



OKACOM

The Permanent Okavango River Basin Water Commission

Rules and Procedures of the Okavango Basin Steering Committee (OBSC)

Gaborone, Botswana, 5 October
2010





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1 PREAMBLE

The Okavango River Basin Steering Committee (OBSC) was appointed by the Commission on 6 June 1995 to provide technical advice.

According to the Organisational Structure Agreement (2007), Article 10, the OBSC shall serve as technical advisory body to the Commission 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 may be decided by the Commission.

2 OBJECTIVE

The following rules and procedures are made in accordance with Article 14.5 of the Agreement on the Organizational Structure of OKACOM, 2007. The objectives of these Rules and Procedures are to guide the OBSC in the conduct of its official business - and to facilitate a process by which the OBSC can:

- function effectively;
- supervise and provide continuous technical assistance to the Commission and supervise subsidiary organs;
- systematically consult and interact with its members, using established methods; and
- reach consensus decisions on routine and/or time sensitive issues that do not require formal meetings.

3 ADVISORY ROLE

The OBSC, in accordance with terms contained under articles 12 and 13 of the Agreement, shall:

- 3.1** Provide independent, objective, strategic and technical advice on OKACOM policies, operational strategies, and programmes through the use of appropriate data and information, action research, lessons learnt, best available scientific knowledge;
- 3.2** Provide policy advice based on prevailing socio-economic needs, diverse national interests and priority, and geopolitical climate;
- 3.3** Provide policy advice making use of prevailing regional and international developments;
- 3.4** Provide to the Secretariat advice and documentation intended for submission to the Commission;
- 3.5** Be committed to seek audience with and present to the Commission advice as duly submitted by the Secretariat;
- 3.6** In cases requiring expediency, provide advice through other channels of communication without holding a meeting.

4 MEMBERSHIP TO THE OBSC

4.1 Permanent Members

- 4.1.1** Each Party shall nominate three (3) permanent members to the OBSC;
- 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;

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- 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 OBSC to represent OKACOM 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 OBSC.

4.2 Eligibility of appointment of OBSC members

- 4.2.1** OBSC members shall possess high level of technical expertise in the core areas of OKACOM business.

4.3 Non-permanent Members

- 4.3.1** Each delegation to the OBSC may appoint experts as non-permanent/ co-opted members, based on need and competence to support the OBSC work;
- 4.3.2** The OBSC shall recognize the Co-Chairperson of any permanent or temporary subsidiary committee so appointed, as an *ex-officio* member of the OBSC;
- 4.3.3** The OBSC shall allow the non-permanent members to contribute to the work of the OBSC in so far as it pertains to the subject matter area of expertise;
- 4.3.4** 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.

4.4 Committees /Task Forces

- 4.4.1** OBSC shall recommend the establishment of committees as may be necessary and seek the approval or appointment of such Committees by the Commission. Their operations will be guided by the terms as described in the Annex to this document;
- 4.4.2** OBSC shall provide written terms of reference for committees recommended for establishment;
- 4.4.3** Upon appointment of a committee the names of the individuals appointed shall be submitted to the Secretariat for circulating amongst members of OKACOM;
- 4.4.4** The OBSC shall produce for approval by the Commission a work plan of any committee so established;
- 4.4.5** OBSC shall regularly provide briefs to the Commission on work undertaken by a Committee;
- 4.4.6** OBSC shall cause the notification of the dissolution of any Committee to OKACOM and relevant stakeholders.



4.5 The Permanent Secretariat

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

4.6 Officials

- 4.6.1** The OBSC shall recognize all officials from the hosting country;
- 4.6.2** Such officials shall not participate or contribute in the core business of the OBSC;
- 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.

4.7 Observers

- 4.7.1** An observer is a person that is not a co-opted member of the OBSC, but has been allowed by the Co-Chairperson of the OBSC at a particular meeting, in consultation with and approval by the OBSC, 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 OBSC to make a presentation or to speak in order to inform the OBSC 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 an OBSC 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";
- 5.3** 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;
- 5.4** Members shall not use their positions to promote the individual interests of their respective country or institutions to the detriment of the Basin;
- 5.5** Communication regarding conflict of interest shall be communicated to the Secretariat.



6 CAPACITY STRENGTHENING

- 6.1** OBSC shall initiate forums, such as seminars, workshops, training programmes for integrating expertise on science and technology, and recommend such initiatives to the Commission for approval;
- 6.2** OBSC shall initiate and advise on the engagement of cooperating partners in different areas required to strengthen OKACOM as a whole;
- 6.3** Shall support the Secretariat in developing and maintaining a roster of experts.

7 MEETINGS

- 7.1** The OBSC shall meet twice a year in ordinary sessions and may meet in extraordinary sessions at the request of any one of the Co-chairpersons;
- 7.2** The first ordinary meeting shall be held at the same venue as the Commission meeting;
- 7.3** A quorum shall be formed when six members of the OBSC are present, at least two of whom shall be of each delegation;
- 7.4** Where a leader of a delegation (Co-chairperson) is not able to attend an OBSC meeting, he/she may appoint a representative to act on his or her behalf;
- 7.5** All meetings of the OBSC shall be conducted with simultaneous translation both in English and Portuguese;
- 7.6** The Standing Co-Chairperson of a particular meeting of the OBSC shall, in respect of that meeting, be the chairperson and shall be responsible for making a suitable venue available for the meeting;
- 7.7** The Co-chairperson at a particular ordinary meeting of the OBSC shall remain as the Standing Co-Chairperson until the next annual ordinary meeting;
- 7.8** All communication in the interim period between meetings shall be the responsibility of the standing Co-Chairperson through the facilitation of the Secretariat;
- 7.9** The Standing Co-Chairperson shall not make substantive decision in the interim without consultation with and written confirmation from the other Co-Chairpersons;
- 7.10** At each ordinary meeting the OBSC shall decide on the month in which the next OBSC meeting will take place and agree on the venue of the meeting;
- 7.11** The Standing Co-Chairperson of a meeting of the OBSC, through the Secretariat, shall inform the other Co-chairpersons of the OBSC at least one month before the meeting, of the date, time and place of the meeting;
- 7.12** With the support of the Secretariat, the Standing Co-chairperson of a meeting of the OBSC shall be responsible for the preparation of the draft agenda, including the distribution of all supporting documentation;
- 7.13** The draft agenda distributed prior to an OBSC meeting shall be finalized at the OBSC meeting;
- 7.14** At an OBSC meeting the Standing Co-Chairperson shall welcome all present and give each leader of a delegation an opportunity to make an opening statement;
- 7.15** The leader of each delegation at an OBSC meeting shall introduce the members of the delegation and report on any changes in membership;
- 7.16** The names, representation, position and contact details of each person present at an OBSC meeting shall be recorded and appended to the minutes of the meeting;
- 7.17** The Standing Co-chairperson shall ensure that the Secretariat prepares and distributes the minutes to the delegations within thirty days of the meeting;
- 7.18** Delegations shall submit their consolidated comments within thirty days of receiving the draft minutes, after which those comments shall be tabled at the next meeting;

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- 7.19** 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;
- 7.20** Documents for discussion and or decisions at OBSC meetings shall be produced in English and Portuguese languages;
- 7.21** Co-chairpersons of delegations shall communicate to the Standing Co-chairperson through the Secretariat the names of the delegation attending the meeting, two weeks prior to the meeting;
- 7.22** Extra-ordinary meetings of the OBSC shall be called as necessary and be held at a venue agreed to by the members of the OBSC;
- 7.23** Extra-ordinary meetings shall be chaired by the Standing Co-Chairperson;
- 7.24** Meetings can be held at any location as may be decided by the OBSC.

8 DECISION MAKING PROCESS

- 8.1** All OBSC recommendations on decision shall be made on the basis of consensus and shall be regarded as the entire OBSC recommendation;
- 8.2** If all efforts to reach consensus on a particular matter at a meeting of the OBSC have been exhausted, and no consensus agreement is reached, the matter shall be referred to a higher-level organ;
- 8.3** All OBSC recommendations shall be communicated in writing to the Commission through the Secretariat;
- 8.4** The Standing Co-Chairperson shall report back in person all OBSC deliberations and recommendations to the Commission;
- 8.5** All recommendations on decisions that are made shall be recorded, endorsed and adopted by the OBSC;
- 8.6** All recommendations on decisions so endorsed shall be communicated to the Secretariat.

9 DOCUMENTATION FOR MEETINGS

- 9.1** All documentation to be discussed according to the draft agenda of an OBSC meeting must be submitted by each responsible delegation to the Secretariat six weeks prior to the meeting;
- 9.2** The Secretariat shall compile all documentation received and prepare a revised draft agenda (as necessary) for consideration and approval by the Standing Co-Chairperson;
- 9.3** Upon receipt of such documents, the Standing Co-Chairperson shall review, endorse and approve the documents and the revised draft agenda;
- 9.4** 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 OBSC;
- 9.5** The Secretariat, shall distribute the documents and the revised draft agenda four weeks before the OBSC meeting;
- 9.6** Failure to observe the process as outlined at 9.1 to 9.5 above shall compel and require the responsible delegation who prepared the documents, to submit them directly to all the permanent members of the OBSC at least four weeks prior to the meeting.



10 PROJECT MANAGEMENT

- 10.1** The OBSC shall provide technical guidance as appropriate on projects falling under OKACOM, or OKACOM initiated projects implemented at national level;
- 10.2** The OBSC shall prepare project briefs as may be required and make technical recommendations for consideration by the Commission;
- 10.3** The OBSC shall recommend to the Commission the appointment of project managers, consultants and any other experts to be engaged in OKACOM projects;
- 10.4** The OBSC through the facilitation by the Secretariat, shall be responsible for developing terms of reference, procurement of consultancy services and technical supervision of all project managers, consultants and experts engaged in OKACOM projects;
- 10.5** OBSC shall define the project management arrangements and reporting lines for OKACOM projects through the Secretariat;
- 10.6** The OBSC shall oversee the establishment of Project Steering Committees which consists of representatives from key and relevant stakeholders.

11 CONDUCT AT MEETINGS

- 11.1** The OBSC shall conduct its business in meetings in a spirit of mutual trust, understanding and cooperation;
- 11.2** All communication, decisions and documents shall be produced and conveyed in a transparent and accessible manner;
- 11.3** OBSC 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** OBSC 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 11.6 above to Standing Co-Chairperson and all members of the OBSC;
- 11.8** Where a member of the OBSC 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 OBSC 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 OBSC, 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 OBSC 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 OBSC in the performance of its functions and the exercise of its powers, shall be shared equally by the Parties unless otherwise agreed by the OBSC; and
- 12.4** The country hosting an OBSC 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 OBSC 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.

14 AMENDMENTS

- 14.1 All proposed amendments shall be submitted in writing for the consideration by the OBSC;
- 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 OBSC 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 OBSC 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		29/09/10
A. Ndishishi		
Co-Chairperson, Namibia		06/10/10

Annex

Guidelines OKACOM Task Force Operations

1. Membership of all task forces shall be three per country, nominated by respective member states.
 2. Membership should be cross sectoral and cross departmental.
 3. The committee / task force shall produce a detailed terms of reference appropriate to its mandate.
 4. Focus of the committee / task forces shall be issue based.
 5. Attendance at committee / task force meetings shall be by members only unless external experts have been specifically invited as observers, or have been delegated by a member state, in which case the Secretariat shall be informed in advance.
 6. Last minute ad hoc delegation will be avoided.
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