



MEKONG RIVER COMMISSION

REVISED¹ RULES OF PROCEDURES OF THE MEKONG RIVER COMMISSION SECRETARIAT

¹ Revisions in this revised version are made to the original Rules of Procedures of the Mekong River Commission Secretariat signed by the Joint Committee at its 7th Meeting on 31 March 1998 in Luang Prabang, Lao PDR.

**REVISED
RULES OF PROCEDURES
OF THE MEKONG RIVER COMMISSION SECRETARIAT**

The present Rules of Procedures of the Mekong River Commission Secretariat (MRCS) have been reviewed and revised by the Joint Committee (JC) of the Mekong River Commission (MRC) at the 39th Meeting of the MRC Joint Committee on 15 March 2014, from the original Rules of Procedures adopted by the JC on 31 March 1998 for the purpose of governing the procedural aspects of the MRCS. The revision reflects the current factual situation and developments in the MRC's role and responsibilities.

Following the Rules of Procedures of the MRC Council and the JC, these of the MRCS contain the main principles and general provisions that define the role and responsibility of the MRCS to facilitate the management of its functions. Detailed implementation regulations are stipulated in the MRC Manuals on Finance, Procurement, Programming, Personnel and Administration, which are being adopted by the JC and agreed to by the Council.

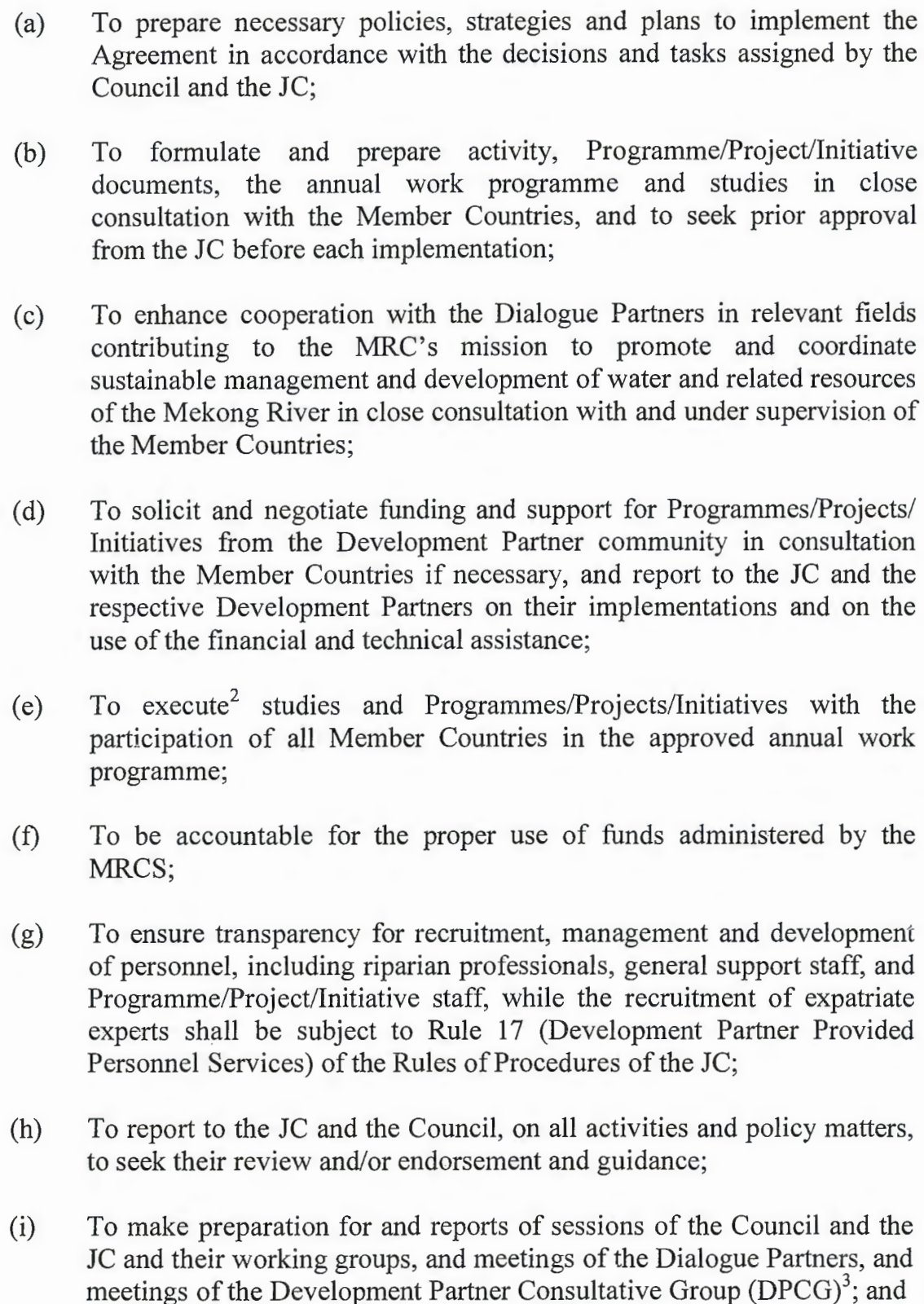
I. ORGANIZATION AND MANAGEMENT

**Rule 1
Functions of the MRCS**

In accordance with Article 28 (Purpose of Secretariat) of the 1995 Agreement on the Cooperation for the Sustainable Development of the Mekong River Basin, hereinafter referred to as the "Agreement", the MRCS shall render technical, legal and administrative support services to the Council and JC in the implementation of the Agreement, and be under the supervision of the JC. It shall strictly perform the functions and duties of the secretariat as stipulated in Article 30 (Functions of the Secretariat) of the Agreement and shall operate under the provisions of the Headquarters and Operational Agreements as well as international law. The MRCS shall decide on its detailed work procedures within the framework of these Agreements, the guidelines and decisions by the Council and the JC, and the Rules of Procedures of the MRCS. Under no circumstances shall the functions and/or the role of the MRCS expand or alter directly or indirectly the objectives of the Agreement or its implementation.

**Rule 2
Responsibilities and Duties of the MRCS**

By virtue of delegation from the JC, the MRCS shall have the following responsibilities and duties:

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- (a) To prepare necessary policies, strategies and plans to implement the Agreement in accordance with the decisions and tasks assigned by the Council and the JC;
 - (b) To formulate and prepare activity, Programme/Project/Initiative documents, the annual work programme and studies in close consultation with the Member Countries, and to seek prior approval from the JC before each implementation;
 - (c) To enhance cooperation with the Dialogue Partners in relevant fields contributing to the MRC's mission to promote and coordinate sustainable management and development of water and related resources of the Mekong River in close consultation with and under supervision of the Member Countries;
 - (d) To solicit and negotiate funding and support for Programmes/Projects/Initiatives from the Development Partner community in consultation with the Member Countries if necessary, and report to the JC and the respective Development Partners on their implementations and on the use of the financial and technical assistance;
 - (e) To execute² studies and Programmes/Projects/Initiatives with the participation of all Member Countries in the approved annual work programme;
 - (f) To be accountable for the proper use of funds administered by the MRCS;
 - (g) To ensure transparency for recruitment, management and development of personnel, including riparian professionals, general support staff, and Programme/Project/Initiative staff, while the recruitment of expatriate experts shall be subject to Rule 17 (Development Partner Provided Personnel Services) of the Rules of Procedures of the JC;
 - (h) To report to the JC and the Council, on all activities and policy matters, to seek their review and/or endorsement and guidance;
 - (i) To make preparation for and reports of sessions of the Council and the JC and their working groups, and meetings of the Dialogue Partners, and meetings of the Development Partner Consultative Group (DPCG)³; and

²According to the MRC Programming Manual, execution is defined as mobilization of inputs, monitoring and supervision of project implementation, coordination, project monitoring and reporting on the progress of the project.

³ In the Rules of Procedures of the Joint Committee, DPCG is referred as DCG – Donor Consultative Group

- (j) To carry out all other assignments as may be requested by the JC and/or the Council.

Rule 3 Permanent Offices of the MRCS

The MRCS composes of two permanent offices⁴, one in Vientiane, Lao PDR and one in Phnom Penh, Cambodia.

Rule 4 Structure of MRCS⁵

The MRCS consists of a Chief Executive Officer's office (OCEO), four Divisions; two at the Office of the Secretariat in Vientiane: (i) the Planning Division (PLD) and (ii) the Environment Division (END); and two at the Office of the Secretariat in Phnom Penh: (i) the Technical Support Division (TSD) and (ii) the Operations Division (OPD), as well as three Sections with staff in both Offices: (i) the Finance and Administration Section (FAS), (ii) the Human Resources Development Section (HRS) and (iii) the International Cooperation and Communication Section (ICCS). Each Division and Section oversees various Programmes, Projects, Initiatives, and/or Units.

Rule 5 Chief Executive Officer (CEO), Assistant CEO (ACEO) and Head of Office of Secretariat in Phnom Penh (OSP)⁶

As stipulated in the Articles 31 (Chief Executive Officer) and Article 32 (Assistant Chief Executive Officer) of the Agreement, the Secretariat is headed by a CEO, who shall be appointed by the Council for a maximum of two three-year terms. The CEO is assisted by the ACEO and Head of OSP, who shall have the same nationality and the same one-year term as the Chairperson of the JC, who shall, in the spirit of decision on permanent co-hosting, always be assigned to serve as the ACEO and Head of OSP with his/her duty station at OSP.

⁴ Decision by the MRC Council at its Sixteenth Meeting in November 2009

⁵ Decision on permanent co-hosting by the MRC Council at its Sixteenth Meeting in November 2009

⁶ The Sixteenth Meeting of the MRC Council on 27-28 November 2009 agreed on a permanent co-hosted arrangement in which there would be two offices of the Secretariat, one in Phnom Penh (OSP) and the other one in Vientiane (OSV). It was agreed also at its Private Meeting on 26 November 2009 that a Head of Office will be assigned in the Office of the Secretariat in Phnom Penh, and this position would be a concurrent position assigned to one of the two Directors in-OSP, and there would be no, or very limited, additional costs associated with this position. The positions and Job Description of the ACEO and Head of OSP have been discussed in many Meetings, JC Task Force as well as the JC. As a result, during the 16th and 17th Meetings of the JC Task Force, Member Countries agreed that positions of ACEO and Head of OSP be concurrently held by one Division Director based in OSP.

The ACEO and Head of OSP will act as Officer-in-Charge (OIC) of the MRCS in the absence of the CEO. When there is no CEO appointed, the OIC will have the same authority, duties and responsibilities as the CEO.

The ACEO and Head of OSP will assist the CEO in ensuring that the MRCS, especially the Office of the Secretariat in Phnom Penh, is operated and carried out its functions efficiently and effectively.

Rule 6 **Responsibilities and Duties of the CEO**

The CEO has the responsibility of directing the MRCS in undertaking of its responsibilities under Rule 2 of these revised Rules of Procedures and shall be responsible for overall management and planning of the MRCS activities, and has the duty to perform various technical, legal, administrative and financial tasks, as provided for in the CEO's Terms of Reference (TOR) and in Rule 20 (Secretariat Supervision and Organization) of the Rules of Procedures of the JC.

Under the guidance of the JC Chairperson, the CEO shall establish lines of communications and ensure appropriate flows of information. Importance shall be attached to soliciting financial and technical support and setting proper priorities regarding the work, following up of activities and plans, analyzing the results as well as proposing corrective measures, if needed.

The CEO can delegate to the ACEO and Head of OSP, Division Directors and other staff at the MRCS the authority to make decisions on matters which do not require his/her personal attention or on issues which, while important, are not related to the principles on which the MRC operates. Delegation of authority, as specified in the MRC Manuals, shall be subject to a given scope and time frame.

The CEO shall ensure and maintain the proper operations of the MRCS in accordance with the Headquarters and Operational Agreements and international law and shall immediately report to the JC on any violation, either by the MRCS and/or its staff or by the host countries or other member countries which may hinder the MRCS in performing its normal functions.

Rule 7 **Planning of Activities and Reporting**

The activities of the MRCS are governed by Articles 28 (Purpose of Secretariat) and Article 30 (Functions of the Secretariat) of the Agreement, as well as by the decisions of the JC. The JC shall indicate policies, general

priorities, operational targets and budget frames. Within these, the CEO shall suggest an appropriate focus for MRCS activities, based on frequent formal and informal consultations with the JC and/or its Members. The CEO shall submit to the JC an annual plan of activities of the MRCS.

An annual report of the MRCS activities shall be presented to the JC for advice. It shall include an assessment of achievements and a work plan, statement of operations, income statement and balance sheet, account of funding allocations, and a statement of changes in financial position. The statement of operations shall show the performance of the MRCS and its quantifiable effects. Results shall be presented by area of activities in relation to the operational objectives.

Rule 8 Division Directors

All Division Directors shall be appointed by the CEO. The appointment of the Directors of the Divisions shall be based on the nomination made by the Member Countries.

The Directors shall assist the CEO and the ACEO and Head of OSP in effectively managing the MRCS. Their main tasks include the planning and implementation of activities, including Programmes/Projects/Initiatives within their Divisions; supervising the organization, staffing and coordination with the National Mekong Committees and national agencies as well as with other Divisions, Sections and Units within the MRCS; and monitoring and evaluation activities of the Division in an effective manner.

Rule 9 Section Chiefs

The Section Chiefs shall be designated/appointed by the CEO. Under the direction and supervision of the CEO, the Section Chiefs are responsible for leading the Sections, supervising the Section's work, from formulation to execution of related units, Programmes/Projects/Initiatives, the performance of staff, and in coordinating with the National Mekong Committees and national agencies, as well as with other Divisions, Sections and Units within the MRCS, and any other duty as may be assigned by the CEO.

Rule 10
Designation of Officer-in-Charge (OIC)

When the CEO, the ACEO and Head of OSP, a Director or a Section Chief is absent on mission or leave, an Officer-in-Charge shall be designated to take care of the work concerned. The CEO will sign the Memoranda designating the OICs of the MRCS and the Divisions, while the designation of the OICs of the Sections or Programmes/Projects/Initiatives shall be signed by the respective Section Chiefs or Division Directors/OICs. However, if the absence of the head of such work unit lasts more than 15 days, the Division Directors/Section Chiefs shall consult with the CEO or the OIC of the MRCS on the designation.

Rule 11
Relations with the MRC Member Countries

The MRCS shall have close working relationships with the MRC Member Countries through the National Mekong Committees (NMCs). Policy and priority matters shall be addressed by the CEO directly to the JC, while other matters such as Programme/Project/Initiative management, implementation and administration shall be directed to the NMCs' Secretariat, or to the national implementing agencies through the NMCs' Secretariat, which serves as the National Monitor and Evaluator of all MRC Programmes/Projects/Initiatives.

Rule 12
Relations with Dialogue Partners

Under the specific guidance of the JC, the MRCS shall strengthen and expand its relationship and cooperation with MRC's Dialogue Partners - the People's Republic of China and the Union of Myanmar, in pursuing the organisation's development goals. The MRCS shall assist the JC in organizing an annual meeting with Dialogue Partners, which will be regularly scheduled as a meeting attached to the Working Session of the JC. The MRCS shall prepare the documentation and make necessary administrative arrangements and serve as secretariat for the meeting.

Rule 13
Relations with Development Partners

Pursuant to Rule 19 (Development Partner Consultative Group, DPCG) of the Rules of Procedures of the JC, the MRCS shall assist the JC in organizing the annual meeting of the DPCG, which is scheduled as one of the sessions of the regular meeting of the Council, and in organizing the annual Informal

Development Partner Meeting (IDPM)⁷. The MRCS shall prepare the documentation and make necessary administrative arrangements for these meetings, and shall serve as the DPCG's and IDPM's Secretariat.

In addition to the DPCG and IDP meetings, the MRCS shall, in line with MRC's aim to be a transparent organization and to create a closer partnership with the Development Partners and in consultation with the Member Countries as deemed necessary, arrange informal meetings with the Development Partners when important matters need to be discussed, planned, analyzed and/or coordinated.

Pursuant to Rule 2(d) (Responsibility of the MRCS) of its revised Rules of Procedures, the MRCS shall regularly contact Development Partners for initiation, negotiations and finalization of financing agreement(s) for Programmes/Projects/Initiatives. The MRCS shall also report to the respective Development Partner(s) on the progress of work and the implementation and fund status of the ongoing Programmes/Projects/Initiatives, on a periodical basis, in accordance with the signed financing agreement(s).

Rule 14 Meetings

The CEO shall convene senior staff meetings (SSM), to review progress of work, prepare action plan(s) and advise him/her on decision-making about major policy and management issues at the MRCS level. The participants in the SSM shall include the ACEO, Head of OSP and the Division Directors. The CEO may invite other staff to provide relevant information if necessary. The CEO shall also call general meetings whenever necessary to inform the MRCS staff on policy matters and ongoing activities which are of general interest, and to consult with them in particular on administrative and personnel matters.

The Division Directors and Section Chiefs shall regularly convene meetings to inform the Division and Section staff on the MRC and the MRCS policies, as well as discuss various issues concerning the implementation of Programmes/Projects/Initiatives and other management and administrative matters. The CEO and staff of other Divisions, Sections, or Unit(s) may be invited to take part in the meetings.

During the formulation and implementation of activities, Programmes/Projects and Initiatives, meetings of professional staff concerned within the MRCS shall be convened by the respective Division Director or Section Chief, in coordinating with and with the assistance of the Programme Officers for discussion and consultation on various related issues.

⁷ So far the term "Informal Donor Meeting – IDM" has been used.

Rule 15
Working Groups or Task Groups

The CEO may establish various working groups or task groups, including but not limited to task forces and panels, comprising the staff concerned to assist him/her and/or the JC Sub-Committees or Working Groups in some given tasks within a fixed time-frame. The working groups or task groups shall normally be of ad-hoc nature and for a specific period of time.

II. SPECIFIC REGULATIONS

Rule 16
Management of Programmes/Projects/Initiatives and Activities

The identification, formulation, implementation and monitoring of Programmes/Projects/Initiatives and activities shall be conducted in accordance with the established procedures stipulated in the MRC Programming Manual (MPM) being adopted by the JC. A recruited Programmes/Projects/Initiatives Coordinator/Manager will oversee the overall implementation of Programmes/Projects/Initiatives. Under the direction of the respective Division Director or the Section Chief, the Programme/Project or Initiative Coordinator/Manager/Officer or the Advisor will perform duties as stipulated in the MPM and in accordance with the Project/Programme/Initiative Document(s) signed between the MRCS whenever such responsibility is delegated to him/her by the JC, Development Partners and contractors.

During the implementation of the Programmes/Projects/Initiatives, the MRCS and/or the NMCSs shall be the owner of all assets and property, such as vehicles and equipment, which are purchased with Programme/Project/Initiative funds. After the implementation period, however, these properties shall either remain with the MRCS or be handed over to the National Mekong Committee Secretariats or to the national agencies concerned in accordance with the arrangement stipulated in the Programme/Project/Initiative documents or with the financing agreement with Development Partners. Inventory of Programme/Project/Initiative equipment/property shall be regularly updated and retained at the MRCS and the NMCSs for reference.

Rule 17
Financial Management

The operation of financial resources of the MRCS is governed by the regulations stipulated in the MRC Finance Manual. The CEO shall issue

orders, guidelines or rulings for management of financial resources in line with the international standard and practice. The annual operational budget of the MRC shall be prepared and proposed by the MRCS and shall be reviewed by the JC for further submission to the Council for approval. The MRCS shall report periodically on the financial status of funds and on operation of Programmes/Projects/Initiatives to the JC as well as to the Development Partners for information and action as needed.

The MRCS's accounts shall be audited by an internationally recognized, independent auditing firm. The final auditing reports shall be submitted to the Development Partners and the JC for their information and references.

Rule 18

Procurement of Goods and Services

The policy of the MRCS is that competitive bidding shall be followed in the procurement of goods, works and services, in accordance with the principles and procedures set forth in the established MRC Procurement Manual. For any procurement, a request from the Programme/Section concerned must be submitted to the Finance and Administration Section (FAS), through the concerned respective Division Director or Section Chief, containing full details and technical specifications of the required goods, works and/or Terms of Reference of the services. The FAS then calls for quotations or tendering, depending on the value of the goods, works or services required. A short list of suppliers, contractors or consulting firms shall be prepared, based on the roster available at the MRCS, or in consultation with the related Development Partners when required. If this process is not satisfactory, a prequalification process shall be required for short listing. A single or double envelope system (technical and financial proposals are submitted in separate sealed envelopes) will be applied in the tendering process. For a purchase in an amount exceeding a certain level specified in the MRC Procurement Manual, or for a procurement of services, a Bid Evaluation Panel (BEP), normally comprising three members, will be appointed by the CEO based on a proposal made by the FAS. The BEP will examine the bids and submit a report of its findings to the Chief of FAS for consideration, who will forward the BEP report to the CEO for decision.

The CEO may waive competitive bidding and other procedures in exceptional cases, where it is considered that a delay occasioned by this requirement would be prejudicial to the project, or where such a waiver would be in the best interest of the MRCS. Requests for the waiver must be fully justified in writing by the Division Director or Section Chief concerned to the CEO or Head of OSP, through the Chief of Finance and Administration Section.

Rule 19 Personnel Management

The CEO has the overall responsibility for the personnel policy. He/she shall create and maintain good working conditions and utilize and develop the staff's knowledge and experience. The CEO, in coordination with the Division Directors and Section Chiefs, shall allocate tasks within the MRCS in such a way that each individual can contribute efficiently to the work.

The CEO shall give the all staff support and provide leadership and create a team spirit and motivation for their duties. Responsibility for the personnel policy includes responsibility for the working environment and for job satisfaction. The CEO, assisted by the Division Directors and Section Chiefs, shall ensure that the staff is closely familiar with the aim of the MRCS and shall regularly inform them of conditions affecting the MRCS's activities and organization.

The MRCS personnel consists of six categories: (i) riparian professional staff; (ii) expatriate experts seconded by the Development Partners but recruited by MRCS; (iii) expatriate experts seconded by the Development Partners; (iv) support staff recruited locally; (v) riparian-on-stipend/project fellows (trainees); and (vi) /Programmes/Projects/Initiatives personnel with fixed term contracts using Programme/Project/Initiatives funds. Different conditions of service shall, therefore, be applied to different categories.

The CEO shall perform personnel management and recruitment in accordance with the regulations set forth in the MRC Personnel Manual and the Manning Table⁸ approved by the JC. Staff in categories (v) and (vi) above shall be included in the MRCS staffing table⁹, but not in the Manning Table.

The mandatory retirement age of the MRCS staff is sixty. In extraordinary cases, the JC may allow extension of a contract by one year each time.

The MRCS staff shall observe and conduct themselves in accordance with the appropriate limits of immunities and privileges granted in the Headquarters and Operational Agreements, international law and the law and customs of the host countries and Member Countries.

For riparian professional staff, Article 33 (Riparian Staff) of the Agreement stipulated that "Riparian technical staff of the Secretariat are to be recruited on a basis of technical competence, and the number of posts shall be assigned on an equal basis among the Members".

⁸ A list of posts in accordance with the approved MRCS structure

⁹ A list of staff belong to all categories currently working for the MRCS at its Headquarters and field offices

In general, the recruitment of all categories of personnel shall be made on a competitive basis to secure high standards of efficiency, competence and integrity, without distinction as to race, sex or religion. An announcement of vacant posts will be made internally and/or externally by the MRCS. The selection process, including short listing and interviewing by an Interview Panel appointed by the CEO, shall be carried out for advising the CEO in the appointment of posts. Only in exceptional cases, the CEO may waive certain recruitment procedures, based on a written proposal, with full justification for such process, made by the Division Director or Section Chief concerned through the Chief of Human Resources Section.

For the review of qualifications, selection and appointment of expatriate experts seconded by the Development Partners, the procedures provided for in Rule 17 (Donor Provided Personnel Services) of the Rules of Procedures of the JC shall be applied.

Performance assessment of staff and review for promotion of outstanding staff shall be carried out every year. The appointment and promotion process shall follow the procedures set forth in the MRC Personnel Manual.

Rule 20 **Administrative Matters**

All MRCS staff members shall carry out their work and administratively function in accordance with the MRC Administrative Manual (MAM), which includes the implementation rules; regulations and guidelines for the following: organization and management of the MRCS Headquarters (HQ), security, sexual harassment, protocol matters, privileges and immunities, purchase, control and disposal of equipment and supplies, use and control of MRC vehicles, insurance, communications, correspondence, and records and archives operations, housing and other arrangements related to living conditions, provision of health services, travel and MRCS Headquarters non expendable property¹⁰. In line with the MAM, the CEO issues, in the form of Memoranda, executive orders, guidelines, instructions and procedures to enhance the effective and efficient operations of the MRCS.

The host countries are responsible for the provision of adequate office premises. If not possible, floor space may be commercially leased and the government may then take this into account when determining the level of its contribution. An annual station report on living conditions at the HQ locations should be prepared, listing items which are of immediate practical interest to staff members, e.g. housing, transportation, security, hospitals, schools, costs of living, etc. In the event of closing the HQ, proposals for the separation and/or

¹⁰ Administration of project-funded non-expendable equipment and property is governed by the regulations stipulated in the MRC Programming Manual

transfer of international and local staff in the HQ shall be submitted to the JC at least six months before the actual date of closure.

III. GENERAL PROVISIONS

Rule 21 Emergency Situations

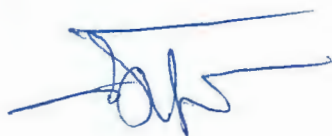
The MRCS at both offices shall prepare an emergency plan to deal with various possible incidents, including evacuation, fire, terrorism and other emergencies.

In emergency situations, the CEO shall immediately report to the JC and the Council and the MRCS shall maintain continued communications and operations of finance and administration, and take appropriate actions as advised by the host countries and/or by the JC and the Council.

Rule 22 Amendments of Rules of Procedures

These revised Rules of Procedures may be further amended or revised as deemed necessary, subject to the approval by the JC.

Approved by the JC on 15 March 2014 at its Thirty Ninth meeting in Pakse,
Champasak Province, Lao PDR.



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Cambodia National Mekong Committee
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