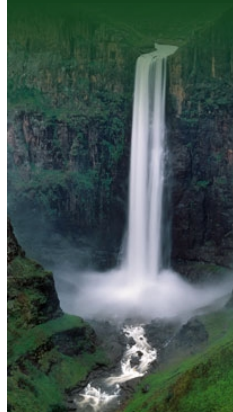


Orange-Senqu River Awareness Kit

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Transboundary Water Management: International Agreements: Flexibility in International Agreements

Adjusting to gradual and sudden changes within a transboundary river basin presents one of the challenges of international water treaties. Many existing freshwater agreements are not equipped to deal with such change (Kistin and Ashton 2008). Flexible agreements with mechanisms for adjusting to change within a river basin are an important component of effective water management (McCaffrey 2003).

Mechanisms for enhancing flexibility within international agreements include the following (McCaffrey 2003; Fischhendler 2004):

- Allocation strategies
- Drought response provisions
- Amendment and review processes
- Revocation clauses
- Institutional responsibilities

Allocation strategies implies that resources are divided according to alternative measures, such as the percentage of flow from each riparian state, or the timing of river flows (Fischhendler 2004). **Drought response provisions** refers to the flexibility to adapt to specific extreme events, such as reduced water flow, whilst still adhering to the guidelines of existing agreements (McCaffrey 2003). **Amendment and review processes** allow parties to address unforeseen circumstances as they arise and adjust to new information that may be required, through the channel of periodic review. **Revocation clauses** allow riparians to opt out of an agreement after it has been signed to renegotiate their position (Kistin and Ashton 2008). Finally, **institutional responsibilities** outlines the powers and jurisdiction of institutions to operate and adjust management practices based as required (Feitelson and Haddad 1999).

The Atlas of 2002 of International Freshwater Agreements (UNEP 2002) analyses the world's agreements governing transboundary river basins and documents a number of lessons learned from these agreements. Factors that promote cooperative water management structures are presented in the box below.



Drought response is important in the arid and semi-arid environments of the basin.

Source: Huber 2008
(click to enlarge)

Box: Lessons from Cooperative Water Management Structures

"Drawing from the past century's treaty-writing experience, the following lessons may assist the international, regional, and basin communities as they expand and refine their cooperative water management structures.

1. Adaptable management structure. Effective institutional management structures incorporate a certain level of flexibility, allowing for public input, changing basin priorities, and new information and monitoring technologies. The adaptability of management structures must also extend to non-signatory riparians by incorporating provisions addressing their needs, rights, and potential accession.

2. Clear and flexible criteria for water allocations and quality. Allocations, which are at the heart of most water disputes, are a function of water quantity and quality, as well as political fiat. Thus, effective institutions must identify clear allocation schedules and water quality standards that simultaneously provide for extreme hydrological events, new understanding of basin dynamics, and changing societal values. Additionally, riparian states may consider prioritizing uses throughout the basin. Establishing catchment-wide water precedents may not only help to avert inter-riparian conflicts over water use, but also protect the environmental health of the basin as a whole.

3. Equitable distribution of benefits. This concept, subtly yet powerfully different from equitable use or allocation, is at the root of some of the world's most successful institutions. The idea concerns the distribution of benefits from water use — whether from hydropower, agriculture, economic development, aesthetics, or the preservation of healthy aquatic ecosystems — not the benefits from water itself. Distributing water use benefits allows for positive-sum agreements, whereas



Basin Map

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dividing the water itself only allows for winners and losers.

4. Detailed conflict resolution mechanisms. Many basins continue to experience disputes even after a treaty is negotiated and signed. Thus, incorporating clear mechanisms for resolving conflicts is a prerequisite for effective, long-term basin management."

Source: UNEP 2002

[Next: Regional Agreements](#) ►

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