

CONSTITUTION

OF

NILE BASIN INTERNATIONAL DISCOURSE

December 2003

PREAMBLE

WE CIVIL SOCIETY ORGANISATIONS IN THE NILE BASIN REGION,

RECOGNISE that NGOs and civil society organizations can play a positive role in the implementation of sustainable development in the Nile Basin specifically in ensuring the sustainable utilization of and benefit from the use of the Nile River Basin resources.

AND THAT pursuant to the Constitution of the Nile Basin Discourse the ten riparian countries agreed to ensure cooperation amongst all stakeholders within the Nile Basin and to identify strategic partnership that may promote social and development equity and to create greater understanding and mutual respect amongst the stakeholders;

AND FURTHER RECOGNISE that civil society organisations interested in the developments of the Nile Basin can be used to promote dialogue on sustainable and equitable development, peace and mutual understanding within the Nile Basin; and

DETERMINED to play a leading role in the socio-economic development activities in the Nile Basin through dialogue to inform decision making; and

CONVINCED that cooperation at the Nile Basin level will foster and promote greater awareness of the shared interest of the people of Nile Basin Region and will enable civil society engagement in the Nile Basin Discourse; and

REAFFIRMING the need to establish a multi-stakeholder, membership organisation open to all civil society organisations involved with the Nile Basin and its issues for development; and

REALISING the need to establish institutional structures to facilitate dialogue on the developments in the Nile Basin, to engage in the implementation of projects and programmes of the Nile Basin Discourse and to assist in addressing and resolving issues and problems related to the development of the Nile Basin;

AGREE AS FOLLOWS:

ARTICLE 1: ESTABLISHMENT OF THE ORGANISATION

1. There is established by this Constitution, the Nile Basin Discourse (NBD) hereinafter referred to as “the Organisation”.
2. The Organisation shall be a membership organisation that will be non-political and voluntary.
3. Acronym

The acronym of the Organisation shall be "NBD".

4. The register of membership of the Organisation shall be kept at the Secretariat based in Entebbe, Uganda

ARTICLE 2: OBJECTIVES OF THE ORGANISATION

1. The broad objective of the Organisation is to promote dialogue on sustainable, equitable development, peace and mutual understanding on issues of the Nile Basin.
2. The specific objectives of the Organisation are;

- (a) To support the process of dialogue on the developments of the Nile Basin.
- (b) To provide and facilitate fora for exchange of information concerning developments and activities within the Nile Basin.
- (c) To establish and maintain an information centre that will facilitate the sustainable utilisation and management of the Nile basin resources.
- (d) To promote and support research on issues in the Nile Basin that are relevant to the Nile Basin Region.
- (e) To support other initiatives in the Nile Basin that aim at the promotion of peace and conflict resolution
- (f) To Promote the sustainable use and equitable distribution of the Nile Basin resources and which take into account, inter alia, environmental, gender and pro-poor issues.

ARTICLE 3: ACTIVITIES OF THE ORGANISATION

In pursuance of its objectives the Organisation shall:

- (a) Participate and engage with the Nile Basin Initiative (NBI) in project preparation and implementation.
- (b) Conduct research and advocacy in the developments in the Nile Basin.

- (c) Create, Strengthen, Promote and collect information, exchange and dissemination information on the activities to various stakeholders on the development in the Nile Basin.
- (d) Promote relations, coordinate and cooperate with similar fora, networks and organisations, government, intergovernmental and donor agencies with similar objectives.
- (e) Oversee the activities and engage government in the proposed development projects in the Nile Equatorial Lakes Subsidiary Action Programme (NELSAP) and Eastern Nile Subsidiary Action programme (ENSAP)
- (f) Promote activities that support the sustainable utilisation of the Nile Basin resources.
- (g) Solicit financial support for the implementation of the activities of the Organisation.
- (h) Organise national and regional workshops, seminars and conferences on issues related to the sustainable utilisation of the Nile Basin resources.
- (i) Initiate dialogue with NBI and all stakeholders that will integrate the discourse activities and its members activities on the Nile basin.

ARTICLE 4: MEMBERSHIP: CATEGORIES, ELIGIBILITY, RIGHTS AND RESPONSIBILITIES

1.CATEGORIES OF MEMBERSHIP

1. The Organisation shall have:
 - (a) Regular members who shall be all NDFs within the Ten riparian states with interest in the sustainable utilisation of the Nile Basin resources; and
 - (b) Observers who shall be international NGOs with interest in the activities of the Nile Basin.

2. The requirements/qualifications for membership shall be:
 - (a) Commitment to conform to the objectives and principles of the Organisation.
 - (b) Potential to contribute to the activities of the Organisation.
 - (c) Evidence of registration as a civil society organisation.
 - (d) Proof of physical and postal addresses of the applicant.

2. APPLICATION PROCEDURE

1. Interested organizations may apply for membership in writing using a format Provided by the Steering Committee.

2. The Steering Committee shall review the applications for membership and make recommendations to the General Assembly.

3. National Discourse Forums automatically become members of the NBD if the fulfil the requirements and qualifications for membership above.

3. RIGHTS OF THE MEMBERS

1. The regular members through their representatives to the GA shall:

- (a) Have the right to vote and be voted as members of the Steering Committee.
 - (b) Have the right to participate in the activities and meetings of the Organisation.
 - (c) Have the right to access information in the possession of the Organisation.
2. The members with observer status shall have the right to participate in the activities and meetings of the Organisation and access information in the possession of the Organisation, but shall not have a right to vote.

4. RESPONSIBILITIES OF THE MEMBERS

The responsibilities of the regular members through the GA shall be:

- (a) To abide with the provisions of this Constitution.
- (b) To ensure the co-ordination and implementation of the NBD activities at all levels.
- (c) To identify activities and potential areas of co-operation with the various stakeholders within Nile Basin Region,
- (d) To monitor and evaluate the implementation of the activities of the Steering Committee.
- (e) To disseminate information about the activities of their organisations amongst the members of the Organisation.
- (f) .

5. TERMINATION AND RESIGNATION OF MEMBERSHIP

1. An organisation shall lose its membership if its activities do not conform to the objectives and principles of the NBD.
2. An organization may resign from membership using the procedure to be provided by the Steering Committee.

ARTICLE 5: ORGANS OF THE ORGANISATION

There shall be the following organs of the Organisation:

- (a) The General Assembly
- (b) The Steering Committee
- (c) The Secretariat.

ARTICLE 6: GENERAL ASSEMBLY AND ITS FUNCTIONS

1. The General Assembly is the supreme body of the organisation and shall comprise of regular members and observers (three representatives from each of the ten riparian countries and five representing international organisations respectively, as well as Co-Conveners and Co-Donors).
2. The General Assembly shall meet every two years.
3. The functions of the General assembly at the general Meeting shall be among others to:
 - (a) Consider and approve the general policy of the organisation.
 - (b) Consider analyze and review progress reports, workplans and budget of the Organisation.
 - (c) Consider and approve the financial and activity reports of the Organisation.
 - (d) Appoint auditors and secretaries of the Organisation.

- (e) Elect members of the Steering Committee every two years based on the NDFs decision.
 - (f) Perform other duties aimed at promoting the objectives of the Organisation.
3. The quorum of the Annual General Meeting shall be 2/3 of the voting members.
 4. The notice for the Annual General Meeting and the agenda shall be sent to the members at least 21 days before the date of the meeting.
 5. An Extraordinary general Meeting shall be held upon the request of 1/2 of the members

ARTICLE 7: THE STEERING COMMITTEE – MEMBERSHIP, COMPOSITION, FUNCTIONS AND MEETINGS

1. MEMBERSHIP OF THE STEERING COMMITTEE

- a) The Steering Committee shall comprise of one representative of each NDF of the ten riparian countries and one representative of International Organisations.

2. ELECTION OF STEERING COMMITTEE

- 1) 1.Elections for members of the Steering Committee shall be, conducted following nominations of candidates for each post, by members present and voting.
- 2) There shall be a Returning Officer to preside over the election of the Steering Committee.
- 3) The General Assembly prior to the election shall appoint the Returning Officer.
- 4) The Returning Officer shall be a person with an interest in the Discourse objectives but with no specific interests in the results of the elections.
- 5) Election of members of the first Steering Committee shall be by a procedure determined by the members present at the meeting where the elections are held.

3.COMPOSITION OF THE STEERING COMMITTEE

The Steering committee shall be composed of ;

1. The Chairperson
2. The Vice Chairperson
3. The Secretary General
4. Committee members (7)
5. Rep.of Inter.Org. (1)

4. THE FUNCTIONS OF THE STEERING COMMITTEE

Within the framework of this constitution and principles agreed upon by the General assembly, the Steering Committee shall:

- a) formulate policies and strategies to govern the effective operation and realisation of the objectives of the Organisation;

- b) oversee the promotion and realisation of the vision, mission and objectives of the Organisation;
- c) oversee the management and staffing of the Secretariat;
- d) establish committees for the effective operations of the Organisation with such powers and functions as it may determine;
- e) approve the acquisition and disposal of property for the Organisation;
- f) approve receipt and expenditure of moneys of the Organisation;
- g) determine the criteria for membership of the Organisation;
- h) admit to membership interested civil society organisations and inform the General Assembly of the admission;
- i) The Steering Committee may make guidelines for the better management of the finances of the Organisation
- j) cause the books of accounts of the Discourse Desk to be audited at the end of every year.

4. DUTIES OF THE CHAIRPERSON

- Overseeing the overall performance of the Discourse Desk and NDFs
- Calling and chairing meetings
- Representative of NBD to the International events

5. TENURE OF THE STEERING COMMITTEE

1. The term of membership to the Steering Committee shall be two years and members will be eligible to re-election for another term.
2. The term of office of the first Steering Committee is deemed to have commenced on the 6th day of December 2004

6. MEETINGS OF THE STEERING COMMITTEE

1. The Steering Committee shall meet at least 2 times a year to discharge of the duties of the Committee.
2. The Chairperson, vice-Chairperson or Secretary General shall preside over the Steering Committee meetings.
3. The quorum of the Steering Committee meetings shall be.....6...members.

7. NOTICE OF MEETINGS.

1. Notices for the Steering Committee meetings and the agenda for the meeting shall be sent to the members at least 21 days before the date of the meeting.
2. The Steering Committee shall invite any person with expertise useful to the conduct of the business of the Steering Committee to attend a Steering Committee meeting.

8 DECISIONS OF THE STEERING COMMITTEE

1. The decisions of the Steering Committee shall be by consensus.
2. Where necessary, decisions of the Steering Committee shall be reached by voting of a simple majority and where there is equality of votes the Chairperson shall have the casting vote.

ARTICLE 8: SECRETARIAT

1. the NBD shall have a Secretariat based in one of the Nile basin Countries.
2. The Secretariat shall be headed by a Discourse Facilitator and shall have other staff as the Steering Committee may determine.
3. The TOR for the secretariat shall be determined by the Steering Committee including the following functions:
 - a) To implement programmes and activities approved by the Steering Committee;
 - b) To initiate or at the direction of the Steering Committee carry out such investigations or activities as are necessary for the advancement of the objects of the Organisation;
 - c) To keep the membership records for the Organisation;
 - d) To receive and follow up membership applications;
 - e) To receive income from different sources;
 - f) To consult and dialogue with stakeholders;
 - g) To present quarterly and annual reports to the Steering Committee on the activities, regional concerns, country reports and future plans of the Organisation;
 - h) To carry out any other functions authorized by the Steering Committee;

ARTICLE 9: FINANCES

1. The annual budget for the Organisation shall be financed by grants, donations, fees from the activities of the Organisation and any other sources.
2. The financial year for the Organisation shall begin on the 1st day of January and end on the 31st day of January of the following year.
4. The accounts of the Organisation for a preceding financial year shall before the first month of the following year, be audited by a duly registered audit firm.

ARTICLE 10: PROPERTY RIGHTS

1. The income and property of the organisation shall be applied solely towards the promotion of the objectives of the organisation as set forth in this constitution.
2. All papers, addresses and reports submitted at any meeting of or organised by or on behalf of the Organisation shall be vested in the Organisation.

ARTICLE 11: USE OF THE NAME OF THE ORGANISATION

No member or individual of the NBD shall use the name of the organization to organize any activity without prior written permission of the Steering Committee.

ARTICLE 12: CONFLICT RESOLUTION

1. Any dispute between members with regard to the Constitution or its interpretation shall be mediated by the Steering Committee.
2. Any dispute, which cannot be settled by the Steering Committee, shall be referred to (the GA) before it is taken to a court of law.

ARTICLE 13: DISSOLUTION OF THE ORGANIZATION

1. The Organisation shall have infinite duration.
2. Upon the winding up of the Organisation, its net assets, if any, shall be given to a charity Organisation with similar objectives
- 3.

ARTICE 14: AMENDMENT

Any amendments to the constitution shall be made by 2/3 of the GA

ARTICLE 15: LANGUAGES

The official working languages for the members of the organization shall be English and French

ARTICLE 16: ENTRY INTO FORCE

This Constitution is presumed to have entered into force on the 6th day of December, 2003.....

ARTICLE 17: REGISTRATION

The Steering Committee shall register this organization as an international NGO .

DATED this Day of2004.

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