Content of the template

The template is divided into four parts:

- **Section I** - Calculation of SDG indicator 6.5.2
- **Section II** - Information on each transboundary basin or group of basins
- **Section III** - General information on transboundary water management at the national level
- **Section IV** - Final questions

Country name: MALAWI
I. Calculation of Sustainable Development Goal indicator 6.5.2

Methodology

1. Using the information gathered in section II, the information gathered in this section allows for the calculation of Sustainable Development Goal global indicator 6.5.2, which is defined as the proportion of transboundary basin area with an operational arrangement for water cooperation.

2. The step-by-step monitoring methodology for indicator 6.5.2, developed by UNECE and UNESCO in the framework of UN-Water, should be referred to for details on the necessary data, the definitions and the calculation.¹

3. The value of the indicator at the national level is derived by adding up the surface area in a country of those transboundary basins (river and lake basins and aquifers) that are covered by an operational arrangement and dividing the area obtained by the aggregate total area in a country of all transboundary basins (both river and lake basins, and aquifers).

4. Transboundary basins are basins of transboundary waters, that is, of any surface waters (notably rivers, lakes) or groundwaters which mark, cross or are located on boundaries between by two or more States. For the purpose of the calculation of this indicator, for a transboundary river or lake, the basin area is determined by the extent of its catchment. For groundwater, the area to be considered is the extent of the aquifer.

5. An “arrangement for water cooperation” is a bilateral or multilateral treaty, convention, agreement or other formal arrangement among riparian countries that provides a framework for cooperation on transboundary water management.

6. For an arrangement to be considered “operational” all the following criteria need to be in place in practice:

   (a) There is a joint body, joint mechanism or commission (e.g., a river basin organization) for transboundary cooperation (criterion 1);

   (b) There are regular (at least once per year) formal communications between riparian countries in form of meetings (either at the political or technical level) (criterion 2);

   (c) Joint objectives, a common strategy, a joint or coordinated management plan, or an action plan have been agreed upon by the riparian countries (criterion 3);

   (d) There is a regular (at least once per year) exchange of data and information (criterion 4).

Calculation of indicator 6.5.2

7. Please list in the tables below the transboundary basins (rivers and lakes and aquifers) in your country’s territory and provide the following information for each of them:

(a) The country/ies with which the basin is shared;

(b) The surface area of the basin (the catchment of rivers or lakes and the aquifer in the case of groundwater) within the territory of your country (in square kilometres (km$^2$));

(c) Whether a map and/or a geographical information system (GIS) shapefile of the basin has been provided;

(d) Whether there is an arrangement in force for the basin;

(e) The verification of each of the four criteria to assess operationality;

(f) The surface area of the basin within the territory of your country which is covered by a cooperation arrangement that is operational according to the above criteria.

8. In case an operational arrangement is in place only for a sub-basin or a portion of a basin, please list this sub-basin just after the transboundary basin it is part of. In case there is an operational arrangement for the whole basin, do not list sub-basins in the table below.
<table>
<thead>
<tr>
<th>Name of transboundary river or lake basin/sub-basin</th>
<th>It is a basin or a sub-basin? ²b</th>
<th>Countries shared with</th>
<th>Surface area of the basin/sub-basin (in km²) within the territory of the country</th>
<th>Map and/or GIS shapefile provided (yes/no)</th>
<th>Covered by an arrangement (entirely, partly, no) (Ref. to questions in sect. II)</th>
<th>Criterion 1 applied (yes/no) (Ref. to questions in sect. II)</th>
<th>Criterion 2 applied (yes/no) (Ref. to questions in sect. II)</th>
<th>Criterion 3 applied (yes/no) (Ref. to questions in sect. II)</th>
<th>Criterion 4 applied (yes/no) (Ref. to questions in sect. II)</th>
<th>Surface area of the basin/sub-basin (in km²) covered by an operational arrangement within the territory of the country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Zambezi River Basin</td>
<td></td>
<td>Angola, Botswana, Mozambique, Namibia, Tanzania, Zambia and Zimbabwe</td>
<td>110,353</td>
<td>Entirely</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>110,353</td>
</tr>
<tr>
<td>Lake Chirwa Basin</td>
<td></td>
<td>Mozambique</td>
<td>5,669</td>
<td>Entirely</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>0</td>
</tr>
<tr>
<td>Ruvuma River Basin</td>
<td></td>
<td>Mozambique and Tanzania</td>
<td>2,462</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>0</td>
</tr>
</tbody>
</table>

(A) Total surface area of transboundary basins/sub-basins of rivers and lakes covered by operational arrangements within the territory of the country (in km²) 110,353
(do not double count sub-basins)

(B) Total surface area of transboundary basins of rivers and lakes within the territory of the country (in km²) 118,484
(do not double count sub-basins)

² List sub-basins after the basin they belong to.
<table>
<thead>
<tr>
<th>Name of the transboundary aquifer</th>
<th>Countries shared with</th>
<th>Surface area of the aquifer (^c) (in km(^2)) within the territory of the country</th>
<th>Map and/or GIS shapefile provided (yes/no)</th>
<th>Covered by an aquifer specific arrangement (entirely, partly, no) (Ref. to questions in sect. II)</th>
<th>Covered within an arrangement not specific to the aquifer(^d) (entirely, partly, no) (Ref. to questions in sect. II)</th>
<th>Criterion 1 applied (yes/no) (Ref. to questions in sect. II)</th>
<th>Criterion 2 applied (yes/no) (Ref. to questions in sect. II)</th>
<th>Criterion 3 applied (yes/no) (Ref. to questions in sect. II)</th>
<th>Criterion 4 applied (yes/no) (Ref. to questions in sect. II)</th>
<th>Surface area of the aquifer (in km(^2)) covered by an operational arrangement within the territory of the country</th>
</tr>
</thead>
<tbody>
<tr>
<td>Shire Alluvial Aquifer</td>
<td>Mozambique</td>
<td>2936.27</td>
<td>No</td>
<td>entirely</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>yes</td>
<td>Yes</td>
<td>2936.27</td>
</tr>
<tr>
<td>Weathered Basement (Fractured Weathered Basement)</td>
<td>Zambia, Tanzania and Mozambique</td>
<td>30513.78</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>0</td>
</tr>
<tr>
<td>Lake Chilwa Alluvial</td>
<td>Mozambique</td>
<td>5005.68</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>0</td>
</tr>
<tr>
<td>Sand and Gravel (Deep Weathered Basement)</td>
<td>Zambia and Mozambique</td>
<td>27577.51</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>0</td>
</tr>
<tr>
<td>(C) Sub-total: surface area of transboundary aquifers covered by operational arrangements (in km(^2))</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>2936.27</td>
</tr>
<tr>
<td>(D) Total surface area of transboundary aquifers (in km(^2))</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>66,033.24</td>
</tr>
</tbody>
</table>

\(^c\) For a transboundary aquifer, the extent is derived from the aquifer system delineation which is commonly done relying on information of the subsurface (notably the extent of geological formations). As a general rule, the delineation of aquifer systems is based on the delineation of the extent of the hydraulically connected water-bearing geological formations. Aquifer systems are three-dimensional objects and the aquifer area taken into account is the projection on the land surface of the system. Ideally, when different aquifer systems not hydraulically connected are vertically superposed, the different relevant projected areas are to be considered separately, unless the different aquifer systems are managed conjunctively.

\(^d\) In the text of the agreement or arrangement or in the practice.
**Indicator value for the country**

**Surface waters:**
Percentage of surface area of transboundary basins of rivers and lakes covered by an operational arrangement:

\[ \frac{A}{B} \times 100 = 93\% \]

**Aquifers:**
Percentage of surface area of transboundary aquifers covered by an operational arrangement:

\[ \frac{C}{D} \times 100 = 4.4\% \]

**Sustainable Development Goal indicator 6.5.2:**
Percentage of surface area of transboundary basins covered by an operational arrangement:

\[ \left( \frac{(A + C)}{(B + D)} \right) \times 100 = 61.4\% \]

**Spatial information**
If a map (or maps) of the transboundary surface water catchments and transboundary aquifers (i.e., “transboundary basins”) is available, please consider attaching them. Ideally, shapefiles of the basin and aquifer delineations that can be viewed in GIS should be sent.

**Additional information**
If the respondent has comments that clarify assumptions or interpretations made for the calculation, or the level of certainty of the spatial information, please write them here:
Does your country have transboundary agreements or arrangements for the protection and/or management of transboundary waters (i.e., rivers, lakes or groundwater), whether bilateral or multilateral?

Yes ☐/No ☐

If yes, list the bilateral and multilateral agreements or arrangements (listing for each of the countries concerned):

(a) Agreement on the Establishment of the Zambezi Watercourse Commission, (Angola, Botswana, Malawi, Mozambique, Namibia, Tanzania, Zambia, Zimbabwe),

(b) SADC Protocol on Shared Watercourses (Angola, Botswana, Malawi, Mozambique, Namibia, Tanzania, Zambia, Zimbabwe, Democratic Republic of Congo, Sychelos, Madagascar, Mauritius, Lesotho, Eswantini, Republic of South Africa, Comoros Islands),

(c) Convention on the Establishment of the Joint Songwe River Basin Commission (Malawi and Tanzania)

(d) Agreement on the Establishment of a Joint Water Commission (Malawi and Mozambique)

II. Questions for each transboundary basin, sub-basin, part of a basin, or group of basins (river, lake or aquifer)

Please complete this second section for each transboundary basin (river or lake basin, or aquifer), sub-basin, part of a basin or a group of basins covered by the same agreement or arrangement where conditions are similar. In some instances, you may provide information on both a basin and one or more of its sub-basins or parts thereof, for example, where you have agreements or arrangements on both the basin and its sub-basin. You may coordinate your responses with other States with which your country shares transboundary waters, or even prepare a joint report. General information on transboundary water management at the national level should be provided in section III and not repeated here.

Please reproduce this whole section with its questions for each transboundary basin, sub-basin, part of a basin or group of basins for which you will provide a reply.

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1 In principle, section II should be submitted for every transboundary basin, river, lake or aquifer, in the country, but States may decide to group basins in which their share is small or leave out basins in which their share is very minor, e.g., below 1 per cent.

2 In section II, “agreement” covers all kinds of treaties, conventions and agreements ensuring cooperation in the field of transboundary waters. Section II can also be completed for other types of arrangements, such as memorandums of understanding.
Name of the transboundary basin, sub-basin, part of a basin or group of basins: Zambezi River Basin

List of the riparian States: Angola, Botswana, Malawi, Mozambique, Namibia, Tanzania, Zambia and Zimbabwe

In the case of an aquifer, what is the nature of the aquifer and its relation with the river or lake basin:

- Unconfined aquifer connected to a river or lake
- Unconfined aquifer with no or limited relation with surface water
- Confined aquifer connected to surface water
- Confined aquifer with no or limited relation with surface water
- Other
  - Please describe: [fill in]
- Unknown

Percentage of your country’s territory within the basin, sub-basin, part of a basin or group of basins: [93%]

1. Is there one or more transboundary (bilateral or multilateral) agreement(s) or arrangement(s) on this basin, sub-basin, part of a basin or group of basins?
   - One or more agreements or arrangements exist and are in force
   - Agreement or arrangement developed but not in force
   - Agreement or arrangement developed, but not in force for all riparians

   Please insert the name of the agreement(s) or arrangement(s)
   Agreement on the Establishment of the Zambezi Watercourse Commission
   Agreement or arrangement is under development
   No agreement or arrangement

   If there is no agreement or arrangement or it is not in force, please explain briefly why not and provide information on any plans to address the situation: [fill in]

   If there is no agreement or arrangement and no joint body or mechanism for the transboundary basin, sub-basin, part of a basin or
group of basins then jump to question 4; if there is no agreement or arrangement, but a joint body or mechanism then go to question 3.

Questions 2 and 3 to be completed for each bilateral or multilateral agreement or arrangement in force in the transboundary basin, sub-basin, part of a basin or group of basins.

2. (a) Does this agreement or arrangement specify the area subject to cooperation?

Yes ☐/No ☐

If yes, does it cover the entire basin or group of basins and all riparian States?

Yes ☐/No ☐

Additional explanations? The Agreement covers the whole country except a small portion which is part of Lake Chilwa Basin and Ruvuma River Basin

Or, if the agreement or arrangement relates to a sub-basin, does it cover the entire sub-basin?

Yes ☐/No ☐

Additional explanations? [fill in]

Which States (including your own) are bound by the agreement or arrangement? Angola, Botswana, Malawi, Mozambique, Namibia, Tanzania, Zambia, Zimbabwe

(b) If the agreement or arrangement relates to a river or lake basin or sub-basin, does it also cover aquifers?

Yes ☐

If yes, please list the aquifers covered by the agreement or arrangement: Shire Alluvial Aquifer and Weathered Basement within Shire River sub Basin

(c) What is the sectoral scope of the agreement or arrangement?

All water uses ☐

A single water use or sector ☐

Several water uses or sectors ☐

If one or several water uses or sectors, please list (check as appropriate):

Water uses or sectors

Industry ☐

Agriculture ☐
(d) What topics or subjects of cooperation are included in the agreement or arrangement?

**Procedural and institutional issues**
- Dispute and conflict prevention and resolution
- Institutional cooperation (joint bodies)
- Consultation on planned measures
- Mutual assistance

**Topics of cooperation**
- Joint vision and management objectives
- Joint significant water management issues
- Navigation
- Human health
- Environmental protection (ecosystem)
- Water quality
- Water quantity or allocation
- Cooperation in addressing floods
- Cooperation in addressing droughts
- Climate change adaptation

**Monitoring and exchange**
- Joint assessments
- Data collection and exchange
- Joint monitoring
- Maintenance of joint pollution inventories
- Elaboration of joint water quality objectives
- Common early warning and alarm procedures
- Exchange of experience between riparian States
Exchange of information on planned measures

**Joint planning and management**

- Development of joint regulations on specific topics
- Development of international or joint river, lake or aquifer basin management or action plans
- Management of shared infrastructure
- Development of shared infrastructure
- Other (please list): [fill in]

(e) What are the main difficulties and challenges that your country faces with the agreement or arrangement and its implementation, if any?

- Aligning implementation of agreement or arrangement with national laws, policies and programmes
- Aligning implementation of agreement or arrangement with regional laws, policies and programmes
- Lack of financial resources
- Insufficient human capacity
- Insufficient technical capacity
- Tense diplomatic relations
- Non-participation of certain riparian countries in the agreement
- No significant difficulties
- Other (please describe): [fill in]

(f) What are the main achievements in implementing the agreement or arrangement and what were the keys to achieving such success? (i) Establishment of Zambezi Watercourse Commission, (ii) Development of Strategic Plan for the Zambezi Watercourse and (iii) Development of Strategic Action Plan for Shire ConWat.

(g) Please attach a copy of the agreement or arrangement or provide the web address of the document (please attach document or insert web address, if applicable): [zamcom@zambezicommission.org]

3. Is your country a member of any joint body or mechanism for this agreement or arrangement?

Yes ☐

*If no, why not? (please explain): [fill in]*
Where there is a joint body or mechanism

(a) If there is a joint body or mechanism, which kind of joint body or mechanism (*please tick one*)?

- Plenipotentiaries
- Bilateral commission
- Basin or similar commission
- Expert group meeting or meeting of national focal points
- Other (*please describe*): [fill in]

(b) Does the joint body or mechanism cover the entire transboundary basin, sub-basin, part of a basin or group of basins?

- Yes ☑ / No ☐

(c) Which States (including your own) are members of the joint body or mechanism? (*Please list*): Angola, Botswana, Malawi, Mozambique, Namibia, Tanzania, Zambia and Zimbabwe

(d) Are there any riparian States that are not members of the joint body or mechanism? (*please list*): [None]

(e) If not all riparian States are members of the joint body or mechanism how does the joint body or mechanism cooperate with them?

- No cooperation ☐
- They have observer status ☐
- Other (*please describe*): [fill in]

(f) Does the joint body or mechanism have any of the following features (*please tick the ones applicable*)?

- A secretariat ☐

  *If the secretariat is a permanent one, is it a joint secretariat or does each country host its own secretariat? (*Please describe*): It is a joint secretariat*

- A subsidiary body or bodies ☐

  *Please list (e.g., working groups on specific topics): [(i) Zambezi Watercourse Commission Council of Ministers, (ii) Zambezi Watercourse Commission Technic Committee, (iii) Zambezi Watercourse Commission Subcommittee on Hydrology, (iv) Joint Project Steering Committee and (v) Zambezi Watercourse Commission Groundwater Sub-Committee.]*

- Other features (*please list*): [fill in]
(g) What are the tasks and activities of this joint body or mechanism?³

Identification of pollution sources
Data collection and exchange
Joint monitoring
Maintenance of joint pollution inventories
Setting emission limits
Elaboration of joint water quality objectives
Management and prevention of flood or drought risks
Preparedness for extreme events, e.g., common early warning and alarm procedures
Surveillance and early warning of water related disease
Water allocation and/or flow regulation
Policy development
Control of implementation
Exchange of experience between riparian States
Exchange of information on existing and planned uses of water and related installations
Settling of differences and conflicts
Consultations on planned measures
Exchange of information on best available technology
Participation in transboundary EIA
Development of river, lake or aquifer basin management or action plans
Management of shared infrastructure
Addressing hydromorphological alterations
Climate change adaptation
Joint communication strategy
Basin-wide or joint public participation and consultation of, for example, basin management plans
Joint resources to support transboundary cooperation

³ This may include tasks according to the agreement or tasks added by the joint body, or its subsidiaries. Both tasks which joint bodies coordinate and tasks which they implement should be included.
Capacity-building

Any other tasks (please list): [fill in]

(h) What are the main difficulties and challenges that your country faces with the operation of the joint body or mechanism, if any?

Governance issues

Please describe, if any: [Disparities between local and regional policies, Outdated policies]

Unexpected planning delays

Please describe, if any: [Delays in responses and approvals of proposed measures]

Lack of resources

Please describe, if true: [Inadquate financing]

Lack of mechanism for implementing measures

Please describe, if true: [fill in]

Lack of effective measures

Please describe, if true: [Challenges in aquisition of modern and appropriate technology]

Unexpected extreme events

Please describe, if any: [Events related to floods, droughts, coronavirus pandemic]

Lack of information and reliable forecasts

Please describe, if any: [fill in]

Others (please list and describe, as appropriate): [fill in]

(i) Does the joint body or mechanism, or its subsidiary bodies meet regularly?

Yes ☐/No ☐

If yes, how frequently does it meet?

More than once per year ☐

Once per year ☐

Less than once per year ☐

(j) What are the main achievements with regards to the joint body or mechanism? [Development of the Stragic Plan for the Zambezi Watercourse]

(k) Did the joint body or mechanism ever invite a non-riparian coastal State to cooperate?
Yes □/No □

If yes, please give details. If no, why not, e.g. are the relevant coastal States also riparian States and therefore already members of the joint body or mechanism? The relevant coastal States also riparian States and, therefore, already members of the joint body or mechanism.

4. Have joint objectives, a common strategy, a joint or coordinated management plan or action plan been agreed for the basin, sub-basin, part of a basin or group of basins?
Yes □/No □

If yes, please provide further details: [The Strategic Plan for the Zambezi Watercourse has been developed]

5. How is the transboundary basin, sub-basin, part of a basin or group of basins protected, including the protection of ecosystems, in the context of sustainable and rational water use?

Regulation of urbanization, deforestation, and sand and gravel extraction. □

Environmental flow norms, including consideration of levels and seasonality □

Water quality protection, e.g. nitrates, pesticides, faecal coliforms, heavy metals □

Water-related species and habitats protection □

Other measures (please describe): [fill in]

6. (a) Does your country regularly exchange information and data with other riparian States in the basin, sub-basin, part of a basin or group of basins?
Yes □/No □

(b) If yes, how often:

More than once per year □

Once per year □

Less than once per year □

(c) Please describe how information is exchanged (e.g. in connection with meetings of joint bodies): Through the Zambezi Water Resources Information System (ZAMWIS), Official correspondence/notification and meetings
(d) If yes, on what subjects are information and data exchanged?

Environmental conditions

Research activities and application of best available techniques

Emission monitoring data

Planned measures taken to prevent, control or reduce transboundary impacts

Point source pollution sources

Diffuse pollution sources

Existing hydromorphological alterations (dams, etc.)

Flows or water levels (including groundwater levels)

Water abstractions

Climatological information

Future planned measures with transboundary impacts, such as infrastructure development

Other subjects (please list): [fill in]

Other comments, e.g. spatial coverage of data and information exchange: [fill in]

(e) Is there a shared database or information platform?

Yes [ ]/No [ ]

(f) Is the database publicly available?

Yes [ ]/No [ ]

If yes, please provide the web address: www.zambezicommission.org

(g) What are the main difficulties and challenges to data exchange, if applicable?

Frequency of exchanges

Timing of exchanges

Comparability of data and information

Limited spatial coverage

Inadequate resources (technical and/or financial)

Other (please describe): [fill in]

Additional comments: [fill in]

(h) What are the main benefits of data exchange on the basin, sub-basin, part of a basin or group of basins? (please describe):
Enhancement of coordinated planning and implementation of measures within the basin thereby ensuring regional security and stability

7. Do the riparian States carry out joint monitoring in the transboundary basin, sub-basin, part of a basin or group of basins?
   Yes ☑/No ☐

   (a) If yes, what does the joint monitoring cover?

<table>
<thead>
<tr>
<th>Hydrological</th>
<th>Ecological</th>
<th>Chemical</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Border surface waters</td>
<td>b) ☐</td>
<td>c) ☐</td>
</tr>
<tr>
<td>e) Surface waters in the entire basin</td>
<td>f) ☐</td>
<td>g) ☐</td>
</tr>
<tr>
<td>i) Surface waters on the main watercourse</td>
<td>j) ☐</td>
<td>k) ☐</td>
</tr>
<tr>
<td>m) Surface waters in part of the basin</td>
<td>o) ☐</td>
<td>p) ☐</td>
</tr>
<tr>
<td>n) please describe [fill in]</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

   Transboundary aquifer(s) (connected or unconnected) ☐ ☐ ☐

   Aquifer(s) in the territory of one riparian hydraulically connected to a transboundary river or lake ☐ ☐ ☐

   (b) If joint monitoring is carried out, how is this done?

   National monitoring stations connected through a network or common stations ☐

   Please describe: [Through SADC HYCOS stations]

   Joint and agreed methodologies ☐

   Please describe: [fill in]

   Joint sampling ☐

   Please describe: [fill in]

   Common monitoring network ☐

   Please describe: [fill in]

   Common agreed parameters ☐

   Please describe: [fill in]
(c) Please describe the main achievements regarding joint monitoring, if any: [fill in]

(d) Please describe any difficulties experienced with joint monitoring: [Lack and shortage of appropriate equipment, inadequate financial resources]

8. Do the riparian States carry out joint assessment of the transboundary basin, sub-basin, part of a basin or group of basins?
   Yes ☐/No ☐
   If yes, please provide the date of the last or only assessment, the frequency and scope (e.g., surface waters or groundwaters only, pollution sources, etc.) of the assessment, and assessment methodology applied: [fill in]

9. Have the riparian States agreed to use joint water quality standards?
   Yes ☐/No ☐
   If yes, what standards have been applied, e.g. international or regional standards (please specify which), or have national standards of the riparian States been applied? [fill in]

10. What are the measures implemented to prevent or limit the transboundary impact of accidental pollution?
    Notification and communication ☐
    Coordinated or joint early warning or alarm system for accidental water pollution ☐
    Other (please list): [fill in]
    No measures ☐
    If not, why not? What difficulties does your country face in putting in place such measures?: [fill in]

11. What are the measures implemented to prevent or limit the transboundary impact of extreme weather events and climate change?
    Notification and communication ☐
    Coordinated or joint alarm system for floods ☐
    Coordinated or joint alarm system for droughts ☐
    Joint climate change adaptation strategy ☐
    Joint disaster risk reduction strategy ☐
    Other (please list): [fill in]
    No measures ☐
If not, why not? What difficulties does your country face in putting in place such measures?: [fill in]

12. Are procedures in place for mutual assistance in case of a critical situation?
   
   Yes ☐/No ☐
   
   If yes, please provide a brief summary: [fill in]

13. Are the public or relevant stakeholders involved in transboundary water management in the basin, sub-basin, part of a basin or group of basins?
   
   Yes ☐/No ☐
   
   If yes, how? (please tick all applicable)
   
   Stakeholders have observer status in a joint body or mechanism ☐
   
   Stakeholders have an advisory role in the joint body ☐
   
   Stakeholders have a decision-making role in the joint body ☐
   
   If yes, please specify the stakeholders for the joint body or mechanism:
   
   [fill in]
   
   Intergovernmental organizations ☐
   
   Private sectors organizations or associations ☐
   
   Water user groups or associations ☐
   
   Academic or research institutions ☐
   
   Other non-governmental organizations ☐
   
   General public ☐
   
   Other (please specify): [International financial institutions/development partners]
   
   Availability of information to the public ☐
   
   Consultation on planned measures or river basin management plans 4 ☐
   
   Public involvement ☐
   
   Other (please specify): [fill in]

---

4 Or, where applicable, aquifer management plans.
Name of the transboundary basin, sub-basin, part of a basin or group of basins: Songwe River Sub-basin

List of the riparian States: Malawi and Tanzania

In the case of an aquifer, what is the nature of the aquifer and its relation with the river or lake basin:

- Unconfined aquifer connected to a river or lake
- Unconfined aquifer with no or limited relation with surface water
- Confined aquifer connected to surface water
- Confined aquifer with no or limited relation with surface water
- Other
  Please describe: [fill in]

Unknown

Percentage of your country’s territory within the basin, sub-basin, part of a basin or group of basins: 2%

1. Is there one or more transboundary (bilateral or multilateral) agreement(s) or arrangement(s) on this basin, sub-basin, part of a basin or group of basins?
   - One or more agreements or arrangements exist and are in force
   - Agreement or arrangement developed but not in force
   - Agreement or arrangement developed, but not in force for all riparians

   Please insert the name of the agreement(s) or arrangement(s) Convention on the Establishment of a Joint Songwe River Basin Commission

   Agreement or arrangement is under development
   No agreement or arrangement

   If there is no agreement or arrangement or it is not in force, please explain briefly why not and provide information on any plans to address the situation: [fill in]

If there is no agreement or arrangement and no joint body or mechanism for the transboundary basin, sub-basin, part of a basin or
group of basins then jump to question 4; if there is no agreement or arrangement, but a joint body or mechanism then go to question 3.

Questions 2 and 3 to be completed for each bilateral or multilateral agreement or arrangement in force in the transboundary basin, sub-basin, part of a basin or group of basins.

2. (a) Does this agreement or arrangement specify the area subject to cooperation?
Yes [ ]/No [ ]
If yes, does it cover the entire basin or group of basins and all riparian States?
Yes [ ]/No [ ]
Additional explanations?
Or, if the agreement or arrangement relates to a sub-basin, does it cover the entire sub-basin?
Yes [ ]/No [ ]
Additional explanations? The Agreement covers the whole sub-basin, 45% of which is within Malawi territory and the remainder within Tanzania territory and both territories form part of the sub-basin of the Zambezi Basin.

Which States (including your own) are bound by the agreement or arrangement? Malawi and Tanzania

(b) If the agreement or arrangement relates to a river or lake basin or sub-basin, does it also cover aquifers?
Yes [ ]/No [ ]
If yes, please list the aquifers covered by the agreement or arrangement:

(c) What is the sectoral scope of the agreement or arrangement?
All water uses [ ]
A single water use or sector [ ]
Several water uses or sectors [ ]

If one or several water uses or sectors, please list (check as appropriate):

Water uses or sectors

Industry [ ]
Agriculture [ ]
Transport (e.g., navigation) [ ]
Households
Energy: hydropower and other energy types
Fisheries
Tourism
Nature protection
Other (please list): [fill in]

(d) What topics or subjects of cooperation are included in the agreement or arrangement?

**Procedural and institutional issues**
- Dispute and conflict prevention and resolution
- Institutional cooperation (joint bodies)
- Consultation on planned measures
- Mutual assistance

**Topics of cooperation**
- Joint vision and management objectives
- Joint significant water management issues
- Navigation
- Human health
- Environmental protection (ecosystem)
- Water quality
- Water quantity or allocation
- Cooperation in addressing floods
- Cooperation in addressing droughts
- Climate change adaptation

**Monitoring and exchange**
- Joint assessments
- Data collection and exchange
- Joint monitoring
- Maintenance of joint pollution inventories
- Elaboration of joint water quality objectives
- Common early warning and alarm procedures
- Exchange of experience between riparian States
- Exchange of information on planned measures
Joint planning and management

Development of joint regulations on specific topics

Development of international or joint river, lake or aquifer basin management or action plans

Management of shared infrastructure

Development of shared infrastructure

Other (please list): [fill in]

(e) What are the main difficulties and challenges that your country faces with the agreement or arrangement and its implementation, if any?

Aligning implementation of agreement or arrangement with national laws, policies and programmes

Aligning implementation of agreement or arrangement with regional laws, policies and programmes

Lack of financial resources

Insufficient human capacity

Insufficient technical capacity

Tense diplomatic relations

Non-participation of certain riparian countries in the agreement

No significant difficulties

Other (please describe): [fill in]

(f) What are the main achievements in implementing the agreement or arrangement and what were the keys to achieving such success? Establishment of the Joint Songwe River Basin Commission. Cooperation between the two countries were the key to achieving this success.

(g) Please attach a copy of the agreement or arrangement or provide the web address of the document (please attach document or insert web address, if applicable): [Refer to the attached copy of the Joint Songwe River Basin Commission.

3. Is your country a member of any joint body or mechanism for this agreement or arrangement?

Yes [ ]/No [ ]

If no, why not? (please explain): [fill in]

Where there is a joint body or mechanism
(a) If there is a joint body or mechanism, which kind of joint body or mechanism \( \textit{please tick one} \)?

- Plenipotentiaries
- Bilateral commission
- Basin or similar commission
- Expert group meeting or meeting of national focal points
- Other \( \textit{please describe} \): [fill in]

(b) Does the joint body or mechanism cover the entire transboundary basin, sub-basin, part of a basin or group of basins?

Yes \( \square \)/No \( \square \)

(c) Which States (including your own) are members of the joint body or mechanism? \( \textit{Please list} \): Malawi and Tanzania

(d) Are there any riparian States that are not members of the joint body or mechanism? \( \textit{please list} \): None

(e) If not all riparian States are members of the joint body or mechanism how does the joint body or mechanism cooperate with them?

- No cooperation
- They have observer status
- Other \( \textit{please describe} \): [fill in]

(f) Does the joint body or mechanism have any of the following features \( \textit{please tick the ones applicable} \)?

- A secretariat
- A subsidiary body or bodies
- If the secretariat is a permanent one, is it a joint secretariat or does each country host its own secretariat? \( \textit{Please describe} \): It is a joint secretariat
- Please list \( \textit{e.g., working groups on specific topics} \): [(i) Council of Ministers, (ii) Joint Steering Committee, (iii) Joint Team of Experts
- Other features \( \textit{please list} \): [fill in]

(g) What are the tasks and activities of this joint body or mechanism?\(^5\)

---

\(^5\) This may include tasks according to the agreement or tasks added by the joint body, or its subsidiaries. Both tasks which joint bodies coordinate and tasks which they implement should be included.
<table>
<thead>
<tr>
<th>Task</th>
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<tbody>
<tr>
<td>Identification of pollution sources</td>
<td></td>
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<tr>
<td>Data collection and exchange</td>
<td></td>
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<tr>
<td>Joint monitoring</td>
<td></td>
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<tr>
<td>Maintenance of joint pollution inventories</td>
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<tr>
<td>Setting emission limits</td>
<td></td>
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<tr>
<td>Elaboration of joint water quality objectives</td>
<td></td>
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<tr>
<td>Management and prevention of flood or drought risks</td>
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<tr>
<td>Preparedness for extreme events, e.g., common early warning and alarm procedures</td>
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<tr>
<td>Surveillance and early warning of water related disease</td>
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<td>Water allocation and/or flow regulation</td>
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<td>Policy development</td>
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<td>Control of implementation</td>
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<td>Exchange of experience between riparian States</td>
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<td>Exchange of information on existing and planned uses of water and related installations</td>
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<td>Settling of differences and conflicts</td>
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<td>Consultations on planned measures</td>
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<td>Exchange of information on best available technology</td>
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<tr>
<td>Participation in transboundary EIA</td>
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<tr>
<td>Development of river, lake or aquifer basin management or action plans</td>
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<td>Management of shared infrastructure</td>
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<tr>
<td>Addressing hydromorphological alterations</td>
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<tr>
<td>Climate change adaptation</td>
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<tr>
<td>Joint communication strategy</td>
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<tr>
<td>Basin-wide or joint public participation and consultation of, for example, basin management plans</td>
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<tr>
<td>Joint resources to support transboundary cooperation</td>
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<tr>
<td>Capacity-building</td>
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<tr>
<td>Any other tasks (please list): [fill in]</td>
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</tbody>
</table>

(h) What are the main difficulties and challenges that your country faces with the operation of the joint body or mechanism, if any?

Governance issues
Please describe, if any: [Disparities between local and regional policies, Outdated policies]

- Unexpected planning delays

Please describe, if any: [Delays in responses and approvals of proposed measures]

- Lack of resources

Please describe, if true: Inadquate financing

- Lack of mechanism for implementing measures

Please describe, if true: [fill in]

- Lack of effective measures

Please describe, if true: [fill in]

- Unexpected extreme events

Please describe, if any: COVID-19 (coronavirus) pandemic

- Lack of information and reliable forecasts

Please describe, if any: Currently a forecasting and warning system does not exist in the basin

Others (please list and describe, as appropriate): [fill in]

(i) Does the joint body or mechanism, or its subsidiary bodies meet regularly?

- Yes [ ] / No [ ]

If yes, how frequently does it meet?

- More than once per year [ ]
- Once per year [ ]
- Less than once per year [ ]

(j) What are the main achievements with regards to the joint body or mechanism? Not much has been achieved as the body has just been established

(k) Did the joint body or mechanism ever invite a non-riparian coastal State to cooperate?

- Yes [ ] / No [ ]

If yes, please give details. If no, why not, e.g. are the relevant coastal States also riparian States and therefore already members of the joint body or mechanism? The relevant coastal state is Tanzania, which is also one of the only two riparian states and, therefore, already a members of the joint body.
4. Have joint objectives, a common strategy, a joint or coordinated management plan or action plan been agreed for the basin, sub-basin, part of a basin or group of basins?
   Yes ☐/No ☐

   *If yes, please provide further details: Objectives of the established Joint Songwe River Basin Commission*

5. How is the transboundary basin, sub-basin, part of a basin or group of basins protected, including the protection of ecosystems, in the context of sustainable and rational water use?

   - Regulation of urbanization, deforestation, and sand and gravel extraction.
   - Environmental flow norms, including consideration of levels and seasonality
   - Water quality protection, e.g. nitrates, pesticides, faecal coliforms, heavy metals
   - Water-related species and habitats protection

   *Other measures (please describe): [fill in]*

6. (a) Does your country regularly exchange information and data with other riparian States in the basin, sub-basin, part of a basin or group of basins?
   Yes ☐/No ☐

   (b) If yes, how often:
       - More than once per year ☐
       - Once per year ☐
       - Less than once per year ☐

   (c) Please describe how information is exchanged (e.g. in connection with meetings of joint bodies): Through official correspondences and meetings

   (d) If yes, on what subjects are information and data exchanged?
       - Environmental conditions ☐
       - Research activities and application of best available techniques ☐
       - Emission monitoring data ☐
       - Planned measures taken to prevent, control or reduce
transboundary impacts
Point source pollution sources
Diffuse pollution sources
Existing hydromorphological alterations (dams, etc.)
Flows or water levels (including groundwater levels)
Water abstractions
Climatological information
Future planned measures with transboundary impacts, such as infrastructure development
Other subjects (please list): [fill in]
Other comments, e.g. spatial coverage of data and information exchange: [fill in]

(e) Is there a shared database or information platform?
Yes ☐/No ☐

(f) Is the database publicly available?
Yes ☐/No ☐
*If yes, please provide the web address: [fill in]

(g) What are the main difficulties and challenges to data exchange, if applicable?
Frequency of exchanges ☐
Timing of exchanges ☐
Comparability of data and information ☐
Limited spatial coverage ☐
Inadequate resources (technical and/or financial) ☐
Other (please describe): [fill in]
Additional comments: [fill in]

(h) What are the main benefits of data exchange on the basin, sub-basin, part of a basin or group of basins? (please describe): Enhancement of coordinated planning and implementation of measures within the basin for sustainable development of the basin

7. Do the riparian States carry out joint monitoring in the transboundary basin, sub-basin, part of a basin or group of basins?
Yes ☐/No ☐

(a) If yes, what does the joint monitoring cover?
<table>
<thead>
<tr>
<th></th>
<th>Border surface waters</th>
<th>Surface waters in the entire basin</th>
<th>Surface waters on the main watercourse</th>
<th>Surface waters in part of the basin</th>
<th>Transboundary aquifer(s) (connected or unconnected)</th>
<th>Aquifer(s) in the territory of one riparian hydraulically connected to a transboundary river or lake</th>
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<td></td>
<td>please describe [fill in]</td>
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</tbody>
</table>

(b) If joint monitoring is carried out, how is this done?

National monitoring stations connected through a network or common stations

*Please describe: [fill in]*

Joint and agreed methodologies

*Please describe: [fill in]*

Joint sampling

*Please describe: [fill in]*

Common monitoring network

*Please describe: [fill in]*

Common agreed parameters

*Please describe: [fill in]*

(c) Please describe the main achievements regarding joint monitoring, if any: [fill in]

(d) Please describe any difficulties experienced with joint monitoring: [Lack and shortage of appropriate equipment, inadequate financial resources]
8. Do the riparian States carry out joint assessment of the transboundary basin, sub-basin, part of a basin or group of basins?
   Yes □/No □
   If yes, please provide the date of the last or only assessment, the frequency and scope (e.g., surface waters or groundwaters only, pollution sources, etc.) of the assessment, and assessment methodology applied: [fill in]

9. Have the riparian States agreed to use joint water quality standards?
   Yes □/No □
   If yes, what standards have been applied, e.g. international or regional standards (please specify which), or have national standards of the riparian States been applied? [fill in]

10. What are the measures implemented to prevent or limit the transboundary impact of accidental pollution?
    Notification and communication □
    Coordinated or joint early warning or alarm system for accidental water pollution □
    Other (please list): [fill in]
    No measures □
    If not, why not? What difficulties does your country face in putting in place such measures?: Not yet started implementing such measures as the Commission has just been established

11. What are the measures implemented to prevent or limit the transboundary impact of extreme weather events and climate change?
    Notification and communication □
    Coordinated or joint alarm system for floods □
    Coordinated or joint alarm system for droughts □
    Joint climate change adaptation strategy □
    Joint disaster risk reduction strategy □
    Other (please list): [fill in]
    No measures □
    If not, why not? What difficulties does your country face in putting in place such measures?: Not yet started implementing such measures as the Commission has just been established
12. Are procedures in place for mutual assistance in case of a critical situation?
   Yes ☐/No ☐
   *If yes, please provide a brief summary: [fill in]*

13. Are the public or relevant stakeholders involved in transboundary water management in the basin, sub-basin, part of a basin or group of basins?
   Yes ☐/No ☐
   *If yes, how? (please tick all applicable)*
   - Stakeholders have observer status in a joint body or mechanism ☐
   - Stakeholders have an advisory role in the joint body ☐
   - Stakeholders have a decision-making role in the joint body ☐
   *If yes, please specify the stakeholders for the joint body or mechanism: [fill in]*
   - Intergovernmental organizations ☐
   - Private sectors organizations or associations ☐
   - Water user groups or associations ☐
   - Academic or research institutions ☐
   - Other non-governmental organizations ☐
   - General public ☐
   - Other (please specify): International financial institutions/development partners, other Government Ministries/Departments ☐
   - Availability of information to the public ☐
   - Consultation on planned measures or river basin management plans* ☐
   - Public involvement ☐
   - Other (please specify): [fill in]

---

6 Or, where applicable, aquifer management plans.
Name of the transboundary basin, sub-basin, part of a basin or group of basins: Lake Chilwa Basin

List of the riparian States: Malawi and Mozambique

In the case of an aquifer, what is the nature of the aquifer and its relation with the river or lake basin:

- [ ] Unconfined aquifer connected to a river or lake
- [ ] Unconfined aquifer with no or limited relation with surface water
- [ ] Confined aquifer connected to surface water
- [ ] Confined aquifer with no or limited relation with surface water
- [ ] Other
  
  Please describe: [fill in]

- [ ] Unknown

Percentage of your country’s territory within the basin, sub-basin, part of a basin or group of basins: 5%

1. Is there one or more transboundary (bilateral or multilateral) agreement(s) or arrangement(s) on this basin, sub-basin, part of a basin or group of basins?
   
   - [ ] One or more agreements or arrangements exist and are in force
   - [ ] Agreement or arrangement developed but not in force
   - [ ] Agreement or arrangement developed, but not in force for all riparians

   Please insert the name of the agreement(s) or arrangement(s)

   - [ ] Agreement or arrangement is under development
   - [ ] No agreement or arrangement

   If there is no agreement or arrangement or it is not in force, please explain briefly why not and provide information on any plans to address the situation: [fill in]

   If there is no agreement or arrangement and no joint body or mechanism for the transboundary basin, sub-basin, part of a basin or
group of basins then jump to question 4; if there is no agreement or arrangement, but a joint body or mechanism then go to question 3.

Questions 2 and 3 to be completed for each bilateral or multilateral agreement or arrangement in force in the transboundary basin, sub-basin, part of a basin or group of basins.

2. (a) Does this agreement or arrangement specify the area subject to cooperation?
Yes [□]/No [ ]

If yes, does it cover the entire basin or group of basins and all riparian States?
Yes [□]/No [ ]

Additional explanations? The Agreement covers all matters relating to water resources management, development and utilization in the entirety of the two countries.

Or, if the agreement or arrangement relates to a sub-basin, does it cover the entire sub-basin?
Yes [□]/No [ ]

Additional explanations? [fill in]

Which States (including your own) are bound by the agreement or arrangement? Malawi and Mozambique

(b) If the agreement or arrangement relates to a river or lake basin or sub-basin, does it also cover aquifers?
Yes [□]/No [ ]

If yes, please list the aquifers covered by the agreement or arrangement:

(c) What is the sectoral scope of the agreement or arrangement?

All water uses [□]

A single water use or sector [ ]

Several water uses or sectors [ ]

*If one or several water uses or sectors, please list (check as appropriate):*

**Water uses or sectors**

Industry [□]

Agriculture [□]

Transport (e.g., navigation) [□]
Households
Energy: hydropower and other energy types
Fisheries
Tourism
Nature protection
Other (*please list*): [fill in]

(d) What topics or subjects of cooperation are included in the agreement or arrangement?

<table>
<thead>
<tr>
<th><strong>Procedural and institutional issues</strong></th>
</tr>
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<tbody>
<tr>
<td>Dispute and conflict prevention and resolution</td>
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<td>Mutual assistance</td>
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</tbody>
</table>
Joint planning and management

Development of joint regulations on specific topics

Development of international or joint river, lake or aquifer basin management or action plans

Management of shared infrastructure

Development of shared infrastructure

Other (please list): [fill in]

(e) What are the main difficulties and challenges that your country faces with the agreement or arrangement and its implementation, if any?

Aligning implementation of agreement or arrangement with national laws, policies and programmes

Aligning implementation of agreement or arrangement with regional laws, policies and programmes

Lack of financial resources

Insufficient human capacity

Insufficient technical capacity

Tense diplomatic relations

Non-participation of certain riparian countries in the agreement

No significant difficulties

Other (please describe): [fill in]

(f) What are the main achievements in implementing the agreement or arrangement and what were the keys to achieving such success? No significant achievement (as agreement is not yet operationalized).

(g) Please attach a copy of the agreement or arrangement or provide the web address of the document (please attach document or insert web address, if applicable): [The scanned copy of the Agreement is attached]

3. Is your country a member of any joint body or mechanism for this agreement or arrangement?

Yes ☐/No ☐

If no, why not? (please explain): [fill in]

Where there is a joint body or mechanism

(a) If there is a joint body or mechanism, which kind of joint body or mechanism (please tick one)?
(b) Does the joint body or mechanism cover the entire transboundary basin, sub-basin, part of a basin or group of basins?  
Yes ☐/No ☐

(c) Which States (including your own) are members of the joint body or mechanism? (Please list): Malawi and Mozambique

(d) Are there any riparian States that are not members of the joint body or mechanism? (please list): [None]

(e) If not all riparian States are members of the joint body or mechanism how does the joint body or mechanism cooperate with them? N/A
  No cooperation ☐
  They have observer status ☐
  Other (please describe): [fill in]

(f) Does the joint body or mechanism have any of the following features (please tick the ones applicable)?
  A secretariat ☐
    If the secretariat is a permanent one, is it a joint secretariat or does each country host its own secretariat? (Please describe): N/A
  A subsidiary body or bodies ☐
    Please list (e.g., working groups on specific topics): None exists
  Other features (please list): None

(g) What are the tasks and activities of this joint body or mechanism?
  Identification of pollution sources ☐
  Data collection and exchange ☐
  Joint monitoring ☐

7 This may include tasks according to the agreement or tasks added by the joint body, or its subsidiaries. Both tasks which joint bodies coordinate and tasks which they implement should be included.
Maintenance of joint pollution inventories
Setting emission limits
Elaboration of joint water quality objectives
Management and prevention of flood or drought risks
Preparedness for extreme events, e.g., common early warning and alarm procedures
Surveillance and early warning of water related disease
Water allocation and/or flow regulation
Policy development
Control of implementation
Exchange of experience between riparian States
Exchange of information on existing and planned uses of water and related installations
Settling of differences and conflicts
Consultations on planned measures
Exchange of information on best available technology
Participation in transboundary EIA
Development of river, lake or aquifer basin management or action plans
Management of shared infrastructure
Addressing hydromorphological alterations
Climate change adaptation
Joint communication strategy
Basin-wide or joint public participation and consultation of, for example, basin management plans
Joint resources to support transboundary cooperation
Capacity-building

Any other tasks (please list): [fill in]

(h) What are the main difficulties and challenges that your country faces with the operation of the joint body or mechanism, if any?

Governance issues

Please describe, if any: N/A

Unexpected planning delays

Please describe, if any: N/A
Lack of resources  ☐

*Please describe, if true:* [Inadquate financing]

Lack of mechanism for implementing measures  ☐

*Please describe, if true:* [fill in]

Lack of effective measures  ☐

*Please describe, if true:* [fill in]

Unexpected extreme events  ☐

*Please describe, if any:* [fill in]

Lack of information and reliable forecasts  ☐

*Please describe, if any:* [fill in]

Others (please list and describe, as appropriate): [fill in]

(i) Does the joint body or mechanism, or its subsidiary bodies meet regularly?

Yes ☐/No ☐

If yes, how frequently does it meet? N/A

More than once per year  ☐

Once per year  ☐

Less than once per year  ☐

(j) What are the main achievements with regards to the joint body or mechanism? [None (as it is not yet operationalized)]

(k) Did the joint body or mechanism ever invite a non-riparian coastal State to cooperate?

Yes ☐/No ☐

*If yes, please give details. If no, why not, e.g. are the relevant coastal States also riparian States and therefore already members of the joint body or mechanism? The Commission is not yet operationalized.*

4. Have joint objectives, a common strategy, a joint or coordinated management plan or action plan been agreed for the basin, sub-basin, part of a basin or group of basins?

Yes ☐/No ☐

*If yes, please provide further details: N/A*

5. How is the transboundary basin, sub-basin, part of a basin or group of basins protected, including the protection of ecosystems, in the context of sustainable and rational water use?
Regulation of urbanization, deforestation, and sand and gravel extraction.

Environmental flow norms, including consideration of levels and seasonality

Water quality protection, e.g. nitrates, pesticides, faecal coliforms, heavy metals

Water-related species and habitats protection

Other measures (please describe): [fill in]

6. (a) Does your country regularly exchange information and data with other riparian States in the basin, sub-basin, part of a basin or group of basins? N/A

   Yes ☐/No ☐

   (b) If yes, how often: N/A

      More than once per year ☐

      Once per year ☐

      Less than once per year ☐

   (c) Please describe how information is exchanged (e.g. in connection with meetings of joint bodies): N/A

   (d) If yes, on what subjects are information and data exchanged? N/A

      Environmental conditions ☐

      Research activities and application of best available techniques ☐

      Emission monitoring data ☐

      Planned measures taken to prevent, control or reduce transboundary impacts ☐

      Point source pollution sources ☐

      Diffuse pollution sources ☐

      Existing hydromorphological alterations (dams, etc.) ☐

      Flows or water levels (including groundwater levels) ☐

      Water abstractions ☐

      Climatological information ☐

      Future planned measures with transboundary impacts, such as
infrastructure development

Other subjects (*please list*): [fill in]

Other comments, e.g. spatial coverage of data and information exchange: [fill in]

(e) Is there a shared database or information platform?

Yes ☐/No ☐

(f) Is the database publicly available?

Yes ☐/No ☐

*If yes, please provide the web address: N/A*

(g) What are the main difficulties and challenges to data exchange, if applicable? N/A

Frequency of exchanges ☐

Timing of exchanges ☐

Comparability of data and information ☐

Limited spatial coverage ☐

Inadequate resources (technical and/or financial) ☐

Other (*please describe*): [fill in]

Additional comments: [fill in]

(h) What are the main benefits of data exchange on the basin, sub-basin, part of a basin or group of basins? (*please describe*): N/A

7. Do the riparian States carry out joint monitoring in the transboundary basin, sub-basin, part of a basin or group of basins? Yes ☐/No ☐

(a) If yes, what does the joint monitoring cover?

<table>
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</tr>
</tbody>
</table>
(b) If joint monitoring is carried out, how is this done?

National monitoring stations connected through a network or common stations  

Please describe: N/A

Joint and agreed methodologies

Please describe: [fill in]

Joint sampling

Please describe: [fill in]

Common monitoring network

Please describe: [fill in]

Common agreed parameters

Please describe: [fill in]

(c) Please describe the main achievements regarding joint monitoring, if any: [fill in]

(d) Please describe any difficulties experienced with joint monitoring: [fill in]

8. Do the riparian States carry out joint assessment of the transboundary basin, sub-basin, part of a basin or group of basins?

Yes ☐/No ☐

If yes, please provide the date of the last or only assessment, the frequency and scope (e.g., surface waters or groundwaters only, pollution sources, etc.) of the assessment, and assessment methodology applied: N/A

9. Have the riparian States agreed to use joint water quality standards?

Yes ☐/No ☐

If yes, what standards have been applied, e.g. international or regional standards (please specify which), or have national standards of the riparian States been applied? N/A

10. What are the measures implemented to prevent or limit the transboundary impact of accidental pollution?

Notification and communication

Coordinated or joint early warning or alarm system for accidental water pollution

Other (please list): [fill in]

No measures
11. What are the measures implemented to prevent or limit the transboundary impact of extreme weather events and climate change?

- Notification and communication
- Coordinated or joint alarm system for floods
- Coordinated or joint alarm system for droughts
- Joint climate change adaptation strategy
- Joint disaster risk reduction strategy
- Other (please list): [fill in]
- No measures

If not, why not? What difficulties does your country face in putting in place such measures?: Commission not yet operationalized

12. Are procedures in place for mutual assistance in case of a critical situation?

- Yes ☐/No ☐

If yes, please provide a brief summary: [fill in]

13. Are the public or relevant stakeholders involved in transboundary water management in the basin, sub-basin, part of a basin or group of basins?

- Yes ☐/No ☐

If yes, how? (please tick all applicable) N/A

- Stakeholders have observer status in a joint body or mechanism
- Stakeholders have an advisory role in the joint body
- Stakeholders have a decision-making role in the joint body

If yes, please specify the stakeholders for the joint body or mechanism: [fill in]

- Intergovernmental organizations
- Private sectors organizations or associations
- Water user groups or associations
- Academic or research institutions
- Other non-governmental organizations
Name of the transboundary basin, sub-basin, part of a basin or group of basins: Ruvuma River Basin

List of the riparian States: Malawi, Mozambique and Tanzania

In the case of an aquifer, what is the nature of the aquifer and its relation with the river or lake basin:

Unconfined aquifer connected to a river or lake

Unconfined aquifer with no or limited relation with surface water

Confined aquifer connected to surface water

Confined aquifer with no or limited relation with surface water

Other

Please describe: [fill in]

Unknown

Percentage of your country’s territory within the basin, sub-basin, part of a basin or group of basins: 2%

1. Is there one or more transboundary (bilateral or multilateral) agreement(s) or arrangement(s) on this basin, sub-basin, part of a basin or group of basins?

---

8 Or, where applicable, aquifer management plans.
One or more agreements or arrangements exist and are in force  □
Agreement or arrangement developed but not in force  □
Agreement or arrangement developed, but not in force for all riparians  □

Please insert the name of the agreement(s) or arrangement(s) N/A

Agreement or arrangement is under development  □
No agreement or arrangement  □

If there is no agreement or arrangement or it is not in force, please explain briefly why not and provide information on any plans to address the situation: Malawi has not yet been approached by any of the other two riparian states proposing coming up with an agreement. For Malawi, the country is moving in steps starting with basins or sub-basins that have more issues of concern to address together with other riparian states before it can consider initiating the coming up of an agreement in this basin, where relatively there are not any major issues of concern to the country.

If there is no agreement or arrangement and no joint body or mechanism for the transboundary basin, sub-basin, part of a basin or group of basins then jump to question 4; if there is no agreement or arrangement, but a joint body or mechanism then go to question 3.

Questions 2 and 3 to be completed for each bilateral or multilateral agreement or arrangement in force in the transboundary basin, sub-basin, part of a basin or group of basins.

2. (a) Does this agreement or arrangement specify the area subject to cooperation?

Yes □/No □

If yes, does it cover the entire basin or group of basins and all riparian States?

Yes □/No □

Additional explanations? [fill in]

Or, if the agreement or arrangement relates to a sub-basin, does it cover the entire sub-basin?

Yes □/No □

Additional explanations? [fill in]

Which States (including your own) are bound by the agreement or arrangement? (Please list): [fill in]

(b) If the agreement or arrangement relates to a river or lake basin or sub-basin, does it also cover aquifers?
Yes ☐/No ☐

If yes, please list the aquifers covered by the agreement or arrangement: [fill in]

(c) What is the sectoral scope of the agreement or arrangement?

- All water uses ☐
- A single water use or sector ☐
- Several water uses or sectors ☐

*If one or several water uses or sectors, please list (check as appropriate):*

**Water uses or sectors**

- Industry ☐
- Agriculture ☐
- Transport (e.g., navigation) ☐
- Households ☐
- Energy: hydropower and other energy types ☐
- Fisheries ☐
- Tourism ☐
- Nature protection ☐
- Other (*please list*): [fill in]

(d) What topics or subjects of cooperation are included in the agreement or arrangement?

**Procedural and institutional issues**

- Dispute and conflict prevention and resolution ☐
- Institutional cooperation (joint bodies) ☐
- Consultation on planned measures ☐
- Mutual assistance ☐

**Topics of cooperation**

- Joint vision and management objectives ☐
- Joint significant water management issues ☐
- Navigation ☐
- Human health ☐
- Environmental protection (ecosystem) ☐
- Water quality ☐
Water quantity or allocation
Cooperation in addressing floods
Cooperation in addressing droughts
Climate change adaptation

**Monitoring and exchange**
Joint assessments
Data collection and exchange
Joint monitoring
Maintenance of joint pollution inventories
Elaboration of joint water quality objectives
Common early warning and alarm procedures
Exchange of experience between riparian States
Exchange of information on planned measures

**Joint planning and management**
Development of joint regulations on specific topics
Development of international or joint river, lake or aquifer basin management or action plans
Management of shared infrastructure
Development of shared infrastructure
Other (*please list*): [fill in]

(e) What are the main difficulties and challenges that your country faces with the agreement or arrangement and its implementation, if any?

- Aligning implementation of agreement or arrangement with national laws, policies and programmes
- Aligning implementation of agreement or arrangement with regional laws, policies and programmes
- Lack of financial resources
- Insufficient human capacity
- Insufficient technical capacity
- Tense diplomatic relations
- Non-participation of certain riparian countries in the agreement
- No significant difficulties
Other (*please describe*): [fill in]

(f) What are the main achievements in implementing the agreement or arrangement and what were the keys to achieving such success? [fill in]

(g) Please attach a copy of the agreement or arrangement or provide the web address of the document (*please attach document or insert web address, if applicable*): [fill in]

3. Is your country a member of any joint body or mechanism for this agreement or arrangement?
   Yes ☐/No ☐

   *If no, why not? (please explain): [fill in]*

   **Where there is a joint body or mechanism**

   (a) If there is a joint body or mechanism, which kind of joint body or mechanism (*please tick one*)?

      - Plenipotentiaries ☐
      - Bilateral commission ☐
      - Basin or similar commission ☐
      - Expert group meeting or meeting of national focal points ☐
      - Other (*please describe*): [fill in]

   (b) Does the joint body or mechanism cover the entire transboundary basin, sub-basin, part of a basin or group of basins?

      Yes ☐/No ☐

   (c) Which States (including your own) are members of the joint body or mechanism? (*Please list*): [fill in]

   (d) Are there any riparian States that are not members of the joint body or mechanism? (please list): [fill in]

   (e) If not all riparian States are members of the joint body or mechanism how does the joint body or mechanism cooperate with them?

      No cooperation ☐
      They have observer status ☐
      Other (*please describe*): [fill in]

   (f) Does the joint body or mechanism have any of the following features (*please tick the ones applicable*)?

      A secretariat ☐
If the secretariat is a permanent one, is it a joint secretariat or does each country host its own secretariat? (Please describe):

[fill in]

A subsidiary body or bodies

Please list (e.g., working groups on specific topics): [fill in]

Other features (please list): [fill in]

(g) What are the tasks and activities of this joint body or mechanism?9

- Identification of pollution sources
- Data collection and exchange
- Joint monitoring
- Maintenance of joint pollution inventories
- Setting emission limits
- Elaboration of joint water quality objectives
- Management and prevention of flood or drought risks
- Preparedness for extreme events, e.g., common early warning and alarm procedures
- Surveillance and early warning of water related disease
- Water allocation and/or flow regulation
- Policy development
- Control of implementation
- Exchange of experience between riparian States
- Exchange of information on existing and planned uses of water and related installations
- Settling of differences and conflicts
- Consultations on planned measures
- Exchange of information on best available technology
- Participation in transboundary EIA
- Development of river, lake or aquifer basin management or action plans
- Management of shared infrastructure

9 This may include tasks according to the agreement or tasks added by the joint body, or its subsidiaries. Both tasks which joint bodies coordinate and tasks which they implement should be included.
Addressing hydromorphological alterations
Climate change adaptation
Joint communication strategy
Basin-wide or joint public participation and consultation of, for example, basin management plans
Joint resources to support transboundary cooperation
Capacity-building
Any other tasks (please list): [fill in]

(h) What are the main difficulties and challenges that your country faces with the operation of the joint body or mechanism, if any?

Governance issues
Please describe, if any: [fill in]

Unexpected planning delays
Please describe, if any: [fill in]

Lack of resources
Please describe, if true: [fill in]

Lack of mechanism for implementing measures
Please describe, if true: [fill in]

Lack of effective measures
Please describe, if true: [fill in]

Unexpected extreme events
Please describe, if any: [fill in]

Lack of information and reliable forecasts
Please describe, if any: [fill in]

Others (please list and describe, as appropriate): [fill in]

(i) Does the joint body or mechanism, or its subsidiary bodies meet regularly?

Yes ☐/No ☐

If yes, how frequently does it meet?
More than once per year ☐
Once per year ☐
Less than once per year ☐

(j) What are the main achievements with regards to the joint body or mechanism? [fill in]
(k) Did the joint body or mechanism ever invite a non-riparian coastal State to cooperate?
Yes ☐/No ☐

If yes, please give details. If no, why not, e.g. are the relevant coastal States also riparian States and therefore already members of the joint body or mechanism? [fill in]

4. Have joint objectives, a common strategy, a joint or coordinated management plan or action plan been agreed for the basin, sub-basin, part of a basin or group of basins?
Yes ☐/No ☐

If yes, please provide further details: N/A

5. How is the transboundary basin, sub-basin, part of a basins or group of basins protected, including the protection of ecosystems, in the context of sustainable and rational water use?
Regulation of urbanization, deforestation, and sand and gravel extraction. ☐

Environmental flow norms, including consideration of levels and seasonality ☐

Water quality protection, e.g. nitrates, pesticides, faecal coliforms, heavy metals ☐

Water-related species and habitats protection ☐

Other measures (please describe): [fill in]

6. (a) Does your country regularly exchange information and data with other riparian States in the basin, sub-basin, part of a basin or group of basins? N/A
Yes ☐/No ☐

(b) If yes, how often: N/A

More than once per year ☐

Once per year ☐

Less than once per year ☐

(c) Please describe how information is exchanged (e.g. in connection with meetings of joint bodies): N/A
(d) If yes, on what subjects are information and data exchanged? N/A

- Environmental conditions
- Research activities and application of best available techniques
- Emission monitoring data
- Planned measures taken to prevent, control or reduce transboundary impacts
- Point source pollution sources
- Diffuse pollution sources
- Existing hydromorphological alterations (dams, etc.)
- Flows or water levels (including groundwater levels)
- Water abstractions
- Climatological information
- Future planned measures with transboundary impacts, such as infrastructure development
- Other subjects (please list): [fill in]

Other comments, e.g. spatial coverage of data and information exchange: [fill in]

(e) Is there a shared database or information platform?

Yes ☐/No ☐

(f) Is the database publicly available?

Yes ☐/No ☐

If yes, please provide the web address: N/A

(g) What are the main difficulties and challenges to data exchange, if applicable? N/A

- Frequency of exchanges
- Timing of exchanges
- Comparability of data and information
- Limited spatial coverage
- Inadequate resources (technical and/or financial)
- Other (please describe): [fill in]

Additional comments: [fill in]
(h) What are the main benefits of data exchange on the basin, sub-basin, part of a basin or group of basins? *(please describe)*: N/A

7. Do the riparian States carry out joint monitoring in the transboundary basin, sub-basin, part of a basin or group of basins?
   - Yes ☐/No ☐

   (a) If yes, what does the joint monitoring cover?

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</tbody>
</table>

   (b) If joint monitoring is carried out, how is this done?

   National monitoring stations connected through a network or common stations ☐

   *Please describe*: N/A

   Joint and agreed methodologies ☐

   *Please describe*: [fill in]

   Joint sampling ☐

   *Please describe*: [fill in]

   Common monitoring network ☐

   *Please describe*: [fill in]

   Common agreed parameters ☐

   *Please describe*: [fill in]

   (c) Please describe the main achievements regarding joint monitoring, if any: [fill in]
(d) Please describe any difficulties experienced with joint monitoring: [fill in]

8. Do the riparian States carry out joint assessment of the transboundary basin, sub-basin, part of a basin or group of basins?
   Yes □/No □

   If yes, please provide the date of the last or only assessment, the frequency and scope (e.g., surface waters or groundwaters only, pollution sources, etc.) of the assessment, and assessment methodology applied: N/A

9. Have the riparian States agreed to use joint water quality standards?
   Yes □/No □

   If yes, what standards have been applied, e.g. international or regional standards (please specify which), or have national standards of the riparian States been applied? N/A

10. What are the measures implemented to prevent or limit the transboundary impact of accidental pollution?

    Notification and communication ☐
    Coordinated or joint early warning or alarm system for accidental water pollution ☐
    Other (please list): [fill in]

    No measures ☐

    If not, why not? What difficulties does your country face in putting in place such measures?: No agreement or mechanism in place yet

11. What are the measures implemented to prevent or limit the transboundary impact of extreme weather events and climate change?

    Notification and communication ☐
    Coordinated or joint alarm system for floods ☐
    Coordinated or joint alarm system for droughts ☐
    Joint climate change adaptation strategy ☐
    Joint disaster risk reduction strategy ☐

    Other (please list): [fill in]

    No measures ☐

    If not, why not? What difficulties does your country face in putting
12. Are procedures in place for mutual assistance in case of a critical situation?

Yes ☐/No ☐

*If yes, please provide a brief summary: [fill in]*

13. Are the public or relevant stakeholders involved in transboundary water management in the basin, sub-basin, part of a basin or group of basins?

Yes ☐/No ☐

*If yes, how? (please tick all applicable)* N/A

- Stakeholders have observer status in a joint body or mechanism ☐
- Stakeholders have an advisory role in the joint body ☐
- Stakeholders have a decision-making role in the joint body ☐

*If yes, please specify the stakeholders for the joint body or mechanism: [fill in]*

- Intergovernmental organizations ☐
- Private sectors organizations or associations ☐
- Water user groups or associations ☐
- Academic or research institutions ☐
- Other non-governmental organizations ☐
- General public ☐
- Other (please specify): [fill in] ☐

Availability of information to the public ☐

Consultation on planned measures or river basin management plans\(^{10}\) ☐

Public involvement ☐

Other (please specify): [fill in] ☐

---

\(^{10}\) Or, where applicable, aquifer management plans.
III. Water management at the national level

In this section, you are requested to provide general information on water management at the national level as it relates to transboundary waters. Information on specific transboundary basins, sub-basins, part of basins and groups of basins, should be presented in section II and not repeated here.

1. (a) Does your country’s national legislation, policies, action plans and strategies refer to measures to prevent, control and reduce any transboundary impact?

   Yes ☑/No ☐

   If yes, please briefly describe the main national laws, policies, action plans and strategies [Water Resources Act of 2013, National Water Policy of 2005, National Water Resources Master Plan of 2017]

   (b) Does your country’s legislation provide for the following principles?

   Precautionary principle Yes ☑/No ☐
   Polluter pays principle Yes ☑/No ☐
   Sustainable development Yes ☑/No ☐
   User pays principle Yes ☑/No ☐

   If yes, please briefly describe how these principles are implemented at the national level: Through registration of all water users and issuance of permits and licences for their uses for both surface water and groundwater.

   (c) Does your country have a national licensing or permitting system for wastewater discharges and other point source pollution? (e.g., in industry, mining, energy, municipal, wastewater management or other sectors)?

   Yes ☑/No ☐

   If yes, for which sectors?

   Industry ☐
   Mining ☐
   Energy ☐
   Municipal ☐
Livestock raising

Aquaculture

Other (please list): [fill in]

*Please briefly describe the licensing or permitting system, indicating whether the system provides for setting emission limits based on best available technology?*

*If yes, for which sectors? (please list): [fill in]*

*If not, please explain why not (giving the most important reasons) or provide information if there are plans to introduce a licensing or permitting system: [fill in]*

(d) Are the authorized discharges monitored and controlled?

Yes ☐/No ☐

*If yes, how? (Please tick the ones applicable):*

- Monitoring of discharges ☐
- Monitoring of physical and chemical impacts on water ☐
- Monitoring of ecological impacts on water ☐
- Conditions on permits ☐
- Inspectorate ☐

Other means (please list): [fill in]

*If your country does not have a discharge monitoring system, please explain why not or provide information if there are plans to introduce a discharge monitoring system: [fill in]*

(e) What are the main measures which your country takes to reduce diffuse sources of water pollution on transboundary waters (e.g., from agriculture, transport, forestry or aquaculture)? The measures listed below relate to agriculture, but other sectors may be more significant. Please be sure to include these under “others”:

**Legislative measures**

- Norm for uses of fertilizers ☐
- Norms for uses of manure ☐
- Permitting system ☐
- Bans on or norms for use of pesticides ☐
- Others (please list): [fill in]

**Economic and financial measures**

- Monetary incentives ☐
Environmental taxes (such as fertilizer taxes) [fill in]

Others *(please list)*: [fill in]

**Agricultural extension services** [fill in]

**Technical measures**

*Source control measures*
- Crop rotation [fill in]
- Tillage control [fill in]
- Winter cover crops [fill in]

Others *(please list)*: [fill in]

*Other measures*
- Buffer/filter strips [fill in]
- Wetland reconstruction [fill in]
- Sedimentation traps [fill in]
- Chemical measures [fill in]

Others *(please list)*: [fill in]

**Other types of measures** [fill in]

*If yes, please list: [fill in]*

(f) What are the main measures which your country takes to enhance water resources allocation and use efficiency?

*Please tick as appropriate (not all might be relevant)*
- A regulatory system regarding water abstraction [fill in]
- Monitoring and control of abstractions [fill in]
- Water rights are defined [fill in]
- Water allocation priorities are listed [fill in]
- Water-saving technologies [fill in]
- Advanced irrigation techniques [fill in]
- Demand management activities [fill in]
- Other means *(please list)* [fill in]

(g) Does your country apply the ecosystems approach?

Yes [☐]/No [☐]

*If yes, please describe how:* This is achieved by ensuring sustainability of environmental flows for all measures
(h) Does your country take specific measures to prevent the pollution of groundwaters?
Yes ☐/No ☐

If yes, please briefly describe the most important measures: [fill in]

2. Do your national laws require transboundary environmental impact assessment (EIA)?
Yes ☐/No ☐

If yes, please briefly describe the legislative basis, and any related implementing procedures. [The national laws require the conservation and equitable, efficient and sustainable utilization of the watercourses and water bodies in conformity with the national legislation, regional and international water and environment conventions, which demand transboundary environmental impact assessment]

If not, do other measures provide for transboundary EIA? [fill in]

IV. Final questions

1. What are the main challenges your country faces in cooperating on transboundary waters?

Differences between national administrative and legal frameworks ☐
Lack of relevant data and information ☐
Difficulties in data and information exchange ☐
Sectoral fragmentation at the national level ☐
Language barrier ☐
Resource constraints ☐
Environmental pressures, e.g. extreme events ☐
Sovereignty concerns ☐

Please list other challenges and/or provide further details: [fill in]

2. What have been the main achievements in cooperating on transboundary waters?

Improved water management ☐
Enhanced regional integration, i.e. beyond water ☐
Adoption of cooperative arrangements ☐
Adoption of joint plans and programmes ☐
Long-lasting and sustained cooperation ☐
Financial support for joint activities
Stronger political will for transboundary water cooperation
Better knowledge and understanding
Dispute avoidance
Stakeholder engagement

Please list other achievements, keys to achieving success, and/or provide concrete examples: [fill in]

3. Please indicate which institutions were consulted during the completion of the questionnaire

- Joint body or mechanism
- Other riparian or aquifer countries
- National water management authority
- Environment agency/authority
- Basin authority (national)
- Local or provincial government
- Geological survey (national)
- Non-water specific ministries, e.g. foreign affairs, finance, forestry and energy
- Civil society organizations
- Water user associations
- Private sector
- Other (please list): [fill in]

Please briefly describe the process by which the questionnaire was completed: [fill in]

4. If you have any other comments please add them here (insert comments): [fill in]

5. Name and contact details of the person(s) who filled out the questionnaire (please insert):

- Mr Sydney L. Kamtukule, E-mail: slkamtukule@gmail.com;
- Mr Macpherson Nkhata, E-mail: macpherson.nkahata@gmail.com;
- Mr James P. Phiri, E-mail: peachesphiri@gmail.com; and
- Mr Hyde Sibande, E-mail: hydesibande@gmail.com.
Date: __________________________

Signature: _______________________

Hon. Nancy Tembo, MP
MINISTER OF FORESTRY AND NATURAL RESOURCES

Thank you very much for taking the time to complete this report.
AGREEMENT

BETWEEN

THE REPUBLIC OF MALAWI

AND

THE REPUBLIC OF MOZAMBIQUE

ON

THE ESTABLISHMENT

OF A JOINT WATER COMMISSION
PREAMBLE

The Government of the Republic of Malawi and the Government of the Republic of Mozambique (hereinafter jointly called "the Parties");

MINDFUL of the value of the scarce water resources in the Southern African Region,

CONSCIOUS of the advantages of regional development and recognising that co-operation between the Parties with regard to the sustainable development and equitable utilisation of water resources of common interest will significantly contribute towards the economic prosperity and welfare of their peoples;

DESIRous of strengthening good neighbourliness and peaceful co-operation between the Parties;

REALISING that closer co-operation between the Parties requires an institutional framework which will serve as a liaison channel and discussion forum on all matters of mutual interest to the Parties relating to water resources development, management and utilisation;


RECOGNISING that relevant provisions of Agenda 21 of the 1992 United Nations Conference on Environment and Development adopted the concepts of environmental sound management, sustainable development and equitable utilisation of shared watercourse systems;

CONSCIOUS of the fact that good relationship between the government and the people of the Parties, good neighbourliness and mutual respect, will contribute to the improvement of co-operation on the protection and utilisation of waters for the benefit and the welfare of their populations; and

BEARING IN MIND their common interest and commitment to regional integration and poverty reduction through Southern African Development Community (SADC);

HEREBY agreed as follows:
ARTICLE 1

ESTABLISHMENT OF THE JOINT WATER COMMISSION CONCERNING WATER RESOURCES OF COMMON INTEREST

(1) The Parties hereby establish and undertake to maintain a Joint Water Commission (hereinafter called the "Commission").

(2) The Commission shall possess legal personality with the capacity to enter into contracts and agreements.

ARTICLE 2

COMPOSITION OF THE COMMISSION

(1) The Commission shall consist of two delegations representing the Parties.

(3) The Commission shall be composed of officials appointed by the Ministers responsible for water affairs. The Ministers may meet whenever required at their own initiative or under recommendation of the Commission.

(4) Each delegation shall consist of three members to be appointed by the Party concerned, one member of whom shall be designated by that Party as leader of its delegation.

(5) Each Party shall communicate the names of its delegation.

ARTICLE 3

GENERAL PRINCIPLES

(1) In the implementation of the present Agreement, the Parties commit themselves to the following principles:

a) Principle of sustainable development;
b) Principle of sustainable utilization;
c) Principle of prevention of harm;
d) Principle of precaution;
e) Principle of inter-generational equity;
f) Principle of co-operation; and
g) Principle of equitable and reasonable utilisation.

(2) These principles shall be interpreted according to the provisions of Article 3 of the SADC Revised Protocol on Shared Watercourses, and developed in accordance with the latest scientific concepts and with the best environmental practices.

**ARTICLE 4**

**OBJECTIVES**

The objectives of the Commission shall be to:

(1) advise the Parties on matters relating to the conservation, development and utilisation of the water resources of common interest;

(2) perform other functions pertaining to the conservation, development and utilisation of such resources as the Parties may, when necessary agree to assign to the Commission; and

(3) identify areas of co-operation related to Integrated Water Resources Management and Development.

**ARTICLE 5**

**FUNCTIONS OF THE COMMISSION**

The functions of the Commission shall be to:

(1) advise the Parties on all technical matters relating to:

   a) measures and procedures necessary for the optimum utilisation and the effective protection and control of the water resources of common interest;

   b) monitoring and exchange of relevant information for a wide range of hydrological and other relevant data including timely information needed for drought periods and for flood forecasting and warning systems;

   c) the exchange of relevant data and information, with regard to pollution, other environmental effects of water uses or other hazards which may
cause damage or harm to rights or interests of the Parties;

d) the exchange of relevant information on the impact of climate changes on water resources of common interest;

e) any other aspects related to the planning, development and utilisation of water resources of common interest referred to the Commission by any Party;

f) consultations, negotiations and other procedures for amicable settlement of disputes entrusted to the Commission by the Parties, regarding the interpretation and implementation of this Agreement;

g) the definition of the criteria to be adopted in the conservation, allocation and sustainable utilisation of water resources of common interest;

h) the promotion and coordination of efforts to prevent and control infestation of aquatic weeds over water resources of common interest;

i) the elaboration of contingency plans and measures for responding to harmful conditions resulting from natural causes such as drought and floods or as emergency situations that result from human conduct such as industrial accidents;

j) investigations and studies, separately or jointly between the Parties with regard to the development of water resources of common interest including the construction, operation or maintenance of any water works; and

k) any other matters as may be determined by the Parties; and

(2) prepare reports as required by the Parties, duly signed by the respective leaders of delegation.

ARTICLE 6

POWERS OF THE COMMISSION

The powers of the Commission shall be to:

a) appoint consultants to assist it in the gathering and processing of information on any relevant matters on which it is to advise the Parties and may exercise any power or make any decision relating thereto as may be agreed by the Parties;

b) deliberate and make recommendations to the Parties on any interests of other States on water resources of common interest;
c) form committees and task forces, which will be empowered to look at topical water issues affecting the two countries as may be required; and

d) adopt its own rules of procedure.

ARTICLE 7

MEETINGS OF THE COMMISSION

(1) Commission shall meet at least twice a year but the Parties may call extraordinary meetings upon consultation whenever circumstances require.

(2) The venue of meetings shall alternate between the two countries, unless the respective delegations determine otherwise.

(3) The Party hosting a particular meeting of the Commission shall, in respect of that meeting, be responsible for the preparation and timeous distribution of the agenda including all supporting documentation, recording and distribution of the minutes as well as making available a suitable venue. The leader of the delegation of the hosting Party shall be the chairman of that meeting.

(4) Each Party may co-opt no more than four persons to act as advisers to its delegation.

(5) Each delegation shall consist of at least two members in order to form a quorum for any meeting.

(6) All decisions of the Commission shall be taken on the basis of consensus between the delegations, but in the event that the Commission fails to reach consensus the matter under discussion shall be referred to the responsible Ministers for further negotiations.

(7) The minutes of each meeting shall be approved and signed by the leaders of each delegation.

ARTICLE 8

THE RESPONSIBILITY OF THE PARTIES

In order to achieve its objectives, the Parties shall, individually or jointly, adopt the technical, legal, administrative and other necessary measures in order to:
a) prevent, reduce and control pollution of surface and ground waters, and protect and enhance the quality status of the waters and associated ecosystems;

b) prevent, mitigate and control transboundary impacts;

c) coordinate management plans and planned measures;

d) promote partnership in effective and efficient water use;

e) promote the security of relevant water related infrastructures and prevent accidents;

f) prevent, control and mitigate the effects of floods and droughts;

g) establish monitoring systems under comparable methods and procedures;

h) exchange information on the water resources quality and quantity, and the uses of water;

i) promote the application and the development of this Agreement according to its objectives and principles; and

j) cooperate with the SADC Water Division and other relevant institutions.

ARTICLE 9

FINANCIAL ARRANGEMENTS

(1) Each Party shall in respect of all meetings of the Commission be responsible for all costs, except for those referred to in paragraph 2 of this Article, incurred in connection with the attendance and participation of its delegation and any person co-opted as adviser to its delegation by the leader concerned in terms of Article 2 (3) of this Agreement.

(2) All other costs incurred and liabilities accepted by the Commission in the performance of its functions and the exercise of its powers shall be equally shared between the Parties unless agreed otherwise by the Parties.

(3) Any report prepared by the Commission on any matter referred to in Article 4 (1) of this Agreement shall include estimates of the cost involved in the implementation of the advice of the Commission and may include proposals for the apportionment of such costs between the Parties.
ARTICLE 10
OBLIGATIONS OF THE PARTIES

Each Party shall, in respect of its territory and subject to its laws:

a) supply such information and plans relating to the development and utilisation of the water resources of common interest to the Commission, as the Commission may require for the performance of its functions; and

b) grant all powers to members of the delegations to the Commission and its consultants, as well as authorisations, exemptions and access rights necessary to facilitate the performance of the functions and the exercise of the powers of the Commission.

ARTICLE 11
SETTLEMENT OF DISPUTES

(1) Any dispute between the Parties concerning the interpretation or implementation of his Agreement shall be settled amicably through consultation and negotiations between the Parties.

(2) Where a dispute has not been settled within one year from the date upon which negotiations were requested, it may be submitted to arbitration by either Party.

(3) The arbitration shall operate according to the following rules:

a) The number of arbitrators shall amount to the total of three. The Parties shall each appoint one arbitrator within three months after the expiry of the period for amicable settlement. The aforesaid two arbitrators shall jointly designate within a further three months a third arbitrator who shall chair the team of arbitrators (The Team);

b) Should the time limit for the appointment of the third arbitrator elapse, the arbitrator shall be appointed by the President of SADC Tribunal at the request of either Party. Pending the SADC Tribunal commencing its functions, the aforementioned appointment shall be made by the President of the International Court of Justice;

c) Based on International Law and in particular on the basis of this
Article 10

AMENDMENTS

(1) This Agreement may not be amended, modified, or supplemented except after due consultation and by mutual consent of the Parties.

(2) The Parties may agree to amend this Agreement and any amendment agreed upon by them shall be committed to writing and signed by both Parties.

ARTICLE 13

REGISTRATION AND DEPOSITORY

(1) In conformity with Article 102 of the Charter of the United Nations, this Agreement and any amendment thereto shall be registered by the Parties with the Secretariat of the United Nations.

(2) This Agreement shall further be deposited with the SADC Secretariat.
ARTICLE 14
ENTRY INTO FORCE

This Agreement shall enter into force on the date of signature by both Parties and shall remain in force for an undetermined period.

ARTICLE 15
TERMINATION

This Agreement shall terminate anytime if one of the Parties notifies the other, within six (6) months, of its intention to terminate this Agreement.

DONE AT .................................. on this ................................ 2003 in two originals in the English and Portuguese languages, both texts being equally authentic.

For and on behalf of the Republic of Malawi  For and on behalf of the Republic of Mozambique
CONVENTION

BETWEEN

THE GOVERNMENT OF THE REPUBLIC OF MALAWI

AND

THE GOVERNMENT OF THE UNITED REPUBLIC OF TANZANIA

ON

THE ESTABLISHMENT OF A JOINT SONGWE RIVER BASIN COMMISSION
PREAMBLE

The Government of the Republic of Malawi and the Government of the United Republic of Tanzania (hereinafter referred to as the 'Parties');

DESIRING of continuing to cooperate in a constructive and mutually beneficial manner for sustainable development, utilization, conservation and management of the Songwe River Basin water and related resources for the benefit of the peoples of the Parties;

RECALLING the beginning of the Parties joint discussions in 1976 on the challenges caused by the Songwe River in the lower basin in order to find a "permanent solution to the border problem";

FURTHER Recalling the Parties General Cooperation Agreement in 1991 to further develop between themselves comprehensive cooperation and friendship for the mutual benefit of their peoples, on the basis of African unity;

Recalling the Memorandum of Understanding (MOU) by the Parties signed on 20th February 2004 providing the mandate to proceed with the Detailed Design and Investment Preparation Phase of the Songwe River Basin Development Programme and the establishment of the Joint Steering Committee (JSC), the Joint Committee of Officials (JCO) and the Council of Ministers (CoM) for the Detailed Design and Investment Preparation Phase;

NOTING the unique spirit of cooperation that has inspired the work of the Joint Steering Committee, the Joint Committee of Officials and the Council of Ministers for the Coordination of the Detailed Design and Investment Preparation Phase of the Songwe River Basin and many accomplishments that have been achieved through its efforts;

ACKNOWLEDGING the great political, economic and social changes that have taken place in the Parties since the inception of the Songwe River Basin Programme;

RECOGNIZING that the Songwe River Basin, related natural resources and environment are natural assets of immense value to the Parties for the economic and social well-being and living standards of their peoples;
CONSCIOUS of the fact that good relationship, good neighbourliness and mutual respect between the Governments and the peoples of the Parties, will contribute to the improvement of co-operation on the protection and utilization of waters for the benefit and the welfare of their populations;

REAFFIRMING the Parties’ determination to continue to cooperate and promote in a constructive and mutually beneficial manner in the sustainable development, utilization, conservation and management of the Songwe River Basin water and related resources for social and economic development, navigational and non-navigational purposes and the well-being of both Parties, consistent with the needs to protect, preserve, enhance and manage the environmental and aquatic conditions as well as maintenance of the ecological balance;

COMMITTED towards the realization of the principle of equitable and reasonable utilization, as well as the principle of sustainable development with regard to the Songwe River System;

AFFIRMING the need to promote or assist in the promotion of interdependent sub-regional growth and cooperation among the community of the basin, taking into account the regional benefits that could be derived and/or detriments that could be avoided or mitigated from Activities within the Songwe River Basin undertaken by this framework of cooperation;

REALISING the necessity to provide an adequate, efficient and functional joint organizational structure to implement this Convention and the projects, programmes and activities taken hereunder in cooperation and coordination with other member state and the international community;

FURTHER REALISING the need to address and resolve issues and problems that may arise from the use and development of the Songwe River Basin water and related resources in an amicable, timely and good neighbourly manner;

PROCLAIMING the following specific objectives, principles, institutional framework and ancillary provisions in conformity with the objectives and principles of the Charter of the United Nations, the Revised Protocol on Shared Watercourses in the Southern African Development Community (SADC) and recognized International Law;
ACKNOWLEDGING the important contribution, assistance and guidance of the United Nations, the Southern African Development Community, Development Partners and the international community in general; and

BEARING IN MIND their common interest and commitment to regional integration and poverty reduction through their joint management and development of the Songwe River Basin within the framework of the Southern African Development Community (SADC);

HEREBY AGREE as follows –

ARTICLE 1
Cooperation Convention

The Parties shall cooperate with each other, pursuant to the provisions of this Convention.

ARTICLE 2
Definitions

In this Convention unless the context otherwise requires –

"Acceptable Environmental Flow" means the acceptable minimum flow of water during each month of the dry season;

"Commission" means the Joint Songwe River Basin Commission established under Article 3 of this Convention;

"Committee" means the Joint Steering Committee established under Article 4 and further elaborated in Article 8 of this Convention;

"Convention" means this Convention and all related Annexes;

"Council" means a body of delegates constituted by the Parties as prescribed in Article 4 and further elaborated in Article 7 of this Convention.
“Defined Maximum Water Level and Area Inundated by the Reservoirs” means the maximum water level in a reservoir and the area flooded by the operation of the reservoir to its maximum level;

“Environment” means the conditions of water and land resources, air, flora and fauna that exist in any particular area of the Basin;

“Integrated Water Resources Management” means a process which promotes the coordinated development and management of water, land and related resources within the Songwe River Basin in order to maximise economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems in the Basin;

“Notification” means the timely provision of information by either Party on its proposed use of water according to the format, content and procedures defined by the Commission;

“Prior Consultation” means timely notification plus additional data and information to the Commission as provided in the rules and procedures of the Commission, that would allow either Party to discuss and evaluate the impact of the proposed use upon their uses of water and any other effects, which is the basis for arriving at an agreement. Prior Consultation is neither a right to veto the use nor unilateral right to use water by either Party without taking into account the other Party’s rights;

“Proposed Use” means a proposal for a definite use of the waters and other resources of the Songwe River System by either Party, excluding domestic and minor uses of water not having a significant impact on mainstream flows;

“Secretariat” means the Songwe River Basin Secretariat established under Article 4 and further elaborated under Article 9 of this Convention;

“Social Infrastructure” means physical assets or facilities that accommodate social services such as water supply and sanitation facilities, schools, hospitals and health centers, community housing, sports facilities, roads and local government facilities;

“Songwe River Basin” or “Basin” means the surface area and underground stratum of land area that collects water that is drained by the Songwe river and its tributaries and emptying its waters into Lake Nyasa/Malawi;

“Songwe River Basin Development Programme (hereinafter referred to as the ‘SRBDP’)” means the approved general planning framework for use as a blueprint to identify, categorize and prioritize the activities, projects and programs for integrated and sustainable development of the Songwe River Basin through joint financing by the
Parties in order to achieve social and economic development at the local, basin and national levels;

"Songwe River System" means the Songwe River together with all the rivers discharging water by way of a common flow or system of channels into the Songwe River.

ARTICLE 3
Establishment, Objectives and Principles of the Commission

Establishment

1. The Parties hereby establish and maintain a Joint Songwe River Basin Commission herein called "The Commission";

2. The Commission shall be a fully autonomous body possessing a legal personality in the territory of each Party.

Objectives of the Commission

3. Advise the Parties on matters relating to the sustainable management, conservation, development and utilisation of the water resources of the Basin;

4. Identify areas of co-operation related to Integrated Water Resources Management and Development and link with national and district developmental programmes in the Basin;

5. Coordinate and implement the developmental aspects of the Basin under the Songwe River Basin Development Programme, management of associated assets including the dam(s), hydropower plants, irrigation systems and social infrastructure in the two countries.

Principles of the Commission

6. Cooperation on the basis of sovereign equality and territorial integrity;

7. Sustainable development and equitable and reasonable utilization of the common water resources, notably the Songwe River and its tributaries;
8. Precaution and prevention of harm.

9. Equitable and Reasonable

**ARTICLE 4**

**Structure of the Commission**

The Commission shall consist of three permanent organs:

a). The Council of Ministers or Council;
b). The Joint Steering Committee or Committee; and
c). The Secretariat.

**ARTICLE 5**

**Powers and Duties of the Commission**

The powers of the Commission shall be to:

a) Assist in the gathering and processing of information on any relevant matters on which it is to advise the Parties and may exercise any power or make any decision relating thereto as may be agreed by the Parties;
b) Deliberate and make recommendations to the Parties on any interests of either Party on resources of common interest;
c) Form committees and task forces, which will be empowered to look at topical water and other resources concerning the Parties as may be required;
d) Appoint consultants, contractors and suppliers to assist with specific assignments as and when deemed necessary; and
e) Prepare and adopt its own rules and procedures in accordance with the objectives and principles of this Convention.

**ARTICLE 6**

**Seat of the Commission**

1. The Headquarter of the Commission shall be in Kyela, Tanzania;

2. The Host State undertakes to accord, in respect of the Commission, its staff and its property, the privileges, immunities and facilities as agreed to by the Parties from time to time;

3. The Council may authorise the establishment of centres of the Commission in
ARTICLE 7
The Council

1. The Council shall consist of a delegation of each Party consisting of not more than six (6) permanent members and such other advisers as each Party may determine, provided that a delegation may be accompanied by not more than six advisers at any meeting of the Council unless otherwise determined by the Council at that particular meeting;

2. The Council delegation shall be the Minister or a Deputy Minister from the ministries responsible for i) Water, ii) Lands, iii) Energy, iv) Irrigated Agriculture; and v) Local Government. The Council delegation shall be empowered to make policy decisions on behalf of their Governments;

3. Each Party shall nominate and designate a member of the delegation as the leader of its delegation and shall expeditiously notify the other Party at every Council meeting.

Chairmanship of the Council

4. The Council shall have two Co-Chairs, one from each Party.

Sessions of the Council

5. The Council shall convene at least one regular session every year and may convene special sessions whenever it considers it necessary or upon the request of a Party. The requesting Party may invite observers to its sessions upon agreement with the other Party as it is deemed appropriate by both Parties;

6. Unless otherwise determined by the Council, ordinary meetings shall take place on a rotational basis at a venue and dates determined by the Council.

Functions of the Council

7. The functions of the Council shall be to:

a). Provide overall oversight for the Commission;
b). Make policies, decisions and provide other necessary guidance concerning the promotion, support, cooperation and coordination in joint activities and projects in a constructive and mutually beneficial manner for the sustainable development, utilization, conservation and management of the Basin waters and related resources, and protection of the environment and aquatic conditions in the Basin as provided for under this Convention;

c). Decide any other policy-making matters and make decisions necessary to successfully implement this Convention, including but not limited to approval of the rules and procedures of the Committee, the Songwe River Basin Development Programme and major component projects/programs; establish guidelines for financial and technical assistance of development projects and programs; and if considered necessary, invite the Development Partners to coordinate their support through a Development Partners Consultative Group;

d). Receive, consider and approve annual work plans and reports; approve the budget of the Commission drawn up by the Joint Steering Committee and such budget as is to be financed by revenue generated from the assets, the international community (Development Partners countries) and other sources;

e). Entertain, address and resolve issues, differences and disputes referred to it by any Council member, the Joint Steering Committee or any Party on matters arising under this Convention.

Rules and Procedures for the Council

8. The Council shall develop and adopt its own rules and procedures in accordance with the objectives and principles of this Convention, and may where necessary seek technical advisory services for the development of the said rules and procedures.

Decisions of the Council

9. Decisions of the Council shall be by consensus except where provided for in the Council's rules and procedures.
ARTICLE 8
The Committee

1. The Committee shall be composed of five (5) members from each Party, out of which one member should come from districts' authorities within the Basin;

2. The Committee members shall be at Head of Department level or their representative from the ministries that constitute the Council delegation unless otherwise agreed upon by the Parties.

Chairmanship of the Committee

3. The Chairmanship of the Committee shall rotate between the Parties and shall be for a term of one year.

Sessions of the Committee

4. The Committee shall convene at least two (2) regular sessions every year and may convene special sessions whenever it considers it necessary or upon the request of a Party;

5. The Committee may invite advisors to its sessions whenever it deems appropriate upon agreement between the two delegations.

Functions of the Committee

6. The functions of the Committee shall be to:

   a). Implement the policies and decisions of the Council and such other tasks as may be assigned by the Council, and where appropriate assist the Partner States in harmonizing the policies, strategies legislation, institutional frameworks and plans for effective management and development of the Basin in order to achieve the set goals;

   b). Formulate development programmes and projects for approval by the Council, which would be periodically reviewed and revised as necessary;
c). Confer with Development Partners, directly or through their consultative group(s), to obtain the financial and technical support necessary for project/program implementation;

d). Provide oversight over the construction and maintenance of all infrastructure under SRBDP, including flood warning, hydropower, irrigation systems, social infrastructure and operation of the dam;

e). Provide oversight over the operation of the hydropower plants and maintaining the dam and works, the irrigation system and the water supply and over the equitable sharing of the benefits thereof;

f). Conduct appropriate studies and assessments for the protection of the environment and maintenance of the ecological balance of the Songwe River Basin; and facilitate the implementation of water resources development projects for the basin;

g). Assign tasks and supervise the activities of the Secretariat as is required by this Convention;

h). Receive and approve programmes, training for Integrated Water Resources Management and development of personnel, annual work plans, budgets and reports (technical and progress reports) prepared by the Secretariat prior to submission to the Council for final endorsement;

i). Make recommendations to the Council for approval of the organizational structure, modifications and restructuring of the Secretariat, and establish informal working groups as necessary as would be recommended by the Secretariat;

j). Provide the necessary background information for issues and differences that may arise and are referred to the Council;

k). Review and approve studies for the personnel of the Parties involved in Songwe River Basin activities as appropriate and necessary to strengthen their capability to implement this Convention, and ensure an effective succession plan;
I). Subject to endorsement by the Council, to:

i) establish general standards and guidelines for the management of the Commission;

ii). establish posts and determine the conditions of employment of the staff and adopt or amend the Staff Regulations of the Commission;

iii). give guidance to the Head of the Secretariat on the implementation of policy and decisions taken by the Council;

iv). recruit and terminate Senior Staff of the Secretariat; and

v). prepare the sessions of the Council

7. The Committee shall where necessary recruit expatriates that are technical and administrative staff and consultants, to facilitate capacity building and knowledge transfer required for the implementation of this Convention.

Rules and Procedures of the Committee

8. The Committee shall develop rules and procedures in accordance with the objectives and principles of this Convention which shall be approved by the Council;

9. The rules and procedures shall allow for the formation of ad hoc and/or permanent sub-committees or working groups including the ability to seek technical advisory services.

Decisions of the Committee

10. Decisions of the Committee shall be by consensus except as otherwise provided for in its rules and procedures.
ARTICLE 9
The Secretariat

1. The Secretariat shall be headed by the Executive Secretary (ES) who shall be appointed from the nationality of the Parties by the Committee and approved by the Council on a rotating basis.

2. The ES shall be-
   a) responsible for overseeing the work of the Commission according to the directions of the Committee and the Council;
   b) submitting reports on the work and audited accounts to the Committee and the Council; and
   c) the accounting officer for the Commission.

3. The ES shall be assisted by the Deputy ES who shall be appointed by the Council. The Deputy ES shall be of a nationality different from that of the ES

PROVIDED ALWAYS that there shall be an interval of not less than six (6) calendar months between the expiry of the contracts of the ES and the Deputy ES.

4. Both the ES and Deputy ES's terms of office shall be three (3) years, renewable once;

5. The technical and administrative staff of the Secretariat shall be at the minimum cover areas of expertise in water resources, agriculture/irrigation, hydropower, natural resources, finance and administration and shall be recruited by the Committee from the Parties' countries on an approved technical competence basis, and the number of posts shall be assigned on an equal basis between the Parties;

Functions and Duties of the Secretariat

6. The functions and duties of the Secretariat shall be to:
   
a) Carry out the decisions and tasks assigned by the Council and the Committee under the direction of Committee with direct responsibility to the Committee;
b) Provide management and technical services and financial administration and advice as requested by the Council and the Committee;

c) Prepare programmes, annual work plans and reports as required;

d) Formulate the annual work program, and prepare all other plans, project and program documents, studies and assessments as may be required in collaboration with the Local Councils and any other relevant institutions;

e) Implement the annual work plans as approved by the Committee and in collaboration with the Local Councils and any other relevant institutions;

f) Maintain and disseminate data and information on hydrology and water quality, environment, ESIA and any other areas as required by the Council;

g) Manage on a daily basis the construction, operation and maintenance of all infrastructure under SRBDP, including flood warning, hydropower, irrigation systems and operation of the dam; social infrastructure and regularly obtain, update and exchange information and data as necessary, including the development and use of a decision support system;

h) Provide secretarial services for sessions of the Council and the Committee;

i) Advise the Committee on all matters as may be directed by the Committee and the Council

ARTICLE 10
Assets and Rights and Obligations of the Commission

The Commission shall:

a) assume ownership of the entire infrastructure developed under the SRBDP and any other assets acquired thereafter on behalf of the Parties;

b) be responsible for all the rights and obligations in the execution of the SRBDP; and

c) be responsible for the management of all the revenues generated from or by use of the assets developed under the SRBDP including the operation and maintenance of the said assets.
ARTICLE 11
Obligations and Responsibilities of the Parties

Each Party shall, in respect of its territory and subject to its laws:

a) Supply such information and plans relating to the development and utilization of the water resources of the Songwe basin to the Commission, as the Commission may require from time to time for the performance of its functions; and

b) Provide the members of the delegations to the Commission, and appointed consultants with all the necessary access rights required for the exercise of their functions under this Convention.

ARTICLE 12
Financial Arrangements

1. Each Party shall in respect of all meetings of the Commission be covered by contributions to the Commission by the respective Parties or revenues from the operations of the assets, to be incurred in connection with the attendance and participation of their delegations, and any person co-opted as advisers as mutually agreed;

2. All other costs incurred and liabilities accepted by the Commission in the performance of its functions and the exercise of its powers shall be equally shared between the Parties unless agreed otherwise by the Parties through contributions to the Commission or revenues from operations of the assets owned by the Commission on behalf of the Parties;

3. Any report prepared by the Commission on any matter referred to in Articles 8 and 9 of this Convention shall include estimates of the cost involved in the implementation of the advice of the Commission and may include proposals for the apportionment of such costs between the Parties through their annual contributions and from the revenues from operation of assets owned by the Commission on behalf of the Parties.
ARTICLE 13
Dispute Resolution

1. Any dispute arising out of interpretation or application of this Convention shall be settled peacefully in an amicable means by the Parties;

2. Where the Parties are unable to resolve the difference or dispute within ninety (90) days, either Party shall request the assistance of mediation through an entity or a party mutually agreed upon by the Parties;

3. Where the assistance of mediation specified in Article 13.2 fails to resolve the dispute, the Parties shall refer the matter to the SADC Tribunal or shall appoint an ad-hoc arbitrator through mutual agreement which shall be in writing. The Arbitrator's decision shall be final and binding on the Parties.

ARTICLE 14
Status of the Convention

The Convention shall supersede all previous agreements on the Basin and all rules and procedures adopted under such agreements;

ARTICLE 15
Entry into Force of the Convention

1. This Convention shall enter into force on the first day of the second calendar month after the date on which the Parties have notified each other in writing of their compliance with the requirements under their respective domestic laws for the implementation of the Convention;

2. The dates of entry shall be calculated from the date of the last notification.

ARTICLE 16
Termination of the Convention

1. This Convention shall remain in force until terminated. Either Party may terminate this Convention upon giving a minimum of six (6) months' notice in writing to the other Party;
2. Any obligations assumed by either Party under or pursuant to this Convention shall, to the extent necessary to fulfill such obligations, survive the termination of this Convention.

**ARTICLE 17**
Amendments of the Convention

1. This Convention may be amended at any time by mutual consent of the Parties through an exchange of notes between the Parties through their respective diplomatic channels;

2. Such an amendment shall enter into force on the first day of the second calendar month after the date on which the Parties have notified each other in writing of their compliance with the requirements under their respective domestic laws for the implementation thereof;

3. The dates of entry shall be calculated from the date of the last notification.

**ARTICLE 18**
Scope of the Convention

1. This Convention shall form the entirety of the Parties' agreement to cooperate for the sustainable development of the Songwe River Basin;

2. Parties may enter into other bilateral or multi-lateral special agreements or arrangements for implementation and management of any programs and projects to be undertaken within the framework of this Convention. Such agreements shall not be in conflict with this Convention and shall not confer any rights or obligations upon the Parties not signatories to this Convention, except as otherwise stipulated under this Convention.

**ARTICLE 19**
Confidentiality

Any information, documents and results made available to each Party in the execution of this Convention, shall not be revealed to third parties unless a written authorization is given by the other Party.
ARTICLE 20
Depository

The originals of this Convention in English language shall be deposited with the Executive Secretary of SADC and the Secretary General of the United Nations.

IN WITNESS WHEREOF, the undersigned, duly authorized by their respective Governments have signed and sealed this Convention.

DONE at Lilongwe, MALAWI, this 18TH day of MAY 2017

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Honourable AGGREY C. MASI (MP)
DEPUTY MINISTER OF AGRICULTURE, IRRIGATION AND WATER DEVELOPMENT

for and on behalf of:

THE GOVERNMENT OF THE REPUBLIC OF MALAWI

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Honourable Eng. GERSON H. LWENGE (MP)
MINISTER FOR WATER AND IRRIGATION

for and on behalf of:

THE GOVERNMENT OF THE UNITED REPUBLIC OF TANZANIA