

The role of the Executive Councillors (ECs)

Constitutional governance is an Executive Councillor's fundamental obligation and is not an optional luxury.

Constitutional governance pertaining to the role of the ECs is most critical because once that is fully implemented then all the other issues relevant to the role of the Executive Council will inevitably fall into place. Until the principal constitutional role of the ECs is implemented, any other consideration becomes redundant. It would be synonymous to not doing wajibat but making undue efforts for mustahabat.

This paper is drafted as a working document and ought not to be finalised until the minutes for Conference 2006 have been provided, because the democratic and constitutional instructions for this term, 2006 to 2009, are to be derived from Conference (clause 19.2.1). Therefore, matters for immediate consideration are as follows:

1. The most fundamental function of the ECs is to implement the 'will of the Conference' (clause 19.2.1). However, this can only be possible if the minutes for the Conference is circulated to the ECs before the first Executive Council meeting, so that the ECs have an opportunity to digest what they are obliged to implement as the Executive Council for that term.

1.1 To have the minutes circulated to the ECs before the first Executive Council meeting, would require the Secretariat to fulfil its responsibilities to employ competent minute taking procedures (clause 22.4). The host Jamaat is merely the host in providing a venue for the Conference. The WF Secretariat may delegate the logistics to the host Jamaat but it is still a WF Conference and the WF Secretariat is fully responsible for the timely and accurate production of the minutes, including any logistical issues pertaining to the live recordings for the purposes of the minutes. Receiving the minutes at the subsequent Conference is futile as the ECs are effectively given instructions for the term after it is over.

2. Once the ECs have had sight of the minutes, it then has the responsibility to implement the 'will of the Conference' and for that to happen, the Executive Council needs to be able to set the agenda for the Executive Council meetings to implement the 'will of the Conference'. Executive Council meetings are the ECs' meetings and not OBs' meetings.

2.1 In setting the agenda, the Executive Council gives direction for the organisation, whilst the Secretariat assists with the administration. The OBs as members of the Executive Council (clause 19.1.1) can bring projects and initiatives to the Executive Council for the ECs' consideration. However, the OBs cannot unilaterally set the agenda for the Executive Council meeting, for what is an Executive Council meeting in accordance with clauses 19.1.1.1 to 19.1.1.7, without contribution from the rest of the ECs as to the agenda.

2.2 The implementation of the agenda can then be delegated to either another Executive Councillor (to be supported by the Secretariat) as was the case with the Capital Projects Paper, or to any other person such as the SG or as clause 19.2.4. In setting the agenda, the Executive Council gives direction on principle and the actual drafting of the agenda items can be as per the current procedure by the SG, who can also add OBs' items (clause 22.3).

2.3 As with any professional meeting, agenda for the next meeting is set before the conclusion of the meeting so as to ensure continuity and full involvement of those who are responsible for the organisation. In this case the Executive Council is responsible for

the corporate governance of the organisation (clause 19.2.1). Conference, as synonymous to the shareholders gives direction to the Board, the Executive Council, to ensure that the decisions made by the managing directors, the OBs, are in adherence with the 'will of the Conference'.

2.4 Compliance with clause 19.2.1, will enable the ECs to implement the 'will of the Conference', but subject to that, by setting the agenda the ECs will also be able to implement their role to "*manage the Federation and may exercise the powers of the Federation between meetings of the Conference*" in partnership with the OBs.

2.5 Also, in setting the agenda the ECs will be more able to put into practice clause 19.2.5, allowing them to fulfil their constitutional obligation to manage the federal structure of the organisation, which currently appears to be ostensibly managed by the OBs, mostly at the exclusion of the ECs.

3. In implementing the will of the Conference, it is imperative that all announcements of decisions or initiatives are first brought to the attention of the ECs' so that it can be agreed that they do not contravene the 'will of the Conference' and to give opportunity for the ECs to apply 19.2.3, if required.

3.1 It cannot be constitutionally viable for the ECs to first learn of WF activities for instance from the newswire or a volunteer without any prior mention at an Executive Council meeting or by a communiqué. OBs ought to first bring their agenda to the ECs and once approved, they can be implemented with the support of the Secretariat and by keeping the ECs informed via reports and responses to any requests for information within 14 days. Point 2.c above, is also relevant to this point.

4. The Secretariat would need to support the Executive Council to enable it to perform its constitutional duty effectively, by ensuring that the ECs are provided with the minutes of the previous Executive Council meeting (clause 22.3) within 21 days of the last meeting so that all concerned know what is required of them before the next meeting – which would in turn make the next meeting more constructive.

4.1 The accounts need to be submitted 21 days before the next meeting to give the ECs sufficient time to consider the accounts before the Executive Council meeting.

5. For the ECs to comply with clause 19.2.2, the OBs (SG) would need to provide the draft agenda for the impending Conference at the third Executive Council meeting before Conference, so that they are given ample opportunity to "*discuss, formulate and recommend to the Conference for approval policies and actions which in its view would facilitate the attainment of aims and objects of the Federation*". This cannot be achieved if the agenda is presented at the last Executive Council meeting before Conference for endorsement.

Appendix

Clauses of the constitution pertaining to this paper:

19 Executive Council

19.1 Composition

19.1.1 The Executive Council shall be composed of the following:

1. President of the Federation
2. Vice President
3. Secretary General
4. Honorary Treasurer
5. Five Ordinary Councillors
6. Five Appointed Councillors
7. Nominated Councillors

19.2 Powers and functions

19.2.1 The Executive Council shall implement decisions of the Conference and shall subject to any direction, decision or rules made by the Conference manage the Federation and may exercise the powers of the Federation between meetings of the Conference.

19.2.2 The Executive Council shall discuss, formulate and recommend to the Conference for approval policies and actions which in its view would facilitate the attainment of aims and objects of the Federation.

19.2.3 Subject to any decision of the Conference the Executive Council shall have the power to make such rules or regulations (which are not inconsistent with any decision or rules or regulations made by the Conference) as may be necessary for the furtherance of the aims and objects of the Federation and such rules or regulations shall be valid and binding on all members until they are revoked or amended by a resolution passed by the Conference or the Executive Council.

19.2.4 The Executive Council shall have the power to establish such committees and to assign them such duties as may be necessary and with the approval of the Conference to delegate to them such powers as may be deemed necessary.

19.2.5 *Agencies of the Secretariat*

The Executive Council shall with the consent of member resident in that area have the power to establish such regional or sub-regional branches or agencies of the Secretariat in any part of the world as it may deem fit.

22 Duties of Secretary General

22.3 prepare the agenda of all such meetings in consultation with the President and circulate the same;

22.4 record and maintain full and proper minutes of all such meetings;

22.6 execute the decisions and directions of the Executive Council and subject to prior approval of the Executive Council the recommendations of the committees set up by the Executive Council.