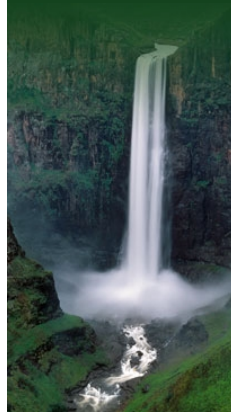


# Orange-Senqu River Awareness Kit


[THE RIVER  
BASIN](#)
[PEOPLE AND  
THE RIVER](#)
[GOVERNANCE](#)
[RESOURCE MANAGEMENT](#)

## Governance

- Introduction
- Definitions
- Integrated Water Resources Management
- Transboundary Water Management
  - Introduction
  - International Agreements
  - Flexibility
  - Regional Agreements
  - Basin Level Agreements
  - Benefit Sharing
  - Examples of RBOs
- Southern African Development Community (SADC)
  - Water Governance in the Orange-Senqu River Basin
  - Stakeholders
- References



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[report a specific problem with this page](#)

## Transboundary Water Management: International Agreements

Recognising the benefit of cooperative water management through institution development, the international community promotes a legal framework for managing international waters. The history of development of global agreements governing transboundary water courses can be traced back to the 1911 *Madrid Declaration on the International Regulation regarding the Use of International Watercourses for Purposes other than Navigation*. This agreement outlined general principles for cooperative water management, such as establishing joint technical committees and avoiding unilateral developments. In 1966, the *Helsinki Rules on the Uses of Waters of International Rivers* further elaborated these principles and outlined factors determining what constitutes equitable utilisation of shared water resources.

The nations of the Orange-Senqu River basin have demonstrated a commitment to water governance through the ratification of a number of major international environmental treaties. To learn more about which treaties and protocols have been ratified, explore the [Water Governance in the Orange-Senqu River basin interactive component](#).

### Dublin Principles

Pressing global water resource issues led to the development of the Dublin Principles at the International Conference on Water and the Environment, held in Dublin Ireland in January 1992. The Dublin Principles are at the heart of the concept of IWRM (IRC 2006).

The four guiding principles for managing freshwater resources contained within the Dublin Principles are (IRC 2006):

- Freshwater is a finite and vulnerable resource, essential to sustain life, development and the environment
- Water development and management should be based on a participatory approach, involving users, planners and policy-makers at all level
- Women play a central part in the provision, management, and safeguarding of water
- Water has an economic value in all its competing uses, and should be recognised as an [economic good](#)

The [Dublin Principles](#) were subsequently presented to the World Leaders at the United Nations Conference on Environment and Development (UNCED) in Rio de Janeiro in June 1992.

The importance of transboundary water management was subsequently recognised in the 1992 Earth Summit in Rio de Janeiro, in Chapter 18 of Agenda 21, a non-binding action plan adopted by United Nations Conference on Environment and Development participants (Giordano & Wolf 2003).

Download the [Dublin Principles](#) from the [Document Library](#) of this RAK.



**Freshwater is a vulnerable resource, essential for sustaining life, development and the environment.**

Source: Shiloboleni 2007  
( click to enlarge )

### UN Convention on the Law of the Non-Navigational Uses of International Watercourses

It took over 25 years for the *UN Convention on the Law of the Non-Navigational Uses of International Watercourses* (Watercourses Convention) to be signed in 1997, making it the only global treaty applicable to international waters (GWP 2009a). The Watercourses Convention provides a framework and principles to guide basin level agreements; however, it is not legally binding as it does not have the minimum signatures required for ratification. Within the Orange-Senqu River basin, only Namibia and South Africa have ratified this agreement.

The Watercourses Convention stresses principles of:

- Universal participation
- Cooperative governance
- Equity
- Peaceful dispute resolution

## Interactive

**Basin Map**

Explore the sub-basins of the Orange-Senqu River

[enter](#)

**Principles of IWRM**

Explore the principles of Integrated Water Resource Management applied to the Orange-Senqu

[enter](#)

**ORASECOM**

Learn about water governance in the Orange-Senqu basin

[enter](#)

**Video Tour**

Tour video scenes along the Orange-Senqu River related to Governance

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- Communication and environmental protection

The Watercourses Convention reflects some of the challenges inherent in transboundary water management, that is, the conflicting interests of upstream and downstream users, and the challenges of addressing water allocation limits, which is not addressed in detail within the convention. However, the principles of "equitable use" and "avoiding appreciable harm" are both entrenched within the Watercourses Convention.

The Watercourses Convention resulted in the codification of the rules of customary international law as regards shared watercourses. It established three critical principles in the use of shared watercourses (ORASECOM 2007j):

- The principle of *equitable and reasonable utilisation* according to a number of environmental and socio-economic factors (Article 6)
- The principle of *obligation not to cause significant harm* (Article 7), which protects downstream users of the watercourse from upstream development or utilisation
- The principle of prior notification in the event of planned measures that may "have a significant adverse effect upon other watercourse states" (Article 12)

The Watercourses Convention attempted to strike a balance between the seemingly contradictory principles of absolute territorial sovereignty (1) and absolute territorial integrity (2). Article 5, *equitable and reasonable utilisation*, is considered to offer a compromise between the two contradictory principles (Dinar 2006). Article 7, *obligation not to cause significant harm*, enshrines the principle that states must take all necessary precautions to ensure that their actions do not harm other riparian states.

The Watercourses Convention is designed to provide general guidelines as an umbrella accord, to allow countries to form basin-specific agreements. Currently, the Watercourses Convention has not been ratified by the minimum number of states, therefore, it is not in force (GEF 2008). Within the Orange-Senqu River basin, only Namibia and South Africa have ratified this agreement, however, even when it does come into force the Revised Protocol and bilateral agreements take precedence over the Watercourses Convention.

1. *Absolute territorial sovereignty implies that an upstream state can do what it likes with the river, regardless of the impacts to a downstream state.*
2. *Absolute territorial integrity implies that the downstream state has the priority to not be harmed by the actions of the upstream state.*

A copy of the UN Convention on the Law of the Non-Navigational Uses of International Watercourses is available in the [Document Library](#).

[Next: Flexibility in International Agreements](#) ►