

# **INSTITUTIONAL RELATIONSHIPS BETWEEN TRANSBOUNDARY RIVER BASIN ORGANISATIONS AND NATIONAL WATER INSTITUTIONS**

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Transboundary river basin organisations are typically established either to ensure coordinated water resources management between riparian countries on a shared water course (often referred to as commissions) or to enable the joint development and management of water resources infrastructure between two or more countries (often referred to as authorities). These organisations evolve over time through coordinating bodies to institutions established by agreement or treaty between cooperating parties.

Where established, these agreements provide the legal framework and mandate for the functioning of these organisations, and provide for the delegation of functions and powers. National governments' water departments or ministries engage with these institutions in terms of national strategic interests. However, the relationships between these transboundary river basin organisations and sub-national state water institutions is far more ambiguous, both those established on catchment boundaries and local government.

To be effective transboundary river basin management requires local action, but does not necessarily have the mandate to engage directly. On the other hand, the process of working through national governments down to the local level can be laborious and politically complex. Furthermore, local institutions often assert their autonomy and wish to engage with all role players in their area, including transboundary organisations.

The other side of the management coin relates to the financing of initiatives and interventions at a local level. International bodies are often better able to attract financial support, while local institutions are largely dependent upon recovery of funds from local stakeholders. Again the facilitation of funding streams can be made more effective through direct interaction between local and international organisations, but this can complicate and threaten relationships between national and local institutions. There are no simple solutions to this problem, but rather opportunities and challenges that indicate pragmatic and legally acceptable outcomes.

At its most fraught is the situation of multiple local institutions together with multiple international bodies all acting in the same river basin. Where these relate to both surface water and ground water aquifers, the boundaries and responsibilities may be further confused or at least ambiguous. The unpacking of these relationships is critical for the coherent management of the water resource.

This paper presents the situation of the Orange Senqu River Basin and Inkomati River Basin in Southern Africa. It takes a South African perspective on the emerging institutional arrangements between commissions, authorities, catchment agencies and local government as agreements and institutions are established, under the auspices of the Protocol of Shared Watercourse Systems (SADC, 1995). Potential relationships and cooperative mechanisms between these institutions are identified, together with the pitfalls that must be avoided. Importantly, the role of national government as delegate or party to the river basin organisation must be understood, including the locus of decision making power between the Council

and individual countries. It builds on work done under a Water Research Commission project in South Africa and involvement in other institutional development processes in the region (Pegasys, 2008).

There are some important differences between these two international river basins. The Orange Senqu already has a functioning commission (ORASECOM), a number of bilateral technical committees between the 4 riparian states, a large infrastructure development authority (LHDA) and the funding agency that managed the debt and South African operations of the Lesotho Highland Water Project (TCTA). It is expected that 5 catchment management agencies will be established by South Africa within the basin, the largest of which manages the main source of water to the economic heartland of the country (Johannesburg and Pretoria metropolitan), supplied through an extremely large public water supply utility (Rand Water). While water management is primarily surface water dominated, there are international groundwater aspects in the basin. This makes for a highly contested institutional environment, in which the roles and responsibilities are not always entirely clear. As these institutions are established and develop, the importance of clear mandates and relationships will become more critical.

On the other hand, the Inkomati basin has an existing catchment management agency (ICMA), smaller local governments, a national park of international significance (Kruger) with a transboundary aspect and strategic energy interests (for power generation) within South Africa. At an international level, the interim Inko-Maputo Agreement is being refined, with the possibility of establishing a commission (from the existing joint permanent technical committee), while management of the joint infrastructure between Swaziland and South Africa is through KOBWA. The management of this basin is surface water dominated. Again, the relationships between the various players needs to be clarified to avoid potential institutional duplication and/or conflict.

These experiences may provide insights to other river basins make their way through the fraught terrain of managing transboundary river basins with multiple institutions at international and sub-national level, particularly where these are established by sovereign states under the auspices of a transboundary protocol (SADC, 1995), which was revised in 2000.

SADC (1995) Protocol on Shared Watercourse Systems. SADC

Pegasys (2008) Working paper on an institutional framework for transboundary river basin organisations in SADC.