

GOVERNANCE MODEL OF WOSM



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GOVERNANCE MODEL OF WOSM
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Justification for this document

The Regional Plan 2018-2021 “common vision, individual commitment” establishes:

Objective 11. Increase the quality of institutional development with emphasis on Strategic Planning, good governance, financial development and Risk Management.

Indicator 11.2. At least 21 NSOs apply the Model of Governance of WOSM in line with the Regional Policy of Institutional Development.

The direction of Institutional Development of the WSB-ISC established in its operating plan 2018-2019 the following:

11.2.2 Develop an explanatory document on the Model of Governance of WOSM.

Introduction

Through the years, it has become increasingly evident that a large part of the challenges facing the OSNS have their origin in its governance. The members of the organs of government require a better understanding of the role that they must play, both as individuals and as a collective, the same thing happens with the executive teams of national (be they volunteers or paid staff).

In the same way, greater knowledge is required of the link that must be maintained with the mission of the Scout Movement. It is exacerbated by the frequent overlap of functions, as the body of government constantly performs operational functions or spends his time in decision making to focus on the strictly operational, while the executive teams, for different reasons, are involved in the decision making that correspond to the organ of government; all of which evidence the need for a greater knowledge of the model of governance of WOSM and the importance and the benefits that it generates to implement it and respect it fully.

This situation is repeated repeatedly at the national level of the NSOs, to the point that many of them consider it normal and even appropriate, Reaching the point of having developed their internal regulatory frameworks based on this custom, which for no reason can be considered a good practice.

Good governance, understood as knowing how to distinguish and respect the functions of government bodies and executive bodies, is a *condicio sine qua non* of any social organization operating through a corporate governance system, regardless of its nature and mission, regardless of whether it performs a public and social function or a private interest, whether lucrative or not.

This document presents the governance model of the WOSM, the regulatory framework that sustains it, and the principles that govern them, whose knowledge and implementation is the responsibility of all the people who integrate the organs of government or the executive teams of



the organization at any level, whether global, regional or national.

Definition of government

Finding a single definition of government that covers the whole meaning of the word is a complicated task. The etymological origin serves in this case to give the general idea that this word refers to. Government comes from the Greek “κυβερνέειν” (kybernéin) defined as “piloting a boat” also “directing, guiding” and from the Latin “gubernāre” meaning “driving”.

The verb governing is defined by the RAE how: to guide and Direct, however, to guide and direct must be done in the best way, therefore the objective of this document is to expose the governance model of the World Organization of the Scout Movement (WOSM) established in its constitution and take it as a good practice that must be replicated within the NSOs.

Considering that WOSM is an institution it is necessary to provide the definition of corporate governance, according to Richard Eells, is corporate governance (corporate governance = governance of a corporation, that is to say of a body, belonging or relating to a corporation or community). Other definitions say it is the set of measures that aim to remedy the problems between shareholders and executives of a company in order to obtain efficient management as a result.

At the institutional level it is more appropriate to use the term “governance” which also appears to have its etymological origin from the Greek “κυβερνέειν” (kybernéin) although its use begins to be known in the Middle Ages from the Latin “gubernāre” and its derivative in French “gouvernance”. In the Dictionary of the RAE is defined as the Art or way of governing that is proposed as a goal the achievement of a sustainable economic, social and institutional durable, promoting a healthy balance between the State, civil society and the market economy.

Marylin Wyatt sets out in the governance Manual for NGOs:



“An organization properly practices governance when it has an internal system of checks and balances to ensure that the public interest is sought. For NGOs, good governance is based on differentiating managerial and government functions; and on the distribution of decision-making power between them. This arrangement helps to restrict the proper administration of the organization’s resources and to maintain the spirit of Public Service.”

Other approaches emphasize that governing means making decisions about scarce resources (material, human, symbolic). In this regard, governing implies prioritizing those resources and assessing the consequences of those decisions. Within this framework, the Central Management Process for developing organizations with good governance involves building the consensus necessary for such decisions to generate the greatest possible support and institutional harmony.

Governance Model of WOSM

The World Organization of the Scout Movement was established at the International Scout Conference in Paris, France in 1922 in order to support the movement initiated by Robert Baden-Powell in 1907 and which had expanded to different countries around the world. At that conference, it was established that there would be an executive committee and a secretariat figure who would work together with the conference for the sake of the Scout Movement.

The Constitution of the World Organization of the Scout movement remains attached to that governance model when it establishes the World Scout Committee and determines its functions. It states that this body shall act by delegation of the powers of the World Scout Conference and that its principal functions are to direct and supervise the activities of the World Scout Bureau, beginning with the appointment of the General Secretary of the World Organization (Constitution of the World Organization of the Scout Movement, articles XIII and XIV).

The Constitution of the World Organization of the Scout Movement establishes the formation of the organization itself, from whom and how it can be members, its rights and duties, as well as its structure, organs and functions, the latter being the ones in whose analysis we focus on this document.

Finally, the Constitution of the World Organization of the Scout Movement is again consistent with the model of governance, when it recognizes the need for a body that works permanently, integrated by professionals who dedicate themselves full-time to carry out all the tasks that are necessary to serve the purpose of the World Organization of the Scout Movement. In this order of ideas, to provide assistance to the World Scout Conference and World Scout Committee in the performance of its own functions, in addition to providing services and to provide direct support to the OSN; this body of eminently executive is the World Scout Bureau (Constitution of the World Organization of the Scout Movement, Articles XVII, XVIII and XIX).

In Article IV paragraph 3 of the Constitution of the World Organization of the Scout Movement defines the following organs as the that the makeup it:

- (a) The World Scout Conference.
- (b) The World Scout Committee.
- (c) The World Scout Bureau.

Representación gráfica del modelo de gobernanza de la OMMS

Following this reasoning the Constitution of the World Organization of the Scout Movement states that the World Scout Conference is the highest organ of decision making, which come in equal terms all the Member Organizations, which meets periodically every three years and consider reports and recommendations presented by the World Scout Committee, be elected to the members of the latter, it approves the policies and adopt the resolutions that it deems necessary to serve the purpose of the World Organization of the Scout Movement (Constitution of the World Organization of the Scout Movement, Articles IX, X, XI and XII).





WOSM governance model at the regional level

The Constitution of the World Organization of the Scout Movement provides that NSOs wishing to be grouped according to its geographical location may constitute a region, following the geographical areas and requirements previously established by the World Scout Committee.

- (a) The Interamerican Scout Conference
- (b) The Interamerican Scout Committee
- (c) The World Scout Bureau - Interamerican Support Centre

In accordance with the Constitution of the World Organization of the Scout Movement, the Inter-American region has its own constitution, the Constitution of the Inter-American Scout region, in which the duties and rights of the members who are part of it are established, as well as the organization and functioning of its constituent bodies. To be the representation of WOSM in the Region Interamerican Scout its structure is similar to the global level.

These are defined in Article 2 of the Constitution of the Interamerican Scout region as two governing bodies (Regional Conference and Regional Committee) and one executive body (Regional Office).

In virtue of the foregoing, the Organs of the Interamerican Scout Region are:

Like the Constitution of the World Organization of the Scout Movement, the Constitution of the Interamerican Scout region establishes the functions of each of its bodies and likewise the duties and rights of the Member Organizations of the region.



Governance Model of WOSM in the NSOs

Todas las OSN tienen características diferentes pues cada una representa la realidad propia de su país, sin embargo, sus estructuras deben atender al modelo de gobernanza de la OMMS, ya que son la representación de ella en cada uno de sus países, por esta razón deben estar constituidas y organizadas siguiendo la misma estructura de la Organización Mundial del Movimiento Scout de la cual son miembros.

La estructura de las OSN, al igual que el nivel mundial y el nivel regional, se compone de diferentes órganos que realizan funciones propias. La diversidad cultural ha llevado a que en cada país se use una nomenclatura distinta, manteniendo la estructura ya explicada, a saber:

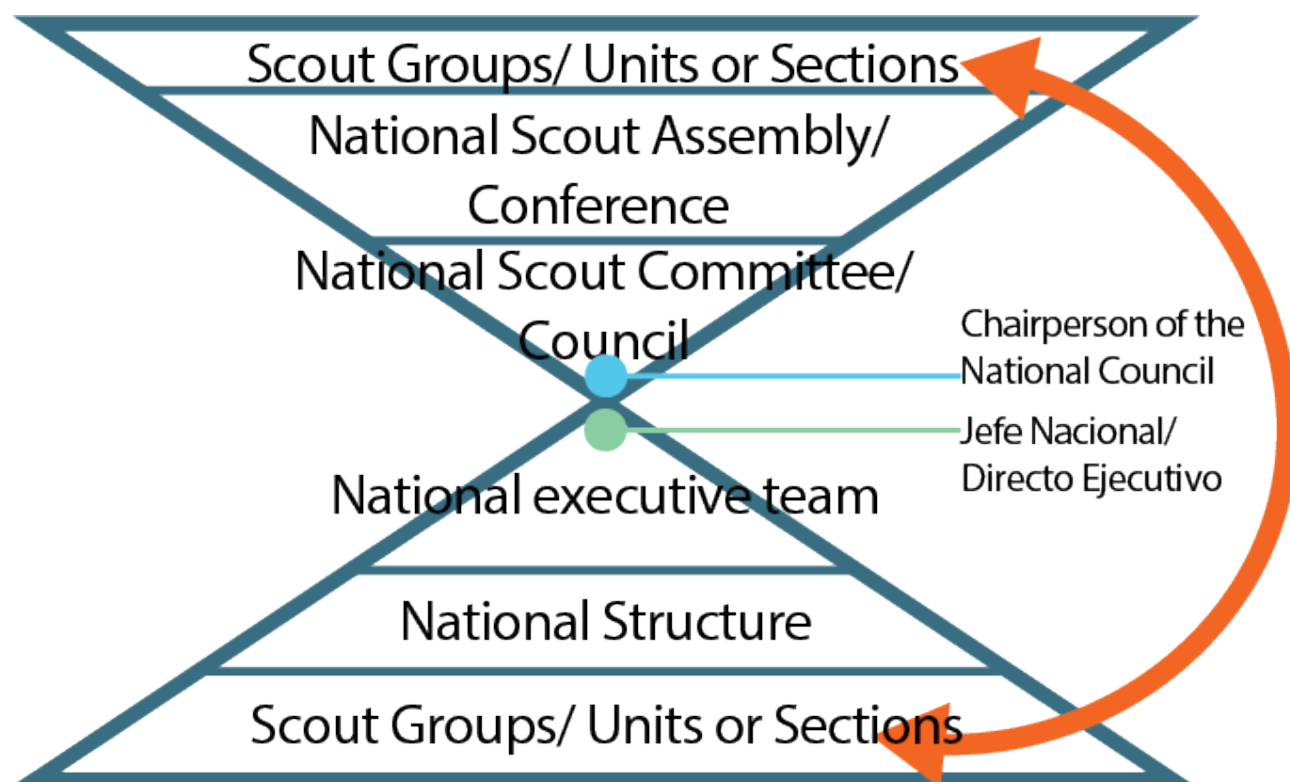
(a) Asamblea Scout Nacional (Asamblea General)

(b) Comité Scout Nacional / Consejo Scout Nacional / Consejo Directivo Nacional / Junta Nacional

(c) Dirección Ejecutiva Nacional / Jefatura Scout Nacional / Equipo Estratégico Nacional

Es importante tener presente que el órgano de gobierno y el órgano ejecutivo realizan funciones propias y exclusivas, aunque esto lo hacen de manera colaborativa y complementaria, y que en el cumplimiento de éstas se verá reflejado el buen funcionamiento de la OSN. Este principio opera de manera idéntica tanto en el nivel mundial como en el nivel regional y su observancia, además de ser una buena práctica, es la garantía de mantener a los diferentes órganos de la institución trabajando coordinadamente de manera conjunta, enfocados en el cumplimiento de la Misión de la Organización Mundial del Movimiento Scout.

Representación gráfica del modelo de gobernanza de la OMMS en las OSN



Delegation of functions

The Constitution of the World Organization of the Scout Movement establishes a structure in which each of its organs performs certain functions, in some cases because they are its own or original, by reason of the nature of the organ in which they fall, and in other cases they are delegated to it by a higher-ranking body to which it is subsequently accountable for the actions carried out in the exercise of the function transferred to it.

In the case of the World Scout Conference, as the highest decision-making body, given the complex nature of its organization and functioning, and the high associated costs, it is not feasible to convene and assemble it on a permanent basis, not even frequently, but on a regular basis within the time that the Constitution of the World Organization of the Scout Movement has established as prudent, which is three years, as stipulated in its Article XII.

The previous principle of delegation of functions is perfectly evident in Article XIV, literal (a) of the Constitution of the World Organization of the Scout Movement, which states: The World Scout Committee shall act on behalf of the World Scout Conference between its meetings.

The delegation of functions is a fundamental mechanism within an organization, since it reduces the load of each organ and at the same time streamlines decision making, ensuring that all the tasks are executed, allowing the effort of each and every organ to focus on the tasks that are own and in this way ensure that it complies with the Mission of the Scout Movement.

In the graphic representations of this document we find that in its vertices (lower and upper) appear the leaders of each organ, which is commonly called "People of Vertex". These individuals have the responsibility to direct and coordinate the actions of each body, they must ensure the maintenance of good governance, observing that the functions of each body are carried out, without exceeding them, let alone intervening in those of the other body. These people of Apex must also carry out another very important mission, they must

serve as a connection between their respective organs, maintaining communication, fostering cooperation and complementarity of work between them, with due respect for each other's functions and work.

Democratic foundations of WOSM

Through a comprehensive review of the Constitution of the World Organization of the Scout movement it is possible to identify the regulations and extract the elements that reflect their democratic character, which can be considered as their foundations, which fulfill the mission of serving as good practices which contribute to the continuity of the organization; these foundations are as follows:

- **Participation:** WOSM is characterized by being a Democratic organization, therefore its decisions are made by consensus, as well as established in the Constitution of the World Organization of the Scout Movement (Constitution of WOSM, Article IX).
- **Inclusion:** All members of the Organization have the same rights and duties (Constitution of WOSM, Article VII).
- **Alternates in the exercise of power:** the elected members of the governing body may not stay more than two consecutive terms, at the same time, all of the OSNS may nominate candidates to be elected to this (Constitution of WOSM, Article XIII, numeral 2, literal a).
- **Transparency:** its bodies must be accountable to all its members at the World Scout Conference to all its members. (Constitution of WOSM, Article X, paragraph e).
- **Delegation of functions:** the organization consists of various bodies and delegates to them functions to fulfil its purpose (Constitution of WMO, articles IX, XIII and XVII).

WOSM governance principles

Principles are the basis of ideals that people or institutions have and that determine what their actions or behaviors will be in the face of different situations. As we did before to identify the democratic foundations, through a revision of the Constitution of the Scout Movement organization we have been able to identify the principles expressed in it concerning its governance, these principles are:

1. The organization must always be at the service of the Scout Movement.(Constitution of WOSM Article V, paragraph 11, referring to the "unity of the Scout Movement")
2. Governance within the organization must be carried out at all levels, through different bodies, in accordance with the principles of:

- Representation.

- Delegation.

(Constitution of WOSM Article XIV literal, referred to the "Functions of the World Scout Committee")

3. Governance takes place through two separate bodies.

- Body of government.

- Executive body.

(Constitution of WOSM in its Articles XIII, referred to the "Composition of the World Scout Committee" and Article XVII, referring to "Composition of the World Scout Bureau")

4. The legality of the mandate of the bodies exercising the governance of the organization has two origins:

- Of the governing body (election).

- Of the executive body (designation).

(Constitution of WOSM in Article XIII, paragraph 2, on "composition of the World Scout Committee" and Article XIV, paragraph e, on "functions of the World Scout Committee")

5. The decision-making bodies in the field and strategic direction in the WOSM and the NSOs are:

- Governing bodies, i.e. global and regional Scout conferences and National Assemblies or conferences.

- Designated governing bodies, which are: global, regional and National Councils or committees.

- Executive bodies, which are:
The World Scout Office, Regional Support Centres and National Headquarters, National Executive directorates or National Strategic teams.

(Constitution of WOSM Article IX, paragraph 1, referred to the "Composition of the World Scout Conference", Article XIII, paragraph 1, referred to the "Composition of the World Scout Committee" and Article 17, paragraph 1, referred to the "Composition of the World Scout Bureau")

6. The governing body and the executive body perform different functions, so:

- Collaborative.

- Complement.

- Subordinate.

(Constitution of WOSM in its Article XIX literal, referred to the functions of the World Scout Bureau")



7. The governing body and the executive body are accountable to the body from which they were mandated.

(Constitution of WOSM in Articles X, paragraph e, relating to "Functions of the World Scout Conference", and Article XIV literals u and v, referred to the "Functions of the World Scout Committee")

8. The legitimacy of the mandate must be maintained and preserved throughout the exercise.
9. This principle, although it is true that it is not expressed literally in the text of the Constitution of WOSM, is inherent in the functioning of any institution, since it refers directly to the ethics of those who enhance the functions of government and executive. This topic is discussed in detail below in the Coda.

Coda: Legality and Legitimacy

Principle of legality in good governance.

Government bodies and national executive teams can only perform those functions for which they have been expressly empowered by the current regulatory framework.

Principle of legitimacy in good governance.

All actions of the governing bodies and the national executive teams must be directed towards and consider, in particular and at all times, the defence of the interests of the

institution, ensuring its permanence in time.

The organs of the institution must constantly ensure that their actions are legal and at the same time legitimate; while all elected authorities and those acting by delegation initiate their management in a legal manner, what legitimizes them is the proper exercise of their functions, legitimacy is an attribute that must be cared for and maintained throughout their exercise.

While it is true that the legality of one or more acts can be questioned and scrutinized, it is also true that it does not delegitimize the organ that decided or executed it, because it is possible that there is no regulation on which it is based or that it supports it, since no regulatory framework can contemplate all the possible scenarios that reality poses to the people who exercise functions in the organs of government or executives; although the loss of legitimacy is not momentary or circumstantial, it is definitive, therefore when we have seen that it occurs the subjects involved in it are seen in the moral obligation history is full of examples of this.

Legality has to do with the form of the proceedings. Legitimacy has to do with the reasons for such actions, which, at all times, must be aligned with the defence of the interests of the institution and with guaranteeing the institution's permanence over time.

In this sense, the combination of the two principles is central as elements for assessing decision-making processes in the NSO's governing bodies. While the legality is evaluated consistently by responding to the question, "Is this decision consistent with the regulatory framework in internal, own of the NSOs or the WOSM and the outer, the current legal framework of the country, Constitution, etc; the legitimacy is evaluated as a process, responding to the question what Are the decisions that take the members of this body to be adequate, effective, correct, in the face of the purposes of the OSN?

For all the above, it is imperative that each of the actions of the governing body and the executive team be within the legal framework (legality) itself and that, because they are taken in an ethical sense, they preserve their legitimacy.



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