



NATIONAL CONSULTATIONS: UN WATER CONVENTION

**ZAMBIA'S TRANSBOUNDARY COOPERATION
AGREEMENTS, INSTITUTIONS AND ACTIVITIES AND THEIR
ALIGNMENT WITH THE WATER CONVENTION:**

ZRA, ZAMCOM, LTA

LUSAKA, ZAMBIA



INTRODUCTION

- 100 % of Zambia's territory is in internationally shared river basins
- 75 % belongs to the Zambezi River Basin
 - Angola, Botswana, Namibia, Zimbabwe, Mozambique, Malawi, Tanzania, Zambia
- 25 % belongs to the Congo River Basin
 - Angola, Burundi, Cameroon, Central African Republic, Democratic Republic of the Congo, Republic of the Congo, Rwanda, South Sudan, Tanzania, Zambia
- Zambia acceded to the ZAMCOM agreement in 2013
- Zambia has not acceded to any agreement over the management of the Congo waters



INTERNATIONAL WATER LAW

- **Basic Fundamentals: Main Principles**
 - *Equitable and reasonable utilization and participation*
 - *Within member state territories*
 - *Obligation not to cause significant harm*
 - *Minimize transboundary adverse impacts*
 - *General obligation to cooperate*
 - *Sovereign equality, territorial integrity, mutual benefit, good faith*
 - *Regular exchange of data and information*
 - *Exchange of readily available data*
 - *Payment by requesting state of non readily available data*



INTERNATIONAL WATER LAW

- Sources of International Water Law
 - There is a distinction between international law and state law because there is no global government nor global constitution to enforce international law; only a system of nations.
 - Thus the main sources of international law are:
 - **Customs:** rules of conduct developed by countries over centuries;
 - **Conventions:** explicit written agreements between states (bilateral or multilateral);
 - **Principles:** general theories arising out of court judgements, political statements or the work of experts



ZAMBIAN LEGAL FRAMEWORK FOR WATER

- Dualist legal system
 - International law separate from domestic law
 - Domestication of international instruments through acts of parliament is necessary for them to be applicable
 - Composed of Acts of parliament, subordinate legislation, common law and customary law
- International instruments not self executing. Require legislative implementation to be effective. No recourse for citizens in domestic courts unless incorporated into domestic law.



ZAMBIAN LEGAL FRAMEWORK FOR WATER

- Over arching policy framework is the water policy for 2010
 - The major expected outcome of the National Water Policy is to improve the management of water resources, institutional coordination and defined roles and responsibilities. It encourages the use of water resources in an efficient and equitable manner consistent with the social, economic and environmental needs of present and future generations. This will help to achieve the national goal of increasing accessibility to reliable safe water by all sectors of the economy in order to enhance economic growth and improve quality of life

DEPARTMENT OF WATER RESOURCES DEVELOPMENT - ZAMBIA
(Water Policy, 2010).



ZAMBIAN LEGAL FRAMEWORK FOR WATER

- The main legal instruments for water comprise:
 - The Water Resources Management Act (No. 21 of 2011)
 - The Environmental Management Act (No 12 of 2012)
 - The Zambezi River Authority Act (No. 17 of 1987)
 - Water Supply and Sanitation Act (No. 28 Of 1997)
- The major provision for international waters is Part VII of the WRM Act Sections 55-59
 - Provides for roles and responsibilities for the Ministry, the Department and the Authority with respect to shared water resources



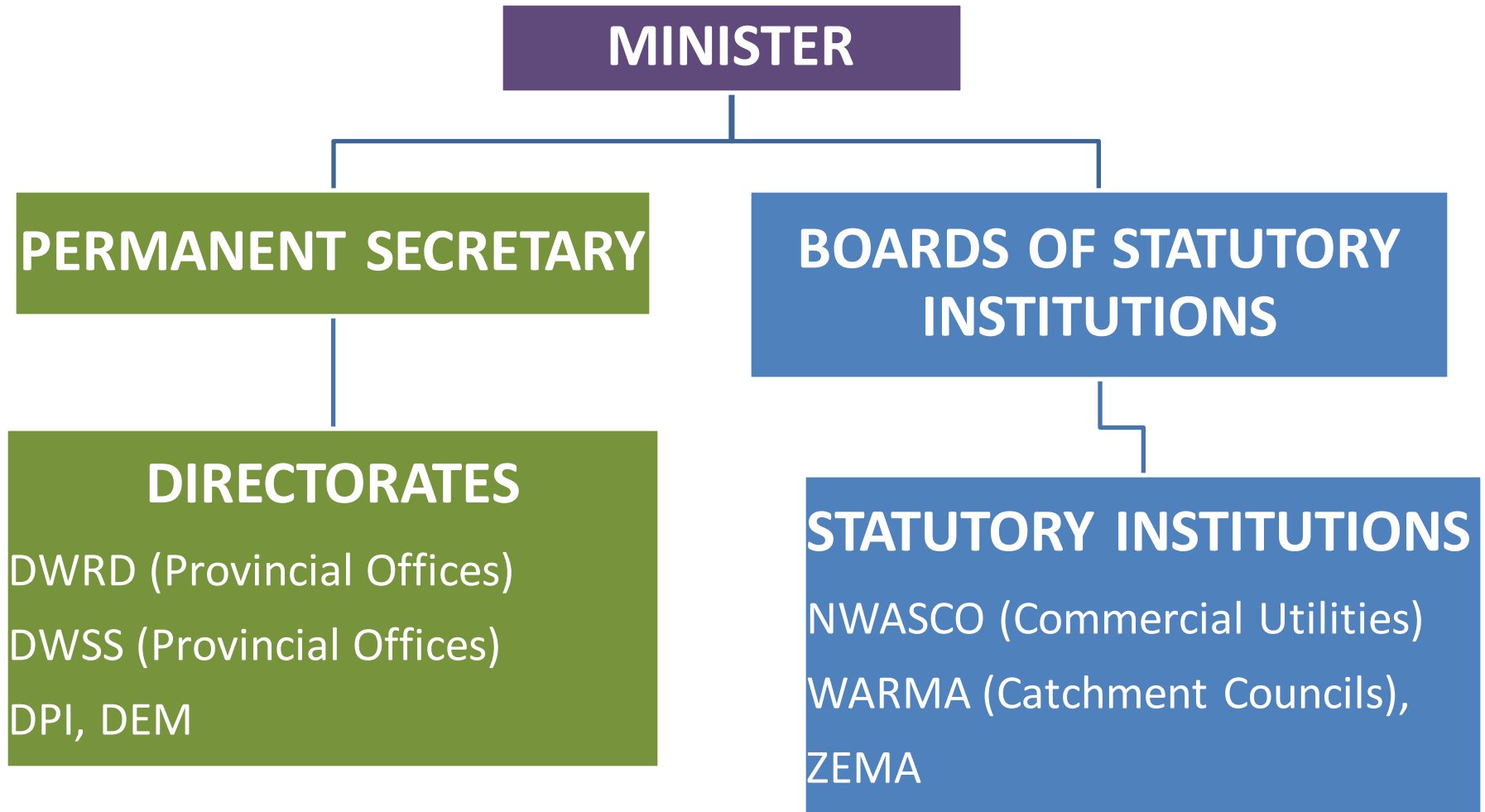
ZAMBIAN LEGAL FRAMEWORK FOR WATER

- Legal provision for water resources planning: Part IV Sections 26 – 42.
- Section 27 Provides for the appointment of the Director responsible for Water Resources Planning and Policy development
 - Advise the Minister on the development of policies for the efficient and effective integrated planning and optimum development, utilization and protection of Zambia’s water resources in the public interest; and
 - Advise the Minister on gender policies, programmes and activities relating to water resources management development and use.



INSTITUTIONAL ARRANGEMENTS

- Water Governance Structures for Zambia





ROLE AND RESPONSIBILITIES ON SHARED WATER COURSE

- **GOVERNMENT OF ZAMBIA**
 - Protection of Zambia's territorial sovereignty over its water resources;
 - Upholding of basic rules and principles of international law of relevant treaties.
 - Development of legal instruments in cooperation with other riparian states for protection and conservation of shared water resources



ROLE AND RESPONSIBILITIES ON SHARED WATER COURSE

- **MINISTRY OF WATER DEVELOPMENT & SANITATION**
 - Effecting of bilateral/ multilateral agreements on shared waters
 - Development of legal instruments in cooperation with other riparian states for protection and conservation of shared water resources
 - Establishment/ strengthening of sub regional, regional & international research on water resources
 - Set up of mechanisms for knowledge & technology sharing on water resources development



ROLE AND RESPONSIBILITIES ON SHARED WATER COURSE

- **MINISTRY OF WATER DEVELOPMENT & SANITATION**
 - Formulation of joint water resource strategies and water resource management plans with other riparian states and their harmonization with national laws and policies
 - Establishment of national mechanism for dispute resolution over shared water resources
 - Promotion and ensuring stakeholder participation as part of governments decision support system in the management of shared water resources



ROLE AND RESPONSIBILITIES ON SHARED WATER COURSE

- **MINISTRY OF WATER DEVELOPMENT & SANITATION**
 - Facilitation of capacity building for negotiations over shared water resources and participation in institutions established for the management and development of shared water resources
- **DWRD**
 - Advises the Minister of Water Development & Sanitation concerning the management and development of shared water resources



ROLE AND RESPONSIBILITIES ON SHARED WATER COURSE

- **WARMA**
 - Execution of delegated functions from the Ministry over shared water resources
 - Collaborates with institutions created by government & other riparian states over the shared water resources



COOPERATIVE ARRANGEMENTS

- **Zambezi Water Course Commission (ZAMCOM)**
 - Established through the ZAMCOM Agreement of 2004
 - Objective: To promote the equitable and reasonable utilization of the water resources of the Zambezi Water Course including the efficient management and sustainable development of the same
 - Governance:
 - Council of Ministers (COM) : Highest decision-making body
 - Technical Committee (ZAMTEC) : Technical advisors to the COM
 - Secretariat (ZAMSEC) : Headed by the ES. Day to day operations
 - Eight countries share the Zambezi Water Course: Angola, Botswana, Namibia, Malawi, Mozambique, Tanzania, Zambia & Zimbabwe



COOPERATIVE ARRANGEMENTS

- **Zambezi River Authority (ZRA)**
 - Established by simultaneous legislation in both Zambia and Zimbabwe: The 1987 Zambezi River Authority Act
 - **Main purpose:**
 - Operation and maintenance of the Kariba Dam Complex
 - Investigation & development of new dam sites on the Zambezi River
 - Disseminating hydrological & environmental information for the Zambezi River and Lake Kariba
 - **Governance:**
 - Council of Ministers (Energy & Finance)
 - Board of Directors (PSs Energy & Finance + 1 ind mem/ country)
 - Executive Management



COOPERATIVE ARRANGEMENTS

- **Lake Tanganyika Authority**
 - Launched in 2008 by Burundi, DRC, Tanzania and Zambia
 - Convention on the Sustainable Management of Lake Tanganyika
 - Strategic Action Programme was developed by the Member States
 - **Main purpose:**
 - Protection and conservation of the biological diversity and sustainable use of the natural resources of Lake Tanganyika and its basin.
 - **Governance:**
 - Conference of Ministers
 - Management Committee
 - Secretariat Headed by the Executive Director



COOPERATIVE ARRANGEMENTS

- **The Congo basin Organization-CICOS**
 - Zambia is not yet part of Congo basin
 - Occupies 25% of Zambian Territory.
 - Have written to CICOS secretariat expressing interest to be part of the Basin Commission.



THANK YOU