



Review of ANBO Statutes

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INTRODUCTION

Since 2016, there have been few opportunities to test the ANBO Statutes adopted in Kigali during the General Assembly. In October 2018, a statutory meeting of the Coordination Bureau (CB) scheduled to be held in Dakar during the launch of the

ANBO-UNDP/GEF was cancelled. This was due to article 10(2) of the revised Statutes that did not include the ANBO President as a member of the CB.

This justified, among other things, the review of ANBO's Statutes in order to identify existing gaps, and to make the necessary amendment through the adoption of resolutions at the forthcoming Council meeting in Tunis.

This could to be done, by adding an addendum to the existing Statutes. This addendum (see section 2 of this document) gives the core of improvements recommended and which will be discussed by the Council for possible adoption.

Observations on ANBO Statutes

1.1. The observations on the ANBO Statutes

a) Observation 1 on article 4 : Affiliation

In article 4 of the Statutes, "**observer members**" have always participated in the Network's activities. These are public/private bodies involved in the management of transboundary water resources or organizations interested in ANBO objectives.

Therefore, it is necessary to provide for a paragraph in Article 4 that takes them into account.

b) Observation 2 on Article 7: The Council

The Council is scheduled to meet annually. Holding Council meetings annually does not appear practical. A meeting every other year would appear more appropriate.

Making provision for extra-ordinary Council meetings could be envisaged to be held as decided by the Council.

It is therefore proposed to revisit paragraph 7 (3) to reflect the 2-year interval between Ordinary Ordinary Council Meetings.

c) Observation 3 on Article 7, paragraph 4 :

Decisions made by ANBO's GA are called resolutions. They are taken on the basis of consensus or majority vote if no consensus can be reached.

For this reason, it is proposed to rewrite this paragraph as suggested in the addendum.

d) Observation 4 on Article 8: Powers of the Council

- e) The Council must, have the powers to approve its statutes before it can resolve conflicts related to its interpretation and / or take action against offenders. The Council should have the prerogatives of adopting and amending the Statutes.

That is why it is proposed to add a point in this paragraph for proposals to amend the Statutes

f) Observation 5 on Article 9: The Chairperson

The term of office of the President appears to be too short (only 2 years). It does not allow time for concrete achievements, especially as some of the Organs are not yet operational, such as the Executive Secretariat.

It is therefore proposed to provide two terms of two years each for the Presidency (President and Vice).

The rotatory presidency according to the 5 regions of the continent is tacitly adopted and implemented by the ANBO.

This provides advantages in terms of stability, inclusion and motivation of members. It is advisable to mention this principal in a paragraph in the Statutes.

It is proposed to add a paragraph to Article 9 to support the rotatory Presidency.

g) Observation 6 on Article 10: The President's Authority

In the same way that he/she presides over the Network Council Meetings, the President is expected to preside over the meetings of the Coordination Bureau, ANBO's steering body. The reason is that the Coordination Bureau oversees activities carried out by the Network, represents it, and validates decisions that engage it. For this reason, the President should be a member of the CB.

h) The Vice-President works with the President, whom he replaces if need be. Hence, it is proposed to add a sub-paragraph to Article 10 to take care of this aspect.

i) Observation 7 on Article 11: The Coordination Bureau

The President should also be a member of the CB. Indeed, he/she represents the Network, ensures the execution of the deliberations from the Council by relying on the CB and the Permanent Technical Secretariat whose work he/she organizes.

Hence the need to clarify it in a new wording of section 11 (1).

Moreover, since the President should be a member of the CB, he/she or the Vice-President should preside over the meetings of the CB.

It is therefore proposed to delete paragraph 11 (2) and rewrite it to support this requirement.

j) Observation 8 on Article 15: Financing of the Network

This article should clearly spell out the sources of funding for the Network. These can be identified as mentioned in the Addendum.

2. Proposed Addendum to ANBO Statutes

3. Once adopted by the Council the proposed Addendum could be attached to the Statutes to form an integral part of this binding Document.

Addendum to the ANBO Statutes

Article 4 : Affiliation

Article 4.1. The members of the Network are organizations from the African transboundary river, lakes and aquifers basins, established through an International or Sub-regional agreement.

Article 4 (4) –Members with Observer Status

The Network may include members with "observer status". These may be ANBO technical and financial partners, or public /private entities and civil society organizations involved in the management of transboundary water resources.

Members with Observer status participate in the Network's Council Meetings, but do not have the right to vote and cannot be elected into any position. They can also be invited to participate in other Network events (Workshops, Conferences, trainings).

Candidates are admitted as Observers upon request, based on a review and proposal of the Coordination Bureau, and upon approval by the Council.

A member may lose her Observer status by resignation or by radiation pronounced by the Council. Delisting occurs if the member is guilty of a serious violation of the Network's By-Laws, Regulations, Directives or Resolutions.

Article 7: The Council

7(3) The President shall convene an Ordinary Meeting of the Council (OCM) every two years. The President shall convene these OCMs at least 45 days before the meeting date. Decisions of Council are adopted by a simple majority of members attending or represented.

Each member has one vote. In the event of a tie, the President shall have the preponderant vote.

The agenda is set by the President based on a proposal of the Permanent Technical Secretariat in concertation with the Coordination Bureau.

The venue for Council Meetings shall rotate among the different geographical sub-region constituted by the African Union.

7(4) The Council shall take its decisions by consensus or by vote.

7 (5) An Extraordinary Council Meeting (ECM) can be convened, should the need arises. It is convened one month before the scheduled meeting date:

- on the President's initiative, or

- at the request of the Coordination Bureau, or

- at the request of half of the members of the Network who have paid their dues.

The decisions of the ECM shall be taken by consensus or by a vote of at least two thirds of the members present or represented, and up to date with their contributions.

Article 8; Powers of the Council

1) The Council must, have the powers to approve its statutes before it can resolve conflicts related to its interpretation and / or take action against offenders. The Council should have the prerogatives of adopting and amending the Statutes

Article 9: The President

9 (2) The President and the Vice President are elected for a mandate of two years renewable only once.

9(3) The location of the member organization holding the Presidency shall rotate from one sub-region to another (North Africa/ East Africa/ West Africa/ Southern Africa/ Central Africa).

Article 10: Powers of the President

a) Presides over the Council Meetings.

b) Presides over the Coordination Bureau meetings.

c) In the event of impediment, the Vice President shall sit in for the President

Article 11: The Coordination Bureau

11(1) The Coordination Bureau is composed of representatives of two member organizations in each of the 5 geographical sub-regions of the continent (according to the division of the African Union), the representative of the Secretariat of the African Ministers' Council on Water (AMCOW), and the representative of ANBO's Secretariat, President, and Vice- President.

11(2) Meetings of the Coordination Bureau shall be presided over by the President or Vice- President of the Network

Article 15: Financing of the Network

15(3) The Network's funding sources are:

(a) membership fees;

(b) Subsidies from States and public and private organizations;

(c) The product "of services provided by ANBO to its members and partners" ;

(d) Grants and donations