

Report on SaferAfrica's Expert Consultation on the Governance of Water Resources in the SADC Region

**“Ensuring Water Security in SADC: Towards continental minimum standards for the exploitation and management of natural resources,”**

Pretoria, South Africa, 10 July 2006

**Introduction**

1. The Expert Consultation on the Governance of Water Resources in the SADC Region was held at SaferAfrica in Pretoria on 10 July 2006. The experts came from multilateral institutions such as the Southern Africa Development Community (SADC) Secretariat, the New Partnership for Africa's Development (NEPAD) Secretariat and the United Nations Economic Commission for Africa (UNECA), research institutes and academia, as well as government and civil society from countries in the SADC region (see participants list, Annex 1).
2. The consultation aimed to initiate exploratory discussions on the minimum standards to govern the exploitation and management of water resources in the region, including the identification of implementing and monitoring mechanisms. The meeting further aimed to delineate the principles, guidelines and standards needed to ensure that the exploitation of water resources enhances peace, stability and security while ensuring that the water resources of the region contribute to the economic growth and sustainable development of SADC member states, in particular, and Africa in general.
3. The consultation was sponsored by the Conflict and Governance Facility of the European Union (CAGE).

**Session I**

4. The meeting commenced with opening remarks and a welcoming message from Brigadier-General Pal Martins, Director of the Peace and Security Programme at SaferAfrica. General Martins spoke about the continental process towards the development of minimum standards for natural resource management. He indicated that the meeting should look for linkages between the factors influencing management of water with that of other natural resources, and for linkages between the governance of natural resources in the SADC region with the rest of the continent. He reflected on the first continental civil society organisations expert consultative meeting on natural resource governance held by SaferAfrica in March 2005 that had begun the process of unpacking natural resource governance issues on the continent. He explained that the SADC consultation on water was the first in a series of consultations in the region to inform a SADC common position, which would ultimately feed into a continental process under the auspices of the African Union.
5. Following the introduction by General Martins, the session continued with an overview of the state of the art of water resources in the SADC region by Mr. Phera Ramoeli,

Sector Coordinator at the SADC Water Sector Coordinating Unit. The presentation covered, a) the water situation in the SADC region; b) the regional instruments governing water resources management; c) implementation of regional instruments through the creation of river basin management institutions; and d) the link between regional water management, development and poverty eradication, with a focus on infrastructure development.

6. The presentation by Mr. Ramoeli indicated that SADC is characterised by multiple shared watercourses and aquifers, high spatial and temporal variability in water resource availability, a lack of access to safe drinking water and sanitation, as well as widespread food insecurity. It was also indicated that 60% of the population in SADC is dependent on groundwater for survival. Mr. Ramoeli also dwelled on the various policy instruments and mechanisms that have been put in place within the region such as:
  - a) SADC Protocol on Shared Watercourses;
  - b) Regional Vision for Water in the 21<sup>st</sup> Century;
  - c) SADC Regional Water Policy and Strategy;
  - d) Regional Strategic Action Plan for implementation of the regional policy and vision; and
  - e) Regional Strategic Water Infrastructure Development Programme (RSWIDP).
7. Some of the key issues highlighted by Mr. Ramoeli included:
  - a) The existence of implementation structures and bi-lateral agreements such as River Basin Authorities, Joint Technical Committees, water sharing agreements as well as basin wide joint management plans;
  - b) the importance of infrastructure development;
  - c) the need for more research on groundwater; and
  - d) the importance of a coordinated, multi-sectoral approach to water resource management, using the river basin as the unit of engagement.
8. In the discussion that ensued, participants concluded that the SADC region was ahead of global norms in terms of the number and comprehensiveness of instruments on water. However, there was a sense that while the sovereign state provided a legal basis and a platform for engagement, the issue of the restricted mandates of river basin institutions, commissions or technical committees presented a major challenge to the effective and efficient management of water resources, particularly given the multiplicity of trans-boundary water resources in the region which in some instances extend beyond the SADC.
9. The principal issues raised during discussion included:
  - a) the lack of capacity to implement and enforce existing agreements on water in SADC;
  - b) the need to strengthen the mandates of River Basin Commissions, presently limited to advising member states on water issues, so they can actually manage water resources;

- c) the need to define more explicitly the roles and responsibilities of different actors at different levels of engagement, from community level to inter-regional level, and the need for coordination across all levels;
- d) the need for harmonization and cooperation with actors outside of the region, because some states are members of more than one Regional Economic Community (REC), and because some water resources, such as the Congo and Nile River Basins, are of interest to non-riparian states as well and can impact on the development and security of entire regions;
- e) the importance of infrastructure, technology and legislation, for the good governance of water resources, and the need for greater transfer of information and technology between countries in the region; and
- f) the need to link land and water policy, at the level of SADC, as part of the region's attempt to eradicate poverty and accelerate development.

## **Session II**

10. The second session began with a presentation by Mr. Anton Earle, Director of the African Centre for Water Research. He presented a review of existing governance regimes in the region, which serve to generate knowledge, internalise conflict, and reduce uncertainty. Mr. Earle referred to climate change, population growth and increased competition between economic sectors as drivers of change in the area of water resource governance, with sustainable development and cooperation as some of the desired outcomes. He emphasised that water regimes were important for de-securing trans-boundary water management, and described good governance as a journey, whereby progress takes place incrementally at all levels, including intergovernmental, regional, inter-organisational, inter-community and inter-sectoral.
11. Some of the key issues raised in Mr. Earle's presentation included:
  - a) the need to domesticate and implement international instruments at national level;
  - b) the lack of capacity, in terms of human and financial resources, for implementation of international instruments at national and regional level;
  - c) the importance of River Basin Organisations (RBOs) for developing trust between basin states, developing a common vision, promoting the exchange of data, and for conflict management; and
  - d) the need for minimum standards for governance of water resources to consider governance targets at all levels, but especially at national level, taking into account the views, opinions, needs and objectives of other stakeholder groups.
12. The discussion during the session on governance regimes addressed the various obstacles and challenges to implementation of international instruments at national level. Participants also discussed regional integration and the means to determine equitable allocation of water resource rights. With regard to cooperation, coordination and broad-based participation in water resource governance, participants highlighted the benefit of integrated water resource management (IWRM), which includes all phases of the water cycle, all elements of the management cycle and a wide range of sectors and stakeholders. It was also noted that water issues could be a driver of nation building in the SADC region.

13. Some of the critical issues raised during the discussion included:
- a) the challenge of balancing customary law, which often applies to natural resources at the community level, with parliamentary law and international agreements;
  - b) the importance of inter-sectoral coordination at national level;
  - c) the need for a forum in which to address issues of allocation and benefit-sharing, based on the principles of equity, subsidiarity and on sound data regarding costs and benefits;
  - d) the need for governments to invest in data collection capacity in order to generate commonly agreed upon information as a basis for decision-making;
  - e) the need for all stakeholders to share a common understanding of concepts such as “equity” and “reasonable,” with regard to water resource governance;
  - f) the importance of enhancing and institutionalising the participation of communities and community-level institutions in the governance of water resources; and
  - g) the importance of developing a pool of water experts at the national level, and of disseminating examples of best practice from the region.

### **Session III**

14. The session began with a presentation by Dr. Stephen Maxwell Donkor, Senior Regional Advisor on Water Resources for the UNECA, on the outlook for water resources in the SADC region, and in Africa in general. Dr. Donkor considered the threats and challenges to water resources on the continent as well as the governance mechanisms at a continental level. He highlighted the existing cooperation between the African Union, African Development Bank and UNECA in providing political, financial and technical oversight at the continental level. He also highlighted the role of continental bodies such as the African Ministers’ Council on Water (AMCOW) which links all levels of water management from national to continental, and the Africa Civil Society Network on Water (ANEW), a mechanism for civil society participation in water governance. He also reminded participants of the important role played by women, as well as the role of Africa’s external partners in water resource governance.
15. Some of the pertinent issues raised in Dr. Donkor’s presentation included:
- a) the need for all River Basin Organisations that operate at a regional level to be represented in all policy-making organs on water;
  - b) the importance of human capacity development and retention, for water resource management;
  - c) the need for water resources assessment and information systems, including a clearing house for water management information at regional and continental levels;
  - d) the importance of innovative policies and measures to increase financial resources, including the creation of a conducive environment for private sector participation in water resource governance; and
  - e) the need to engage in joint planning, development and financing based on maximizing benefits at basin level.

16. The discussion of the outlook for water resources began with the consideration of issues around information exchange and capacity for knowledge generation. The SADC strategic action plan provides an example of institutionalised cooperation and advice from partners, The role of the RECs in the continental process of establishing minimum standards for water resource management was also discussed. Participants also discussed the prospects of alternative sources of water, such as desalination or sewage treatment, and alternative valuation of water, such as economic accounting of water use and the virtual water trade.
17. Some of the key issues raised during the discussion included:
- a) the need to clarify the relationship between the RECs and continental structures such as AMCOW;
  - b) the importance of adopting a human security approach to water resource governance, based on the three pillars of freedom from want, freedom from fear and freedom from hazard impact; and
  - c) the valuation of water resources should be context-specific, based on the needs and uses for water in a particular country or region.

#### **Session IV**

18. In the concluding session, the group proposed a set of recommendations for the way forward, in terms of the development of a set of guidelines for water resource governance in the SADC region based on the gaps identified. The group suggested that the guidelines should focus on six key areas, including:
- a) **The implementation of existing agreements** with specific reference to:
    - harmonisation of national legislation and policies;
    - balancing the need for human security with that of national sovereignty, possibly through the principle of Parallel National Action, whereby sovereignty is respected with a high level of cooperation. In this regard specific focus should be placed on post conflict countries and linking water management capacity to other post conflict reconstruction activities.;
    - clarification of the mandates of existing institutions and structures at all levels;
    - building capacity for implementation in a sustainable fashion, with an emphasis on the development of local capacity and accountability, as well as monitoring mechanisms;
    - institutionalising the participation of community-level actors, civil society and women in the implementation of existing governance regimes; and
    - addressing the gaps between various regimes, specifically gaps in regional governance of groundwater resources, which are a major source of water and thus human security in the region, and gaps between water and land policy.
  - b) **Scaling and levels of intervention**, where emphasis was placed on ensuring that standards aim to enhance benefits to people at local level. In this regard, the need was identified for:
    - further clarification of roles, responsibilities and accountability at different levels;

- an awareness of the differences in the scope of considerations at different levels; and
- identification of the critical stakeholders at each level.

c) **Allocation and benefit sharing**, which refers to:

- the importance of shifting current debates on regional water resource management towards benefit sharing with a focus on solidarity;
- the need to define what benefit sharing in the SADC region would actually entail.

d) **Knowledge generation and information sharing for decision making** which includes:

- the creation of joint regional plans and programmes for data collection;
- encouraging member states to invest in knowledge production, including agreement on standardised criteria for information gathering;
- building and retaining regional and national capacity for information generation, storage and dissemination, including routine processes of development-oriented information exchange;
- incorporating the threat of global climate change in regional and national plans, based on regional mapping of available resources;
- understanding the specific circumstances of African countries as they impact on water governance, such as the prevalence of mining.

e) **Critical areas for engagement** to improve water resource governance, including:

- joint water resource development planning and management;
- governance mechanisms and institutional framework;
- capacity building;
- water infrastructure development.

f) **Developing flexible mechanisms** for coping with demand and supply changes, given:

- climate variability within the region;
- global climate change.

19. In terms of a way forward on water resource governance, it was agreed that a set of guidelines to guide technical planners and decision makers, which are not enforceable by law, should be developed initially. These guidelines may then evolve into legally binding standards. With regard to the broader process leading to continental minimum standards on natural resource governance, the group was reminded that this consultation was the first in a series of consultations hosted by SaferAfrica on strategic resources in the SADC region, and that once the preliminary experts meetings had been completed, experts from all sectors would be brought together to further develop a common position. Additionally, a research paper on the issue of minimum standards for water resource management in the SADC region, including the ideas generated in the consultation, would be circulated to participants and published.