to deal with failure of NSOs to comply with the WOSM Constitution

The point has been made that some NSOs who qualified for recognition in accordance with the then current criteria no longer satisfy the conditions, whether because of a fall in membership or because of alleged failure to comply with the fundamental principles of World Scouting.

We deal with the minimum membership requirement in a previous recommendation. On the issue of monitoring of continuing compliance by NSOs with other constitutional requirements, the task force believes that the current Constitution includes adequate powers for WOSM authorities (World Scout Conference and WSC) to deal with issues of compliance, if they choose to exercise these powers, based on advice from the World Scout Bureau. There is no need to change governance provisions.

3.6 Scout and Guide National Organizations (SAGNOs)

11. *That WOSM develop a comprehensive, updated description of a SAGNO, reflecting our own current policy on membership of WAGGGS and WOSM, including fee payment obligations, and describing all forms/models of membership of the two world organizations*

SAGNOs were originally defined in an agreement (the Statement on Relationships) between the World Association of Girl Guides and Girl Scouts (WAGGGS) and WOSM; essentially this meant that all male members of these National Organizations were registered with WOSM and all female members were registered with WAGGGS. The Statement on Relationships is no longer in effect and the term SAGNO is now widely used to describe National Organizations which are members of both WAGGGS and WOSM, with varying forms of registration with the two world bodies.

The report of the Governance Review Task Force in the last triennium commented as follows:

"Female members of SAGNOs are unable to participate in the formal elected bodies of WOSM. There is, however, a long standing arrangement for members of WAGGGS Member Organizations to participate in WOSM youth events.

"In the interest of the unity of the Movement, it is clearly desirable to remove all unnecessary barriers to full participation in WOSM.

"There seems to us to be a need for WOSM actively to continue to pursue discussions both internally and with WAGGGS on the following:

- *The definition of a SAGNO*
- *Whether the cost of registering female members of SAGNOs in WOSM can be phased over a period or otherwise made easier to the association concerned*
- *How to facilitate the active participation of SAGNOs in the life of WOSM."*

It can be said that the second two bullet points have been dealt with at various World Scout Conferences. Bearing those discussions in mind, the task force is convinced that joint discussions with WAGGGS on this and other issues are necessary and should continue.

In addition, the task force believes that it will be useful to WOSM to have its own description of a SAGNO, reflecting our own current policy on membership of WAGGGS and WOSM including fee payment obligations, and describing all forms/models of membership of the two world organizations. This would not necessarily be a joint statement or document to be agreed between WAGGGS and WOSM, but be a WOSM reference document. Debate with WAGGGS on the text would be very helpful.

4. Consequences

4.1 Impact on existing NSOs

The task force accepts that some existing NSOs could be adversely affected by these recommendations and suggests that, if there should be such adverse affects, the

changes should apply only to future cases, thus respecting decisions already taken and providing a measure of protection.

4.2 Constitution

As stated in Recommendation 12, we propose that following the decision of the WSC on these recommendations, the necessary draft amendments to the WOSM Constitution be prepared under the supervision of the Constitutions Committee and then communicated to NSOs.

4.3 Interpretation

If there is any conflict between the French and English language versions of this report, the English language will prevail.

5. Conclusion

This report is placed before the World Scout Committee for discussion and decision.

On behalf of the Governance Review Task Force:

**David Bull
Chairman**

22 August 2009

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