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**NATIONAL ASSEMBLY**  
**TECHNICAL PAPER OF MOTIVATION**

**ACCESSION TO THE 1992 CONVENTION ON THE PROTECTION  
AND USE OF TRANSBOUNDARY WATERCOURSES AND  
INTERNATIONAL LAKES**

as amended, along with decision VI/3 clarifying the accession procedure

**MINISTRY OF AGRICULTURE, WATER AND LAND  
REFORM**

**PRESENTED BY**  
**HONOURABLE CARL H.G. SCHLETTWEIN, MP**

**FEBRUARY 2023**

## 1. OVERVIEW

- 1.1 Namibia shares all her perennial rivers with neighboring countries and has entered into bilateral and multilateral Agreements to establish River Basin Commissions, aimed at promoting joint management and sustainable development of the international waters. Furthermore, Namibia has also ratified the United Nations (UN) Convention on the Law of the Non-navigational Uses of International Watercourses of 1997 (Watercourses Convention), and the Revised SADC Protocol on Shared Watercourses of 2000. Namibia has a long history of transboundary water cooperation for the sustainable management of its shared freshwater resources. As water sources in the areas with economic development potential in the interior of Namibia are becoming virtually fully exploited, the country's future economic development will increasingly be dependent on long distance water transfers from shared watercourses.
- 1.2 The Convention on the Protection and Use of Transboundary Watercourses and International Lakes (Water Convention) was adopted in Helsinki in 1992 and entered into force in 1996. The Convention is a unique legally binding instrument promoting the sustainable management of shared water resources, the implementation of the Sustainable Development Goals, the prevention of conflicts, and the promotion of peace and regional integration. The Water Convention requires Parties to prevent, control and reduce transboundary impact, use transboundary waters in a reasonable and equitable way and ensure their sustainable management.
- 1.3 Though the Water Convention was originally negotiated as a regional framework for the pan-European region. Following an amendment procedure in 2003, all UN Member States can now accede to the Water Convention, since March 2016. Chad and Senegal have become the first African Parties in 2018, Ghana acceded in 2020, Guinea-Bissau and Togo in 2021, and Cameroon in 2022. These countries' accessions offer new prospects for enhanced transboundary cooperation in Sub-Saharan Africa, conflict prevention and regional stability. Many other African countries, including some of Namibia's riparian neighbours, are also in various stages of the accession process.
- 1.4 With the opening up of the Water Convention, to allow all UN Member States to accede, Namibia sees this as a great opportunity to be part of this global framework. The Water Convention establishes principles and rules that form the basis for countries working together to protect and sustainably use their shared freshwater resources. Namibia being a downstream country in most of her transboundary shared rivers relies on good neighbourliness and joint cooperation which the Water Convention is centered around.
- 1.5 The need to further transboundary water cooperation has led to high-level calls in recent years. Repeated statements from the UN Secretary-General, heads of agencies and other high-level persons have urged countries to develop transboundary river, lake and aquifer institutional arrangements and to support that endeavour by

becoming a Party to the two UN global water conventions: the 1992 Water Convention; and the 1997 Watercourses Convention (to which Namibia is already a Party). In addition to enhancing transboundary water management, the Water Convention offers an enabling environment for integrated water resources management (IWRM) and investment, and allows Namibia to reap the numerous shared benefits that transboundary cooperation has to offer.

**1.6** By acceding to the Water Convention, Namibia would gain new views for enhanced transboundary cooperation in Sub-Saharan Africa, conflict prevention and contribute to regional peace and stability, currently enjoyed by European and other African countries. Among others, the following number of benefits can also be accrued from accession:

- 1.6.1 Reinforcing transboundary cooperative arrangements** - supplement and fill gaps in existing basin-specific arrangements (OKACOM – Kavango River Basin Commission, ORASECOM – Orange River Basin Commission, ZAMCOM – Zambezi River Basin Commission, CUVECOM – Cuvelai River Basin Commission, etc.) and providing support to establishing new ones.
- 1.6.2 Realising the benefits of transboundary water cooperation** - maximize the benefits of transboundary cooperation, including addressing climate change and extreme events, safeguarding sustainable water management and providing for equitable benefit-sharing.
- 1.6.3 A common platform to share experiences, enhance capacity and advance water diplomacy** - irrespective of whether all countries that share a particular river, lake or aquifer are party to the convention. The Convention enables Namibia to share its good practice and experience at the global level.
- 1.6.4 Strengthening water governance at both national and transboundary levels** - improve national awareness of transboundary water issues and enhance the capacity of national experts to negotiate and implement transboundary water arrangements.
- 1.6.5 Increasing finance for transboundary basin development** – to invest in transboundary water cooperation, basin development and even national water management. Acceding to the Convention may give a positive signal to potential donors.
- 1.6.6 Increasing political support for transboundary cooperation at the global level** - a stronger political platform for advancing transboundary cooperation at the global level; a stronger mandate and basis for the work of UN-Water Members and Partners and development cooperation actors; and strengthened customary international law.

**1.7** Namibia participated virtually in the ninth Meeting of the Parties to the Water Convention on 29 September – 1 October 2021 as a non-Party State and expressed her interest in acceding to the Water Convention and requested support from the Water Convention secretariat in the accession process.



- 1.8** A virtual inter-ministerial meeting was convened on 28 February 2022 by MAWLR, supported by the Convention secretariat, as part of the national accession process and in preparation for a National Workshop to raise awareness regarding the Convention.
- 1.9** The “National workshop related to the Convention on the Protection and Use of Transboundary Watercourses and International Lakes: Namibia’s accession process” was co-organized on 31 May and 1 June 2022 in Windhoek by MAWLR and the Water Convention secretariat. The national workshop aimed to contribute to the comprehensive understanding by the Namibian competent authorities of the Water Convention, its provisions and obligations, its work on the ground, as well as the benefits and possible challenges for Namibia to accede to it, to facilitate the preparations for accession. The workshop had strong attendance and brought together a broad range of participants for interactive dialogue to increase awareness and understanding of the Convention with officials, including those from different ministries, as well as other relevant stakeholders from basin organisations, private sector, civil society and Academia. There was general agreement among participants regarding the usefulness of the Water Convention and benefits of accession for Namibia, whereby a national road map for accession with key milestones was produced as an outcome document.
- 1.10** Cabinet decision no. 17<sup>th</sup>/28.09/21/006 approved for Namibia to accede to the Water Convention. The Office of the Attorney General has provided the legal opinion on the accession benefits and process, therefore paving the way for presentation of this technical paper to this August House (National Assembly) for approval.
- 1.11** MIRCO (Ministry of International Relation and Cooperation) will then on instruction by MAWLR prepare relevant instrument of accession in accordance with Decision VI/3 clarifying the accession procedure and deposit them with the Secretary General of the United Nations as per Article 24 of the Water Convention.

## **2 RECOMMENDATION**

It is recommended that National Assembly agrees to the accession to the 1992 Convention on the Protection and use of Transboundary Watercourses and International Lakes, as amended, along with decision VI/3 clarifying the accession procedure; and that the Minister of International Relations and Cooperation be authorized to effect the accession on behalf of Namibia in terms of Article 24 of the Water Convention.