

# **African Network of Basin Organisations**

**Revised Statutes**

**Draft Final**

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	Explanatory Notes
<p><b>Preamble</b></p> <p>The African Network of Basin Organisations was established during its constitutive General Assembly, held in Dakar On 10 and 11 July 2002.</p> <p>The creation of this network is based on voluntary membership and aims to fill a marked gap in communication and exchanges of experiences, expertise and know-how, between its members, related to transboundary water management and Integrated Water Resources Management (IWRM).</p> <p>The African Network of Basin Organisations answers the need for coordination and strengthening of cooperation between African Organisations managing river, lake and aquifer basins and aims at grouping them together in the same representative umbrella organisation, according to the directives defined by the relevant structures of the African Union, in particular the African Ministerial Council on Water (AMCOW).</p>	
<p><b>Article 1: Establishment, Headquarters and Working Languages</b></p> <p>1 (1): A non-profit network, referred to as the African Network of Basin Organisations (ANBO) in English and Réseau Africain des Organismes de Bassin (RAOB) in French is created for an unlimited period.</p> <p>1 (2): The network headquarters shall be in Dakar, Senegal, physically hosted by the Senegal River Development Organisation (Organisation pour la Mise en Valeur du Fleuve Sénégal – OMVS)A change of headquarter location may be determined by the Council if deemed necessary.</p> <p>1 (3): The two official working languages of the network shall be English and French. Other working languages may be determined by the Council if deemed necessary.</p>	<p>Previous Article 1 of 2007 statutes, with addition of provision on headquarter, which was previously in Article 3</p>
<p><b>Article 2: Legal Status</b></p> <p>The network shall be an international organisation. It shall have full legal personality within the legal system of its host</p>	<p>New article – based on Recommendation 8 of the Kinshasa recommendations</p>

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### Article 3: Objectives of the Network

In support of the peaceful and sustainable management and development of transboundary water resources on the African continent, the objectives of the network are:

- a) to develop cooperation between the organisations in charge of transboundary water management and to favour exchange of experiences and expertise among them;
- b) to participate actively in policy formulation and implementation, bringing in experience of practice, as well as to carry out diagnostic analysis enabling the harmonisation of policy, strategies and practise at national level, as well as the level of basins and sub-basins.
- c) To promote and strengthen existing organisations in charge of transboundary water management and to encourage and support the establishment of new basin organisations;
- d) To facilitate the development of tools suitable for institutional and financial management, for knowledge and monitoring of water resources, for the establishment and management of databases and for the joint preparation of master plans and action programmes in the medium and long-term;
- e) To strengthen and network the existing documentation and information centres of the member organisations, to produce, exchange, synthesize and disseminate knowledge and know-how in the field of transboundary water management, in collaboration with regional and international partners and to support the creation of new water-related documentation and information systems in the organisations which have none;
- f) To develop information and education material and to facilitate training in IWRM and transboundary water management for personnel of basin organisations and national water sector administrations, and to promote and raise awareness on transboundary water management matters;
- g) To promote the principles of Integrated Water Resources Management (IWRM);
- h) To generate lessons learnt and document best practice of member organisations and disseminate findings;

Previous Article 2 with some deletions and amendments

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| <ul style="list-style-type: none"><li>i) To organise joint activities of regional interest between member organisations and to support their activities in obtaining finance for these;</li><li>j) To advise the relevant structures of the African Union, in particular the African Ministers Council on Water (AMCOW) on matters pertaining to transboundary water management and to support the dissemination and implementation of AMCOW policy decisions;</li><li>k) To organise joint activities of interest between regional networks and to support their actions in obtaining finance.</li></ul> |  |
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<p><b>Article 4: Membership</b></p> <p>4 (1): The membership of the network shall be comprised of transboundary river, lake or aquifer basin organisations established through an international agreement.</p> <p>4 (2): New members are admitted to the network if they meet the criteria of Article 4 (1) and their application has been approved by the network Council. The approval of applications shall not be unreasonably declined.</p> <p>4 (3): Membership in the network shall terminate if</p> <ul style="list-style-type: none"> <li>a) the member organisation resigns from the network in writing;</li> <li>b) the member organisation no longer fulfils the criteria of Article 4 (1);</li> <li>c) membership is terminated by the network Council in accordance with the provisions in the ANBO Rules and Procedures on loss of membership.</li> </ul>	<p>Previous article 4, 5 and 6, revised in accordance with accepted recommendations 1 and 2 of report 2</p>
<p><b>Article 5: Partnerships</b></p> <p>5 (1): The network shall actively maintain partnerships with Regional Economic Communities (RECs), development cooperation agencies, civil society organisations and other organisations furthering the objectives of the network. The extent and nature of formal partnerships shall be regulated through partnership agreements or Memoranda of Understanding.</p> <p>5 (2): ANBO shall hold a dialogue forum with its partners on a regular basis, as determined by the Council.</p>	
<p><b>Article 6: Institutions of the Network</b></p> <p>The network shall exercise its functions through the following organs:</p>	<p>Previously Article 7 of the 2007 Statutes</p>

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| <ul style="list-style-type: none"><li>a) The Council</li><li>b) The President</li><li>c) The Coordination Bureau</li><li>d) The Secretariat</li></ul> |  |
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<p><b>Article 7: The Council</b></p> <p>7 (1): The network Council is comprised of one senior representative per member organisation.</p> <p>7 (2): The Council is chaired by the President of the network.</p> <p>7 (3): The Council shall hold an annual ordinary meeting, or as otherwise determined by the Council in accordance with the ANBO Rules and Procedures.</p> <p>7 (4): The meetings of the Council shall be conducted and decisions taken in accordance with the ANBO Rules and Procedures.</p>	<p>Part of previous Article 8, revised in accordance with accepted recommendations 1, 3, 4 and 5 of report 2</p> <p>Terminology changed from General Assembly to Council as per recommendation 5</p> <p>Details on voting systems etc. better to be regulated in ANBO Rules and Procedures</p>
<p><b>Article 8: Functions of the Council</b></p> <p>The functions of the Council shall be to:</p> <ul style="list-style-type: none"> <li>a) review, accept and terminate membership in accordance with the Membership rules of Article 4 of these Statutes and the ANBO Rules and Procedures.</li> <li>b) adopt policies and decisions and provide other necessary guidance on the promotion, implementation and coordination of the network activities;</li> <li>c) approve the plans, programmes and projects to be developed and implemented by the Secretariat and oversee their implementation;</li> <li>d) approve the establishment of permanent staff positions in the Secretariat;</li> <li>e) appoint the Executive Secretary and other technical staff and determine the terms and conditions of their service or employment;</li> <li>f) approve the annual work plan and budget of the network before the beginning of the financial year;</li> </ul>	<p>Part of previous Article 8, with expanded list of functions</p>

g) approve the annual accounts of the network;

appoint independent external auditors;

h) adopt staff rules, financial rules and rules of procedure for the organs of the network;

i) determine in accordance with the financial rules, the annual contribution of each member towards the budget of the network;

j) address and resolve differences or disputes arising in connection with the interpretation or implementation of these statutes with a view to arriving at an amicable settlement thereof;

k) decide on the course of action to be taken in the event of non-compliance with the provisions of these statutes.

<p><b>Article 9: The President</b></p> <p>9 (1): The network shall be represented by a President and a Vice-President who shall be elected by the Council in accordance with the ANBO Rules and Procedures from amongst serving Council members</p> <p>9 (2): The President and the Vice –President shall be elected for a non-renewable term of two years.</p>	<p>Previous Article 10</p> <p>Vice-Presidency option added as per stakeholder suggestions</p> <p>Detailed rules for election of President and Vice-President to be included in ANBO Rules and Procedures</p>
<p><b>Article 10: Functions of the President</b></p> <p>The functions of the President shall be to:</p> <ul style="list-style-type: none"> <li>a) chair the meetings of the Council;</li> <li>b) liaise with AMCOW in connection with all matters resulting from the network’s role as an advisory body to AMCOW;</li> <li>c) represent the network in relevant international meetings and for a; and</li> <li>d) contribute to the raising of funds for the network.</li> </ul>	<p>Part of previous Article 10, but amended list of functions.</p>

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<p><b>Article 11: The Coordination Bureau</b></p> <p>11 (1): The Coordination Bureau is comprised of the representatives of two Member Organisations from each of the five African regions (as defined by the African Union).</p> <p>11 (2): The meetings of the Coordination Bureau shall be chaired by the Chairperson elected in accordance with the ANBO Rules and Procedures from among serving members of the Coordination Bureau</p> <p>11 (3): The Coordination Bureau shall hold an annual ordinary meeting, or as otherwise determined by the Coordination Bureau in accordance with the ANBO Rules and Procedures.</p> <p>11 (4): The meetings of the Coordination Bureau shall be conducted and decisions taken in accordance with the ANBO Rules and Procedures.</p> <p>11 (5): The Coordination Bureau may set up sub-committees or working groups as are deemed necessary and determine the composition of such sub-committees or working groups.</p>	<p>Part of previous Article 9; revised in accordance with accepted recommendations 1, 3, 7 and 9 of report 2</p> <p>Option to establish sub-committee added as per stakeholder recommendations</p>
<p><b>Article 12: Functions of the Coordination Bureau</b></p> <p>The functions of the Coordination Bureau shall be to:</p> <ul style="list-style-type: none"> <li>a) to review the annual and multi-annual work plans of the network prepared by the Secretariat and clear them for submission to the Council for approval;</li> <li>b) to review the audit reports prepared by the Secretariat and clear them for submission to the Council for approval;</li> <li>c) to review the terms of reference prepared by the Secretariat for approved technical positions in the Secretariat, select candidates and recommend selected candidates to the Council for appointment;</li> <li>d) to review the programme and projects implementation reports prepared by the Secretariat and clear them for submission to the Council for approval;</li> </ul>	<p>Part of previous Article 9, but significantly amended as most functions listed in Article 9 to be carried out by strengthened Secretariat or Council</p>

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| <ul style="list-style-type: none"><li>e) to review and approve the terms of reference prepared by the Secretariat for experts and consultants, to be recruited for the implementation of the projects and other tasks for the implementation of the work programme.</li><li>f) to review and approve the recruitment of experts and consultants for the implementation of the work programme</li><li>g) to review staff rules and regulations for the Secretariat and clear them for submission to the Council for approval;</li><li>h) to establish sub-committees or working groups as deemed necessary.</li></ul> |  |
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<p><b>Article 13: The Secretariat</b></p> <p>13 (1): The network Secretariat shall comprise:</p> <ul style="list-style-type: none"> <li>(a) the Executive Secretary;</li> <li>(b) such number and categories of technical personnel as may be approved from time to time by the Council; and,</li> <li>(c) such number and categories of supporting administrative personnel as may be approved from time to time by the Council.</li> </ul> <p>13 (2): The Executive Secretary and the technical personnel shall possess appropriate qualifications and experience.</p> <p>13 (3): While merit shall be the primary criterion for the appointment of Secretariat staff, ANBO shall strive to ensure equitable regional representation and a fair gender balance in the appointment of Secretariat staff.</p> <p>13 (4): The Secretariat shall be headed by the Executive Secretary.</p>	<p>Part of previous Article 11, but significantly amended</p>
<p><b>Article 14: Functions of the Secretariat</b></p> <p>14 (1): The functions of the Executive Secretary shall be to:</p> <ul style="list-style-type: none"> <li>(a) appoint the supporting administrative personnel of the Secretariat in accordance with the procedures and the terms and conditions of service determined by the Council;</li> <li>(b) prepare and submit the annual budget to the Coordination Bureau for its consideration and recommendations to the Council;</li> <li>(c) prepare and submit the annual and multi-annual work programmes of the network to the Coordination Bureau for its consideration and recommendation to the Council;</li> </ul>	<p>Part of previous Article 11, but significantly amended and expanded</p>

- (d) prepare and submit annually to the independent external auditors appointed by the Council the books and accounts of the network;
- (e) prepare the ordinary and extraordinary meetings of the Council and the Coordination Bureau;
- (f) report annually to Council and the Coordination Bureau on network activities as well as the programmes and projects planned, initiated or executed;
- (g) be responsible for the effective and efficient functioning of the Secretariat as administrative head; and,
- (h) perform all such other functions as the Council or the Coordination Bureau may from time to time assign.

14 (2): The functions of the Secretariat shall be to:

- (a) provide technical and administrative services to the Council and the Coordination Bureau;
- (b) facilitate the development of annual and multi-annual work programmes, and other documents required for the implementation of network activities;
- (c) obtain financial and technical support for the implementation of programmes and projects necessary for the achievement of the objectives of the network in accordance with the guidelines and directives provided by the Council and the Coordination Bureau from time to time;
- (d) implement the programme of the network in accordance with decisions of the Council and of the Coordination Bureau;
- (e) manage the funds of the network in an efficient and transparent way as per financial procedures approved by the Council;
- (f) to liaise with stakeholders and share information on network activities, under the guidance, coordination and supervision of the Coordination Bureau;

(g) perform all such other functions as the Council or the Technical Committee may from time to time assign.

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<p><b>Article 15: Financing of the Network</b></p> <p>15 (1): All network members shall pay an annual membership fee. The annual membership amount shall be determined by the Council.</p> <p>15 (2): ANBO shall make all reasonable efforts to access other sources of finance for the network in accordance with the financing strategy approved by the Council.</p>	<p>Previously Article 12, but fully redrafted</p>
<p><b>Article 16: Rules and Procedures</b></p> <p>16 (1): The network Council shall adopt ANBO Rules and Procedures, which regulate in detail the procedural aspects related to the functioning of the network and its organs.</p> <p>16 (2): The network Council shall adopt the necessary operational rules and procedures required for the effective functioning of the Secretariat. These shall include but not be limited to</p> <ul style="list-style-type: none"> <li>• Human Resources Management Guidelines</li> <li>• Financial Management Guidelines</li> <li>• Procurement Guidelines</li> <li>• General Administrative Guidelines</li> </ul>	<p>Previous Article 13, but significantly redrafted</p>
<p><b>Article 17: Termination of the Network</b></p> <p>17 (1): The network can be terminated by the Council by a majority of at least two-thirds of Council members.</p> <p>17 (2): In such case the Council shall designate one or several liquidators, and the assets shall be devolved to network members as determined by the Council.</p>	<p>Previous Article 14, but amended</p>

<p><b>Article 18: Settlement of Disputes</b></p> <p>18 (1): In the event of a dispute with regard to the interpretation and application of these statutes or concerning the implementation of network activities arising among network members, the members which are parties to the dispute shall expeditiously enter into consultations and negotiations, at the level of the Coordination Bureau, in the spirit of good faith and equity with a view to arriving at an amicable settlement.</p> <p>18 (2): The Coordination Bureau may, where appropriate, make recommendations to the parties to the dispute with a view to arriving at an amicable settlement thereof.</p> <p>18 (3): In case a solution is not found at the level of the Coordination Bureau, the dispute shall be referred to the Council for negotiations and resolution by consensus.</p> <p>18 (4): Only as a last resort, the dispute may be referred to the relevant courts of the network host country.</p>	<p>Previous Article 16, but amended</p>
<p><b>Article 19: Entry into Force</b></p> <p>The present statutes shall enter into force immediately after their adoption by the General Assembly.</p>	<p>The term General Assembly is still used because the new term 'Council' will only come into effect once these statutes are in force. It is still the 'old' General Assembly that adopts these statutes.</p>
<p><b>Article 20: Amendment of the Statutes</b></p> <p>All proposed amendments to these statutes shall be made in writing to the Secretariat and submitted for review to the Coordination Bureau. Any amendment of the statutes requires a 2/3 majority of all members, which shall be expressed through a Council decision.</p>	<p>Previous Article 18, but amended</p>