



OKACOM

The Permanent Okavango River Basin Water Commission

Rules and Procedures of the Permanent Okavango River Basin Water Commission (OKACOM)

Gaborone, Botswana, 5 October 2010





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1 PREAMBLE

The Permanent Okavango River Basin Water Commission (OKACOM), hereinafter referred to as the "Commission" or "OKACOM", was established on 15 September 1994 between the Governments of Angola, Botswana, and Namibia.

According to the agreement, the Commission shall serve as technical advisor to the Parties on matters relating to the development, utilisation and conservation of the transboundary water resources of common interest within the Okavango River Basin, and shall perform such other functions pertaining to the development and utilisation of water resources as the Parties may agree to assign to the Commission.

2 OBJECTIVES

The objectives of these rules and procedures are to guide the Commission in the conduct of its official business and to facilitate a process by which it can:

1. function effectively;
2. supervise and provide continuous policy guidance to its subsidiary organs; systematically consult and interact with its members, using established methods; and
3. reach consensus decisions on routine and/or time sensitive issues that do not require formal meetings.

3 ESTABLISHMENT OF ORGANS

Without prejudice to Article 4 of the OKACOM Agreement and Article 4.2 and 7 of the *Organisational Structure* document, the Commission shall upon recommendation by OBSC:

- 3.1 Establish permanent or temporary subsidiary committees according to the nature and specificity of the matter;
- 3.2 Approve the governance procedures regulating the operational procedures of all permanent or temporary subsidiary OKACOM organs;
- 3.3 Approve the work plans, budgets and reports for all OKACOM organs referred to in 3.1 and 3.2 above;
- 3.4 Approve experts and consultants contracts within the scope of OKACOM and as required for project implementation.

4 MEMBERSHIP TO THE COMMISSION

4.1 Permanent Members

- 4.1.1 Each Party shall nominate three (3) permanent members to the Commission;
- 4.1.2 Such nomination shall be duly communicated to the other Parties through the Secretariat in written form and provide particulars of the members;
- 4.1.3 Each Party must designate one member of its delegation as the Leader of the Delegation or Co-Chairperson;
- 4.1.4 When a new member is appointed to replace another, such nomination and appointment shall be duly communicated in writing through the Secretariat;
- 4.1.5 A person or persons delegated by the Commission to represent it outside the Commission shall not make any commitment on behalf of the Commission, unless such representatives were specifically mandated in writing to do so by the Commission;
- 4.1.6 The delegated person must report back in writing to the Commission.



4.2 Eligibility of Appointment of Commissioners

- 4.2.1 The Co-Chairpersons should be appointed at the level of Permanent Secretary or equivalent within the national government structures of the Contracting Parties;
- 4.2.2 Other Commission Members shall be as appointed by their respective national governments.

4.3 OBSC Members

- 4.3.1 Each country Commission shall nominate three (3) permanent members to the OBSC.
- 4.3.2 Such nomination shall be communicated in writing to other country Commissions through the Secretariat.
- 4.3.3 Each country Commission shall designate one member of its OBSC delegation as Leader of the Delegation or Co-Chairperson and notification shall be in writing through the Secretariat.


4.4 The Permanent Secretariat

- 4.4.1 In the execution of its technical and other functions, the Commission shall do so through the services and assistance of the Secretariat. The Commission shall delegate responsibility as appropriate to the Secretariat to represent the Commission in different forums.

4.5 Non-permanent Members

- 4.5.1 Each delegation to the Commission may appoint experts as non-permanent/ co-opted members, based on need and competence to support the Commission works;
- 4.5.2 The Commission shall recognize the Co-Chairperson of any permanent or temporary subsidiary committee so appointed, as an *ex-officio* member of the Commission;
- 4.5.3 The Commission shall allow the non-permanent members to contribute to the work of the Commission in so far as it pertains to the subject matter area of expertise; and
- 4.5.4 The Leader of each delegation shall inform the other Co-Chairpersons of the names and particulars of all non-permanent members appointed to a meeting at least a week in advance of the meeting.

4.6 Officials

- 4.6.1 The Commission shall recognize all officials from the hosting country;
 - 4.6.2 Such officials shall not participate or contribute in the core business of the Commission;
 - 4.6.3 However, officials shall be allowed to provide information about the arrangements made for hosting the meeting or to provide clarification about specific matters of importance to the meeting.
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4.7 Observers

- 4.7.1 An observer is a person that is not a co-opted member of the Commission, but has been allowed by the Co-Chairperson of the Commission at a particular meeting, in consultation with and approval by the Commission, to listen to the discussions at the meeting that may be of interest to the observer or the institution that is represented by the observer;
- 4.7.2 An observer may be requested by the Commission to make a presentation or to speak in order to inform the Commission or to clarify some issues raised during the discussions at the meeting in connection with issues relevant to his or her presence in the meeting; and
- 4.7.3 Observers shall not be permitted to participate in the discussions at a Commission meeting unless specifically requested to do so by the Co-Chairperson.

5 CONFLICTS OF INTEREST

- 5.1 All OKACOM members shall declare any actual or potential interest that may be in conflict with any work undertaken under the auspices of OKACOM;
- 5.2 Conflict of interest includes "conflict, relating to the procurement of goods, services and infrastructural works whereby a member has direct or indirect interest that could accrue material and financial benefits".; Where a member declares any actual or potential conflict of interest, that member shall not be allowed to inform the decision making process in the subject matter;
- 5.3 Members shall not use their positions to promote the individual interests of their respective country or institutions to the detriment of the Basin;
- 5.4 Communication regarding conflict of interest shall be communicated to the Secretariat.

6 MEETINGS

- 6.1 The Commission shall meet once a year in an ordinary session and may meet in extraordinary sessions at the request of any one of the Parties;
- 6.2 Unless otherwise determined by the Commission, ordinary meetings shall take place on a basis of rotation in the territory of one of the Parties;
- 6.3 A quorum shall be formed when six members of the Commission are present, at least two of whom shall be of each delegation;
- 6.4 A leader of a delegation (Co-chairperson) may appoint a representative of OBSC to a Commission meeting in case of absence or impediment;
- 6.5 A delegated Commission shall have full authority to make decisions on behalf of the Contracting Party;
- 6.6 All meetings of the Commission shall be conducted with simultaneous translation both in English and Portuguese;
- 6.7 The leader of the delegation of the country hosting a particular meeting of the Commission shall, in respect of that meeting, be the Co-chairperson and shall be responsible for making a suitable venue available for the meeting;
- 6.8 The Co-chairperson at a particular ordinary meeting of the Commission shall remain as the Standing Co-Chairperson until the next ordinary meeting of the Commission.
- 6.9 All communication in the interim period between meetings shall be the responsibility of the Standing Co-Chairperson through the facilitation of the Secretariat.
- 6.10 The Standing Co-Chairperson shall not make substantive decision in the interim without consultation with and written confirmation from the other Co-Chairpersons;
- 6.11 At each ordinary session the Commission shall decide at least the month in which the next OKACOM meeting will take place and agree on the venue of the meeting;

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- 6.12** The Standing Co-chairperson of a meeting of the Commission, through the Secretariat, shall inform the other Co-chairpersons of the Commission at least one month before the meeting, of the date, time and place of the meeting;
- 6.13** With the support of the Secretariat, the Standing Co-chairperson of a meeting of the Commission shall be responsible for the preparation of the draft agenda, including the distribution of all supporting documentation;
- 6.14** The draft agenda distributed prior to a Commission meeting shall be finalized at the Commission meeting;
- 6.15** At a Commission meeting the Standing Co-Chairperson shall welcome all present and give each leader of a delegation an opportunity to make an opening statement;
- 6.16** The leader of each delegation at a Commission meeting shall introduce the members of the delegation and report on any changes in membership;
- 6.17** The names, representation, position and contact details of each person present at a Commission meeting shall be recorded and appended to the minutes of the meeting;
- 6.18** The Standing Co-chairperson shall ensure that the Secretariat prepares and distributes the minutes to the delegations within thirty days of the meeting;
- 6.19** Delegations shall submit their consolidated comments within thirty days of receiving the draft minutes, after which those comments will be tabled at the next meeting;
- 6.20** The Secretariat shall prepare final draft minutes incorporating all the comments received and shall distribute them thirty days before the meeting as part of the official documentation for the meeting;
- 6.21** Documents for discussion and or decisions at Commission meetings shall be produced in English and Portuguese; and
- 6.22** Co-chairpersons of delegations shall communicate to the Standing Co-chairperson through the Secretariat the names of the delegation attending the meeting, prior to the meeting.
- 6.23** Meetings can be held at any location as may be decided by the Commission.
- 6.24** The Standing Co-Chairperson shall hold quarterly progress meetings with the Executive Secretary to discuss and be updated on matters requiring the Commissions attention.

7 DECISION-MAKING PROCESS

- 7.1** All Commission decision shall be made on the basis of consensus;
- 7.2** If all efforts to reach consensus on a particular matter at a meeting of the Commission have been exhausted, and no consensus agreement is reached, the matter shall be referred to individual Commission members for further consideration and/or dealt with at the next meeting of the Commission; and
- 7.3** In the event of failure to reach agreement at a subsequent meeting or meetings of the Commission, the matter shall be made the subject for negotiations between the Parties;
- 7.4** All the decisions that are made shall be recorded, endorsed and adopted by the Commission;
- 7.5** All decisions so endorsed shall be communicated to the Secretariat.

8 DOCUMENTATION FOR MEETINGS

- 8.1** All documentation to be discussed according to the draft agenda of a Commission meeting must be submitted by each responsible delegation to the Secretariat six weeks prior to the meeting;
- 8.2** The Secretariat shall compile all documentation received and prepare a revised draft agenda (as necessary) for consideration and approval by the Standing Co-Chairperson.
- 8.3** Upon receipt of such documents, the Standing Co-Chairperson shall review, endorse and approve the documents and the revised draft agenda.
- 8.4** The Standing Co-Chairperson shall transmit the approved documents and revised draft agenda and instruct the Secretariat to circulate the same to all members of the commission.
- 8.5** The Secretariat, shall distribute the documents and the revised draft agenda four weeks before the Commission meeting;
- 8.6** Failure to observe the process as outlined at 8.1 to 8.5 above shall compel and require the responsible delegation who prepared the documents, to submit them directly to all the permanent members of the Commission at least four weeks prior to the meeting.

9 COMMUNICATION

- 9.1** The Commission shall issue a press release, signed by the all Co-chairpersons, to inform the public on specific decisions made at that meeting and distribute to all member states; and
- 9.2** To ensure effective stakeholder engagement in the Commission decisions, activities and initiatives, the Commission's external communication and outreach shall be facilitated through all possible media and communication tools, in Portuguese and English;
- 9.3** The Commission shall make provisions to explore other communication methods to facilitate continuous communication and interaction on matters pertaining to the Commission's core business; the methods and applications shall be an integral part of this rules and procedures.

10 PROJECT MANAGEMENT

- 10.1** The Commission shall provide policy guidance as appropriate on projects falling under OKACOM, or those national projects of regional interest within the basin. The Commission shall review project briefs as may be provided and give advice accordingly.
- 10.2** Upon recommendation by the OBSC or any other duly constituted competent committee or organ, the Commission shall approve and appoint the project manager at individual, organizational and country level on behalf of the Commission;
- 10.3** The Commission shall communicate all such appointments to the Secretariat who in turn shall communicate to all members and stakeholders.

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- 11.2 All communication, decisions and decisions shall be made in a transparent and accessible manner;
- 11.3 Commission members shall hold all information declared as being "confidential information" as such;
- 11.4 Confidential information shall not be released to the public without express consent given by all members;
- 11.5 Commissioners shall ensure full and regular attendance at all meetings;
- 11.6 Where a member is not able to attend any meeting such member shall communicate in writing three weeks prior to the meeting save in the case of an emergency to the Secretariat advising of the inability to do so;
- 11.7 The Secretariat shall convey information received in 12.6 above to Standing Co-Chairperson and all members of the Commission;
- 11.8 Where a member of the Commission fails to participate at two (2) consecutive ordinary meetings, that member shall forfeit the right of further participation unless otherwise decided by consensus;
- 11.9 The Commissioners shall ensure that the conduct of their business and meetings does not include the use of abusive, insulting, vile, mocking, malicious and rude language.

12 FINANCIAL ARRANGEMENTS

- 12.1 Each country shall, in respect of all meetings of the Commission, be responsible for all costs incurred in connection with the attendance and participation of its delegation and of any other person co-opted in its delegation;
- 12.2 The country hosting a meeting of the Commission shall be responsible for all costs incurred in making a venue available for the meeting;
- 12.3 All other costs incurred or liabilities accepted by the Commission in the performance of its functions and the exercise of its powers, shall be shared equally by the Parties unless otherwise agreed by the Commission; and
- 12.4 The country hosting a Commission meeting with the support from the Secretariat shall facilitate the smooth entry, stay and departure of the delegations of the other Parties into the country. However, all cost of entry such as visas shall be the responsibility of the Contracting Parties.

13 CONTENT AND VALIDITY OF DOCUMENTS

- 13.1 All documents produced by OKACOM shall be in the English and Portuguese languages. The content of the documents be they in English or Portuguese shall have the same content and validity.
- 13.2 The documents referred to in 13.1 above shall be considered as reference documents.

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14 AMENDMENT

- 14.1 All proposed amendments shall be submitted in writing for the consideration by the Commission.
- 14.2 Proposed amendments shall be sent to the Secretariat who in turn shall circulate to all members.
- 14.3 Upon conclusion and adoption of an amendment by the Commission such amendment shall be reflected in written text as being an adopted version.
- 14.4 The Secretariat shall transmit the adopted version to all members.
- 14.5 The final adopted version shall be valid when duly signed by all contracting Parties.

15 DOUBTS AND OMISSIONS

- 15.1 Doubts and omissions resulting from interpretation and application of the rules and procedures of OKACOM must be resolved by the three parties.

16 APPROVAL AND ENTRY INTO FORCE

- 16.1 These Rules and Procedures shall enter into force at the date of the last signature.
- 16.2 These Rules and Procedures have been prepared in terms of Article 3.6 of the OKACOM Agreement of 1994 and duly adopted by the signatories hereunder.

Name	Signature	Date
A.M.G. da Silva Co-Chairperson, Angola		20/10/2010
G. G. Gabaake Co-Chairperson, Botswana		28/09/10
A. Ndishishi Co-Chairperson, Namibia		04/10/10