



Afghanistan



Bangladesh



Bhutan



India



Maldives



Nepal



Pakistan



Sri Lanka

Statute

South Asia Wildlife Enforcement Network (SAWEN)



S A W E N
South Asia Wildlife Enforcement Network

SAWEN Secretariat
Kathmandu, Nepal

Statute

South Asia Wildlife Enforcement Network

(SAWEN)

PREAMBLE

The Contracting Members to this Statute,

Being Members to the South Asia Wildlife Enforcement Network, hereinafter referred to as the “SAWEN”,

Appreciating the admirable history of social and cultural bonds of the South Asian countries and richness of diverse natural ecosystems ranging from the majestic Himalayas to the oceans, and the region’s significant biological diversity,

Recognizing the greatest transnational threat to our rich biodiversity that is jeopardizing decades of our conservation efforts and investment is the escalation of poaching and illegal wildlife trade which has been accepted as an organized international wildlife crime in recent years,

Acknowledging the various efforts and calls of the countries from South Asia to have regional cooperation on various occasions in the past and the strong commitment of the South Asian countries to conserve their wild fauna and flora,

Realizing the need to make collective efforts to strengthen regional co-operation as a precautionary measure in combating wildlife crime by promoting close cooperation among SAWEN members for the protection, management and enhancement of their biodiversity through strengthening wildlife law enforcement,

Agreeing to establish the “**South Asia Wildlife Enforcement Network (SAWEN)**” and work under this in the inter-governmental meeting held in Bhutan on 29–30 January 2011,

Have, hereby, agreed to as follows:

ARTICLE I: DEFINITION OF TERMS

1.1 For the purpose of this statute:

- (a) **“General Assembly”** means the meeting of the country members and other members of SAWEN organized every three years that is the apex inter-governmental body of SAWEN;
- (b) **“SAWEN Chairperson”** means the Minister of the concerned Ministry from the Member Country (Forests, Wildlife or Biodiversity) who presides over the General Assembly while in session;
- (c) **“Member Countries”** means the countries from South Asia having SAWEN membership;
- (d) **“Other Members”** means Associate Members, International Partner Members and Partner Members;
- (e) **“Executive Committee”** means a committee where all Principal Focal Persons of the SAWEN Member countries are members;
- (f) **“Executive Committee Chair”** means the Secretary of the concerned Ministry of the country who is the SAWEN chairperson;
- (g) **“Principal Focal Person”** means the senior government official designated by each Member Country for SAWEN;
- (h) **“SAWEN Secretariat”** means the Secretariat of SAWEN established in Kathmandu, Nepal;
- (i) **“Secretary General”** means the Executive Chief of the SAWEN Secretariat;
- (j) **“SAWEN Fund”** means a Fund created for SAWEN implementation.

ARTICLE II: VISION, GOAL AND OBJECTIVES

2.1 Vision

SAWEN is hereby established as a regional inter-governmental body to combat wildlife crime in the region and beyond.

2.2 Goal

Strengthening wildlife law enforcement to combat wildlife crime through communication, coordination, collaboration, capacity building and cooperation.

2.3 Objectives

The Following objectives are intended to achieve SAWEN's goal:

- a) To take initiatives for bringing harmonization and standardization in laws and policies of member countries concerning conservation of wild fauna and flora;
- b) To document the trend of poaching and illegal wildlife trade, and related threats to the natural biodiversity within and across countries in the region;
- c) To strengthen institutional responses to combat wildlife crime by promoting partnership with relevant institutions for research and information sharing, training and capacity building, and technical support, and,
- d) To encourage member countries to prepare and implement their National Action Plans to combat wildlife crime and to collaborate towards effective implementation of such plans.

ARTICLE III: MEMBERSHIP

3.1 Members of SAWEN

The Members of SAWEN shall be comprised of the following:

- a) **Member Countries:** Countries of South Asia; Islamic Republic of Afghanistan, People's Republic of Bangladesh, Kingdom of Bhutan, Republic of India, Republic

of Maldives, Nepal, Islamic Republic of Pakistan and the Democratic Socialist Republic of Sri Lanka shall be the Member Countries of SAWEN.

- b) **Associate Members:** Countries other than Member Countries willing to support SAWEN may join as Associate Members provided such members are the members of the United Nations.
- c) **International Partner Members:** Inter-Governmental, bi-lateral and international organizations having made significant contributions towards strengthening wildlife law enforcement may be international Partner Members.
- d) **Partner Members:** Non-governmental organizations that are actively engaged in strengthening wildlife law enforcement in their respective countries shall be partner members. The norms for the induction of non-governmental organizations as Partner members shall be as follows:
 - I. The organizations should have the recommendation from their respective government for admission.
 - II. The organization should have a proven track record in wildlife conservation, including research and analysis of wildlife crime for a period of not less than five years.
 - III. The organization should be committed to synergize its efforts with the goals and objectives of SAWEN towards effective and credible long term action and support of wildlife law enforcement and related issues.

3.2 Admission of Associate and International/Partner Members

Admission of Associate and International/Partner Members shall be subject to a decision by five of the SAWEN Member Countries present in the General Assembly and with membership tenure of five years. The General Assembly may, also by five Member Countries majority, withdraw, rescind or suspend the membership of an Associate and International/Partner member which in their opinion seriously or persistently violates this Statute.

3.3 Voting Rights

Only the Member Countries shall have voting rights and each Member Country will have one vote.

3.4 Membership Fees

- a. The General Assembly shall decide upon any membership fees or other contribution amount payable by the Member Countries based on the recommendation of Executive Committee.
- b. The annual membership fee structure payable by various categories of member shall be reviewed every five years

3.5 Withdrawal

Any member may withdraw from membership of the SAWEN at any time by giving notice in writing to the Secretary General to that effect, which shall be effective only after expiration of six months of the date of serving the notice to the SAWEN Secretariat and Secretary General shall report to the General Assembly.

3.6 Readmission

A former member may seek readmission by applying to the SAWEN Secretary General by explaining the reasons for its defaults and clearing all dues. The Secretary General shall seek appropriate directions or decisions on readmission from the Executive Committee and then shall be recommended to General Assembly.

ARTICLE IV: INSTITUTIONAL STRUCTURE OF SAWEN

4.1 Structure of SAWEN

The General Assembly of SAWEN shall be the apex inter-governmental body led by the Minister of the relevant ministry (forest, wildlife or biodiversity). This will be supported by the Executive Committee and SAWEN Secretariat headed by Secretary General.

4.2 The General Assembly

4.2.1 Composition

- (1) The General Assembly shall consist of the minister of the concerned ministry or his/her senior level government delegate and Principal Focal Person of the SAWEN Member Countries and one representative from each of the Associate Members and International/Partner Members.
- (2a) The first chairperson of SAWEN shall be the Minister concerned with forest/wildlife/biodiversity from the Member Country hosting the SAWEN Secretariat and after that each Member Country shall take this position in alphabetical order (referred ARTICLE 3.1a).
- (2b) In the event that the Member Country entitled to this position is unwilling to accept the responsibility, Member Countries present in the General Assembly session shall make the decision following the alphabetical order on which Member Country will take the next chairpersonship of SAWEN on a consensus basis.
- (3) The General Assembly shall be convened every three years. Extraordinary Assembly sessions shall be convened if requested by at least four SAWEN Member Countries.
- (4) The incumbent SAWEN Chairperson shall chair General Assembly sessions or direct who shall so chair such sessions as until the next General Assembly.

4.2.2 Functions

- (a) To endorse general policies of SAWEN;
- (b) To urge Member Countries, Associate Members and International/Partner Members to recommend to their respective governments and organizations policies for the effective implementation of SAWEN;
- (c) To approve the admission and readmission of members;

- (d) To endorse the periodic three year work program, income and expenditure and auditors' report; and
- (e) To perform such other functions as may be conferred on it by this Statute.

4.2.3 Time and venue

SAWEN shall, after considering suggestions from members, determine the time and venue of each ordinary and extraordinary session of the General Assembly. The decisions as to the time and venue shall be communicated to the SAWEN members by the Secretary General, with a tentative Agenda, at least three month in advance of each Assembly.

4.2.4 Rules of procedure

The General Assembly shall adopt its own rules of procedure for conducting the Assembly meetings.

4.2.5 Submission of resolutions

Resolutions for the consideration of the General Assembly of SAWEN, the following procedure shall apply:

- a) Any SAWEN member may propose a resolution/s for consideration at the General Assembly. A member shall communicate the complete text of proposed resolution/s to the Secretariat to arrive not later than 60 days before the date on which the General Assembly is scheduled to convene. The Secretariat shall communicate the resolution/s immediately to the members for their comments, if any.
- b) Any member countries required to transmit their comments to the Secretariat to arrive not later than 30 days before the date on which the General Assembly is scheduled to convene.
- c) The Secretariat shall compile the comments on resolution/s received from the members, and schedule items for consideration at the next General Assembly through Executive Committee.

- d) The General Assembly shall endorse introduction of Observers on the recommendation of Executive Committee.

4.3 The Executive Committee (EC)

- 4.3.1 All Principal Focal Persons of the Member Countries shall be a member of EC. The Secretary of the concerned ministry of the incumbent SAWEN Chairperson shall be the Chair of the EC. The incumbent Chair shall request to his/her counterpart of the host country where EC meeting to be held to be acting chair of the EC, if s/he is unavailable.
- 4.3.2 The EC Chair shall act as Member Secretary to General Assembly of SAWEN.
- 4.3.3 Other members of the EC shall comprise one member each from Associate Members. International/Partner Members shall be invited by Secretary General in consultation with EC Chair.
- 4.3.4 The EC members shall be in regular contact with each other to facilitate the decision making process of SAWEN.
- 4.3.5 The EC shall be responsible to the General Assembly and its role shall be both administrative and advisory.
- 4.3.6 The EC shall have authority to form different Sub-Committees such as Technical Sub-Committee, Recruitment Sub-Committee, and Purchasing Sub-Committee etc as and when necessary.
- 4.3.7 The EC shall form a Recruitment Sub-Committee to initiate the selection process of a suitably qualified person for the position of SAWEN Secretary General according to the set criteria and qualification. For this purpose, the Recruitment Committee shall develop criteria and qualification in close consultation with EC.
- 4.3.8 For the interim period, the Director General, Department of National Parks and Wildlife Conservation, Government of Nepal has been designated as the Chief Enforcement Coordinator. This arrangement will continue until the Secretary General is in place through open competition.
- 4.3.9 The EC shall be supported by SAWEN Secretariat located in Kathmandu, Nepal.
- 4.3.10 The EC shall deserve the sole right of introduction of Observers in the meetings.

- 4.3.11 The EC shall review staff positions of the Secretariat as per the work load and available resources for program implementation.
- 4.3.12 The EC Chair shall approve the leave, and travel of the Secretary General.
- 4.3.13 The EC shall approve the Terms of Reference, and recruitment process of the Secretariat staff.
- 4.3.14 The EC has the authority to recruit and recall the Secretary General by following rules and procedures laid down by the General Assembly.

4.4 Principal Focal Persons

Each Member Country shall designate one senior official from the CITES Management Authority as a Principal Focal Person. The selection of Principal Focal Persons is strictly the sovereign decision of the Member Country.

Functions

- a. The Principal Focal Person shall be the main contact person to the SAWEN Secretariat.
- b. The Principal Focal Person shall coordinate with Customs, Police and other wildlife related national law enforcement agencies, International/Partner Members working in the country, institutions working in wildlife, forest and biodiversity sectors.
- c. The Principal Focal Person shall coordinate to maintain the country database related to wildlife crime.
- d. The Principal Focal Person shall be responsible for the sharing of data, intelligence, and information by being in regular communication, coordination and cooperation among SAWEN members.

4.5 Secretariat

The SAWEN Secretariat shall be located in Kathmandu, Nepal as per the decision of the Inter-governmental meeting held in Bhutan in 2011. The Secretariat shall be headed by a Secretary General. The Secretariat shall develop periodic plans, programs, budget and follow the directives given by Executive Committee for day to

day work. The Secretariat shall develop financial and human resource strategies including number and types of staff and their Terms of Reference, and recruitment procedure. The Secretariat shall perform any other function as may be assigned by the members.

4.6 Secretary General

- 4.6.1 The Secretary General shall be the executive head of SAWEN Secretariat, responsible for planning, staffing, budgeting and fund raising, program implementing and monitoring.
- 4.6.2 The Secretary General will represent SAWEN at various national and international forums and meetings.
- 4.6.3 The Secretary General shall be responsible for reporting to the Executive Committee and General Assembly.
- 4.6.4 The Secretary General shall develop proposals for conducting various activities and outsourcing resources for implementing different activities of SAWEN.
- 4.6.5 The Secretary General shall attend and support the General Assembly and act as Member Secretary to Executive Committee and shall participate in meetings of the Executive Committee and General Assembly but without a voting right.
- 4.6.6 The Secretary General shall submit a three year report regarding SAWEN activities and accomplishments along with financial report, to General Assembly, and an annual report to Executive Committee on the activities and accomplishments of SAWEN together with a financial report for the year.
- 4.6.7 The Secretary General shall prepare the necessary documents for each session the General Assembly or Extraordinary Assembly as well as Executive Committee meetings and final reports of those meetings.
- 4.6.8 The Secretary General shall recruit approved staff positions of the Secretariat as per the recruitment procedure approved by Executive Committee, but it shall not restrict the ability to recruit interns as required by the Secretariat.
- 4.6.9 The Secretary General shall open and maintain an account in the name of SAWEN in any bank operating in Kathmandu, subject to general directions of the Executive Committee.

4.6.10 The tenure for the Secretary General shall be five years.

ARTICLE V: FINANCE

5.1 SAWEN Fund

The SAWEN fund shall be created from the following sources:

- a) Membership fees from the members as may be decided by the SAWEN General Assembly;
- b) Grants and donations in cash and in kind support of SAWEN;
- c) Projects obtained from various funding agencies/donors/partners;
- d) Interest from Banks; and
- e) Amounts received from other sources

5.2 The Secretary General shall submit a draft three year program and estimates of the income and expenditure of the same period, with due regard to the guidelines of the General Assembly, to each ordinary session of the General Assembly for approval.

5.3 The Secretary General shall submit annual budget based on estimates of income and expenditures with due regard to the outline approved by the General Assembly and shall keep the Administrative and Finance Officer informed of unforeseen expenses and of significant variations from predicted income each year to the Executive Committee for approval.

Note:

- a. The annual budget, which shall relate to the period of one calendar year and shall be drafted in U.S. dollars, shall contain restricted and unrestricted income estimates which balance the proposed expenditures. The budget summary shall include assumptions on the growth of programs, staff, administrative costs and geographic presence.
- b. The income estimates shall detail all categories of income, of which the latter will be based on confirmed amounts with assumptions based on proposals under

donor review and those planned for during the year. Unrestricted income shall be allocated on a priority basis servicing the institutional structure under the Statute. Remaining funds shall be distributed on the basis of approved strategic Program needs. In addition to the normal expenditures, a component for SAWEN management time shall be deducted from restricted income.

- c. The expenditure estimates shall, in addition to the requirements for the annual budget, present the contract costs related to project work by individual departments responsible for implementing the Programs. Administrative costs, which are based on unrestricted income and overhead charges, shall be detailed by a functional line item. Project expenditure, on the other hand, shall be identified in total, noting the sources of income as unrestricted income, restricted income or management time income from projects, so that the financial balance as well as a consolidated statement of SAWEN, is shown.
- d. For the annual budget, the Secretary General may request the Executive Committee to approve the designation of unrestricted funds for a special purpose, not foreseen earlier under the three year budget approved by the General Assembly.

5.4 The Secretary General shall keep all accounts income and expenditures with the help of finance and account officer.

Note:

- a. The Secretary General shall open two official bank accounts in joint signatory with the finance and account officer. One account shall be operated through the Nepalese currency as the Secretariat lies in Nepal. The Other account shall be US dollar account as SAWEN is a regional institution.
- 5.5 The Secretary General shall appoint auditors that shall be approved by the Executive Committee. The auditors shall audit the accounts of SAWEN each year. The Secretary General shall submit auditor's report to Executive Committee and a consolidated report on the accounts of SAWEN for a three year period shall be reported to the General Assembly.

Note:

The Secretary General and Finance and Account Officer at the Secretariat shall guarantee that the auditors have free access to all documentation and other information concerning the accounts.

- 5.6 The Secretary General shall have the power to accept grants, donations and other payments on behalf of SAWEN, subject to any instructions and guidelines by the Executive Committee/General Assembly.

ARTICLE VI: SHIELD AND AUTHENTIC TEXT

6.1. Authentic Text: The current authentic text of this Statute shall be in the English language. The certified copy of Statute shall be kept in the Secretariat. Certified copies shall be transmitted to the member countries. The Secretariat shall transmit copies of the Statute as may be amended from time to time, to each member. While members may seek translation of this Statute in their national language at their own cost, the English language version shall be treated as authentic for all official purposes.

6.2. Shield: The official shield of SAWEN shall be as approved by the General Assembly.

ARTICLE VII: MISCELLANEOUS

- 7.1. Any member country may propose the Executive Committee to review the statute. Such proposal shall be communicated to the members of SAWEN by the Secretary General three months prior to an ordinary or extraordinary session of the General Assembly. The General Assembly shall amend and adopt the Statute.
- 7.2. The sharing of wildlife crime data, intelligence and information shall be based on mutual cooperation among the member countries.
- 7.3. Subject to the statute, the SAWEN Secretariat may draft bye-laws, directives and guidelines and submit to the Executive Committee for approval as may be necessary.

- 7.4. The Secretary General may, with approval from the Executive Committee, liaise or establish appropriate working relations with governmental or non-governmental organizations and shall report such actions to the members and to the General Assembly.
- 7.5. Appropriate working relations with governments and other national or international organizations shall be encouraged as far as possible through written agreements or Memorandum of Understanding (MoU).
- 7.6. It shall be the responsibility of members to keep in regular contact with the SAWEN Secretariat and each other with regard to various activities of SAWEN. In matters where the opinion of members is sought on the basis of circulation, such approval shall be deemed to be granted on the basis of “No Objection” in case no objection is received from any such member within the stipulated time frame.
- 7.7. An Information bulletin/newsletter shall be published periodically in English as well as one or more of the national languages of Founding Members of SAWEN and circulated to all members. It shall serve as a means of providing the members with information on the activities of SAWEN and on other aspects of the wildlife law enforcement in South Asia. A website shall also be made operational at the earliest time possible. The newsletter and website shall be used as means of promoting the objectives of SAWEN.
- 7.8. The Secretary General shall, with the consent of Executive Committee, have the authority to take the appropriate steps to obtain, in accordance with the laws of the country in which SAWEN is to undertake activities, such legal steps as may be necessary to carry out those activities.
- 7.9. In any such matters with regard to which specific directions are not provided for here, the approval of the Executive Committee shall be sought.
- 7.10. In case of any dispute among the Member Countries or within the Executive Committee, the matter shall be resolved by the General Assembly.

ARTICLE VIII: DISSOLUTION

- 8.1 Only the General Assembly may dissolve SAWEN on the basis of a written motion adopted by resolution/s requiring five SAWEN Member Countries.
- 8.2 Upon dissolution, the assets of SAWEN shall be apportioned as decided by the General Assembly in the motion of dissolution.

ARTICLE IX: ENFORCEMENT OF STATUTE

- 9.1 This Statute shall be effective for a member country upon completion of the formal domestic procedures of its acceptance by at least four member countries.
- 9.2 The concerned member country shall notify the secretariat in writing of the completion of its formal domestic procedures of acceptance of the Statute.
- 9.3 The Secretariat shall, upon receipt of the notification referred to in paragraph 9.2, notify all the member countries of the same.

IN WITNESS WHEREOF the undersigned being duly authorized thereto by their respective Governments have signed this Statute of the South Asia Wildlife Enforcement Network, 2014.

DONE at Kathmandu, on this 28th day of the month of August of the year 2014 in English language.