



**OKACOM**

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



# **BOTSWANA NATIONAL WORKSHOP TO FACILITATE ACCESSION TO THE UNECE WATER CONVENTION**

***THE OKACOM AGREEMENT AND THE RELATIONSHIP WITH  
INTERNATIONAL AGREEMENTS: UN WATER CONVENTION***

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## PRESENTATION OUTLINE:

- BACKGROUNDT TO OKACOM
- OKACOM 1994 AGREEMENT AND MOTIVATION FOR REVIEW
- THE REVISED AGREEMENT AND WHAT IT COVERS
- OTHER RELEVANT SUPPORTING LEGISLATIVE INSTRUMENTS
- RELATIONS WITH INTERNATIONAL CONVENTIONS: SADC PROTOCOL, UN WATER CONVENTION, WATERCOURSES CONVENTION
- CONCLUSIONS

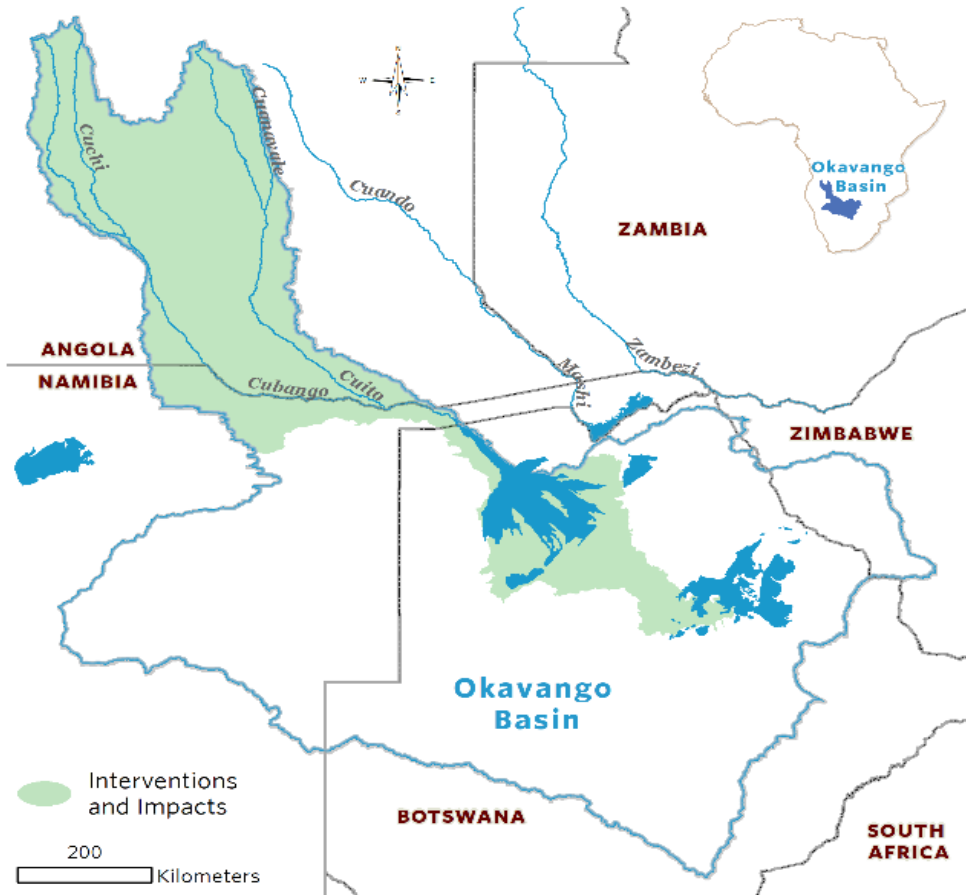


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## The Cubango-Okavango River Basin (CORB)



- The CORB is one of the world's most unique, near pristine free-flowing rivers and central to sustainable economic development within the arid landscapes of the basin;
- The topographic extent of the Cubango-Okavango River Basin is about 700,000 square kilometers.
- 95% flow originates from the highlands in Angola and a large proportion of this water supports the Okavango Delta ecosystem in Botswana, a wetland of international importance;
- Joint Management and collaborative development of the basin is guided by the OKACOM Agreement signed by the three state in 1994
- It is Transboundary Basin shared by 3 riparian states Angola, Botswana, and Namibia;



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## The OKACOM Agreement 1994

- One of the First Basin Wide Agreements to be signed in the SADC Region;
- Predates the Adoption of the SADC Protocol of Shared Watercourse Systems (1995) and the establishment of the SADC Water Sector (1996)
- Provides for the Establishment of the Okavango River Basin Water Commission (OKACOM) and its requisite Organs (The Forum of Ministers, The Council of Commissioners, The Okavango Basin Steering Committee (OBSC), the Permanent OKACOM Secretariat and 5 Specialized Technical Committees)
- Give guidance on how the three Member States ought to collaborate and cooperate on the joint Management, Utilisation, Protection and Conservation of the basin water resources of common interest.
- Has undergone review and revision to ensure that it is up to date and support the new paradigm in international water law.



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## Motivation for The Agreement Review

- the Agreement was signed over 25 years ago, well before the 1995 SADC Protocol on Shared Watercourse Systems was Adopted and the 1997 UN Convention on the Non-Navigational Uses of Shared Watercourses was adopted.
- the decision was then taken by OKACOM in 2017 to develop a Discussion Paper, around the question of: “*is the 1994 Agreement still fit for purpose?*”
- The Discussion Paper raised a number of specific questions including the following:
  - *Does the Agreement address the sharing of water and allocations, including groundwater?;*
  - *Does the Agreement give OKACOM the authority it needs in order to carry out the forward-looking Strategic Action Programme (SAP)?*
  - *Does the Agreement incorporate developments in international water law, that would enable OKACOM to deliver on its mandate to address water security and development in the Basin?*
- The paper identified some of the key weaknesses of the Agreement, said to leave the CORB vulnerable to a range of issues;
- the Agreement does not create substantive rights and obligations of the Parties with respect to the management of the basin however it determines the issues on which OKACOM is mandated to advise the Parties;
- The need to adapt and accommodate the evolving Mandate of the Commission from a purely advisory to an executing mandate.
- The need to consolidate subsidiary instrument adopted to enhance the Agreement into one comprehensive document to facilitate ease of interpretation and implementation;



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## THE REVISED AGREEMENT AND WHAT IT COVERS

- The review process for the Agreement was undertaken in a highly consultative manner where stakeholders were consulted and made input into the process;
- There was a strong benchmarking process where several regional and international legal instrument were checked (including the **UNECE Water Convention**) to ensure that the revised agreement will be harmonized, and its provision strengthened;
- The revised Agreement has been structured into several parts with specific provisions now included to strengthen and improve it, and these includes:
  - Part I – General Provisions which includes definition of terms used in the Agreement;
  - Part II – Principles and General Duties of State Parties, which includes General Duty to Cooperate, Equitable and reasonable Utilisation and Significant Harm;
  - Part III – Planned Measures making provisions on how state parties should act in terms of planned measures including duty to notify;
  - Part IV – Protection and Conservation of Ecosystems including Protection of Groundwater Resources;
  - Part V – The Commission, its Legal Status, Objectives, Organs and their respective composition and Functions and how meetings are convened and conducted. This Part also covers issues around official languages of the Commission, Financial Arrangements, settlement of disputes and dispute resolution;
  - Part VI – Concluding Provisions covering issues around entry into force, amendments, withdrawal, dissolution and repeal of the 1994 Agreement as it is replaced by the Revised Agreement.



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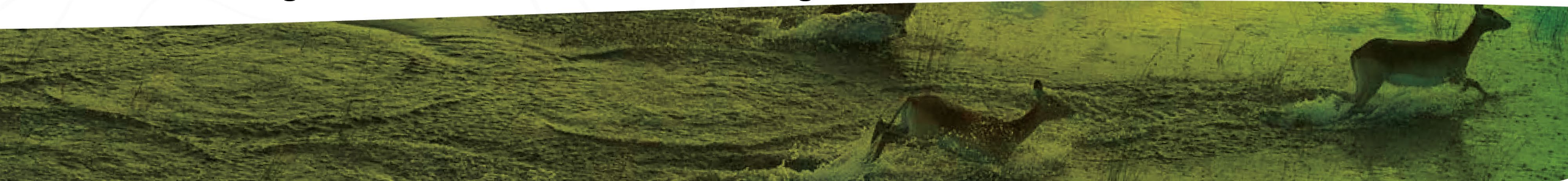


## Legal, Policy, Strategy and Technical Framework Documents Surrounding the OKACOM Agreement

Date	Type	Description	Citation
1994	Agreement	Agreement between the Governments of the Republic of Angola, the Republic of Botswana and the Republic of Namibia on the Establishment of a Permanent Okavango River Basin Water Commission	OKACOM (1994)
2005	Renegotiation Agreement	Guidelines and procedures for the establishment and operationalisation of the OKACOM Secretariat	OKACOM (2005a)
2005	Renegotiation Agreement	Memorandum for the establishment of a Secretariat for OKACOM	OKACOM (2005b)
2006	Renegotiation Agreement	The Organisational Structure of OKACOM (Agreement in 2007)	OKACOM (2006)
2007	External Agreement	Agreement between OKACOM and SIDA on support to the OKACOM Secretariat	OKACOM (2007a)
2007	Renegotiation Agreement	OKASEC Hosting Agreement of the Permanent Okavango River Basin	OKACOM (2007b)
2010	External Agreement	Amendment 1 to the Agreement between OKACOM and SIDA	OKACOM (2010a)
2010	Renegotiation Agreement	Rules and procedures of the Okavango Basin Commission	OKACOM (2010b)
2010	IPI	OKACOM Protocol on Hydrological Data Sharing for CORB	OKACOM (2010c)
2011	External Agreement	Amendment 2 to the Agreement between OKACOM and SIDA	OKACOM (2011b)
2011	IPI	OKACOM Access to Information Policy and Strategy	OKACOM (2011c)
2011	Technical Report	Transboundary Diagnostic Analysis	OKACOM (2011d)
2011	Agreement	Strategic Action Programme for the sustainable development and management of CORB (assumed in the Discussion Paper as one of the Master Plans provided for in the Agreement)	OKACOM (2011e)
2012	IPI	Thinking Transboundary: Information and Communication Strategy for OKACOM	OKACOM (2012a)
2012	IPI	OKACOM Stakeholder Integration Strategy	OKACOM (2012b)
2012	Technical Report	OKASEC Institutional Functional Analysis	PEM Consult (2012)
2018	Technical Report	Discussion Paper on the Permanent Okavango River Basin Agreement	OneWorld (2018)
2018	IPI	OKACOM Notification, Consultation and Negotiation Guidelines	OKACOM (2018)
2019	Technical Report	Multi-Sector Investment Opportunities Analysis (MSIOA)	OKACOM (2019)

# Relation With Other Regional and International Instruments

- The Agreement recognizes and make strong reference to the SADC Protocol on Shared Watercourses and has adopted and adapted its various provisions;
- By extension and in direct reference, it recognizes the UN Convention on the Non-navigational Uses of Shared Water Courses;
- The UNECE Water Convention and its provisions does resonate with the provisions of the OKACOM Agreement, The SADC Protocol and other international water law agreements.
- The International water law provisions and principles of equitable and reasonable utilization of shared watercourses is common to all these instruments with varying details and specificities.
- The principle of prevention of transboundary harm/impact is observed by all of them has now been integrated in the revised OKACOM Agreement.





# COLLABORATION BETWEEN OKACOM AND WATER CONVENTION

- Support to the OKACOM Assessment of Benefit of Cooperation including development of a policy brief on the Document.
- Joint Seminar organized to Promote the Benefit of Cooperation Policy brief to Broader stakeholders;
- Participation of OKACOM in various technical and policy events of the Water Convention including the following:
  - Member of the Working Group on Integrated Water Resources Management and on Monitoring and Assessment;
  - OKACOM Participation and contribution to the development of the Handbook on Transboundary Water Allocation.
- Participation in Trainings and workshops organized by Water Convention on various transboundary water Management tools and practices.



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

ECONOMIC BENEFITS	SOCIAL AND ENVIRONMENTAL BENEFITS
<ul style="list-style-type: none"><li>• Strong expansion of tourism sector</li><li>• Modest expansion of agricultural activities, particularly fishing</li><li>• Land use improvement</li><li>• Foreign exchange from tourism sector</li><li>• Projects in the fields of energy, irrigation and water</li><li>• Reduced costs of natural disasters due to early warning</li><li>• Increased value of plots along the river</li><li>• Decrease in water price</li></ul>	<ul style="list-style-type: none"><li>• Employment creation in tourism and related sectors</li><li>• Improved livelihoods and poverty reduction</li><li>• Food security</li><li>• Water transport and recreation benefits</li><li>• Improvement of drinking water supply</li><li>• Community cohesion</li><li>• Exposure to and appreciation of other cultures</li><li>• Ecosystem integrity conservation by communities</li><li>• Conservation of biodiversity and delta ecosystem</li><li>• Maintenance of good water quality in the delta</li><li>• More collaboration natural resource management</li><li>• Protection of upstream environment and river flow</li><li>• Improved control of invasive species</li></ul>
REGIONAL ECONOMIC INTEGRATION	PEACE AND SECURITY BENEFITS
<ul style="list-style-type: none"><li>• Investments in research</li><li>• Investment in road infrastructure</li><li>• Increased transboundary tourism</li><li>• Enhancement of bilateral relationships</li><li>• Increased transborder commercial trade</li><li>• Sharing of expertise on water management, sustainable tourism and agri-business.</li></ul>	<ul style="list-style-type: none"><li>• Conflicts avoidance</li><li>• Increased collaboration in anti-poaching, border controls</li><li>• Support from the three countries for World Heritage Site declaration of Okavango Delta</li><li>• Cultural exchange visits</li><li>• Agreement about a shared vision based on a shared identity</li><li>• Increased security thanks to rapid alert systems</li></ul>

# Benefit of Transboundary Cooperation

- Cooperation in the CORB **has already generated a range** of economic, social and environmental **benefits**
- Cooperation in the CORB has also generated peace and security benefits for all countries, and more than expected.
- There are **opportunities to deliver more and better distributed benefits**, mostly related to regional economic integration. Existence of OKACOM as a platform for cooperation has been a key to realise past and current benefits.
- The “*no development*” option is not an option for the CORB.
- There is **Development Space** in the CORB to meet **development** and **conservation objectives** if great care is taken in the implementation, sequencing and operation of infrastructure.
- Realising the potential regional economic integration benefits demands deeper cooperation and a **stronger OKACOM platform** to facilitate and sustain it.



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## Conclusions

- While the Agreement is still under its final stages of clearance by the State Parties there is a general consensus on its contents;
- It will highly assist in helping the Member States to fully achieve their shared vision and embrace the evolving Mandate of the Commission and its Organs;
- Consensus and ensuring that all stakeholders are on board is very important for the implementation and harmonised interpretation of the Agreement;
- The new agreement has therefore tried to address all the gaps identified in the current agreement and help in improving its scope of application.
- The decision for state parties to be bound by an international agreement is based on its assessment of the benefits it will gain from such commitment.
- It is very important to clearly define and quantify these benefits and interests.

## VISION VISÃO

*Economically prosperous, socially just and environmentally healthy development of the Cubango-Okavango River Basin*

*Desenvolvimento economicamente próspero, socialmente justo e ambientalmente saudável da bacia do Rio Cubango-Okavango*



THANK YOU!

**The Permanent Okavango River Basin Water Commission Secretariat (OKASEC)**

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