



# Appendix 2 to the water Charter for the Volta River Basin, related to the duties, composition, organisation and functioning of the specific organs created by the water Charter



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# Appendix 2 to the water Charter for the Volta River Basin related to the duties, composition, organisation and functioning of the organs created by the water Charter



## Part 1. General provisions

### Article 1. Purpose

This Appendix establishes the duties, composition, organisation and functioning of the specific organs created by the Volta Basin Water Charter.

It is enacted pursuant to Articles 136 to 140 and 162 of the Volta Basin Water Charter.

### Article 2: Specific organs instituted by the Water Charter

The specific organs instituted by the Water Charter are:

- i) The Volta Basin Panel of Independent Experts on water resources and environment, below referred as Panel of Independent Experts;
- ii) The Volta Basin Inter-parliamentary Committee, below referred as Inter-parliamentary Committee.

These bodies contribute to the implementation of the Authority's mandate.

### Article 3: Line authority

The Panel of Independent Experts and the Inter-Parliamentary Committee shall report directly to the Council of Ministers.

They shall perform their duties in close conjunction with the Executive Directorate, which shall ensure the secretarial duties during their meetings, and which continuously reports on their work to the Council of Ministers.

### Article 4: Equitable representation of gender

Through its cooperation with the State Parties, the Authority shall make sure of the equitable representation of gender in the organs created in the frame of the Water Charter.



## Part 2. Panel of Independent Experts

### §1. Mandate and duties

#### Article 5: Mandate

The Panel of Independent Experts shall be the advisory body in charge of providing the Authority, at the request of the latter, with scientifically-justified opinions on all aspects of the sustainable management of the Basin's water and environment.

It is particularly involved in matters relating to water-related development and infrastructure with transboundary impact in the basin, in particular water impounding and conveyance infrastructure and facilities such as dams, as well as water resource development works such as irrigation schemes, hydropower plants, supply facilities for drinking water and other uses.

Its contributions cover the scientific and technical aspects as well as the environmental and social aspects related to the construction of such infrastructure and facilities

#### Article 6: Duties

The Panel of Independent Experts is responsible in particular for:

- i) examining submissions received from the Authority in the frame of the prior notification of planned measures. As such, it shall:
  - a. organise the necessary tools and documentation to deliver effective examination of prior notification submissions;
  - b. insofar as it deems necessary, request additional information and data and contact people likely to provide it with relevant data and information;
  - c. give a scientifically-justified opinion to the Council of Ministers;
  - d. assist the Council of Ministers as necessary in issuing its decision to the notifying State and in the management of appeals, if any, from the State Parties following the decision of the Council of Ministers.
  
- ii) ensure the quality control of studies carried out in the basin or concerning the basin and facilities or projects with transboundary impact, with a view to compliance with internationally accepted standards, by issuing an opinion on the quality of studies relating to water infrastructure causing transboundary impacts. Such studies shall include, among others:
  - a. studies relating to the design, management and safety of water-related infrastructure and facilities and to their economic and financial aspects;

- b. environmental assessments, including terms of reference, environmental and social assessment reports and reports on the implementation of environmental and social plans;
- c. regular studies and studies performed from time to time on the management of the basin's water resources and environment.

As part of the quality control of environmental assessments, the Panel may, insofar as it deems necessary, identify and propose possible additional studies as part of the quality control of studies carried out in the basin or concerning the basin;

- i) deliver opinions on the preparation and implementation of legislative, regulatory, technical, economic and financial instruments for optimal management of water facilities and ancillary works;
- ii) issue an opinion on the Periodic Regional Report on the implementation of the water Charter for the Volta River Basin;
- iii) ensure that international best practices are taken into account for the sustainable management of the basin;
- iv) assist the Authority in its efforts to maintain a regional outlook over all existing and planned facilities to avoid the risk of conflict and ensure the best sharing of the costs and benefits resulting from the joint development of the shared water resources;
- v) issue an opinion on the regular revision of the nomenclature of planned measures subject to prior notification;
- vi) accomplish any other task requested by the Council of Ministers concerning the sustainable management of the basin's water resources and environment.

## *§2 Composition of the Panel*

### **Article 7: Members**

The Panel of Independent Experts shall be composed of top-level experts with proven expertise in the field of managing water and the environment.

It shall comprise the following experts:

- i) one (01) expert in hydraulic infrastructure/reservoir development;
- ii) one (01) geotechnical expert / hydraulic infrastructure safety / auscultation;
- iii) one (01) geologist;
- iv) one (01) hydrogeologist;
- v) one (01) hydrologist expert / IWRM;

- vi) one (01) expert in hydropower production;
- vii) one (01) hydraulic expert (drinking water supply and sanitation);
- viii) one (01) agricultural expert, specialist in irrigation/hydro-agricultural development;
- ix) one (01) animal expert / pastoralist;
- x) one (01) fisheries and aquaculture expert;
- xi) one (01) hydrobiologist / water quality expert;
- xii) one (01) environmental expert, environmental assessment specialist;
- xiii) one (01) expert physician, public health specialist or epidemiologist;
- xiv) one (01) sociologist or socio-anthropology expert, specialized in participatory approaches and in the relocation/resettlement of affected populations;
- xv) one (01) economist/financial expert, specialist in economic and financial analysis;
- xvi) one (01) legal expert, specialist in international water and environmental law;
- xvii) one (01) expert on climate change, risk and disaster;
- xviii) one (01) expert in governance / institutional / gender / human rights.
- xix)

## Article 8: Recruiting

The members of the Panel of Independent Experts shall be recognized regional and international specialists in the various fields of expertise considered.

The recruitment process shall consist of issuing calls for applications open to all candidates, regardless of nationality, gender or place of residence.

The members of the Panel of Independent Experts shall be appointed for a renewable term of office of five (05) years, renewable once.

The members of the Panel shall be appointed by decision of the Chair of the Council of Ministers in office.

An individual services agreement shall be drawn up for each Panel member specifying his or her specific tasks.

Particular attention shall be paid to gender equity in recruiting the members of the Panel of Independent Experts.

## Article 9. Use of expertise from outside the Panel of Independent Experts

The Authority may, if necessary, seek the expertise of persons outside the Panel to intervene on a specific issue.

### §3. Organisation of the Panel

## Article 10: Chair

The Panel is chaired by a Chairman and a Vice-Chairman, elected by the members, for the duration of the Panel's mandate.

To this end, the Authority shall establish the criteria to be met by candidates for the chairmanship of the Panel.

## Article 11: Duties of the Chair and Vice Chair of the Panel

The Chairperson of the Panel of Independent Experts is responsible for:

- i) coordinating and following up the Panel of Experts' activities;
- ii) ensuring the availability of information and general technical documentation;
- iii) representing the Panel before the Authority;
- iv) submitting Panel of Expert work plans and reports to the Council of Ministers;
- v) using best endeavours to reach a consensus on the subjects discussed during meetings;
- vi) ensure, in collaboration with the Executive Directorate, the follow-up of the implementation of the recommendations, between Panel sessions.

The Vice Chair of the Panel shall assist the Chair in the exercise of his or her duties and replace him or her in case of unavailability.

### §4. How the Panel works

## Article 12: Notice of assignments

The Panel shall perform its mandate by accomplishing specific assignments.

The Authority shall, as and when necessary, set specific assignments for the Panel by drawing up terms of reference.



In order to perform the set assignments, the Panel shall adjust its configuration so that the capabilities of the experts on the Panel are appropriate for each assignment. Certain specific assignments may involve all of the members of the Panel or only part of the Panel.

Each specific assignment shall be subject to terms of reference indicating the objectives, the work expected of the Panel, the deliverables, the schedule of performance and the list of all the background documentation available.

The members of the Panel of Independent Experts can be consulted at home.

### Article 13: Organisation of assignments

The Panel shall meet at the Authority's offices for each specific assignment.

Meetings may be held elsewhere by decision of the Authority with the Panel's approval.

The running of the meetings shall be placed under the responsibility of the Panel Chair.

In the event that the Chair of the Panel is unavailable, the Vice Chair shall replace him or her.

### Article 14: Work methods

To perform each specific assignment of the Panel, its members shall mainly rely on received documentation, existing information and the results of the field visits.

The members of Panel of Independent Experts shall individually ensure that they master all the international standards related to the various thematic studies and each expert shall deliver recommendations in full awareness of all such accepted standards based on thorough documentation and taking into account similar projects in the sub-region.

In the course of the performance of their duties, Panel members shall give preference to the use of information and communication technologies such as e-mails and on-line discussion forums.

They shall prefer internal consensus-building over any other work methods.

They shall promote consultation with all their working partners.

The Panel secretariat is provided by the Executive Directorate.

### Article 15: Visiting sites and facilities

Panel meetings may include field trips to visit sites and/or facilities.

Such site visits are mandatory for assignments concerning the technical, environmental and social aspects of water infrastructure.



The Authority shall take all necessary measures to ensure the safety of Panel members when visiting sites and facilities.

### Article 16: Working documents

The Executive Directorate shall provide the Panel of Independent Experts with all available documentation for each assignment.

Such documentation shall preferably reach the Panel members at least thirty (30) days before the commencement of the assignment.

Insofar as it deems necessary, the Panel shall request additional information and documentation before, during and after the assignment.

### Article 17: Proceedings

Panel meetings and deliberations shall be valid regardless of the number of members present.

The proceedings of the Panel shall produce consensus-based decisions.

The Chair of the Panel shall use best endeavours to obtain a consensus during all proceedings.

### Article 18: Assignment Reports

Each member of the Panel involved in a given assignment shall write an individual report covering his or her field of competence.

When preparing individual reports, the experts shall duly document themselves on the recognised international standards in the subjects concerned and shall prepare their reports to the highest professional and ethical standards of competence and integrity.

Such individual reports shall be sent to the Sub-Panel Chairs.

The Panel Chair shall then draw up the Panel Report based on the individual reports.

The Panel Report, to which shall be appended the individual reports, shall be submitted to the Authority by the Panel Chair within fifteen (15) days of the end of the assignment.

The Authority shall then address its comments to the Panel within thirty (30) days.

### Article 19: Obligation of discretion and confidentiality

The members of the Panel of Independent Experts shall be bound by an obligation of discretion and confidentiality regarding all matters they may discuss or work on.

They shall refrain from making public statements on any matters or activities in which they are involved that could impede or interfere with the mandate of the Authority.

They shall not disclose any information, documents, reports or any other output prepared by them or made available to them by the Authority or its partners to third parties as part of a specific assignment.

They shall use the documentation made available to them in accordance with its purpose.

### Article 20: Monitoring of recommendations

In order to monitor the Authority's implementation of its recommendations, the Panel shall be informed at the beginning of each specific assignment about the implementation of the recommendations resulting from the previous assignment.

### Article 21: Annual report

The Panel shall produce an Annual Activity Report.

The Panel's Annual Activity Report shall be sent by the Chair of the Panel of Independent Experts to the Council of Ministers, through the Executive Directorate.

It may be published in whole or in part.

### Article 22: Financing

The Panel's operating costs shall be covered by the Authority using its own funds or those obtained from technical and financial partners.

The Panel's operating expenses shall include but shall not be limited to fees, transport and communication costs and any other expenses previously agreed with the Authority.

However, when the intervention of the Panel of Independent Experts concerns a water infrastructure, the operating costs shall be covered by the budget of the said infrastructure.



## Part 3. The Volta Basin Inter-Parliamentary Committee

### §1. Mandate and duties

#### Article 23: Mandate

The mandate of the Inter-Parliamentary Committee shall be to promote the interests of the basin at the national, sub-regional, regional and world scales.

#### Article 24: Duties

The key duties of the Inter-Parliamentary Committee shall be to:

- i) lobby members of parliament for the ratification of sustainable basin management agreements or agreements to finance activities in the basin;
- ii) ensure that the annual contributions of the member countries to the Authority are effectively included in the budget of each member country and regularly paid;
- iii) contribute to raising the awareness of the general public in the member countries about the hydrological, environmental and socio-economic importance of the Volta Basin;
- iv) inform and raise the awareness of national decision-makers and technical and financial partners about the need to raise and allocate national and international funding to the sustainable management of the basin;
- v) promote sub-regional cooperation and integration for the management of shared water resources in West Africa;
- vi) provide any supporting duties conferred on it by the Authority.

### §2. Composition and organisation of the Inter-Parliamentary Committee

#### Article 25: Composition

The Inter-Parliamentary Committee shall be composed of members of parliament nominated by the national parliaments, with two (02) members of parliament per State, including at least one woman.

The members of the Inter-Parliamentary Committee nominated by the national parliaments shall be appointed by decision of the Council of Ministers.

They shall be appointed for a term of office of three (03) years, renewable once.

## Article 26: Bureau

The Inter-Parliamentary Committee shall form its internal Bureau composed of a Chairperson, a Vice-Chairperson and a Rapporteur;

## Article 27: Duties of the members of the Bureau

The Chairperson of the Inter-Parliamentary Committee shall be responsible for the following:

- i) planning the promotion activities that the Inter-Parliamentary Committee wishes to undertake in the basin;
- ii) coordinating and following up the Inter-Parliamentary Committee's activities;
- iii) ensuring the availability of information and general technical documentation before each meeting;
- iv) representing the Inter-Parliamentary Committee before the Authority and the State Parties;
- v) overseeing the preparation of the annual activity report.

The Vice-Chair shall assist the Chair in the performance of his or her duties and replace him or her in case of unavailability.

The rapporteur shall write up the minutes and meeting reports, co-sign them with the Chair and file them for future reference.

### *§3. Functioning of the Inter-Parliamentary Committee*

## Article 28: Notice of meetings

The Inter-Parliamentary Committee shall meet once a year after due notice issued by the Chairperson containing an agenda that has been previously brought to the attention of the Authority.

It may meet in extraordinary sessions if necessary, at the request of the President or a third (1/3) of its members.

Meetings shall be held at the head office of the Authority, or at any other venue approved by the Authority.

The Authority shall forward all relevant documentation to the Committee for its work.

## Article 29: Organisation of work

The meetings of the Inter-Parliamentary Committee shall require a quorum of at least half of its members in person or by proxy.

The Chair shall be in charge of steering the work of the Committee.





### Article 30: Proceedings

The Committee's decisions are taken by consensus.

If there is no consensus, an ordinary majority of votes shall suffice.

### Article 31: Annual report

The Inter-Parliamentary Committee draws up an annual activity report, submitted to the Council of Ministers by the Chair.

The Committee's activity report shall be widely disseminated.

## § 4. Financing of the Inter-Parliamentary Committee

### Article 32: Joint financing

The operating costs of the Interparliamentary Committee shall be jointly covered by the Authority's and the national parliament budgets. Article 33: Financing of travel expenses

The travel expenses of the Inter-Parliamentary Committee, including transport and accommodation costs, shall be covered by the national parliament budgets.

To cover them, every year, the national parliaments shall plan the necessary funding for the Committee's activities.

### Article 34: Financing of activities

The Authority shall be in charge of financing the sustainable development activities developed by the Inter-Parliamentary Committee to help promote sustainable management of the basin at the national, sub-regional, regional and world levels.

## Part 4. Final provisions

### Article 35: Amendments

Any State Party shall insofar as it deems necessary propose amendments to the present Appendix.

Such proposals of amendments shall be addressed to the Chairman of the Council of Ministers, who shall forward them to the State Parties no later than sixty (60) days after receipt and at least thirty (30) days before the meeting during which the proposed amendment(s) is(are) due to be examined.

The State Parties shall use best endeavours to reach a consensus on any proposed amendment.

Amendments shall come into force under the same conditions as the present Appendix.

### Article 36: Internal rules

The terms and conditions of operation of the Panel of Independent Experts and the Inter-Parliamentary Committee shall be set down in Internal Rules.

Each body shall propose draft Internal Rules.

The Internal Rules shall be adopted by the Council of Ministers.

### Article 37: Date of coming into force

This Appendix shall enter into force upon its adoption by the Council of Ministers.

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# Charte de l'eau

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