

CONSTITUTION OF THE ENVIRONMENTAL ASSESSMENT PROFESSIONALS ASSOCIATION OF NAMIBIA

Section 1 Name

- (1) The name of the Association is the "Environmental Assessment Professionals Association of Namibia" (EAPAN) hereinafter referred to as "the Association".
- (2) The administrative offices of the Association shall be in Windhoek, Namibia.

Section 2 Purpose

- (1) The aim of the Association is –
 - (a) to provide a national forum for advancing innovation and promoting best practice and improved capacity in all forms of environmental assessment and associated management at local, regional and national level in Namibia;
 - (b) to provide a national network on best practice in the use of environmental assessment for informed decision-making regarding policies, programmes, plans and projects;
 - (c) to raise the professional standards in all forms of environmental assessment and associated management;
 - (d) to develop and institute a professional registration body for the certification of environmental assessment practitioners;
 - (e) to promote awareness of the environmental assessment profession amongst the public and the authorities;
 - (f) to advocate on behalf of environmental assessment practitioners, and
 - (g) to create a platform for continuous professional development.
- (2) The objectives of the Association are as follows:
 - (a) to further the interest and promote the study and science of environmental assessment by, *inter alia*, planning and organising environmental conferences, workshops, training courses, etcetera;

- (b) to associate members, as defined herein, for the purpose of co-operation and mutual advantage and consultations and to promote the professional interests, rights, powers and privileges of environmental assessment practitioners;
 - (c) to promote good behavior, inhibit malpractice and to decide on issues of professional practice especially between members of the environmental assessment profession;
 - (d) to respond appropriately to formal complains of misconduct made against members of the Association and to maintain discipline;
 - (e) to consider and appropriately respond to all issues which affect the interests of the profession;
 - (f) to serve, inform and/or advise the public in matters connected with environmental assessments;
 - (g) to uphold, promote and protect the character and interests of the profession and to promote professional behaviour by members of the Association in accordance with the Association's Code of Conduct;
 - (h) to resolve all issues of professional practice, especially between members of the Association;
 - (i) to investigate the establishing of an independent review forum on environmental assessments; and
 - (j) to support government in the execution of its environmental assessment functions as set out in the Environmental Act and to promote accountability within government.
- (3) EAPAN as an organisation promotes the following professional responsibilities:
- (a) Conducting and reviewing environmental assessments with integrity and honesty, and free from misrepresentations, deliberate bias or undue influence;
 - (b) Ensuring that personal beliefs do not interfere with fair representation of the potential impacts of plans, policies, programmes or projects;
 - (c) Upholding the principle of freedom of access to information and the right of citizens to participate in decisions;
 - (d) Subscribing to a holistic approach to environmental assessment;

- (e) Seeking sustainable and equitable outcomes from human actions that affect ecosystems and socio-economic systems;
 - (f) Seeking to encourage a process of environmental assessments that averts infringement of human rights;
 - (g) Condemning the use of violence, harassment, intimidation, undue force or any kind of manipulation in connection with any aspect of environmental assessment or implementation of an intervention arising from environmental assessments;
 - (h) Conducting environmental assessments in the awareness that different groups in society experience benefits and harm in different ways, thereby seeking to take gender and other social differences into account;
 - (i) Striving to promote considerations of equity as a fundamental element of environmental assessments;
 - (j) Giving due regard to the rights and interests of future generations;
 - (k) Striving for excellence by maintaining and enhancing our own knowledge and skills, by encouraging the professional development of co-workers, and by fostering the aspirations of potential members of the profession;
 - (l) Ensuring that the costs and benefits associated with proposed developments, in particular the costs and benefits in relation to individuals, groups and society in general, in the short and longer terms, are fully understood and accessible; and
 - (m) Promoting good, open and transparent processes throughout the entire environmental assessment process, with particular emphasis on ensuring that good governance procedures are employed by the environmental assessment practitioner, the proponent, as well as any member of the project team.
- (4) For the purpose of and in order to promote the objectives as listed in section 2(2), the Association may establish and enforce Rules of Professional Conduct.
 - (5) All Members of the Association shall, as far as is applicable, abide by the EAPAN Code of Conduct, the Rules of Professional Conduct, any by-laws as well as any laws laid down by the Executive Committee, including rules regarding disciplinary hearings.

Section 3 Membership

- (1) Membership of the Association shall consist of four categories, namely ordinary member, apprentice members, student member and associate member.
 - (a) Ordinary membership is available to a dues-paying environmental assessment practitioner who practices in the environmental profession or who conducts or is involved with environmental assessments in any form subject to approval of the Executive Committee.
 - (b) Apprentice membership is available to dues-paying individuals who have completed their studies and who are receiving on-the-job training. Such individuals shall be obliged to become Ordinary members if they renew their membership within three years of completing their studies.
 - (c) Student membership is available to a dues-paying individual actively engaged in full-time studies related to the purpose of the Association subject to approval of the Executive Committee. The Executive Committee shall determine the length of time members may remain in this category. Such individuals will be obliged to become Apprentice members if they renew their membership the year after completion of their studies.
 - (d) Associate membership is available to a dues-paying individual who have an interest in the aims and objectives of the Association subject to approval of the Executive Committee. Associate members are prohibited from portraying themselves and working as professional, qualified practitioners of environmental assessment.
- (2) Members of all three categories shall enjoy the privileges of the Association; provided that only Ordinary Members are allowed to vote.
- (3) Applications for membership shall be submitted together with a statement of support of the Code of Conduct and the payment of current dues, to the Secretary of the Executive Committee.
- (4) Applications for membership shall be subject to approval by the Executive Committee.
- (5) The Executive Committee shall maintain and continually update a record of all the members of the Association.

- (6) Annual dues for all three categories shall on proposal of the Executive Committee be approved at the Annual General Meeting.
- (7) Membership fees are to be paid in full within two months from the beginning of each financial year.
- (8) Members deemed to be in breach of the Association's Code of Conduct may, by resolution of the Executive Committee, be denied continuing membership of the Association.
- (9) Any member of the Association as defined in section 3(1) shall cease to be a member –
 - (a) if he/she fails to pay dues within six months from the beginning of each financial year;
 - (b) upon giving the Association notice, in writing, that he/she resigns from the Association;
 - (c) if he/she ceases to qualify under any of the categories of members as defined in section 3(1);
 - (d) if he/she is found guilty of a conduct and/or convicted of an offence during a disciplinary hearing by the Executive Committee; or
 - (e) if he/she is found guilty of a conduct and/or convicted of an offence by a competent court, which conduct or offence is of such a nature that it, in the opinion of the Executive Committee, may reflect unfavourably upon the Association.
- (10) Membership of EAPAN does not constitute professional registration or any form of certification for environmental assessment practitioners.
- (11) Environmental assessment practitioners are not required by law to join this Association as a prerequisite to practice in Namibia.

Application for membership

- (12) An application for membership must –
 - (a) be made in the prescribed form;
 - (b) contain the required information; and
 - (c) be accompanied by the membership fee,

- determined by the Executive Committee.
- (13) After the Executive Committee has reached a decision on a membership application, it must promptly –
- (a) notify the applicant and any person who may have objected to the application; and
 - (b) at the request of any person contemplated in subsection (a), give written reasons for its decision.

Section 4 Voting rights

- (1) Only Ordinary members shall have the right to vote.
- (2) No person who is not a fully paid-up member may vote at any meeting of the Association or in any ballot, and shall be considered a non-member for the purpose of the vote or for determining a two-thirds majority.

Section 5 Organisational Structure

- (1) The Association formally comprises the body of members. These members are served by an Executive Committee.
- (2) The Executive Committee conducts the affairs of the Association on behalf of the members.
- (3) The Executive Committee steers the strategic direction of the Association.
- (4) Committees and Task Groups and/or other organisational structures can be formed at any time on an *ad hoc* and informal basis to address specific issues of relevance to the objectives of the Association.

Executive Committee

- (5) The Executive Committee is responsible for directing, conducting and managing the affairs of the Association in accordance with the Constitution of the Association.
- (6) The Executive Committee shall be elected from the members of the Association at an Annual General Meeting who shall hold office for such period or periods as specified herein.

- (7) Termination of membership of the Association shall automatically terminate eligibility to be a member of the Executive Committee.

Election of Members of the Executive Committee

- (8) Any Ordinary Member of the Association who is in good standing may be elected to serve on the Executive Committee. Student, Apprentice and Associate members are allowed to serve on Committees and/or Task Groups.
- (9) The Executive Committee shall consist of at least seven elected members:
 - (a) one President,
 - (b) one Vice-President,
 - (c) one Secretary,
 - (d) one Treasurer; and
 - (e) three Ordinary Members.
- (10) Election of the President and Vice-President shall occur annually and be elected by members of the Executive Committee. The President and Vice-President must have served on the Executive Committee for a period of not less than one year prior to election.
- (11) All Committee members shall have duties, powers and responsibilities as determined by the Executive Committee from time to time, in addition to the duties of the following Committee members:
 - (a) The President: the President shall preside at all meetings of the Members and the Executive Committee, represent the Association at meetings and act for the Association where required;
 - (b) The Vice-President: the Vice-President shall perform all the duties of the President in the event of the absence or disability or death of the President. The Vice-President shall take over the functions of the President in the event of the inability of the President to complete his/her term of office;
 - (c) The Secretary, or his/her agent, shall conduct the correspondence of the Association, keep minutes of all proceedings of meetings of the members and the Executive Committee and maintain a record of these proceedings;

- (d) The Treasurer, or his/her agent, shall collect dues and other monies received by the Association, keep record of dues and the status of each member, deposit and properly disperse the funds of the society, and keep adequate records of transactions.
- (12) Members of the Executive Committee shall be elected as follows:
- (a) Members of the Executive Committee shall be declared elected at the Annual General Meeting and shall take office immediately after such meeting.
 - (b) Not less than four weeks prior to an Annual General Meeting, the Secretary shall send to all Members of the Association –
 - (i) a notice stating that only Regular Members are entitled to vote;
 - (ii) a nomination form; and
 - (iii) a list of present Executive Committee members and their current position.
 - (c) Every Member of the Association who is entitled to vote may nominate five members for election as Members of the Executive Committee and shall enter such nomination(s) on the nomination form provided. Such forms must be signed by the Member nominating and by another Member seconding the nomination. The form so signed must be delivered to the Secretary not less than two weeks before the date of the Annual General Meeting at which the election of the Executive Committee is to take place.
 - (d) The list of nominees shall be announced at least one week before the Annual General Meeting and Members present shall elect, by secret ballot, the Executive Committee members.
 - (e) A Member unable to attend should provide the Secretary his/her formal vote in writing before the commencement of the Annual General Meeting.
 - (f) Any casual vacancy in the Executive Committee or any vacancy that is not filled at an Annual General Meeting may be filled by appointment by the remaining members of the Executive Committee.
 - (g) The Members may from time to time in an Annual General Meeting increase or reduce the Members of the Executive Committee or change the manner of election of the Members of Executive Committee, subject to an amendment of the Constitution as provided

for herein, or remove any Member of Executive Committee by majority vote.

- (h) All Executive Committee members shall be elected annually for a one-year term of office.
- (i) Members of the Executive Committee will be automatically nominated for the following term.
- (j) Ballots received by the Executive Committee, or its agent, before or at the Annual General Meeting shall be counted.
- (k) Nominated candidates receiving the highest number of votes will be declared elected.

Executive Committee Meetings

- (13) The Executive Committee shall meet as often as the business of the Association may require, but not less than four times per year, the first meeting to be held within one month after the Annual General Meeting.
- (14) The Executive Committee shall cause proper minutes to be kept of the proceedings of all meetings of the Association and of the Executive Committee and of all committees and any such minutes of any meeting, if purporting to be signed by the Chairman of such meeting or by the Chairman of the next succeeding meeting, shall be conclusive evidence without further proof of facts therein stated. Copies of all minutes of committee meetings shall be forwarded to the Secretary for placing before the Executive Committee for confirmation and for filing as a record of decisions and actions of the Executive Committee and Committees.
- (15) On the request of any seven members of the Association, the Secretary shall summon a meeting of the Executive Committee to take place within four weeks of the receipt of such request by notice served upon the members of the Executive Committee and such notice shall set out the purpose and agenda of the meeting.
- (16) The quorum for Executive Committee Meetings shall be five members entitled to vote, present in person or by proxy.
- (17) Decisions made by the Executive Committee may be voted by means of a meeting, mail, facsimile or electronic communication.
- (18) A record shall be kept of all decisions made by the Executive Committee and where voting is required, the outcome of such vote shall similarly be recorded.

- (19) Each member of the Executive Committee shall have one vote on matters decided by the Executive Committee. In the case of an equal number of votes, the presiding Chairperson shall have a second or casting vote.
- (20) All minutes and records of the Association, including minutes and records of the Executive Committee shall be made available to the members of the Association on request.

Accounts

- (21) True accounts shall be kept of the sums of money received and expended by the Association, the matters in respect of which such receipts and expenditures takes place, and of the property, credits and liabilities of the Association.
- (22) No remuneration or other benefit in money or money's worth shall be payable to the members of the Executive Committee except repayment of out-of-pocket expenses.
- (23) All moneys, bills and notes belonging to the Association shall be paid or deposited with the Association's bankers into an account in the name of the Association. Cheques on the Association's bank account, until otherwise from time to time resolved upon by the Executive Committee, shall be signed by at least two members of the Executive Committee. The Association's banking account shall be kept with such banker or bankers as the Executive Committee shall from time to time determine.
- (24) The Executive Committee shall cause to be kept such books of accounts as are necessary to exhibit a true and fair view of the state of the Association's affairs. The books of account shall be kept at the office of the Association or at such other place as the Executive Committee thinks fit.
- (25) The Association may from time to time make reasonable conditions as to the time and manner of the inspection of the accounts and books of the Association or any of them. Subject to such conditions the accounts and books of the Association shall be open to inspection by members at all reasonable times during business hours.
- (26) The Executive Committee shall cause to be prepared and to be laid before the Association at each Annual General Meeting an income and expenditure account and balance sheet as at the end of the previous financial year.

- (27) Every such balance sheet shall be accompanied by a report of the Executive Committee as to the state and conditions of the Association and the report and balance sheet shall be signed by two Executive Committee members and by the Secretary or some other person appointed by the Executive Committee.
- (28) The Annual General Meeting shall select an internal Audit Committee that will inspect the financial documentation provided by the Treasurer and if found to be correct, recommend acceptance of the Financial Report at the following Annual General Meeting.
- (29) The majority of the members present at the Annual General Meeting may request an audited statement of the Association's accounts. The meeting then has to appoint an auditor for this purpose.

Application of funds

- (30) The income and property of the Association, however derived, shall be applied solely towards the promotion and execution of the purpose and objectives of the Association as set forth in the Constitution, and no portion thereof shall be paid or transferred directly or indirectly by way of dividend or bonus, or otherwise howsoever by way of profit to any Member; provided that nothing herein contained shall preclude the remuneration of officers or servants of the Association or any members of the Association, or other person, in return for services actually rendered to the Association.

General

- (31) The Executive Committee may from time to time propose by-laws, for the purpose of regulating matters connected with the Association; provided such by-laws shall not be inconsistent with this Constitution. Such by-laws shall be submitted to a Special General Meeting of which four weeks' notice must be given to each member of the Association specifying the proposed by-laws. If such by-laws shall be approved by such a Special General Meeting then such by-laws shall be in force and a copy of same shall be sent to each member of the Association. Any by-law may from time to time be varied or rescinded in like manner.
- (32) The Executive Committee may appoint a representative to act on behalf of the Association for such purposes and with such powers as it may decide.
- (33) The Executive Committee may establish such Committees, Regional Committees, Task Groups and/or other organisational structures consisting of members of the Executive Committee and/or Ordinary, Associate or Student members and/or representatives of other bodies

- and/or other persons approved by the Executive Committee, with such powers as the Executive Committee may prescribe, as may be necessary to conduct the affairs of the Association.
- (34) Any and all affairs and activities of any and all of the sub-structures described shall be conducted in accordance with the Constitution of the Association, as appropriate, and subject to the approval of the Executive Committee.
- (35) The Association shall recognise the following form of organisational structure:
- (a) Regional Committee: A geographically based group comprised completely of members of the Association;
 - (b) Associated Organisations: Independent organisations that have a purpose similar to that of the Association and with which a mutually beneficial relationship may result.
- (36) Designation of a Regional Committee or Association Organisation shall be reviewed annually by the Executive Committee. These designations are reviewed in the basis of the Regional Committees' or Associated Organisations' consistency with the purpose and objectives of the Association, and other such requirements as the Executive Committee may from time to time impose.

Section 6 Meetings

- (1) There shall be an Annual General Meeting of the members of the Association as determined by the Executive Committee. The date, time and venue shall be announced to the members at least four weeks in advance. When deciding on the date and venue, the relevant persons shall consider such date and venue that shall maximise attendance by the members.
- (2) The Association shall have an Annual General Meeting once in every calendar year and not more than fifteen months shall elapse between two consecutive Annual General Meetings.
- (3) All records of the Association shall be open for inspection by any member at any reasonable time, provided reasonable notice is given.
- (4) All meetings of the Association, including meetings of the Executive Committee and other Committees, Regional Committees, Task Groups and/or organisational structures, shall be open to all members, except

those meetings that are specifically designated by the President for that meeting as being *in camera*.

Special General Meetings

- (5) All other General Meetings shall be called Special General Meetings.
- (6) In addition to the Annual General Meeting, Special General Meetings of the Association may be called by the Executive Committee or by a petition signed by at least twenty-five percent of *bona fide* members, giving four weeks' notice to the President and indicating the purpose and the business of such a Special General Meeting. Such requisition shall be deposited at the Secretary of the Association and forwarded to the President and all other members of the Executive Committee.
- (7) The Executive Committee shall within two weeks and no longer than three weeks after calling a Special General Meeting or receipt of the deposit of a requisition, issue notices calling a meeting in accordance therewith.

Annual Conference

- (8) The Annual Conference will be co-ordinated by one of the members of the Executive Committee.
- (9) The Executive Committee may decide how to divide or distribute any surplus amount obtained from a conference held.

Notice

- (10) Notice of at least four weeks shall be given of every Annual General Meeting and Special General Meeting, which notice shall specify the place, day and hour of the meeting and, in the case of a special business, the general nature of such business. Such notice shall be given in the manner hereinafter mentioned to such members and other persons as are entitled hereunder to receive such notices from the Association.
- (11) The accidental omission to give notice of a meeting to or the non-receipt of such notice by any person entitled to receive notice thereof shall not invalidate any resolution passed, or proceedings taking place at such meeting.
- (12) A notice may be served by the Association upon any member either personally or by e-mail.
- (13) Where a number of days is prescribed in this Constitution, same shall be reckoned exclusively of the first and inclusively of the last day, unless the

last day falls on a Saturday, Sunday or officially proclaimed Namibia public holiday, in which case the last day shall be the next succeeding day which is not a Saturday, Sunday or officially proclaimed Namibian public holiday.

Proceedings at Meetings

- (14) All business that is transacted at a Special General Meeting shall be deemed special.
- (15) The following business shall be conducted at an Annual General Meeting –
 - (a) the annual report by the President;
 - (b) the financial report;
 - (c) exoneration of the Executive Committee with regard to the financial report for the previous financial year;
 - (d) the election of members of the Executive Committee; and
 - (e) any other business.
- (16) No business shall be transacted at any Annual General or Special General Meeting unless a quorum, as specified in section 5(26), is present when the meeting proceeds to business.
- (17) In the event that a quorum is not present within thirty minutes from the time an Annual General Meeting is set to commence, the meeting shall stand adjourned to such time and place as the Chairman shall appoint and due notice shall be sent out to that effect. If at an adjourned meeting a quorum is not present within thirty minutes from the time it was set to commence, the members present shall be a quorum.
- (18) In the event that a quorum is not present within thirty minutes from the time a Special Meeting is set to commence, the meeting shall be dissolved.
- (19) The President of the Executive Committee shall be the Chairman of the meeting and with the consent of any meeting at which a quorum is not present, may adjourn a meeting from time to time and from place to place, as the meeting shall determine. If a meeting is adjourned for more than three weeks, notice of the adjourned meeting shall be given in the same manner as that of an original meeting. Save as aforesaid, the members shall not be entitled to any notice of adjournment, or of the business to be transacted at an adjourned meeting. No business shall be transacted at

any adjourned meeting other than the business that might have been transacted at the meeting from which the adjournment took place.

- (20) Any member entitled to be present and vote at a meeting may submit any motion to any Meeting, provided that he/she shall serve upon the Association at least six weeks before the day appointed for the meeting, a written notice undersigned by him/her, which notice shall contain the proposed portion and his/her intention to submit same. The Executive Committee shall cause such notice of intent to be included in the notice of the meeting.
- (21) A resolution put to vote at a Meeting shall be decided on by the show of hands by those members entitled to vote. The Chairman or at least three members present and entitled to vote may request a resolution by secret ballot.
- (22) A declaration by the Chairman of the meeting that the resolution has been carried by a particular majority, or lost, or not carried by a particular majority shall be conclusive. An entry to such effect in the minutes of such Meeting shall be conclusive evidence thereof.
- (23) In the event of an equality of votes, whether by show of hands or secret ballot, the Chairman of the meeting shall be entitled to a second or casting vote.

Votes of Members

- (24) Only Ordinary Members who do not owe any outstanding membership fees to the Association may vote.
- (25) Each Ordinary Member who is entitled to vote shall have one vote.
- (26) The quorum for Annual General Meetings as well as Special Meetings shall be twenty-five percent of members entitled to vote, present in person or by proxy.
- (27) Acts of the majority of voting members present at a Meeting shall be deemed acts of the Members of the Association, unless the Executive Committee has previously indicated that an e-mail ballot be cast.
- (28) An e-mail vote may be taken in the event that –
 - (a) the Executive Committee decides that voting by e-mail is desirable; or

- (b) at the request of not less than five members and the subsequent approval of such request by the Executive Committee at a meeting of the Executive Committee.
- (29) In the event of section 28(a) or (b) the Executive Committee shall lay down specific rules pertaining to such e-mail votes.
- (30) The Secretary shall, within one week after any meeting of the Executive Committee at which it is decided that votes are to be cast by e-mail, forward by e-mail to each member that is entitled to vote, a form, which form shall contain –
 - (a) the resolution on which the member is required to vote; and
 - (b) the deadline by which the e-mail vote must be returned to the Secretary.
- (31) Proxy votes will be taken into account if such votes take place in accordance with the specific rules for as laid down by the Executive Committee.

Section 7 Property and assets

- (1) The income and property of the Association whensoever derived shall be applied solely for the purpose of promoting the purpose and objectives of the Association as set forth herein and no part thereof shall be paid or transferred to the members of the Association.

Dissolution

- (2) Any proposal for the dissolution of the Association shall be treated as an amendment of the Constitution and shall comply with the provisions of Section 8.
- (3) Upon the dissolution of the Association, the Executive Committee shall, after paying or making provision for the payment of all the liabilities of the Association, dispose of all the assets of the Association exclusively for the purpose of the Association in such a manner, or to such organisation or organisations organised and operated in accordance with similar aims and objectives as that of this Association.

Section 8 Indemnity

- (1) Every Executive Committee member, Secretary and other officer or servant of the Association shall be indemnified by the Association and it shall be the duty of the Executive Committee to pay out of the funds of the Association, all costs, losses and expenses which any such officer or servant may incur or become liable for by reason of any contract entered into or act or deed done by him or her as such officer or servant, or in any way in the discharge of his or her duties in terms of a minuted Executive Committee resolution.
- (2) No Executive Committee Member shall be held liable for any acts, receipts, neglects, or defaults other than shall happen through his/her own dishonesty with the Association.

Section 9 Amendment of Constitution

- (1) The Constitution of the Association may be amended by a two-thirds majority vote of the members of the Association present at the Annual General Meeting or at a Special General Meeting called for such a purpose or responding to an e-mail ballot held for this purpose.
- (2) Proposals to amend the Constitution may be initiated by the Executive Committee or submitted in writing to the Secretary by not less than three members at least six weeks in advance of a meeting described in Section 8(1).
- (3) Such proposals, either in the original or in an amended form, must be approved by not less than a two-third majority of the members present and voting.
- (4) Amendments to any by-laws can be proposed by the Executive Committee and affected according to votes cast by e-mail. These changes do not have to be considered and approved at any General Meeting.

Section 10 Rules of Professional Conduct

- (1) The following constitute the Rules of Professional Conduct of the Association:
 - (a) An Ordinary Member, in his/her responsibility to his/her Client and to the environmental assessment profession shall practice ethically and in accordance with these Rules, the Code of Conduct of the Association, this Constitution, the rules of the Association to which he/she belongs, the relevant laws and policies of the Republic of Namibia and with due

regard to international best practice, professional ethics and public interests.

- (b) An Ordinary Member shall apply his/her conduct so as to uphold the dignity, standing and reputation of the environmental assessment profession. He/she shall neither conduct him/herself in a manner nor act in any capacity nor hold any appointment which, in the opinion of the Executive Committee, prejudices his/her position as an environmental assessment practitioner or as a member of the Association or is prejudicial to its interests.
- (c) An Ordinary Member shall discharge his/her duties to his/her Client in an efficient and professional manner with complete fidelity and honesty. His/her charges to the Client shall constitute his/her only remuneration in connection with his/her work for the Client. All information to which the Consulting Member has access by virtue of an appointment, or information and results acquired during the course of the work undertaken for a Client, will remain confidential and will not be disclosed to any third party without the Client's permission.
- (d) An Ordinary Member shall not receive, directly or indirectly, any royalty, gratuity or commission on any transaction or any article or process in connection with the work in respect of which he/she is acting for the Client unless and until acceptance of such royalty, gratuity or commission has been authorised in writing by such Client.
- (e) An Ordinary Member shall not, except with the authority of and on behalf of his/her Client, place contracts or orders, nor shall he/she be the medium of payments on his/her Client's behalf, unless requested to do so.
- (f) An Ordinary Member shall only undertake environmental assessment work of a nature that his/her education, training and experience have rendered him/her competent to perform, provided that if particular components or aspects of the work fall outside his/her range of competency, he/she shall inform his/her Client accordingly and, with the prior agreement and authorisation in writing, shall engage such additional specialist services as may be necessary to assist him/her to perform such work competently. Such engagement shall not, however, relieve him/her of his/her overall professional responsibility towards his/her Client.
- (g) An Ordinary Member shall not write articles for publication in self-laudatory language or in any manner derogatory to the dignity of the environmental assessment profession nor shall he/she authorise such article to be written or published by any other person.

- (h) An Ordinary Member may make his/her services and/or that of his/her firm's history, experience and resources known by means of suitable advertising media or brochure in a factual manner consistent with the dignity, standing and reputation of the profession. Such presentation shall avoid self-laudatory language, general or misleading statements and shall clearly state the specific involvement of the firm in any project referred to and give due recognition to the other participating parties and associates concerned. He/she shall not claim competence for his/her firm in any field of environmental assessment in which a member of the firm is not suitably qualified.
- (i) An Ordinary Member shall not act, directly or indirectly, in such a manner as to injure or attempt to injure the professional reputation, prospects or business of another Member, provided that this Rule shall not be taken as prohibiting expression of technical opinion on behalf of his/her Client in the course of any enquiry, nor of reporting the misconduct of another Member to a relevant competent body which has laid down its rules of conduct.
- (j) An Ordinary Member shall endeavour to provide opportunities for the development, training and advancement of environmental assessment practitioners and technical staff under his/her control.
- (k) An Ordinary Member shall order his/her conduct in connection with environmental assessment work beyond the borders of Namibia according to these Rules of Professional Conduct; provided that if there are recognised standards of professional conduct in such a country, he/she shall also adhere to those standards.
- (l) No member shall use his/her membership to the Association as a marketing tool in business or otherwise for any purpose whatsoever; nor shall he/she cause anyone to believe that membership of the Association constitutes professional registration or any form of certification for environmental assessment practitioners.
- (m) When in the opinion of the Executive Committee a member transgresses any of the Rules of Professional Conduct, he/she shall be informed accordingly and a Committee shall be appointed to investigate the matter. The Member will be given an opportunity to state his/her case to the Committee who will report their findings to Executive Committee for action. The opinion and decision of the Executive Committee will be final. No arbitrary opinions by the Executive Committee over a member will be accepted.

Signed at on this day of 20.....

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President

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Secretary