



Namibia's engagement with the Water Convention and current accession process: rationale for acceding, value add and lessons learned so far

Tanzania National Workshop on the Water Convention

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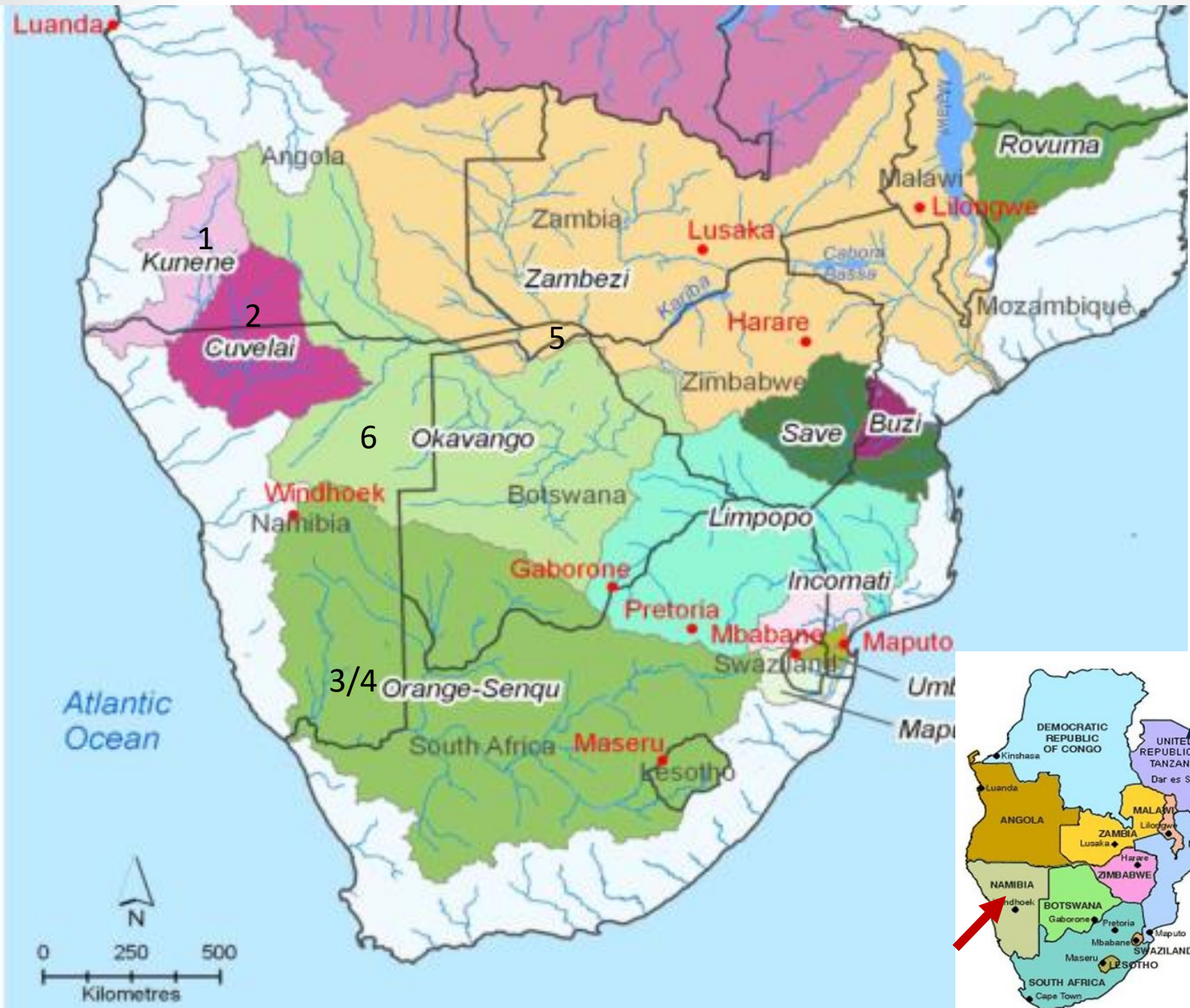
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Introduction

- All Namibia's perennial rivers are shared with neighbouring countries
- Has been participating in shared water management since 1926 with the first water use agreement in the Kunene River
- Operational arrangement –
 - River Basin Commissions are established (by means of River Basin/watercourse Agreement/Secretariat)
 - ***“To provide technical advice to the parties on matters relating to the development, utilization and conservation of the water resources in the shared watercourse,***
 - ***Advance the sustainable, equitable and reasonable utilization of the shared watercourses.***
 - ***Advance SADC Agenda of regional integration.***





Transboundary water governance

- Shared watercourses are governed by various basins, regional and international instruments/legal frameworks,
 - Helsinki Rules (1966)
 - UN Convention on the laws of non-navigational uses of international watercourses (1997, ratified)
 - Revised SADC protocol on shared watercourses (2000)
 - Basin/Watercourses Agreements - Namibia is party to six watercourse Agreements (1926 – 2014)
 - **UNECE Convention on the protection and use of transboundary watercourses and international lakes (1992)**
- Provide for rules and principles for governing international watercourses
- Determine a State's substantive and procedural rules to the benefits and use of an international watercourse
- Promote sustainable management of shared watercourses
- Fill in gaps where basin agreement does not exist/where not all states are parties to basin agreement/issues not properly addressed in basin agreements



OKACOM

The Permanent Okavango River Basin Water Commission
Comissão Permanente das Águas da Bacia Hidrográfica do Rio Okavango



ORASECOM

Operational arrangements

Watercourse Name	Member states	Date established
OKAVANGO RIVER – OKACOM (okacom.int)	Angola, Botswana and Namibia	Signed: 15 September 1994 Being revised
ORANGE RIVER - ORASECOM	Botswana, Lesotho, Namibia and South Africa	Signed: 3 November 2000 Revised in December 2018
ORANGE RIVER - PWC	Namibia and South Africa	Signed: 14 September 1992
KUNENE RIVER - PJTC	Angola and Namibia	Five Water use agreements Signed: 1 Jul 1926, 13 Oct 1964, 21 Jan 1969, 18 September 1990, 24 Oct 1991 (only one with volumetric agreed allocation)
ZAMBEZI – ZAMCOM	Angola, Botswana, Malawi, Mozambique, Namibia, Tanzania, Zambia and Zimbabwe	Signed: 13 July 2004
CUVELAI - CUVECOM	Angola and Namibia	Signed 16 September 2014

Role of Watercourse commissions

- Serve as technical advisor to the Parties on matters relating to the development, utilisation and conservation of the water resources in the watercourse
- Negotiate the reasonable and equitable access of Namibia to the waters of the perennial rivers
- Joint management and development of shared waters
- Made up of a multi-disciplinary team of experts



Transboundary water Cooperation

- Agree to cooperate in good faith and build trust
- Maintain dialogue to develop trust and understanding
- Discuss concerns and expectations
- Develop a shared vision and objectives
- Promote transparency and accountability
- Build capacity and confidence through training
- Develop water management and negotiating skills
- Resolve conflicts in an amicable way
- Involve stakeholders and cooperating partners



Challenges (Weakness/Threats)

- Arid and variable climate – water stress
- Downstream in all of the transboundary rivers
- Water conflicts – quantities and qualities
- Worsening water crisis – scarcity – governance - competition
- Unequal political and economic powers among parties
- Unilateral large developments and inter-basin water transfers
- Adherence to principles of “prior notification” and “no objection rules”
- Consideration of environmental issues
- Negotiation strategy and capacity – at national level
- Budget -

Opportunities (Strengths)

- Governance instruments – SADC Revised Water protocol, UN watercourse convention and basin agreements
- Formal coordination forums – RBO – willingness of state parties to cooperate
- Information sharing
- SADC/AMCOW – placed transboundary water management and cooperation on agenda
- SADC regional integration policy -
- Benefit sharing concept – (upstream/downstream discourse)
- Win-win projects – NVD
- Role of ICP – financial and technical support – independent broker
- Additional instruments – water conventions

Accession to the UNECE Water Convention

- Namibia was invited to the 9th session of the MOP to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention)
- The UNECE water convention is Regional (Europe) but opened up globally for other UN non-ECE member states to join
- Like the UN Watercourses Convention, the UNECE Water convention is based on customary international law
- Acceding to the UNECE Water Convention, will offer opportunities for enhanced transboundary cooperation in Sub-Saharan Africa, conflict prevention and regional stability
- Obligation to the Water Convention are:
 - Prevent, control and reduce transboundary impacts
 - Ensure reasonable and equitable use
 - Cooperate through agreements and joint bodies
- Preparing for accession – advanced stage

ROADMAP FOR ACCESSION PROCESS TO UNECE WATER CONVENTION

Step-wise process	Activities	Date	Progress
Preliminary discussion and expression of the interests by the Ministry in charge of Water	Issuance of a <u>letter of interest</u> by the country	September 2021	Done
	Nomination of <u>Focal Points</u> and participation of activities	September 2021	Done
	Identify <u>key stakeholders</u>	November 2021	Done
	<u>Discussions on convention article by article</u> by technical and legal services	January 2022	Done
	Draft invitation letter for the meeting with key Stakeholders	January 2022	Done
	<u>Meeting among key Stakeholders</u> – (raise issues)	28 February 2022	Done
Broader consultation involving relevant Sectoral ministries, Foreign Affairs and other relevant sectors	Discussion in informal / formal framework	February 2022	Done
	Preparations of questions and list of subjects to be discussed related to the benefits related to the National Workshop	February 2022	Done

NAMIBIA ROADMAP FOR ACCESSION PROCESS TO UNECE WATER CONVENTION

Step-wise process	Activities	Date	Progress
National Workshop on the UNECE Water Convention	Discussion on the benefits of the Convention as well as challenges on the convention implementation by key Actors for accession process. i) Prepare and send invitation letters to the ii) Identify speakers iii) Draft National Stakeholders Workshop programme	March 2022	Done
	Hold National Stakeholders Workshop	31 May – 1 June 2022	Done
National procedure for ratification of treaties for accession	Cabinet Handbook Process <ul style="list-style-type: none"> - Consult OAG (official advice request) - Prepare Cabinet memo for CCL - Cabinet Memo (larger) - Technical Motivation for National Assembly (Parliament) – specify no financial obligations/layman draft - Presentation to key senior officials - Consider individual consultation 	June- November 2022	

Invitation to Water Convention events

- Working group meetings
- Conferences – WWW, COP 27, etc
- Workshops – capacity building
- (potential) Twinning agreement - Finland

Conclusion

- Water remains key driver to social and economic develop – competition over the transboundary waters – the need to cooperate – water diplomacy.
- Climate change impacts on water; competition for water among states - increasingly scarce water resources may lead to conflicts across borders.
- Water cooperation in transboundary waters is key to sustainable development and benefit sharing
- Relevant legal framework and cooperation mechanism can assist in meeting the SDG 6
- Opportunities in acceding to Water Convention - help guide and provide additional tools, guidelines and procedures



THANK YOU

