



Legal and Institutional Frameworks for Stakeholder Participation

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“What is in the current legislation which prevents stakeholders from getting more involved in the management of water resources?”

OKACOM Commissioner - Botswana



River Basin Organizations and Commissions
Basins with organizations or commissions

Most TB basins in Africa have some form of organisation formed – RBO, LBO, Commission etc.
How effective are they?

Basin-wide commissions in SADC

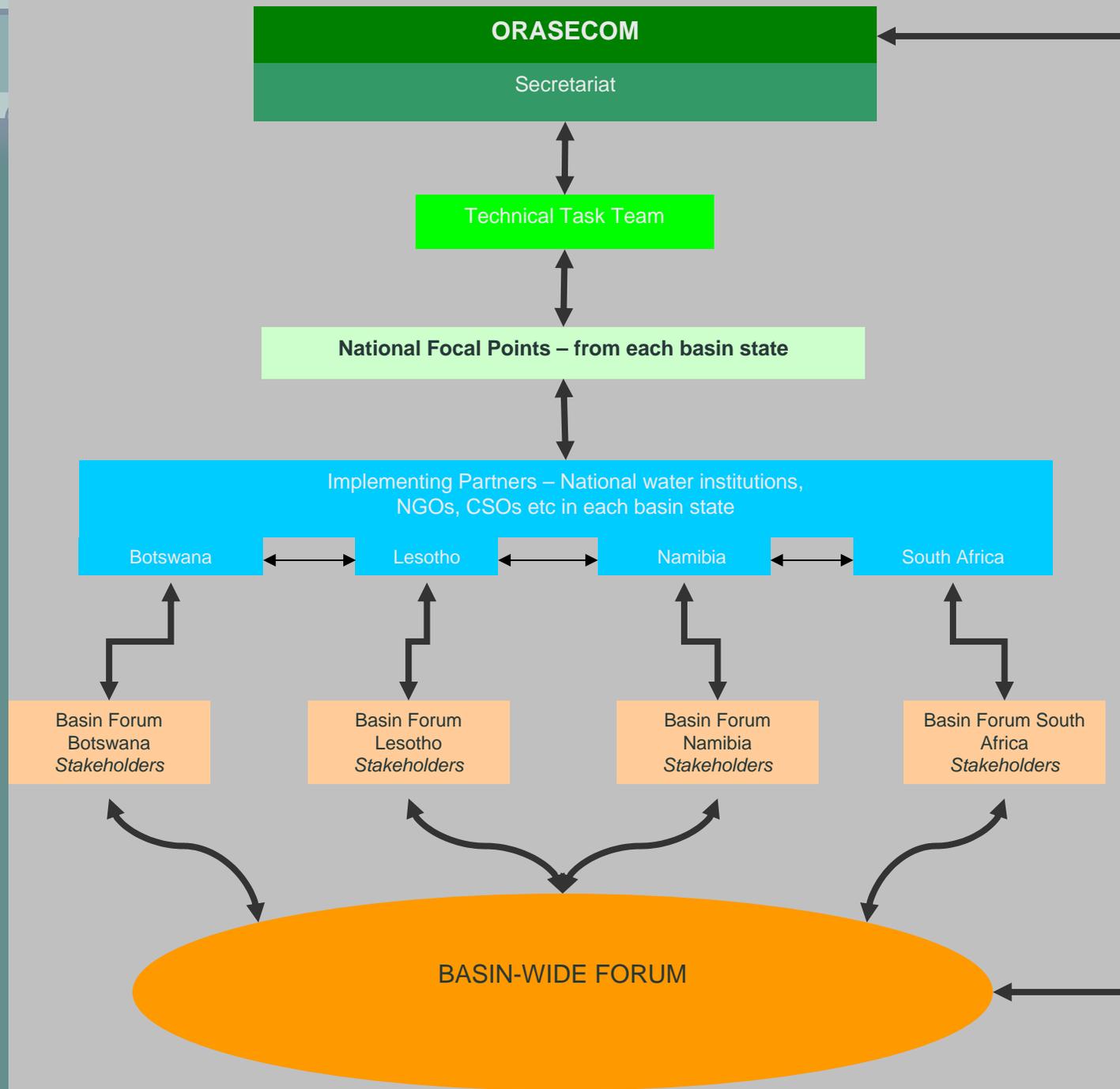
Commission	River	Countries
Okavango Commission (OKACOM)	Okavango	Angola, Botswana & Namibia
Orange-Senqu River Commission (ORASECOM)	Orange-Senqu	Botswana, Lesotho, Namibia & South Africa
Limpopo Commission	Limpopo	Botswana, Mozambique, South Africa & Zimbabwe
Zambezi Commission (ZAMCOM) – undergoing ratification process	Zambezi	Angola, Botswana, Lesotho Malawi, Mozambique, Namibia, Tanzania, Zimbabwe & Zambia
Cunene Permanent Joint Technical Commission	Cunene	Angola & Namibia
Cuvelai Permanent Joint Technical Commission	Cuvelai	Angola & Namibia
Pungwe River Basin Commission	Pungwe	Mozambique & Zimbabwe
Rovuma Joint Commission	Rovuma	Mozambique & Tanzania

Legal Foundation

- ◆ The international agreements on transboundary water management – such as the UN Convention (1997) and the SADC Protocol on Shared Watercourses (2000) do not specifically call for stakeholder or public participation;
- ◆ More likely at the regional policy or the national legislation levels e.g.:
 - ◆ SADC Regional Water Policy recognizes “effective public consultation and involvement of users as one of twelve founding principles of the Policy” also in the RWP:
 - ◆ Stakeholder participation in the formulation of policy and strategy for the SWCI should primarily be facilitated at national level by the Member State governments. These stakeholder inputs should be presented to the SWCI by the relevant country delegations, where such delegations may include stakeholders other than government.

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- ◆ Namibian Water Resources Management Act (24 of 2004): “to ensure the participation of interested persons in the development of Namibia’s position concerning internationally shared water resources”;
- ◆ Botswana Draft Water Bill (2005) “encourage participation by consumers and public authorities in the planning, development, protection, efficient utilisation and conservation of water”
- ◆ South African National Water Act (36 of 1998): “promote community participation in the protection, use, development, conservation, management and control of the water resources”



Session Summary

- ◆ Projects often provide a good segue for getting stakeholders more involved in the activities of a commission;
- ◆ Involving stakeholders in international water quantity/allocation decisions seems to be contentious;
- ◆ Less contentious is the involvement of stakeholders in water quality monitoring;
- ◆ Events such as “river days”, exchange visits or clean-ups can help raise awareness of issues on the river and create a common vision amongst stakeholders in different parts of the basin.