

Training workshop “From practitioner to practitioner:  
how to use the two global Water Conventions to promote cooperation on the ground”

“Governance and Institutions for Transboundary Water  
Cooperation: a Comparison of the two UN water Conventions  
– UNECE and the 1997 UN Watercourse Convention”

The Southern African Perspective

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# BACKGROUND TO WATER COOPERATION

- **Water Cooperation is one of the oldest aspects in human history and was globally codified through several instruments:**
  - the Helsinki rules, 1966
  - the Dublin Principles, 1992 – The Integrated Water Resource Management (IWRM) drive
  - Rio Earth Summit, Chapter 18, Agenda 21 – June 1992
  - The UNECE Water Convention – 1992
  - the UN Convention on the Law of the Non-Navigational use of international watercourses, April 1997
- **In Southern Africa this was grounded into the Overall cooperation Framework starting with the Southern African Development Coordination Conference (1980 – 1992) which transformed into the Southern African Development Community through a Treaty in 1992.**
- **Instruments of Water Cooperation includes:**
  - Protocol on Shared Watercourses – 1995, and revised 2000
  - River Basin Agreements – Various on Shared Basins – ( e.g. The Okavango River Basin Commission Agreement (1994), Limpopo Watercourse Commission (2003), Orange Senqu River Commission (2000) Zambezi Watercourse Commission – (2004), etc.)
  - Regional Water Policy - 2005
  - Regional Water Strategy - 2006
  - SADC Regional Strategic Action Plan – 1999 - 2025
  - Climate Adaptation Strategy for Water - 2011



# What the two Water Conventions (1997 and 1992) say about joint bodies for transboundary water cooperation



## 1992 Water Convention: Obligation to establish joint bodies (Art. 9) with the following functions:

- Collect, compile and evaluate data in order to identify pollution sources;
- Elaborate joint monitoring programmes concerning water quality and quantity;
- Draw up inventories and exchange information on the pollution sources;
- Elaborate emission limits for wastewater;
- Elaborate joint water-quality objectives and criteria and propose relevant measures;
- Develop concerted action programmes for the reduction of pollution loads
- Establish warning and alarm procedures for emergency situations;
- Exchange of information on existing and planned uses;
- Promote cooperation and exchange of information on the best available technology;
- Participate in the implementation of environmental impact assessments in accordance with appropriate international regulations

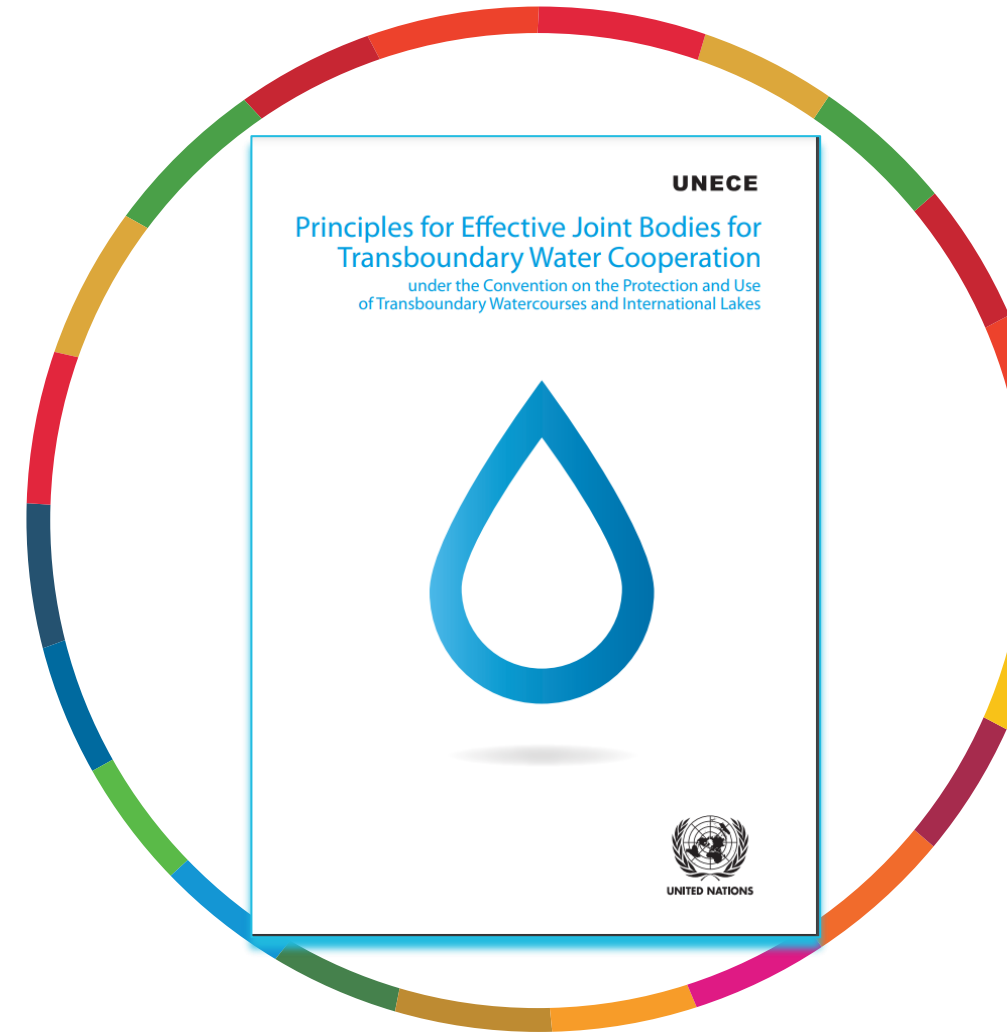


## 1997 Watercourses Convention : Recommendation to establish joint bodies (Art. 24):

- Watercourse States shall, at the request of any of them, enter into consultations concerning the management of an international watercourse, which may include the establishment of a **joint management mechanism**.
- For the purposes of this article, "management" refers, in particular, to:
  - (a) **Planning** the sustainable development of an international watercourse and providing for the **implementation of any plans adopted**; and
  - (b) Otherwise **promoting the rational and optimal utilization, protection and control of the watercourse**.
- Article (8)2) - States may consider the establishment of joint mechanisms or commissions....
- Strong emphasis on cooperation – Equitable participation (art. 5),
- duty to cooperate (art. 8), exchange of data and info (art 9), “where appropriate, joint”, prevent pollution (Art. 21),
- protect marine environment (Art. 23), regulation (Art. 25), harmful conditions (Art. 27) emergencies (Art. 28)

# Principles for effective joint bodies (1/3)

- Establishment, structure and functions
- Broad competence
- Clear definition of the waters
- Clearly defined tasks and powers
- Adequate organizational structure
- Adequate representation of national authorities
- Flexible agreement
- Availability of support
- Regularity
- Availability of information
- Mandate to identify and assess benefits

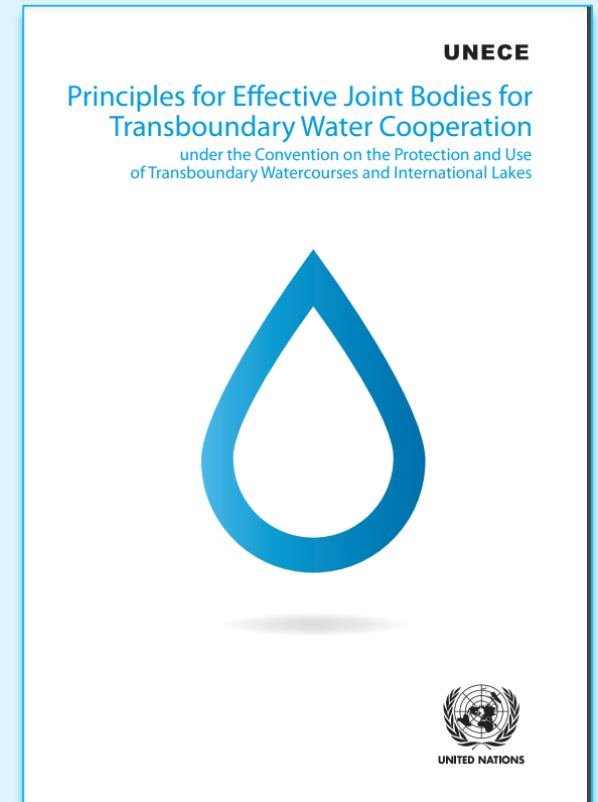


***Adequate organizational structure:*** allows for developing, adopting and implementing decisions. Decision-making + executive + working (technical) bodies, incl. preferably a permanent organ (secretariat). Clear definition of tasks and functions for each body in the organizational structure.

# Principles for effective joint bodies (2/3)

## Operation – Procedural principles

- Accountability mechanisms
- Mechanisms for cooperation and implementation
- Clearly defined reporting lines and mechanisms
- Public participation
- Neutral facilitators and external expertise
- Coordination with other joint bodies
- Exchange of information and data



***PUBLIC PARTICIPATION & STAKEHOLDER INVOLVEMENT:*** Appropriate tools for public participation and stakeholder involvement should be selected— i.e., to identify stakeholders and interested public, to notify, inform or consult the stakeholders and the public, or to take due account of their comments. Provision of funds for public participation requires institutionalization of these aspects in the agreement.

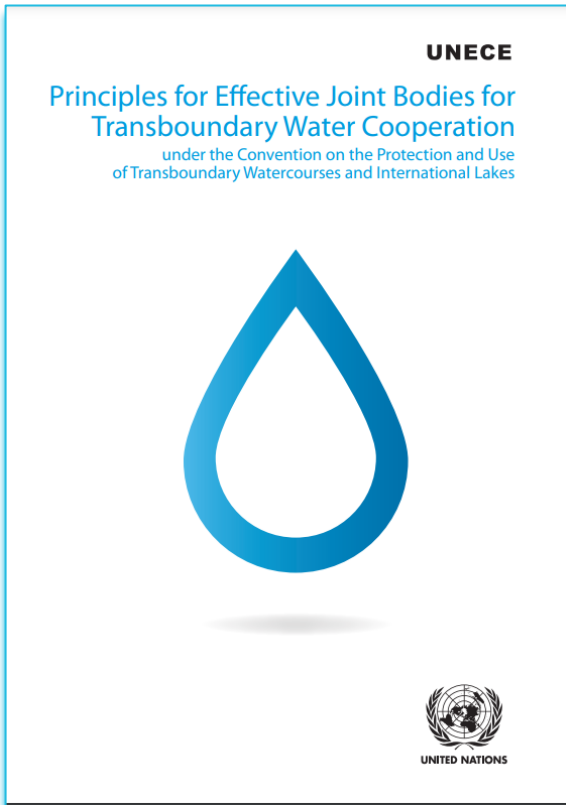
# Principles for effective joint bodies (3/3)

## Operation – Technical aspects

- Ensuring the consideration of groundwater issues
- Facilitation of impact monitoring and assessment
- Capacity to adapt to change
- Early warning mechanisms

## Operation – Financial and human resources

- Adequate financial and human resources
- Financial sustainability



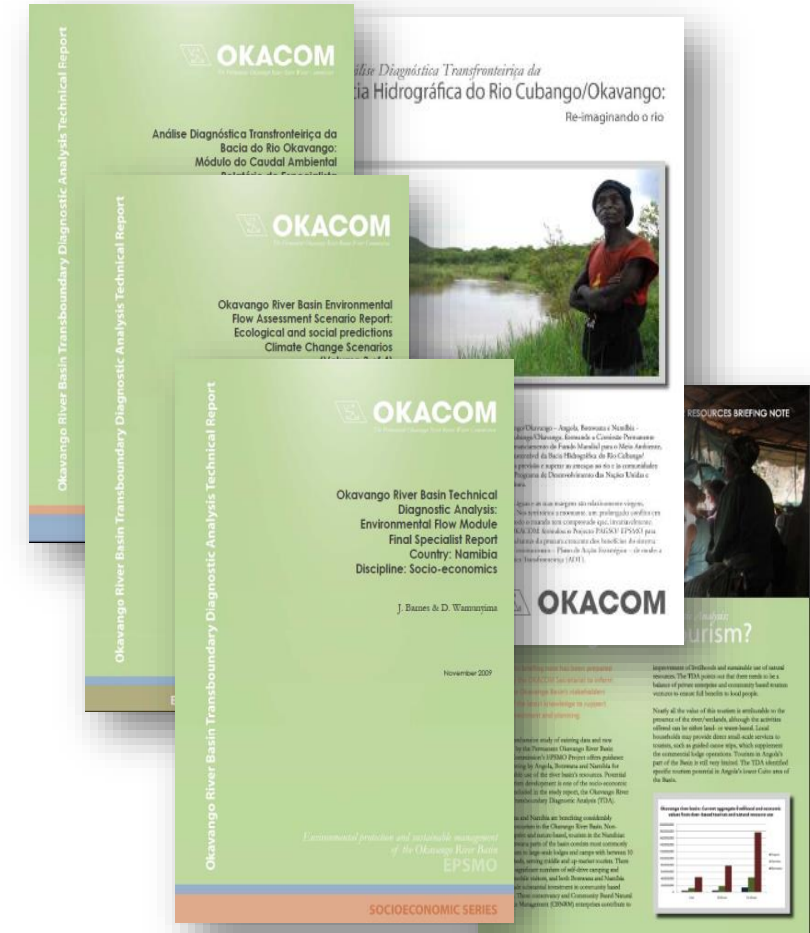
**CAPACITY TO ADAPT TO CHANGE:** Joint body shall have the capacity or provide the means to flexibly handle variations in water availability and water quality, allowing for adjustments to changes in flow resulting from climate variability and change, as well as to respond to extreme hydrological events.



# How joint bodies improve governance and help achieve SDGs:

## The OKACOM Example

- Joint Bodies such as OKACOM contribute directly to the achievement of SDG 6.5 through:
- Development and implementation of joint action plans based on scientific studies e.g.;
  - The Strategic Action Programme (SAP) based on a comprehensive Transboundary Diagnostic Analysis (TDA) with complimentary National Action Plans (NAPs)
  - The multi-sector investment opportunity analysis (MSIOA) – with a focus on joint cooperative action;
  - Joint Monitoring Framework and Information and data sharing Protocol and procedures;
  - Development of a robust Decision Support System at a basin level to ensure cooperative management of the basin – through joint monitoring and data sharing;
  - Implementation of Pro-poor livelihoods Programme that supports basin communities.



## How joint bodies improve governance and help achieve SDGs: The OKACOM Example

- better coordination between sectoral authorities;
- contribute to achieving climate change Goal 13 (through joint adaptation planning, preparedness to floods, droughts)
- Jointly identify shared benefits and agree on the benefit sharing strategy
- This requires strong and well-resourced institutions with a permanent Secretariat to coordinate all the activities on behalf state parties



# How the two Conventions are relevant for OKACOM

- The UN Watercourse Convention had a great influence in the SADC Revised Protocol on Shared Watercourses 2000, and by extension on the OKACOM Agreement review and revision;
- Both conventions and their respective principles are applied in the Revised OKACOM Agreement especially in relation to:
  - **PRINCIPLES AND GENERAL DUTIES**
  - **EQUITABLE AND REASONABLE UTILISATION**
  - **SIGNIFICANT HARM AND NOTIFICATION ON PLANNED MEASURES**
  - **PROTECTION AND PRESERVATION OF ECOSYSTEMS**
- **OKACOM benefited from the Water Convention through the development of a Policy Document on Realizing the Benefits of Transboundary Water Cooperation in the Cubango-Okavango River Basin**; The process used the Water Convention Assessment Methodology to come up with the Policy.
- OKACOM Was part of the Expert Group and contributed to the development of a the Handbook on Transboundary Water Allocation

## Cooperation in the CORB has generated more benefits than usually considered; many potential benefits still to be realized.

### ECONOMIC BENEFITS

- Strong expansion of tourism sector
- Modest expansion of agricultural activities, particularly fishing
- Land use improvement
- Foreign exchange from tourism sector
- Projects in the fields of energy, irrigation and water supply
- Reduced costs of natural disasters due to early warning
- Increased value of plots along the river
- Decrease in water price

### SOCIAL AND ENVIRONMENTAL BENEFITS

- Employment creation in tourism and related sectors
- Improved livelihoods and poverty reduction
- Food security
- Water transport and recreation benefits
- Improvement of drinking water supply
- Community cohesion
- Exposure to and appreciation of other cultures
- Ecosystem integrity conservation by communities
- Conservation of biodiversity and delta ecosystem
- Maintenance of good water quality in the delta
- More collaboration natural resource management
- Protection of upstream environment and river flow
- Improved control of invasive species

### REGIONAL ECONOMIC INTEGRATION

- Investments in research
- Investment in road infrastructure
- Increased transboundary tourism
- Enhancement of bilateral relationships
- Increased transborder commercial trade
- Sharing of expertise on water management, sustainable tourism and agri-business.

### PEACE AND SECURITY BENEFITS

- Conflicts avoidance
- Increased collaboration in anti-poaching, border controls
- Support from the three countries for World Heritage Site declaration of Okavango Delta
- Cultural exchange visits
- Agreement about a shared vision based on a shared identity
- Increased security thanks to rapid alert systems

**Thank You for Your Attention!**

**For more information go to:  
[www.okacom.org](http://www.okacom.org)**