



THE CONSTITUTION

OF

TSUMEB SUB-BASIN

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Definition of terms

Ex-officio members-	any stakeholder co-opted from the forum to deal with a specific issue and have no voting power.
Key stakeholders-	stakeholders with direct interest and influence on water resource management
Perpetual existence -	the life of the association is indefinite, which means that if a stakeholder leaves, there is no risk of dissolution
Stakeholders-	all stakeholders in the basin with direct or indirect interest and influence on water resource management
Water management area -	in relation to a basin management committee, means the area defined under annexure A
Water resource -	means the whole or any part of a watercourse or an aquifer and includes the sea and meteoric water
Universitas personarum-	according to the common law, the association becomes a legal person of its own and the obligations of the association are not those of the individual but are its own.

1. Name

- 1.1. The Association hereby constituted will be called Tsumeb Sub-Basin Management Committee for the area described in Annexure A.
- 1.2. The Sub-basin is part of the Cuvelai-Etosha Basin and it covers part of Oshikoto, Otjozondjupa and Kunene regions, including the eastern half of Etosha National Park. Apart from conservation, a variety of other land uses including irrigation and livestock farming, industry and mining are supported by the sub-basin's groundwater sources.
- 1.3. Its shortened name will be TsBMC

2. Legal Status

This Association (Tsumeb Sub-basin) has the legal status of a body corporate under the common law as applied in the Republic of Namibia, known as a universitas personarum. The Tsumeb Sub-basin shall therefore:

- 2.1 exist in its own right, separate and distinct from its Members;
- 2.2 enjoy perpetual existence;
- 2.3 be able to own property and other possessions, and
- 2.4 be able to sue and be sued in its own name.

3. Objectives

The objectives set out hereunder forms the basis for the establishment of the association and the objectives hereunder shall be subject to the availability of funds, human resources and relevant expertise.

- 3.1 To promote the sustainable utilization of water and other natural resources within the Sub-basin.
- 3.2 To conduct research and monitoring of water resources and to report and or advice the minister responsible for water affairs on such matters.
- 3.3 To promote efficient water resource management.
- 3.3 To promote public awareness on issues of waste management and water pollution.
- 3.4 Promote community participation in water management in the protection, use, development, conservation, management and control of water resources in its management area through appropriate interventions.
- 3.5 Promote and advance the knowledge and technology in the design, construction, operation and management of water quality systems and

facilities where appropriate and depending on availability of funds and expertise.

- 3.6 Increase the knowledge and understanding of the sub-basin water environment, and encourage and promote action necessary for its enhancement.
- 3.7 Develop and implement effective delivery mechanisms to rapidly disseminate knowledge concerning the sub-basin water environment to members and other interested parties.
- 3.8 Promote sound policy in matters relating to its water environment.
- 3.9 Improve the professional status of all personnel engaged in any aspect of protecting and improving the sub-basin water environment
- 3.10 Strengthen and build alliances with organizations/associations dedicated to the preservation and enhancement of water quality and water resources.
- 3.11 Stimulate public awareness of the relationship of water resources to the public welfare and the need for pollution prevention, resource recovery, preservation, conservation, and re-use of water resources.

4. Powers

In pursuing its objectives, but not otherwise, the Sub-basin shall exercise the power to:

- 4.1 Advise on management, administration and control of water resources for the benefit of the community within its Sub-basin
- 4.2 Promote environmental improvement and conservation of water resource areas by educating, encouraging and empowering the local communities in water resource management in terms of its objectives.
- 4.3 Invite and receive contributions, donations and raise funds where appropriate, to finance the work of the Sub-basin.
- 4.4 Promote the work of the Sub-basin and organise meetings, workshops and training courses for stakeholders.
- 4.5 Take any form of action that is lawful which is necessary to achieve the objectives of the Sub-basin.
- 4.6 The Tsumeb Sub-basin shall have such powers as are normally associated with an universitas personarum under the common law.

5. Membership

- 5.1 The membership of the Tsumeb Sub-basin shall be open to individual persons within the Sub-basin and organizations interested or in support of any or all of its objectives.
- 5.2 Membership may also be acquired where the law (act of parliament) requires that any person therein defined to become a member of the Tsumeb Sub-basin.
- 5.3 Members of the Tsumeb Sub-basin shall have the right to vote at a forum Meetings.
- 5.4 The management committee may define criteria for eligibility for membership as it deems fit.

6. Management Committee

- 6.1 The Tsumeb Sub-basin will consist of representatives of all key stakeholders within the Sub-Basin.
- 6.2 The Tsumeb Sub-basin shall be administered by a management committee of not less than four (4) people and no more than twenty (20) excluding ex officio members (the stakeholders), who must be at least 21 years of age.
- 6.3 The management committee shall develop relevant management policies on aspects of finance, human resource, and other administrative matters.
- 6.4 The chairperson who will preside over the appointment of other officers shall be elected by the Forum meeting.
- 6.5 The Tsumeb Sub-basin has the right to form sub-committees. The decisions that sub-committees take shall be submitted to the management committee in the form of recommendations. The management committee may abide by the recommendations or reach an alternative informed decision.
- 6.6 All members of the Tsumeb Sub-basin shall abide by the decisions of the management committee.
- 6.7 The management committee may have a secretariat

7. Officers

Members of the executive committee (portfolio holders) shall be elected for a period of up to two years, but may be re-elected at the Tsumeb Sub-basin's forum meeting.

The Management Committee shall have an executive committee responsible for the overall administration of the Tsumeb Sub-basin and which shall consist of:

- 7.1 The Chairperson
- 7.2 The Deputy –Chairperson
- 7.3 The Treasurer
- 7.4 The secretary and any additional officers that the Tsumeb Sub-basin deems necessary at the meeting required to carry out the required activities.

8. Meetings

- 8.1 The stakeholders Forum shall meet at least once a year however the chairperson may call the stakeholders’ forum meeting when deemed necessary.
- 8.2 The Management committee shall meet at least two times a year. Meetings shall enable the Sub-basin to discuss actions and monitor progress to date, and to consider future developments.
- 8.3 The Executive Committee shall meet between scheduled meetings to deal with urgent matters arising and to ensure ongoing functioning of the Basin Support Office.
- 8.4 All members shall be given at least fourteen (14) days’ notice of when a meeting is due to take place, unless it is deemed as an emergency.
- 8.5 Two-thirds of committee members must be present in order for a meeting to take place.
- 8.6 It shall be the responsibility of the Chairperson to chair all meetings or a designated deputy in his/her absence. All meetings must be minuted and accessible to members.
- 8.7 The Forum Meeting shall take place no later than three months after the end of the financial year. At least fourteen (14) days’ notice must be given before the meeting takes place.
- 8.8 All members are entitled to vote at the Forum Meeting. Voting shall be made by a show of hands on a majority basis. In the case of a tied vote, the Chairperson or an appointed deputy shall make the final decision.

9. Finance

- 9.1 Any monies acquired by the Tsumeb Sub-basin, including donations, contributions and bequests, shall be paid into an account operated by the Management Committee in the name of the Tsumeb Sub-basin. All funds must be applied to the objects of the sub-basin or as approved by the members.
- 9.2 Bank accounts shall be opened in the name of the Tsumeb Sub-basin. Any deeds, cheques etc. relating to the Tsumeb Sub-basin's bank account shall be signed by at least two (2) of the following committee members: Chairperson, Treasurer or Secretary.
- 9.3 Any income/expenditure shall be the responsibility of the Treasurer who will be accountable to ensure funds are utilised effectively and that the Tsumeb Sub-basin stays within budget. Official accounts shall be maintained, and will be examined annually by an independent accountant who is not a member of the Tsumeb Sub-basin. An annual financial report shall be presented at the forum meeting. The Tsumeb Sub-basin's accounting year shall run from 01 April to 31 March.

10. Amendment of the Constitution

- 10.1 Any changes to this constitution must be agreed to by a two-third majority vote of members present at a special forum meeting.
- 10.2 Proposed amendments to this constitution or dissolution of the Tsumeb Sub-basin must be conveyed to the Secretary formally in writing. The Secretary and other officers shall then decide on the date of a special forum meeting to discuss such proposals, giving members at least four weeks (28 days) notice.
- 10.3 Any amendment to the constitution must be communicated to the minister in writing.

11. Dissolution of Tsumeb Sub-basin

- 11.1 The Tsumeb Sub-basin may only be dissolved by a two-third majority vote of the members present at a special forum meeting of which three months' notice shall be given to all members.
- 11.2 On dissolution, all the assets remaining after payment of all debts and liabilities of the Tsumeb Sub-basin shall be donated to another registered association or organization with similar aims and objectives or interests.

This constitution was adopted at a meeting held at.....

On the.....day of.....2012 in the presence of:

.....
Signed: Chairperson

.....
Signed: Treasurer

.....
Signed: Secretary

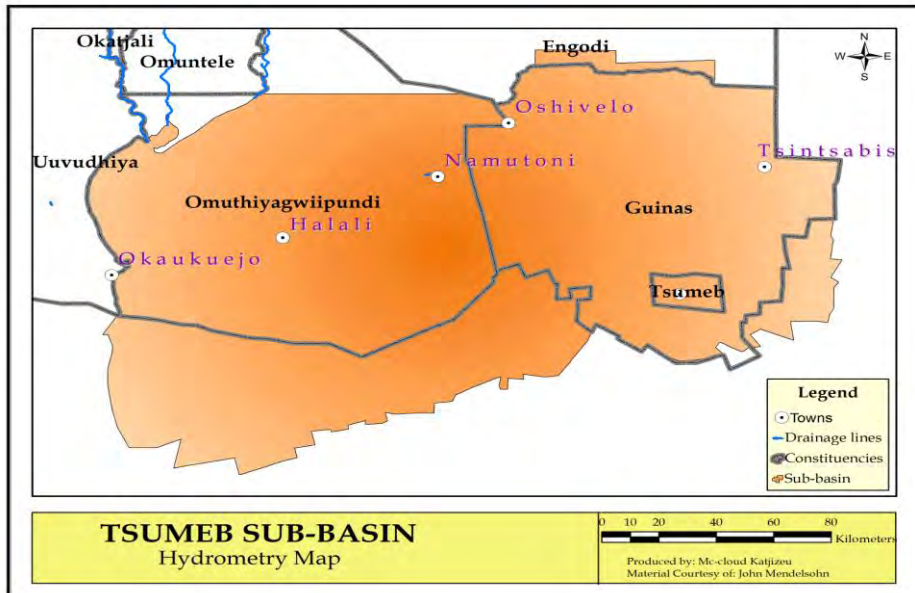
.....
Signed: Member

.....
Signed: Member

.....
Signed: Minister of Agriculture, Water and Forestry

Annexure A:

The map of Tsumeb Sub-Basin



Map of the Cuvelai Etosha Basin

