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### Executive Summary of Master-Thesis:

## **Transboundary water-management in the Southern African Development Community (SADC)–Region**

*Harmonization of national water-politics as challenge for a deeper SADC cooperation in the field of transboundary water-management*

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## A. Abstract of the research

This thesis deals with the „Southern African Development Community“ (SADC) and its 15 member countries. She was handed originally in German language at the Freie Universität Berlin with 107 pages and 45 transcribed interviews with additionally 120 pages – this executive summary therefore concentrates mostly on the results of the research.

Following an introduction about SADC water policy, their cross-boundary water-management cooperation will be examined more closely. In the light of increasingly scarce water resources in some of the countries in the region, a regional protocol about cross-boundary water-management cooperation was signed by the 15 member states of SADC in 2000. In this protocol, the member states obliged also to harmonise their respective national water policies and laws. This thesis is based on a field study that was conducted during a three-month stay at the German Development Cooperation (GTZ) office for southern Africa with 45 experts from SADC member states, regional water bodies and international cooperating partners concludes that the envisaged harmonization has only had limited success. Therefore this thesis developed an own suitable method that can be applied to the SADC region and help to achieve a sustainable harmonization of national water policies, taking into account European and Nordic experiences with regional integration. This method is then proposed to the SADC-water-division for further implementation.

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# 1. Introduction

## 1.1. Research background

The exam committee of the faculty for political and social science at the Freie Universität Berlin has confirmed the topic of „Cross-boundary watermanagement in the SADC-region“ for this master-thesis. Together with the two supervisors and the responsible staff at the GTZ-programme in Botswana afterwards the subtitle „Harmonization of national water-politics as challenge for a deeper SADC cooperation in the field of transboundary water-management“ was added.

The regional organization SADC with its 15 member states in the Southern African region<sup>1</sup> is the subject of research, with a special focus on its activities in the area of cross-boundary water management. In 2000, the United Nations identified the development of national and regional water strategies for the sustainable use of resources as one of the „Millennium Development Goals“ (MDGs)<sup>2</sup>. Various studies of the UN and its African partners, African Development Bank (AfDB) and African Ministers' Council on Water, (AMCOW) have emphasized that in order to secure basic sanitary services in Southern Africa, the availability of potable and gray water is a key challenge for the future. In view of the projected developments, the SADC initiated a cross-boundary cooperation in the water sector with its „Protocol on Shared Watercourses“ from 1995 and supported the national efforts through the creation of a regional water-unit in its secretariat. These efforts were subsequently also reflected in the „Regional Strategic Action Plan for Integrated Water Resources Development and Management“ (RSAP-IWRM) and have been intensified through a number of measures in the following years: revised and more precise version of the „Revised protocol on shared watercourses“ in 2000, the creation of a water-division in the SADC, the agreement upon a „Regional Water Policy“ in 2006 and a

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<sup>1</sup> See SADC introduction: „The Southern African Development Community (SADC) has been in existence since 1980, when it was formed as a loose alliance of nine majority-ruled States in Southern Africa known as the Southern African Development Coordination Conference (SADCC). The transformation of the organization from a Coordinating Conference into a Development Community (SADC) took place on August 17, 1992 in Windhoek, Namibia when the Declaration and Treaty was signed at the Summit of Heads of State and Government thereby giving the organization a legal character. The Member States are Angola, Botswana, the Democratic Republic of Congo, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Swaziland, United Republic of Tanzania, Zambia and Zimbabwe. SADC headquarters are located in Gaborone, Botswana.“ (Introduction from [www.sadc.int](http://www.sadc.int), visited 13.12.2008)

<sup>2</sup> See chapter three of the MDGs: „To stop the unsustainable exploitation of water resources by developing water management strategies at the regional, national and local levels, which promote both equitable access and adequate supplies.“ from United Nations, 2000: „United Nations Millennium Declaration“, Millennium Summit, New York

„Regional Water Strategy“ in 2007. The common objective for a sustainable water management defined the cooperation between the states and put water as a resource in context with its social, economical, ecological and security-related importance: „The overall objective of this Protocol is to foster closer cooperation for judicious, sustainable and co-ordinated management, protection and utilisation of shared watercourses and advance the SADC agenda of regional integration and poverty alleviation.“<sup>3</sup>

Since then the crossboundary water management has become more and more important for the 15 countries of SADC, as some of them already suffer from water scarcity. Studies expect that about 25 African countries with more than 37 million inhabitants will suffer severe ‘water stress’ or ‘water scarcity’<sup>4</sup> in the future. Above all, the SADC region will be affected. In 2007 about half of the total population in this region did not have access to water and about 40 percent did not have access to basic sanitation.<sup>5</sup> Seventy percent of the water resources that are used for national water budgets, come from a total of 15 river areas that cover more than two countries.<sup>6</sup> Therefore the aim is to manage the resources in a common ‘river basin organizations’<sup>7</sup> comprised of all countries that have access to the rivers. This cooperation is initiated by SADC in the respective river basins and supported financially and structurally by ICPs – ‘international cooperating partners’ (like the German government with GTZ or the US with USAID). Some river basin organizations (like ORASECOM for the Orange-Senqu-River or OKACOM for the Okavango-River) have realized these cooperations pretty successful. However, when it comes to the envisaged harmonization of national water policies, a significant deficit becomes obvious. Although the harmonization of national water policies between all countries concerned has been

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<sup>3</sup> Southern African Development Community, 2002: „Revised Protocol on Shared Watercourses“, article 2, p. 2

<sup>4</sup> The most widely used indicator of water scarcity, the ‘Falkenmark Water Stress Index’, defines water stress as less than 1.700 cubic meters of renewable water resources in a country per person per annum. Countries with less than one thousand cubic meters are said to be severely water-scarce. (from Malin Falkenmark, 1989: „The Massive Water Scarcity. Now Threatening Africa: Why Isn’t It Being Addressed?“, Royal Swedish Academy of Sciences, Vol. 18, No. 2, p. 116)

<sup>5</sup> Southern African Development Community, Infrastructure and Service Directorate, 2007: „Regional Water Strategy“, Gaborone, p. 4

<sup>6</sup> Southern African Development Community, Infrastructure and Service Directorate, 2006: „Regional Water Policy“, Gaborone, p. 4 und p. 7

<sup>7</sup> Definition of ‘River Basin Organizations’: „The role of the river basin commissions is to foster sustained dialogue between countries, leading to cohesive and effective co-operative management and optimal utilisation of shared resources. They will provide focal points for the joint formulation of development plans for the basin, co-ordination of joint basin studies, and collection and sharing of information.“ in Republic of South Africa, Department for Water Affairs and Forestry, 2004: „National Water Resource Strategy“, Pretoria, p. 100

agreed already in 2000<sup>8</sup>, in order to improve, coordination and cooperation of legislation in the area of planning, development and protection of joint water resources, only few regional and national steps towards harmonization have been undertaken so far. Some national water laws are even in contradiction<sup>9</sup> to the valid regional water protocols or at least pose considerable obstacles for a cross-boundary cooperation.<sup>10</sup>

This research therefore deals with the question of how to achieve a better cooperation in the area of harmonization of national policies within the SADC region, taking into account some tested methods from the area of regional integration research and evaluating their application to the SADC case. After short introduction of the SADC-cooperation in the water-sector the progress of the harmonization will be asset in the second chapter by the results of the conducted field-study. In the third chapter four different methods of integration within the EU and the Nordic cooperation are selected and examined with regards to their applicability to problem of cross-border water management in the SADC region. Then their travel-ability into the SADC region will be reviewed with the overall aim to provide an approach about how to best apply the aforementioned methods to the case in question. The conclusion recommends in the last chapter an own method that can be applied to the problem of insufficient harmonization of national water policies through political consultation of the SADC and its water-division.

## *1.2. Methodology, definitions and conceptual framework*

Before presenting the structure and the theoretical framework of this paper, the working hypothesis and the related methodology will be explained more closely. Thus a presentation of the different sources and methodologies that have been used for the examination is being conducted. Then the field study at German Development Cooperation (Gesellschaft für Technische Zusammenarbeit, GTZ) in the Southern African region and the relevance for the research work is being discussed. The working hypothesis for the

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<sup>8</sup> Southern African Development Community, 2002: „Revised Protocol on Shared Watercourses“, p. 3

<sup>9</sup> See interview mit Dr. Horst Vogel, Program Manager of „GTZ Transboundary Watermanagement in SADC“

<sup>10</sup> SADC/GTZ-Report von Rolfe Eberhard, 2003: „SADC Water Sector Reform: Review of national water policies – Synthesis Report“, Gaborone, p. 9 – 34

envisaged harmonization of national water policies in the area of cross-boundary water management in the SADC region consists of three different parts. First of all it is assumed that it is in the interest of all involved countries in the SADC region to harmonize their national water policies in view of the actual and the projected problems of some countries with regards to regional water supply. The second hypothesis assumes that the SADC region is the suitable arena for implementation due to the already existing regional cooperation in the water sector. The third assumption is that the experience of integration in the European Union and the nordic cooperation can be successfully applied to the cooperation in the SADC region. Since the regional cooperation in the water sector has only been agreed on in 1995 and is being implemented only since 2002, the existing literature and research is relatively manageable. Resulting from this challenge and in order to conduct empirical research the first supervisor, Prof. Dr. Herta Däubler-Gmelin (MP) suggested a study visit in the SADC region. Through the support of the Berlin 'GTZ-representative office to Federal government and parliament' a field study in the responsible GTZ program in Gaborone, Botswana, at the SADC secretariat was realized. This facilitated the overview over the system of regional water management as well as the background and motivation of the actors involved.

Research was divided into four phases. Firstly, an intensive analysis of the existing literature and resources in the libraries of SADC and within the GTZ programme was conducted. As a second step, contacts to regional and national researchers were established in order to access further literature and materials as well as secondary sources. As a third part, 45 interviews with national, regional and international experts from the area of water policy in the SADC region were conducted, using a guideline-interview.<sup>11</sup> These interviews were not only executed from the office in Botswana, but were also done during a research tour in the SADC countries Mozambique, South Africa and Tanzania. The selected model of a guideline interview has several advantages compared to standardized interviews: The interviewees can show if they understood the questions correctly, and they can present their subjective perspectives in order to describe broader

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<sup>11</sup> Definition of 'guideline-interview': The guideline-interview is a method of the qualitative empirical social research. Such an interview consists of questions, who ensure that special thematical areas were addressed – which are as well open enough, to address the narrative potential of the respondent. With this structure a guideline-interview secures that interesting aspects and important informations are gathered and make it possible to compare interviews afterwards."(From Siegfried Lamnek, 1989: „Qualitative Sozialforschung: Bd. 2 Methoden und Techniken“, Beltz-Verlag, München and Weinheim, p. 77)

interactions.<sup>12</sup> Such qualitative research is used to develop a rather detailed picture of the reality sections that will be assessed.<sup>13</sup> Küchler already explained in his research, that a 'soft', qualitative approach is suited better to conduct research in areas where there is little empirical data and where a lot of exploration needs to be done.<sup>14</sup> This is definitely the case for the paper at hand.

The biggest group of experts interviewed came from the national water ministries. Other interviewees were regional representatives of SADC, national and international consultants and water-experts, representatives of national and regional civil society as well as international donor organizations. Additionally to the interviews, the author was asked to present the activities of SADC and GTZ at the 24th annual congress of the „SADC Parliamentary Forum“<sup>15</sup> and to discuss the involvement of parliaments with regional water policies directly with the parliamentarians present at the meeting. During the preparation for the conference and its implementation in Arusha (Tanzania) numerous informal discussions with parliamentarians and representatives of the parliamentary administration from different SADC regions could be arranged.

The results from these discussions have also been included in this thesis. The transcript of the 45 interviews that also involved clarifications with the interview partners was done during January and February at the National University of Singapore (NUS). Moreover, the comprehensive university library served to conduct a final research, based on which the present thesis was written.

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<sup>12</sup> See Philipp Mayring, 1996: „Einführung in die qualitative Sozialforschung“, Beltz-Verlag, München, p. 68

<sup>13</sup> See Ernst von Kardorff/Uwe Flick (Hrsg.), 1991: „Handbuch Qualitative Sozialforschung, Psychologie Verlag Union, München, p. 4

<sup>14</sup> See Manfred Küchler, 1980: „Qualitative Sozialforschung: Modetrend oder Neuanfang?“ in „Kölner Zeitschrift für Soziologie und Sozialpsychologie“, Edition 32, p. 373 – 386

<sup>15</sup> SADC Parliamentary Forum – Introduction: „The Southern African Development Community Parliamentary Forum (SADC PF) was established in 1997 in accordance with Article 9 (2) of the SADC Treaty as an autonomous institution of SADC. It is a regional inter-parliamentary body composed of Thirteen (13) parliaments representing over 3500 parliamentarians in the SADC region. These member parliaments are Angola, Botswana, Democratic Republic of Congo (DRC), Lesotho, Malawi, Mauritius, Mozambique, Namibia, South, Africa, Swaziland, Tanzania, Zambia and Zimbabwe.“ von <http://www.sadcpf.org/index.php?disp=about> (Introduction from www.sadc.int, visited 09.02.2009)

### *1.3. Regional SADC-cooperation in the water-sector*

Cross-border water cooperation and the related international water law in the SADC region have existed for almost a century. The colonial powers already concluded bilateral treaties on water management, the oldest treaty originating from 1885.<sup>16</sup> The treaty about the creation of SADC in the year 1992 presented the structural opportunity to agree on and to ratify joint protocols about bilateral cooperation on a regional level. This has been used for 22 protocols until today. In 1995 the „SADC Protocol on Shared Water Course Systems“ was agreed under this framework by the heads of state and government. This was ratified until 1998. Within the scope of an international treaty the management of cross-boundary river basins in the SADC region is regulated. Further it established common principles for cooperation and created the possibility for the creation of river basin commissions. Following the resolution about the „UN Convention on the Law of Non-Navigational Uses of International Watercourses“<sup>17</sup> in 1997, this protocol was revised, and re-introduced in 2000 under the name of „Revised SADC Protocol on Shared Water Course Systems“ and was implemented in 2003. Up until today, however, it has not been ratified by Zambia, which is one of the most important water suppliers in the region, and has subsequently led to a number of problems when it comes to the practical implementation.

The new protocol from the year 2000 does not only formulate joint definitions and goals for the cooperation but also takes the UN convention as a reference, declaring the principle of fair water distribution between bordering countries as binding. Upon signing and ratifying the protocols the SADC countries commit themselves to a sustainable cooperation in the area of regional water policies, including joint management, protection and use of cross-border water resources. In the following articles of the protocol, clear guidelines about planning processes, protection of the environment, management of cross-border river basins, prevention of conflicts and disaster management are established, and a constant exchange of information is created. To mediate and decide conflicts about the

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<sup>16</sup> See interview with Dr. Owen McIntyre, Senior Lecturer at the Faculty of Law of University College Cork (Ireland) and expert for international water-law

<sup>17</sup> United Nation General Assembly, 1997: „Convention on the Law of the Non-navigational Uses of International Watercourses“, Supplement No. 49 (A/51/49), New York

water protocol the SADC-Tribunal is appointed.<sup>18</sup> A number of different institutional bodies have been created in order to implement the cooperation: the 'Committee of Water Ministers' serves as a political decision-making body and preferred implementation body of the water protocol; the 'Committee of Water Senior Officials' is appointed as working body for strategies and policies; the 'Water Sector Co-ordinating Unit' is responsible to implement these strategies and to prepare cooperation; and the 'Water Resources Technical Committee' is supporting the coordination unit with the technical implementation. Moreover, these bodies can create sub-committees, while the member states have the possibility to set up river basin commissions.<sup>19</sup>

The political implementation has been supported through a 'Water-Sector-Coordinating Unit' that has been set up in the SADC-Secretariat, Directorate 'Infrastructure and Services' in 1998. It is based on the „Regional Strategic Action Plan for Integrated Water Resources Development and Management“ (RSAP-IWRM) that has been agreed in 1998. After the agreement about the revised protocol a stronger 'SADC water-division' (SADC WD) was created that has been working together with the member states on a „Regional Water Policy“ in 2006. In 2007 a „Regional Water Strategy“ with clear objectives was developed in order to support the implementation of the previous work.<sup>20</sup> The role of the SADC WD is to work on the regional water resource planning, regional capacity building and the development of regional water governance as well as to advise and support the member states on its bilateral and multilateral water management.<sup>21</sup>

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<sup>18</sup> See Southern African Development Community Secretariat, Infrastructure and Services Directorate, Water Division, 2004: „Review of Progress on the Implementation of the SADC Water Protocol“, Gaborone, p. 7 – 12

<sup>19</sup> See Southern African Development Community, 2002: „Revised Protocol on Shared Watercourses“, p. 12

<sup>20</sup> See Southern African Development Community, Infrastructure and Service Directorate, 2006: „Regional Water Policy“, Gaborone and Southern African Development Community, Infrastructure and Service Directorate, 2007: „Regional Water Strategy“, Gaborone

<sup>21</sup> See interview with Dumisani Mzdebele, staff member of SADC water-division

## *2. Harmonization of national water-policies towards regional transboundary cooperation in SADC-region*

### *2.1. Overview about progress with the realisation of SADC water protocols*

Looking at the progress of the existing transboundary institutions in the regions, like river basins organizations and the SADC water-division, are the best indicators to evaluate the realisation of the SADC water protocols. At date of this research, January 2009, the river basins organizations ORASECOM (at Orange-Senque river), OKACOM (at Okavango river), LIMCOM (at Limpopo river), ZAMCOM (at Sambesi river), Ruvuma Basin Office (at Ruvuma river) and PJTC (at Kunene-river) are in place but working with different quality and output. Additionally the SADC water-division is implementing the SADC-HYCOS modul to deliver necessary data-exchange for the transboundary cooperation in the region. In the assesment of the SADC water-cooperation in 2004 all partipating actors highlighted the good performance of the joint projects on regional level: „Interviewees all made statements to the effect that the states all pursued and established cooperation on projects.“<sup>22</sup> The field-studies for this master-thesis proof this answers also in 2008 and were supported by different ministerial representatives as well as by the data of more than 60 realised projects (mainly in the field of technical equipment, capacity building and joint studies). Additionally the representatives complimented to the extensive exchange of data and experiences on regional level (see article 3.6. and 4.1. of revised protocol) and argued, that through the existing institutional framework they gain more trust for bi- and multilateral cooperation afterwards.<sup>23</sup>

The „Economic Commission for Africa“ estimated in 2006 the potential within the SADC water-cooperation as very high under the conditions that their institutions are running smoothly: „The shared river basins have great potential for the socio-economic

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<sup>22</sup> Southern African Development Community Secretariat, Infrastructure and Services Directorate, Water Division, 2004: „Review of Progress on the Implementation of the SADC Water Protocoll“, Gaborone, p. 28

<sup>23</sup> See E-Mail-interview with Dr. Piet Heyns, executive director of Heyns International Water Consultancy und former state-secretary in the Ministry for Agriculture, Water and Forestry in Namibia; interview with Lewis Mbumwae, project-manager of Kunene Water Utility and former head of water-departement in the Ministry of Energy & Water Development Zambia as well as E-Mail-interview with Carolino Mendes, responsible project-manager for the Kunene cooperation (GABIC) in the state-secretariat for water Angola

development of the countries sharing them. However established agreements and co-operation over the resource are a prerequisite for such potential to be exploited and sustainable development can be achieved in the sub-region."<sup>24</sup> In evaluation of the existing cooperation in 2006 the study criticise that memberstates and SADC secretariat does not yet implement an effective planning- and monitoring-system to foster their cooperation. This opinion was shared also in 2008 by the responsible officers in the secretariat, who emphasized that the secretariat is working on a pilot-system in the economical department.<sup>25</sup> That why the „Economic Commission for Africa“ concluded in their final assesment, that the protocol was not implemented sucessfull enough: „The SADC Protocol on Shared Water-Courses represents a modell for what can be achieved if countries co-operate over their shared water resources, but the protocol has not been effectily implemented.“<sup>26</sup>

## *2.2. Actual situation concerning national harmonization of water-legislation*

Follow up the previous chapter the following research aims to evaluate the progress of the harmonization of national water-policies, taking into consideration the oligations from the „Revised Protocol on Shared Water-Courses“ in 2000. This common political will aimed upon better regional cooperation but as well to harmonize national policies with the regional agreements: „The State Parties recognise the principle of the unity and coherence of each shared watercourse and in accordance with this principle, undertake to harmonise the water uses in the shared watercourses and to ensure that all necessary interventions are consistent with the sustainable development of all Watercourse States and observe the objectives of regional integration and harmonisation of their socio-economic policies and plans.“<sup>27</sup> The SADC secretariat pointed out already in 2004 with a study, that there are diverse problems while realising these national duties and diagnosed, that the practise of

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<sup>24</sup> Economic Commission for Africa, Southern Africa Office, 2006: „Southern Africa Water Development Report“, (ECA/SA/TPUB/2005/4), p. 34

<sup>25</sup> See interview with Robson Chakwana, SADC/GTZ project leader for planning in the SADC secretariat GTZ-programme „Governance and reform programme: Strengthening the SADC secretariat“

<sup>26</sup> Economic Commission for Africa, p. 34

<sup>27</sup> Southern African Development Community, 2002: „Revised Protocol on Shared Watercourses“, p. 4

national water policy very often exceeds the formal water law: „National water practice in some countries is ahead of formal policy, but all member states seek to have a codified water policy that fully reflects IWRM<sup>28</sup> principles and to pass accompanying legislation.“<sup>29</sup> Also the report from „Economic Commission for Africa“ in 2006 told about the existing gap between a strong regional cooperation and only few transfers of this cooperation into national law: „Whilst there is commitment and cooperation on the sub-regional political level, further capacity (in terms of technical and institutional capacity), needs to be built, in order to effectively implement the tenet of shared water management at national level.“<sup>30</sup> That why for this master-thesis interviews with representatives of national water-ministries were conducted on the base of the existing studies to evaluate their improvement towards national harmonization in the year 2008. The policy-harmonization was one major aim of the SADC water-division<sup>31</sup> and they developed in close cooperation with GTZ in 2004 with the „Guidelines for the development of national water policies and strategies to support IWRM“ even own principles for the realization in the Member States:

<b>Overview about harmonizations of national water-laws concerning SADC water protocols</b> (Sources: SADC Water Sector, RSAP Projects 9 and 10, 2003: „Review of national water policies – Synthesis Report“, Economic Commission for Africa, Southern Africa Office, 2006: „Southern Africa Water Development Report“ and mainly own interviews with ministerial representatives in the SADC region)			
<ul style="list-style-type: none"> <li>• <u>No Necessity</u> exists, if the country has already a new water-legislation, that obligatory binds to the revised SADC water-protocol.</li> <li>• <u>Necessity</u> exists, if the national water-legislation only commits to the first water-protocol or the country is situated on an island with a water-legislation, that does not include the regulation about transboundary water-management from any water-protocol.</li> <li>• <u>Absolut Necessity</u> exists, if there is no water-legislation in the respective country or the existing framework does not refer to any water-protocol or IWRM. Additionally ‘absolut necessity’ exists in countries, which are currently working on a new water-legislation.</li> </ul>			
<b>SADC Member</b>	<b>From When</b>	<b>Process of Policy-Reform</b>	<b>Necessity of Harmonization</b>
Angola	2002	The water-legislation went into force in 2002 and the national strategy for water-supply is	No Necessity, because the new water-legislation refers to the revised water-protocol. Angola

<sup>28</sup> Definition of ‘Integrated Water Resources Management: „IWRM is a process which promotes the co-ordinated development and management of water, land and related resources, in order to maximize the resultant economic and social welfare in an equitable manner without compromising the sustainability of vital ecosystems.“ (From Global Water Partnership – Technical Advisory Committee, 2000: „Integrated Water Resources Management“ in TAC Background Paper, No. 4, Stockholm, p. 22)

<sup>29</sup> SADC Water Sector, RSAP Projects 9 and 10, 2004: „Guidelines for the development of national water policies and strategies to support IWRM“, p. 10

<sup>30</sup> Economic Commission for Africa, Southern Africa Office, 2006: „Southern Africa Water Development Report“ (ECA/SA/TPUB/2005/4), p. 48

<sup>31</sup> See interview with Dumisani Mzdebele, staff member of the SADC water-division

		implemented since 2002. Angola defines its future water-situation as sufficient. (See with Carolino Mendes, responsible project-manager for the Kunene cooperation (GABIC) in the state-secretariat for water Angola)	also underlines the good exchange of experiences within the SADC water-cooperation over the last years.
Botswana	1968	The current water-legislation is from 1968 but with decision upon the 'National Water Master Plan' from 1991 under revision. This revision continues but the masterplan applies already, because Botswana assets its future water-supply situation as very difficult and espacts problems already in the next couple of years. (See interview with Tracy S. Molefi, staff member of the International Water Department, and Kalaote Kalaote, Principal Water Resources Engineer of Water Affair, in the Ministry of Minerals, Energy and Water Affairs Botswana)	Absolut Necessity, because the current water-legislation does not reflect upon regional cooperation in SADC and IWRM. Currently there is a new draft for revision of the water-law in progress. Botswana would like to use a better consultation-service of SADC water-division and hopes additionally that South Africa harmonises their water-law better with Botswana for sustainable bilateral cooperation.
DR Congo	1952	Some regulations in the water-policy are existing but no real water-legislation. The government is currently drafting a water-strategy as part of policy sector reform. The future water-supply is characterized as very good. (See E-Mail-interview with Frauke Neumann-Silkow, project-manager of GTZ „Transboundary Water Management in the Congo-basin“ (GETRACO) and Dr. Ubaldo Koch, team-leader of the GTZ-programme for water-sector reform in the DR Congo (RESE))	Absolut Necessity, because of the drafting of the new water-strategy and water-legislation. The current situation does not have a legislation towards IRWM nor transboundary cooperation in SADC at all. DR Congo is already using consultancy from GTZ in the framework of policy sector reform.
Lesotho	1999	The national water-resource policy was adopted by the cabinet in 1999. A follow-up initiative to transform this policy into legislation is still in progress. The future water-supply in Lesotho will be provided savely with 'Lesotho Highlands Water Project'. <sup>32</sup>	Necessity, cause the national water policy does not refere to the revised SADC protocol. SADC could play a substantial while advising the new water-legislation.
Madagascar	1998	The national water-law was adpted in 1998 and developed with the Worldbank. It is implemented through the „Madagascar Action Plan“ also in the water-sector. Future water-supply is considered sufficient. (See E-Mail-interview with Rakotondralambo Andriantahina, project-leader in the	Necessity, because the legislation does not have arrangements for IWRM or transboundary cooperation in the SADC region. But as Madagascar is an island there is no urgent need of IWRM. The government would like to use more 'Capacity Development'-Angebote

<sup>32</sup> SADC Water Sector, RSAP Projects 9 and 10, 2003: „Review of national water policies – Synthesis Report“, p. 14

		department of water-management in the Ministry of Water in Madagaskar)	of SADC water-division in this framework.
Malawi	1995	The 'Water Works Act' from 1995 is in power and a water-resource policy from 2000. The development of a water-legislation is on the political agenda as the future water-supply is also not well secured. <sup>33</sup>	Absolut Necessity, because the current water-legislation does not reflect upon regional cooperation in SADC and IWRM. Currently there is a new draft for revision of the water-law in progress. SADC could therefore play a substantial with advising the new legislation.
Mauritius	1971	Diverse laws to Water (1971), Groundwater (1980), process water (2000), rivers and channels (1963) und irrigation (1979) are in power and the future water-supply is assessed as satisfactory. <sup>34</sup>	Necessity, because the legislation does not have arrangements for IWRM or transboundary cooperation in the SADC region. But as Madagascar is an island there is no urgent need of IWRM. The government would like to use more 'Capacity Development'-Angebote of SADC water-division in this framework.
Mozambique	1995	The water-law from 1991 was revised in 1995 in the framework of the development of the first SADC water-protocol and was adopted together with a water-strategy. The future water-supply is critical and they expect supply-problems already in the next years. (See interview mit Sergio Bento Siteo, Technical Staff of International River Office in the Mozambique Ministry for Public Works and Housing und current interim-secretary of LIMCOM-cooperation in SADC)	Necessity, because the current water-legislation does not refer to the revised SADC water-protocol. Mozambique also suggests that SADC undertake serious research focusing on the implications of climate change for regional water-policy.
Namibia	2000	The national water-law was adopted in 2000 and refers closely to the revised SADC water-protocol. A draft of a water-resource management law is discussed since 2004 in the parliament and the national water strategy is in implementation since 2002. The future situation of water-supply is assessed as satisfactory. (See E-Mail-interview with Dr. Piet Heyns, director of Heyns International Water Consultancy und former state-secretary of Ministry for Agriculture, Water and Forestry Namibia)	No Necessity, because the current water-legislation refers to the revised SADC water-protocol. Namibia suggests that SADC undertake serious research focusing on the implications of climate change for regional water-policy. (See interview with Tommy Nambahu, Member of Parliament from Namibia)

<sup>33</sup> SADC Water Sector, RSAP Projects 9 and 10, 2003: „Review of national water policies – Synthesis Report“, p. 14

<sup>34</sup> Economic Commission for Africa, Southern Africa Office, 2006: „Southern Africa Water Development Report“ (ECA/SA/TPUB/2005/4), p. 34

Sambia	1947	The current national water-law is from 1947 and was complemented by a national water strategy in 1994. The government aims to revise the law and considers the future water-supply situation as very good because of the Sambesi-river. (See interview with Lewis Mbumwae, project-manager of Kunene Water Utility and former head of water-departement in the Ministry of Energy & Water Development Sambia)	Absolut Necessity, because the current water-legislation does not reflect upon regional cooperation in SADC and IWRM. Currently there is a new draft for revision of the water-law in progress. Sambia would like to use a better consultation-service of SADC water-division.
Seychellen	none	Besides existing laws environment protection there is no water-legislation. The UNDP development strategy includes elements of IWRM. The future water-supply is considered as save. <sup>35</sup>	Necessity, because the legislation does not have arrangements for IWRM or transboundary cooperation in the SADC region. But as Madagascar is an island there is no urgent need of IWRM.
Zimbabwe	1998	The national water-law was revised in 1998 in close cooperation with the first SADC water-protocol and was adopted with a national water strategy. The future water-supply is assessed as save. (See interview with Zvikomborero Manyangadze, Acting Chief Hydrologist in the Department of Water Resources of the Ministry of Rural Development and Water Development Zimbabwe)	Necessity, because the current water-legislation does not refer to the revised SADC water-protocol.
South Africa	1998	The national water-law is from 1998 and was added by a national water-strategy and a strategy for basic supply and for basic sanitation. The future water supply-situation is critical. (See interview with Neil van Wyk, Chief Engineer: Ministry for Water and Forestry, Department Water Affairs)	Necessity, because the current water-legislation does not refer to the revised SADC water-protocol. Some harmonization towards water-laws of neighbouring countries like Botswana would be necessary as well to improve the bilateral cooperation.
Swaziland	2003	The water-law was drafted and adopted in 2003 before the background of the revised SADC water-protocol with a national water-policy. The future water-supply could be negatively affected by climate-change. (See interview with Dumisani Mzdebele und Dr. Kenneth M. Msibi, former member of staff of the Water Affairs Department in the Ministry for Natural Resources and Energy Swaziland)	No Necessity, because the current water-legislation refers to the revised SADC water-protocol. Namibia suggests that SADC undertake serious research focusing on the implications of climate change for regional water-policy.

<sup>35</sup> SADC Water Sector, RSAP Projects 9 and 10, 2003: „Review of national water policies – Synthesis Report“, p. 14

Tanzania	2002	No water-law in force but a national water-strategy was adopted in 2000. The future water-supply was characterized as secured. <sup>36</sup>	Absolut Necessity, because the current water-legislation does not reflect upon regional cooperation in SADC and IWRM.
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As overall evaluation of this field study with responsible water-ministries from almost every SADC Member State and already conducted studies from the past it can be said, that the agreed harmonization-process was not really successful in the different Member States. From the fifteen SADC Member States five countries were evaluated to have a 'absolut necessity' of harmonization because of new discussions and drafts about water-laws or even no legislative framework for water-management at all. In seven more countries situation was evaluated as 'necessity' because the legislative framework does not includes the revised SADC water protocol. Only in three countries the water-law was asseesed with 'no necessity' to harmonization, as a policy reform was already done in these countries towards SADC regulations. Taking into consideration this situation four countries would like to use consultation-ressources and capacity building from SADC water-division for their progress of policy-harmonization. There is also a new item on the agenda of the regional water-policy, as three countries would like SADC to conduct research estimating the implications from climate change process in the region and their influence to water supply. As said by the SADC water-division they are working on a regional study in this context and will publish results already in 2009 to their Member States.<sup>37</sup>

As shown with this field-research the ambitious aim of national policy-harmonization with the regional regulations is not yet reached. This assessment is also shared by the responsible GTZ programme manager and explained by different priorities in the SADC secretariat and political cooperation. The water-division also agrees and is currently looking for a suitable method to start a substainable harmonization-process. Therefore a first study towards „Parallel National Action“ was conducted<sup>38</sup> and the results of this master-thesis will also be considered for improving the process.<sup>39</sup>

<sup>36</sup> SADC Water Sector, RSAP Projects 9 and 10, 2003: „Review of national water policies – Synthesis Report“, p. 14

<sup>37</sup> See interview with Dumisani Mzdebele, staff member of the SADC water-division

<sup>38</sup> See Dr. Anthony R. Turton, 2008: „Discussion Paper on Parallel National Action (PNA) as a Potential Model for Policy Harmonization in the SADC Region“, CSIR Pretoria

<sup>39</sup> See interview Dr. Horst Vogel, Programme Manager of GTZ-programme „Transboundary Water Management in SADC“

### 2.3. Requirements of SADC towards harmonization-activities

Already mentioned in the previous chapter the SADC water-division developed in 2004 guidelines for the harmonization process, that should help Member States as minimum standard for their individual process. In this guidelines regulation for water extraction, quality, pricing, investments, contract, public monopol and cooperation with private investors are mentioned. Additionally the guidelines speak about financial regulations towards sources of financing, water prices, taxes and penalties by contaminations, economic instruments for water sharing, roles of subsidies and credits and of course profit-sharing. With this financial regulations the Member State would position itself towards private investors as well as 'International Cooperating Partners'.<sup>40</sup> Additionally to this questions of national water-management the „Guidelines for the development of national water policies and strategies to support IWRM“ request Member States to harmonize their national legislative framework with the revised SADC water-protocol in order to bind themselves to the regional agreements also on national level and build up a legislative framework for IWRM and transboundary cooperations:

- „There should be a formal statement that the country will support and adhere to the principles of IWRM as set out in the Revised Water Protocol.
- The relevant legislation (for example, a Water Act) should identify a responsible person (the Minister) to ensure that IWRM is implemented.
- The minister must promulgate regulations, which set out the responsibilities of the different stakeholders with respect to IWRM.
- An institutional structure must be established which will monitor compliance with the IWRM policies and practices set out in national policy and legislation.“<sup>41</sup>

Besides these regional requirements towards the harmonization process there are also requirements between the riparian states and their water-legislation. For example Botswana and South Africa are facing juridical problems with their transboundary cooperation because the water-law of South Africa privileges farms and their extraction

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<sup>40</sup> SADC Water Sector, RSAP Projects 9 and 10, 2004: „Guidelines for the development of national water policies and strategies to support IWRM“, p. 51

<sup>41</sup> SADC Water Sector, RSAP Projects 9 and 10, S. 56

rights in the river basin and makes therefore cooperation with Botswana difficult.<sup>42</sup> Also South Africa requests from their riparian states Botswana, Lesotho, Mozambique, Namibia, Zimbabwe und Swaziland regulations towards environment protection and pollution.<sup>43</sup> And Swaziland believes there is a need to harmonize the national water-law with South-African legislation with regards to climate protection.<sup>44</sup>

During the field-research the representatives of national water-ministries spoke always about trust-building, when it came to policy-harmonization. They strongly committed themselves to the agreement in the revised protocol because these harmonization process builds trust between riparian states if joint agreements from regional level are coming into force also on national level. Some representatives believes that the process takes so long because there are potential risk and fears of conflicts about water in the region, specially against the background of the high need of water in South Africa and their dominant economical power in the region. Therefore a longer time-period will be necessary to ensure policy-harmonization and effective instruments and bodies of diverse quality (ad-hoc commission, joint technical commission or even river basin organizations) to achieve a sustainable exchange and in the long run joint trust in this policy-area.<sup>45</sup>

#### *2.4. Requirements of civil society and 'International Cooperating Partners' towards harmonization-activities*

During the last years there was a civil society movement built up on regional level with own expectation towards deeper regional integration within the SADC region. In 1998 the umbrella organization of national civil society organization in the region, „Southern Africa Development Community Council of Non-Governmental Organisations“ (SADC-CNGO),

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<sup>42</sup> See interview with Tracy S. Molefi, staff member of the International Water Department, and Kalaote Kalaote, Principal Water Resources Engineer of Water Affairs, in the Ministry of Minerals, Energy and Water Affairs Botswana

<sup>43</sup> See interview with Neil van Wyk, Chief Engineer: National Water Resource Planning (East) in the Ministry for Water and Forestry, Department Water Affairs, South Africa

<sup>44</sup> See interview with Dumisani Mzdebele und Dr. Kenneth M. Msibi, former member of staff of the Water Affairs Department in the Ministry for Natural Resources and Energy Swaziland

<sup>45</sup> See interview with Lewis Mbumwae, project-manager of Kunene Water Utility and former head of water-departement in the Ministry of Energy & Water Development Zambia and interview with Tendani Nditwani, Chief Water Resource Planner: National Water Resource Planning (North) in Ministry for Water and Forestry South Africa, Department Water Affairs

was found. They refer with their involvement to article 23 in the SADC-charta, which declares the need of involvement of civil society in SADC decision making processes on regional and national level.<sup>46</sup> In this framework SADC-CNGO signed in 2003 with SADC an agreement, that should foster the institutional setting of the Member States with their civil society. This agreement also agreed upon 'Civil Society Forum', which happen before the Council-meetings and represent the interests of the regional civil society. In evaluation of this cooperation the „4th SADC Civil Society Forum“ (Lusaka, Zambia in 2007) criticizes the insufficient implementation of approved declarations and protocols by the Member States and calls on a better cooperation between the head of states and the civil society on all level.<sup>47</sup> SADC-CNGO specially pointed out, that the people in the Member States are poorly informed about agreed declarations, protocols and contracts, which is one reason why the implementation stays insufficient.<sup>48</sup>

This evaluation was also shared by national parliamentarians from SADC region on the 24th Annual Forum of SADC Parliamentary Forums: „The Role of Parliamentarians in addressing challenges and crises to sustainable development facing the SADC region, notably food shortages, electoral disputes, energy crisis, xenophobia, climate change, floods and drought, among other“ (Arusha, Tanzania in 2008). This forum specially dealt with transboundary water-management and in their final declaration the parliamentarians stressed the importance of water-cooperation in the region to prevent conflicts, called for a better involvement of parliaments in the process and agreed upon joint events and arrangements to foster the cooperation between their riparian states: „Recalling that water and, in particular, water scarcity was forecast to be a potential source of major conflicts in Africa, we wish to encourage the change of this perception to viewing water as a shared resource and therefore a catalyst for the promotion of regional cooperation, peace and security. In this regard, we promote the adoption and rigorous implementation of regional approaches to transboundary water utilization, management and governance, and

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<sup>46</sup> See Southern Africa Development Community Council of Non-Governmental Organisations (SADC-CNGO), 2008: „SADC Status Report by Adie Dithake“, Gaborone, p. 20

<sup>47</sup> See Southern Africa Development Community Council of Non-Governmental Organisations (SADC-CNGO), 2008: „Documentation of 4th SADC Civil Society Forum – Regional Integration: From Protocols to Action for Change“, Braamfontein, p. 8

<sup>48</sup> See Southern Africa Development Community Council of Non-Governmental Organisations (SADC-CNGO), 2008: „Documentation of 4th SADC Civil Society Forum – Regional Integration: From Protocols to Action for Change“, p. 28 - 30

including effective participation in the oversight of the water sector."<sup>49</sup> Besides these calls for better involvement of civil society and parliamentarians in the process of transboundary water-management in the region also the 'International Cooperating Partners' hope for better national policy-harmonization.

For USAID, GTZ and European Commission such a implementation of regional decisions into national law marks the qualitative improvement of regional cooperation, what their international engagement in river basin organizations and support of the regional SADC cooperation in the water-sector aims upon. USAID also believes it is crucial that SADC Member States develops national programs stopping consequent water wastage and sacing the resource.<sup>50</sup> Finally SIDA and USAID believes, that future problems of climate change and shortage of water supply in same countries will have negative impact on the ability of regional cooperation if the SADC countries does not adress these problems jointly. Only with joint approaches from today these potential conflicts between riparian states can be prevented.<sup>51</sup>

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<sup>49</sup> SADC Parliamentary Forum, 2008: „Communiqué, 24th Plenary Assembly“, Arusha, p. 3 – 4

<sup>50</sup> See interview with Chris Schaan, Regional Natural Ressources Manager for USAID in Southern Africa; interview mit Dr. Horst Vogel, Programme Manager of GTZ-programme „Transboundary Water Management in SADC“ and E-Mail-interview with Charles Reeve, Economic Attaché of Delegation of the European Commission to South Africa

<sup>51</sup> See interview with Miriam Palm, First Secretary of the Swedish Embassy in Maputo and responsible officer for development cooperation and SIDA Interview and interview with Chris Schaan, Regional Natural Ressources Manager for USAID in Southern Africa

### *3. Application of different integration-methods on the issue of harmonization of national water-policies*

Regional integration and cooperation is a highly developed and disputed research area, not only on European level but as well as by huge amount of researches for Latin America, Asia, the Pacific region and Africa. Integration was therefore defined as „a casual process on the level of international system that aims on the development and circulation of common norms, values and aims between political actors over the intermediate station of a peaceful pluralistic security community towards a political community“.<sup>52</sup> In this framework three main research areas were developed with the intergovernmental approach, the neo-functionalism approach and the multi-level governance.

The intergovernmental approach highlights the founding members, f. e. the Member States of a regional cooperation, as central actors in the integration and argues that influence of the supranational actors is relatively small. In contradiction of this approach the neo-functionalism approach defines that the supra-national actors are the major player in the regional cooperation and they are able through ‘spill-over effects’ to integrate more and more policy areas in the regional cooperation. This approach believes that Member States are not any longer effective enough, while working alone in the international system but need to transfer power to supranational actors to gain their interests on international level. The last approach, multi-level governance, describes governances as multi-level layer with strong connections between regional, national and supranational actors and works with network-ideas to explain the regional integration. To evaluate the quality of regional cooperation the actors and their law-driven cooperation needs to be evaluated.<sup>53</sup>

As the regional cooperation in SADC is relatively young the Member States still play the major role in the cooperation and that why cooperation can be seen as intergovernmental. Therefore ‘soft policy methods’ could apply to facilitate regional cooperation, which will be introduced here: (1) Intergovernmental-Conference method, (2) Convention-method, (3) Open Method of Coordination (OMC) and (4) Parallel National Action (PNA).

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<sup>52</sup> Reinhard Meyers, 1998: “Theorien internationaler Kooperation und Verflechtung” in Wichard Woyke (Hrsg.): “Handwörterbuch Internationale Politik”. 7. Auflage, Opladen, p. 440

<sup>53</sup> See Wilfried Loth/Wolfgang Wessels (Hrsg.): “Theorien europäischer Integration”, Opladen, Leverkusen

### 3.1. Introduction und discussion of „Intergovernmental-Conference“ method

The „Intergovernmental-Conference“ method is the formal method inside the European Union to develop and shape institutional setting within the European treaties: „This term is used to describe negotiations between the Member States' governments with a view to amending the Treaties. Intergovernmental conferences play a major part in European integration, since institutional changes must always be the outcome of such negotiations.“<sup>54</sup> Such conferences are invited by initiative of Member States of the European Commission and are prepared with the European Parliament and both other actors long in advance before the meeting. During the final meeting of the head of states, so called European Council meeting, the final decisions are taken und agreed in a formal law-act, that has to be ratified by all Member States before coming into force all over Europe.

In preparation of this intergovernmental conferences (IGC) of the head of states two methods were used already: the ‘Spaaks-method’ and the ‘intergovernmental method’. The ‘Spaaks-method’ was developed during the preparation of the „Treaties of Rome“ and the founding act of the European Community in 1957. The ‘Spaaks-Commission’, or later the ‘Delors – commission’ in preparation of the economic and monetary union between 1990 – 1991, enable a wide involvement of European Commission as well as the secretariat of European Council during the negotiations between the Member States: „Within the Spaak-method, the Commission has a strong initiating and brokerage role in the preparatory phase, with the actual IGC often only negotiating small changes in the original agenda from the preparatory phase.“<sup>55</sup> The ‘intergovernmental method’ on the opposite is more a method to enable intergovernmental negotiations befor the IGC and does not formally include supranational actors. The inviting country as well as the national negotiators play a dominant rol before the final conference, how it could be seen in the preparations to the „Amsterdam Treaty“ between 1996 and 1997. The negotiations on the final conference have a huge impact on the final declaration.<sup>56</sup>

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<sup>54</sup> European Commission: „Glossary - Intergovernmental Conference“ von [http://europa.eu/scadplus/glossary/intergovernmental\\_conference\\_en.htm](http://europa.eu/scadplus/glossary/intergovernmental_conference_en.htm) (visited on 28th January 2009)

<sup>55</sup> Derek Beach, 2003: „Towards a new method of constitutional bargaining? The role and impact of EU institutions in the IGC and Convention methods of treaty reform“, University of Aarhus, p. 12

<sup>56</sup> Derek Beach, p. 12

For the implementation of this method in the SADC region speak the substantial experiences with the „Intergovernmental Conferences“ in Europe and on the international level. An additional factor is, that on SADC level the SADC-summits with the head of states are the dominant actors in the regional cooperation and so the method is already in use. Also only a small secretariat in Gaborone (Botswana) needs to be integrated, which could work even with the introduced ‘intergovernmental method’.<sup>57</sup> This SADC structure reminds a bit of the beginning of the European Community, the so-called ‘Montan-Union’, and their working methods. On the opposite side is the political system in the European Union nowadays with their diverse juridical framework hardly comparable to the SADC structure. Additionally the water-cooperation was agreed already on the governmental level and what is needed for the implementation is more a technical tool for better cooperation on the ministerial level. Therefore the „Intergovernmental-Conference“ method might not be the best choice for SADC water-cooperation in this framework.

### *3.2. Introduction und discussion of the „Convention Method“*

To improve the debate for reforms and create new forms of governance inside the European Union the European Commission together with the head of states developed the „Convention Method“. This method is a relatively new approach and was so far only implemented in the „Convention on the Charter on Fundamental Rights“, started with the summit in Nice 2000, and the „European Convention“, started after the summit of Laeken, where the head of states handed over 60 questions to the future of Europe to this convent.

The composition and the methodology of the „Convention on the Charter on Fundamental Rights“ with its 62 members<sup>58</sup> and the „European Convention“ with its 105 members was totally new developed and involved different European stakeholders, also from European and national parliaments. Under the presidency of former French president, Valéry Giscard d'Estaing and his vice-presidents, Giuliano Amato (Italy) and Jean Luc Dehaene (Belgium),

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<sup>57</sup> See interview with Helmut Müller-Glodde, Programme Manager of GTZ-programme „Governance and reform programme: Strengthening the SADC secretariat“

<sup>58</sup> European Parliament: „The Charter of Fundamental Rights of the European Union“ from [http://www.europarl.europa.eu/charter/default\\_en.htm](http://www.europarl.europa.eu/charter/default_en.htm) (visited on 23rd January 2009)

the convent started their work on the questionnaire and additional reform-proposals for the European institutions with the following composition, which differed a lot from the well-known intergovernmental bodies:

- 15 representatives of head of states (*one per country*)
- 13 representatives of the head of Candidate States (*one per country*)
- 30 representatives of national parliaments of Member States (*two from each country*)
- 26 representatives of national parliaments of Candidate States (*two from each country*)
- 16 representatives from European Parliament
- and two representatives from European Commission<sup>59</sup>

Additionally to this fullmembers of the convent three observers from „European Economic and Social Committee“, three observer from social partners and the european ombudsman participated. The work was lead by a joint presidium, facilitated by an own independent secretariat and was structured in three phases: hearing phase, studying phase and writing phase – which were conducted with plenary sessions in the European Parliament each three until four months. During the hearing phase the dialogue with the European civil society was established through European and national hearings and discussions, the website as well as a ‘Youth Convention’ with young people involved. In the studying phase eleven internal working committees were formed in the convent to work on specific proposals (f.e. to role of subsidiarity, role of national parliaments). In the second half of 2002 the members started the writing phase and presented in June and July 2003 their results to the „European Council“. <sup>60</sup> After handing over the results several head of states proposed to adopted them as binding European act in a „Intergovernmental Conference“. Preparations for the adoption were taken but after two summits only the Irish presidency could solve the last problem between the head of states concerning the qualified majority and so a overworked decision was taken. These law-act was stopped because of the French and Netherlands negative referendum and only after a reflection-periode between 2005 and 2007 the head of states went back to negotiations and decided in 2007 upon an revised act, which was stopped again by the negative Irish referendum.

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<sup>59</sup> See The European Convention: „Composition - Presidency“ von <http://european-convention.eu.int/Static.asp?lang=EN&Content=President> (visited on 28th January 2009)

<sup>60</sup> European Commission: „The outcome of the European Convention“ from [http://europa.eu/scadplus/european\\_convention/introduction\\_en.htm](http://europa.eu/scadplus/european_convention/introduction_en.htm) (visited on 23rd January 2009)

The „Convention Method“ was bring a positive approach to the SADC region because of the intensive involvement of the national parliaments in the regional negotiation processes, which are currently only insufficiently done by the „SADC Parliamentary Forum“<sup>61</sup>. The method would also be very supportive for the region because of the importance of a strong political leader as head of the convent – a method, that is also applying in the ‘Panel of the Elders’ in the new SADC security structure.<sup>62</sup> With that prominent political leaders involved public awarness of the topic would be raised and acceptance in public opinion but most important on the political level would be achieved. The involved parliamentarians could after taking the decision on regional level go back to their home countries and implement direct their decision into national law. On the opposite site the method was only used twice in Europe and has therefore only little experiences. Additionally the composition of such convent would be difficultt because of the different state-quality of Member States and the lack of a regional parliament as the SADC Parliamentary Forum is so far only a non-binding discussion forum between the national parliaments from all over the region.

### 3.3. Introduction und discussion of „Open Method of Coordination“

The „Open Method of Coordination“ is a relatively new governance-tool of the European Union and based on the voluntary contributions of their Member States in areas, where no common European law is applicable and where from supranational actors only the European Commission is involved.<sup>63</sup> This self-evaluating method was introduced by the European Council in March 2000 for the realm of social policy (Lisbon strategy: European employment strategy) and since then used as well in the area of social inclusion, pensions, immigration, education and culture as well as for health and environmental issues. The added value of this method was named by as method for „joint development of policies without calling into question subsidiarity“ between the Member States and

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<sup>61</sup> See interview with Barney Karuombe, Regional Integration Officer in the secretariat of SADC Parliamentary Forum

<sup>62</sup> See interview with Dr. Helmut Orbon, Programme Manager of GTZ-programme „Peace, Security and Governance in the SADC-region“

<sup>63</sup> See Tanja A. Börzel, 2007: “European Governance –Verhandlungen und Wettbewerb im Schatten der Hierarchie“ in Ingeborg Tömmel, 2007: “Die Europäische Union – Governance und Policy-Making“, Politische Vierteljahresschrift Sonderheft 40/2007, VS Verlag für Sozialwissenschaften, Wiesbaden, p. 10

supranational actors.<sup>64</sup> By using the method in a politic framework the ministers of Member States agree upon a strategy with common objectives and shared goals on European level and a time schedule for the realization. Afterwards the Member States have to develop National Action Plans (NAP), in which they set out their national and regional policy plans for an agreed time period to meet the common objectives. These strategies are evaluated on European level in 'Joint Commissions' and Council reports and stimulate the Member States to jointly work on indicators and benchmarks to allow mutual understanding and evaluation and, where appropriate, target setting. The approach provides the Member States as well as the European Commission with a framework of exchange and learning from each other's by so called 'best practice'. It also initiates competition among the different Member States as they aim to reach common goals better and faster than others to present themselves as more attractive social and economical region in Europe<sup>65</sup>. Also the Member States and the European Commission are stimulated to realize transparent work and offers non-governmental actors and other stakeholders a platform for their involvement as common objectives and shared goals on European level, the National Action Plans and the yearly evaluations are available for all involved actors as well as the European public.

The absolute advantage of the „Open Method of Coordination“ for an application in the SADC region would be, that European Union is already working with this method and developed this approach with their experiences specific as “soft-policy” tool to ensure subsidiarity between Member States and the supranational level. As the European Union consists of 27 Member States – including big and economic strong Members like Germany and France as well as smaller Members, like Luxemburg or Latvia, it concludes similar structures like SADC with economic powerful states like South Africa but as well as smaller states, like Mauritius or Malawi. The method already proofed that it is able to deal with these different structures by finding compromises. This method can also be implemented on

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<sup>64</sup> Commission of the European Communities, 2005: “Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committees and the Committee of the Region: Working together, working better: A new framework for the open coordination of social protection and inclusion policies in the European Union (COM, 2005, 706 final)”, p. 2

<sup>65</sup> Commission of the European Communities, 2005: “Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committees and the Committee of the Region: Working together, working better: A new framework for the open coordination of social protection and inclusion policies in the European Union (COM, 2005, 706 final)”, p. 2

different policy level, so after starting in the area of transboundary water-management other policy level of SADC can use the experiences as proofed on European level already. That would enable SADC to work with the same method on different levels. The OMC could also integrate more non-governmental actors and stakeholders on regional level in SADC and in the preparation and realization of National Action Plans as well as the defined objectives and shared goals but in practice of the European Union this benefit was not yet used widely.<sup>66</sup> Also the OMC request an enormous reporting system, where the current SADC secretariat would not have the resources to deal with, because of the lacking planning and reporting tools.<sup>67</sup>

### *3.4. Introduction und discussion of „Parallel-National-Action“*

The method of „Parallel National Actions“ (PNA) evolved in the Scandinavian countries over a century ago and drove the regional integration between the five Nordic countries Sweden, Norway, Finland, Denmark and Iceland. For the PNA sovereignty of their involved states is the key-issue for the regional integration: „The maintenance of autonomous state authority is a basic premise of the Parallel National Action approach.“<sup>68</sup> This approach was driven by powerful dynamics – internally there was the need to develop common positions for several policies for all countries and citizen and externally there was an ongoing economical challenge that Nordic countries needed to response. The concept was widely used in the Nordic cooperation and its organs, like the Nordic council or the council of ministers but as well in several Nordic public organizations.

Using the „Parallel National Actions“ method it requires six steps to reach out for deeper regional integration. First the Member States have to identify policy area in their formal structures (e.g. Council of Ministers), where there is a need of regional integration and at

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<sup>66</sup> Dermont Hodson/Imelda Maher, 2001: „The Open Method as a New Mode of Governance: The Case of Soft Economic Policy Co-ordination“ in: *Journal of Common Market Studies* 39, 4, p. 719-746

<sup>67</sup> See interview with Helmut Müller-Glodde, Programme Manager of GTZ-programme „Governance and reform programme: Strengthening the SADC secretariat“

<sup>68</sup> Gunnar P. Nielsson, 1990: „The Parallel National Action Process“ in A.J.R. Groom & Paul D. Taylor (Eds.) „Frameworks for International Cooperation“, London, Pinter Publishers, p. 78

the same time a common interest. This process is often driving by Special Interest groups and Nordic-wide associations that highlight these processes and force the politicians towards a common agreement. As second step a 'Nordic Contact Man' will be appointed, who coordinates the activities on policy harmonization with all relevant stakeholders in his country and ensure stable contacts with the other Member States in the whole process. Thirdly the contact man is responsible for organizing an inclusive planning phase to reach for the highest level of consensus by establishing national committees and organizing exchange and communication between all involved actors of the Member States. As fourth step the agreed policy proposal will be hand over to the national authorities for feedback and these proposals will be circulated before final decision within the Nordic countries and their contact men. After these circulations each contact man integrates possible changes from the participation process and had over the final version for enactment into legislation. With this process highest level of consensus can be reach through the close cooperation within the contact men communication but as well by the ongoing involvement of national interests groups or national committees.<sup>69</sup> The process is driven by governmental and non-governmental actors together and strongly supported by Special Interest Group and associations in the Nordic regions, who are the driving forces behind the „Parallel National Action“. Since 1860 the first association, Nordic Schoolteachers' Congresses, was established and nowadays more than 112 (1986) public or semi-public associations within the Nordic countries exist.<sup>70</sup> Additionally a Nordic public sphere exists with similar media usage by the citizen and harmonization of media cooperation. The method itself had an enormous impact towards the Member States with national harmonization processes in the area of Nordic Convention on Social Security (1956), Nordic Passport Union (1955) or the agreement on a common position for the GATT negotiations (1966) but as well in the Foreign policy.<sup>71</sup>

The added value for using the method in the SADC region would be the extensive experiences of the method in the Nordic countries and the already existing consensus, that cooperation within the water-sector should he harmonized. Also a similar system of

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<sup>69</sup> Gunnar P. Nielsson, 1990: "The Parallel National Action Process" in A.J.R. Groom & Paul D. Taylor (Eds.) "Frameworks for International Cooperation", London, Pinter Publishers, p. 78-108

<sup>70</sup> Brigid Laffa, 1992: "Integration and Co-operation in Europe", Routledge, p. 65

<sup>71</sup> Gunnar P. Nielsson, 1990, p. 78-108

‘contact man’ is already in place with regards to the secretariats of the river basin organizations. Additionally several regional public organizations like SADC Parliamentarian Forum or SADC Economic Forum are on the move and could monitor the action closely. On the opposite side the structure of the nordic cooperation and SADC regional cooperation is different, as in the nordic cooperation consensus were easier to establish because of the similar power-structures in Finland, Norway, Sweden and Denmark. In the SADC region South Africa needs to be seen as dominant economic and political actor which makes consensus difficult to reach. Additionally Special Interests Groups and associations are missing even in the field of transboundary water-management and their stakeholder participation processes are only starting. Last but not least the Member States in the SADC region are also members of the African Union and their regulations and therefore similar policy changes towards the higher integration form could happen like after the EU accession of Sweden and Finland, which lead to a weaker nordic cooperation afterwards.

### 3.5. ‘conceptual traveling’ of the introduced methods into the SADC-region

The four different methods from chapter 3.1. until 3.4. were all developed in the framework of European integration or nordic cooperation with the cultural setting of European values and norms and the background of western industrial countries. In order to avoid wrong conclusion about their ability to get introduced in the SADC region and before the discussion about „eurocentrism“<sup>72</sup> this chapter proofs the ‘conceptual travelling’ of these four methods and the potential challenges in implementation. Satori introduced this concept in the seventies, when discussions were raised how to transfer western policy-concepts to developing countries. He warned in his research that there is no universal transfer possible and with any transfers there will be empirical and theoretical deficits: „In order to obtain a world-wide applicability the extension of our concepts has been broadened by obfuscating their connotation. As a result the very purpose of comparing -control- is defeated, and we are left to swim in a sea of empirical and

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<sup>72</sup> Samir Amin, Egyptian scholar, defined ‘eurocentrism’ as the practice of viewing the world from a European perspective, with an implied belief, either consciously or subconsciously, in the preeminence of European and Western culture. (See Samir Amin, 1988: „Eurozentrismus“, Monthly Review PR, p. 8)

theoretical messiness. Intolerably blunted conceptual tools are conducive, on the one hand, to wasteful if not misleading research, and, on the other hand, to a meaningless togetherness based on pseudo-equivalences."<sup>73</sup> This approach was developed furthermore in the last decades and that why this thesis will use the definition from Lauth/Pickel/Pickel: „How far can a concept or even a term travel without causing a ‘cultural bias’ or do not meet his actual meaning anymore. In general this approach belongs to the level of abstraction of the concept or term, the higher this abstraction level is, the farther the item can travel."<sup>74</sup> To evaluate the ‘conceptual travelling’-level of the four methods three dimension will be reviewed: actors and quality for actors, state capacity and understanding of governance and regional challenges for the implementation. The base of this comparison is formed by the European Union and SADC cooperation, as the nordic cooperation is in these three dimensions very similar to the European integration process. But where it is necessary differences will be mentioned between nordic cooperation and European Union integration.

As already introduced the cooperation in SADC is relatively young, specially after their institutional reformation in 1994. Whereas the European Union went through the integration-process and produced a detailed institutional and legislative framework with thousands of European officers and even supranational instruments (f.e. the ‘Single European Market’ or common trade-policy), the SADC cooperation is a governmental cooperation with a small secretariat of around 160 officers in Botswana.<sup>75</sup> Nowadays there is political will to settle more responsibility in the SADC secretariat but the structure and quality of the actors between SADC and EU can hardly be compared. Most obvious is the difference in the economical cooperation, which is the backbone of both cooperations. Whilst the European Union has already a ‘Single European Market’ and diverse EU states even shared the some currency, SADC is only a freetrade zone since 2008 and due to strong national protectionism only for around 50 percent of all

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<sup>73</sup> Giovanni Sartori, 1970: „Concept Misformation in Comparative Politics“ in „The American Political Science Review“, Vol. 64, No. 4, Washington, p. 1033 – 1053

<sup>74</sup> Hans-Joachim Lauth/Gert Pickel/Susanne Pickel, 2005: „Methoden des Vergleichs in der Politikwissenschaft“, VS-Verlag für Sozialwissenschaften, Wiesbaden, p. 280

<sup>75</sup> See interview with Helmut Müller-Glodde, Programme Manager of GTZ-programme „Governance and reform programme: Strengthening the SADC secretariat“

goods.<sup>76</sup> The nordic cooperation has a different actors-quality than the European Union and does not aim on a common market due to the membership of several states in the European Union, the cooperation has a deeper approach laid down in the founding act from 1962<sup>77</sup> and their longterm cooperation, that exceeds about the current SADC cooperation.

This description leads over to the next dimension: state capacity and understanding of governance. For the European Union as well as for the nordic cooperation the classic term of 'state' applies, which is defined by a country with a juridical order and national sovereignty, that supplies their population intentional with security.<sup>78</sup> In opposite to this approach there are different state-qualities in SADC – with state-structures like in DR Congo and their constantly military conflicts and other countries, like Zimbabwe, where security cannot be guaranteed by the state all over the country.<sup>79</sup> Due to the enormous involvement of private actors, international donors and companies within the governmental sector and the interdependence of each others it is increasingly difficult to describe the quality of the state on its own.<sup>80</sup> On the other side the SADC cooperation is amazing heterogen, when it comes to the economical power of upcoming countries like South Africa, Namibia or Botswana that act independently on the international markets.

The last dimension in this comparison consists of the regional challenges for the implementation. In the European Union there is with the 'acquis communautaire' a binding legislation for cooperation, which defines responsibilities between all involved levels and actors. Inside the European Union the concept of subsidiary applies, meaning that always the lowest possible level is responsible to stay close to the challenge. To correct decisions and balance the cooperation the „European Court of Justice“ was found as a

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<sup>76</sup> See interview mit Larissa Behrmann, Attaché for Economical Cooperation, Culture, Judiciary and Consulate of German Embassy Botswana

<sup>77</sup> See Nordic Council, 1962: „Treaty of Cooperation between Denmark, Finland, Iceland, Norway and Sweden (the Helsinki Treaty)“

<sup>78</sup> See M. G. Schmidt (Hrsg.), 1995: „Wörterbuch zur Politik“, Kröner Verlag, Stuttgart, p. 896

<sup>79</sup> Prof. Dr. Thomas Risse, 2007: „Regieren in Räumen begrenzter Staatlichkeit. Zur 'Reisefähigkeit' des Governance-Konzeptes“, SFB-Governance Working Paper Series, Nr. 5, DFG Sonderforschungsbereich 700, Berlin, p. 11

<sup>80</sup> The regional projects of SADC are financed by around 95 percent from international donors. (See interview mit Larissa Behrmann, Attaché for Economical Cooperation, Culture, Judiciary and Consulate of German Embassy Botswana)

supranational actor on its own, which is defined as the judicative power inside the European Union cooperation.<sup>81</sup> Even if the nordic cooperation has only a small headquarter in Copenhagen the regional cooperation is clearly defined with treaties and the countries often hand over sovereignty towards joint nordic governmental institutions. On the opposite side responsibilities inside the SADC cooperation are not yet clearly regulated and the secretariat only takes over slowly regulatory tasks and get's new responsibilities away from spreading international donor-money. Decisions are jointly taken in the summits by consensus and on only voluntary base, which results sometimes in problems of timing and reliability.<sup>82</sup> The SADC-tribunal is for example an independent court but to find his decision the head of states has to unanimously agree upon the decision, which was not possible in the Zimbabwe-crisis where the tribunal made clear statements, which were not adapted by the summit.<sup>83</sup>

Taking this differences of structures and methodology of European Union, nordic cooperation and SADC cooperation seriously into account with the discussion of „eurocentrism“ the four methods are facing serious ‘conceptual traveling’ problems. Therefore this thesis wants to modify these methods to the existing SADC governance structures while taking the requirements from SADC, civil society and ICPs (see chapter 2.3. and 2.4.) serious and develop an own suitable method for the application in the SADC water-sector. This approach follows Collier/Mahon research with their African studies, when they conclude: „This problem can be avoided by self-consciously thinking in terms of ideal types, by using a system-specific approach to applying categories in particular contexts, or by adopting other techniques that do not depend on the assumption that members of a category share a full set of defining attributes.“<sup>84</sup>

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<sup>81</sup> See „Der Gerichtshof der Europäischen Gemeinschaften“ auf [http://curia.europa.eu/de/instit/presentationfr/index\\_cje.htm](http://curia.europa.eu/de/instit/presentationfr/index_cje.htm) (visited 30th January 2008)

<sup>82</sup> See interview mit Mikael Melin, Economic Attaché of Delegation of the European Commission to Botswana and SADC and interview with Robson Chakwana, SADC/GTZ project leader for planning in the SADC secretariat GTZ-programme „Governance and reform programme: Strengthening the SADC secretariat“

<sup>83</sup> See interview with Dr. Helmut Orbon, Programme Manager of GTZ-programme „Peace, Security and Governance in the SADC-region“

<sup>84</sup> David Collier/James E. Mahon, 1993: „Conceptual ‘Stretching’ Revisited: Adapting Categories in Comparative Analysis“ in „The American Political Science Review“, Vol. 87, No. 4, Washington, p. 852

#### *4. Summary of the research and proposal of a new method for harmonization of water-policies in the SADC-region*

As already mentioned in the beginning of this research the transboundary water-management in SADC is a relatively experience for the SADC Member States and was strengthened through two water-protocols as building up supporting structures on political level but as well in the SADC secretariat. Supported by the international community and their 'international cooperating partners' SADC achieved a lot of progress with projects and river basin organizations over the last years. Some organizations, like ORASECOM or OKACOM, already proof their success by producing concrete results with IWRM-plans, their joint institutional settings, capacity building and common projects. Other organizations lack the political will and does not achieve their full potential (see ZAMCOM and LIMCOM). The field-research found out that the participating ministerial partner are very pleased with the project results and the information exchange via the SADC water-cooperation but lack progress in the framework of harmonization of national water-policies towards the regional agreements. More than half of the countries lack the necessary institutional water-legislation and very often the national laws are contradictory to the revised SADC water-protocol from 2000. As there was the regional political will already expressed in the protocol to harmonise the policies the regional cooperation does not made great progress and needs a new start of a harmonization-process with a common method involving all governmental and non-governmental stakeholders to achieve more trust in the transboundary water-cooperation. Therefore this chapter develops a suitable method against the background of the mentioned requirements of governmental partners, civil society and international partners.

Taking into account the hypothesis that European or nordic methods from integration theories could be a useful model to implement the national harmonisation efforts, this thesis examined four different methods regarding their applicability to water policy in SADC. The key finding is that a simple transformation of experiences from the European integration and the nordic cooperation to the SADC cooperation is not reasonable due to the different

structures, working methods and objectives. Further, the danger of being „eurocentric“<sup>85</sup> has also often been criticised when conducting research on African issues. Building on the concrete needs of the ministerial and parliamentary representatives, the SADC staff and regional water experts, representatives of civil society and international donors (see chapter 2.3. and 2.4.) a new method was developed. In order to better implement the harmonisation of national water policies this method transfers the positive experiences from the previously established methods (see chapter 3.1. to 3.5.). By doing so the proposed approach emphasises four key points, which represent a summary of the requirements that have been identified:

1. Structural improvement of political communication and coordination between actors from the executive and legislative sector on national as well as on regional level.
2. Use of well-proven established structures of cross-border cooperation in the area of water and their resources while at the same time avoiding duplicating structures.
3. Additional involvement of civil society, leading to greater transparency of cross-border water management in the public perception.
4. Creating a sustainable and regionally acknowledged structure for cooperation and trust-building between the member states, documenting their experiences in order to be adopted by other areas of the SADC cooperation.

It needs to be mentioned though, that the huge potential of the region lies in its different cultural and economic backgrounds.<sup>86</sup> A regional public has not yet sufficiently been developed due to the fact that the regional cooperation has only been created a number of years ago. Therefore it is proposed to start the implementation of the method in the nation states through a state-centric intergovernmental method, which is supposed to strengthen the secretariat and to create supranational bodies in the SADC region in the long term. The regional level is acting as a moderator, and at the same time becomes a stronger and more competent advisor. Added resources for the secretariat or through ICPs will also be necessary in order to initiate the harmonisation process together with the member states – emanating from the regional level.

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<sup>85</sup> See Samir Amin, 1988: „Eurozentrismus“, Monthly Review PR

<sup>86</sup> See interview with Dr. Katharina von Ruckteschell-Katte, Regional Director Subsahara-Africa of the Goethe-institut and head of the Goethe-institut Johannesburg

The first step to implement this approach will be the creation of an intergovernmental commission for transboundary water management by the heads of state and government, taken from the IGC method (see chapter 3.1.). This commission would consist of two representatives from the „SADC Committee of Water Ministers“, two from the commission on ‘Trade, Development and Cooperation’ of the „SADC Parliamentary Forum“ as well as one representative from each of the existing river basin organizations and work under a chair of a respected political leader with experience in the area of water management (e.g. the speaker of the SADC PF and the parliament in Swaziland as well as former water minister, prince Guduza Dlamini). Administrative support would come from the SADC water-division together with the responsible GTZ-programme, which has to nominate a staff for this task.

As a second step all national water ministries will be asked to nominate a contact person for the harmonisation of water policies. These contact persons will then initiate and ensure the national cooperation of ministries with parliaments and civil society as well as the transboundary communication, following the idea of the „Parallel National Action“ (see chapter 3.4.). In cooperation with this contact points the commission will then develop a model approach for a national water law, which will subsequently be implemented through resolutions of the „SADC Committee of Water Ministers“ and the „SADC Parliamentary Forum“. To accompany these measures, the commission will also put together an analysis of all existing water laws and recommendations for their harmonisation.

As a third step, the reports will be submitted to the SADC heads of state and government with the request to implement them. Now the responsible national contact points can coordinate the next steps on the national level with their river basin commissions involved. Based on the model-law, they will develop a legislative proposal. Parallel to this a fourth step will take place. This will expand the competencies of the SADC Water Division and its responsible staff members through trainings, development of materials and additional resources for the support of the harmonisation in order to enable them to support the national activities individually in conceptual and legal matters. To ensure sustainability, from this moment on also the national parliamentarians of the neighboring countries should

attend the meetings of the cross-border river basin commission and exchange information with the water ministries about national harmonisation measures. Further, it is suggested to institutionalise an exchange between representatives of the SADC WD during the annual SADC Parliamentary Forum. The SADC water-division should publish an annual report on 'best-practise' examples from harmonisation efforts, based on the reporting system of the „Open Method of Coordination“ (see chapter 3.3.), and also suggest that this report is being discussed with civil society representatives in forums organised by the river basin commissions. It would be worthwhile to closely cooperate with national civil society organisations of SADC-CNGO to ensure their participation and support of raising public debates for better implementation.

With this method a structural improvement of communication between all partners and especially between the legislative and executive actors is created. This is achieved through a sustainable involvement of parliamentarians into the intergovernmental commission as well as the river basin commissions and the regional cooperation of parliaments. Moreover, the existing structures of the river basin commission are not only used, but also upgraded politically, and a stronger involvement of civil society will be initiated. Furthermore, the national contact persons will be responsible for an intensive national discussion with civil society representatives as well as with his colleagues from the neighboring countries, which will facilitate legal advice with the inclusion of civil society. This is not only desirable in terms of democracy but is also contributing to a broadened understanding of cross-border water management, resulting in a greater acceptance among the population. With the appointment of a reknown regional politician as leader of the commission, trust into the actual implementation of the method is created, which will be further incorporated through the reform of national water legislation, resulting in a commitment for regional cooperation due to the creation of legal obligations. In the longer run, the reporting system facilitates information sharing about the different steps, which can potentially lead to a better reporting system in the water sector as such. This method creates a model role for the water sector in the SADC cooperation. The experiences from this newly developed approach can then be applied to different sectors for the SADC cooperation. Additionally, sustainable awareness about the importance of regional water resources is created, which will prevent potential water crisis and even water conflicts (see chapter 1.1.).

The South African motivation forms an important continuity for an enhanced commitment in cross-border water management and can create `win-win` situations for all the countries involved, if cooperation in the region is carried out jointly. Nelson Mandela sketched out this vision in his remarks about South African foreign policy in 1993, when referring to the water conflict between South Africa and Lesotho that was finally solved through the `Lesotho Highlands Water Project`: „Cooperation in regional construction, infrastructure and resource development projects, as well as in virtually every sector and area, could also be of considerable benefit. In several cases, notably that of potential water and hydropower projects in several Southern African Development Community member states, projects will not be economically viable unless they can count on exports to South Africa. At the same time South Africa would benefit in environmental terms by importing hydropower and could well become absolutely dependent on water imports from other countries in the years ahead. Southern Africa will, however, only prosper if the principles of equity, mutual benefit and peaceful cooperation are the tenets that inform its future. Reconstruction cannot be imposed on the region by external forces or unilaterally by ourselves as the region´s most powerful state. It must be the collective enterprise of southern Africa´s people.“<sup>87</sup>

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<sup>87</sup> Nelson Mandela, 1993: „South Africa's Future Foreign Policy“, in *Foreign Affairs*, Vol. 72, No. 5, November/December 1993, p. 90 – 91

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1. interview with Matthias Koch, team-member of Berlin GTZ-representative office to Federal government and parliament, Berlin (Germany), 6th July 2008.

2. interview with Franz Krämer, team-member of GTZ-regional department Southern Africa II, Eschborn (Germany), 18th September 2008.

3. interview mit Dr. Horst Vogel, Programme Manager of GTZ-programme „Transboundary Water Management in SADC“, Gaborone (Botswana), 8th October and 14th December 2008.

4. interview mit Helmut Elischer, Resident Representative of Friedrich-Ebert-Stiftung in Botswana, Gaborone (Botswana), 13th October 2008.

5. interview mit Mikael Melin, Economic Attaché of Delegation of the European Commission to Botswana and SADC, Gaborone (Botswana), 14th October 2008.

6. interview mit Larissa Behrmann, Attaché for Economical Cooperation, Culture, Judiciary and Consulate of German Embassy Botswana, Gaborone (Botswana), 17th October 2008.

7. interview with Dr. Helmut Orbon, Programme Manager of GTZ-programme „Peace, Security and Governance in the SADC-region“, Gaborone (Botswana), 22nd October 2008.

8. interview with Abie Dithlake, Secretary General of SADC Council of Non-Governmental Organizations (SADC-CNGO), Gaborone (Botswana), 22nd October 2008.

9. interview with Felicitas Stoletzki, Country Director of German Development Service (ded) in Botswana, Gaborone (Botswana), 23rd October 2008.

10. interview with Chris Schaan, Regional Natural Resources Manager for USAID in Southern Africa, Gaborone (Botswana), 31st October 2008.

11. interview with Helmut Müller-Glodde, Programme Manager of GTZ-programme „Governance and reform programme: Strengthening the SADC secretariat“, Gaborone (Botswana), 4th November 2008.
12. E-Mail-interview with Dr. Piet Heyns, executive director of Heyns International Water Consultancy und former state-secretary in the Ministry for Agriculture, Water and Forestry in Namibia, Windhoek (Namibia), 12th November 2008.
13. interview with Lewis Mbumwae, project-manager of Kunene Water Utility and former head of water-department in the Ministry of Energy & Water Development Sambia, Gaborone (Botswana), 17th December 2008.
14. interview with Robson Chakwana, SADC/GTZ project leader for planning in the SADC secretariat GTZ-programme „Governance and reform programme: Strengthening the SADC secretariat“, Gaborone (Botswana), 17th November 2008.
15. E-Mail-interview with Dr. Anthony R. Turton, Strategic Research Leadership: Water Resource Competency Ara of the Council for Scientific and Industrial Research (CSIR) in South Africa, Pretoria (South Africa), 17th November 2008.
16. interview with Dr. Owen McIntyre, Senior Lecturer at the Faculty of Law of University College Cork (Irland) and expert for international water-law, Phalaborwa (South Africa), 20th November 2008.
17. interview with Brian Hollingworth, Consultant for water-policy and Associate Member of the African Centre for Water Research, Phalaborwa (South Africa), 20th November 2008.
18. interview with Dr. Bryony Walmstey, director of Southern African Institute for Environmental Assessment (SAIEA), Phalaborwa (South Africa), 21st November 2008.
19. interview with Tendani Nditwani, Chief Water Resource Planner: National Water Resource Planning (North) in the Ministry for Water and Forestry South Africa, Department Water Affairs, Phalaborwa (South Africa), 21st November 2008.
20. interview mit Sergio Bento Siteo, Technical Staff of International River Office in the Mozambique Ministry for Public Works and Housing und current interim-secretary of LIMCOM-cooperation in SADC, Phalaborwa (South Africa), 21st November 2008.
21. interview with Zvikomborero Manyangadze, Acting Chief Hydrologist in the Department of Water Resources from Ministry of Rural Development and Water Development Zimbabwe, Phalaborwa (South Africa), 21st November 2008.
22. interview with Barney Karuumbe, Regional Integration Officer in the secretariat of SADC Parliamentary Forum, Arusha (Tanzania), 24th November 2008.
23. interview with Miriam Palm, First Secretary of the Swedish Embassy in Maputo and responsible officer for development cooperation and SIDA, by Christian Selz, Maputo (Mozambique), 24th November 2008.
24. interview with Festus Bulugu Limbu, Member of Parliament from Tanzania, during the SADC Parliamentary Forum, Arusha (Tanzania), 24th November 2008.

25. interview with Tommy Nambahu, Member of Parliament from Namibia, during the SADC Parliamentary Forum, Arusha (Tanzania), 24th November 2008
26. interview with Z. V. Madasa, Member of Parliament from South Africa, during the SADC Parliamentary Forum, Arusha (Tanzania), 24th November 2008.
27. interview with Prinz Guduza Dlamini, Speaker of the Swaziland Parliament and former water-minister of his country, during the SADC Parliamentary Forum, Arusha (Tanzania), Arusha (Tanzania), 24th November 2008.
28. interview with O. S. Molebatsi, Member of Parliament from Botswana, during the SADC Parliamentary Forum, Arusha (Tanzania), 24th November 2008.
29. interview with Dr. Ute Heinbuch, representative for development cooperation of the Federal Ministry for Economic Cooperation and Development (BMZ) at the German Embassy Maputo, by Christian Selz, Maputo (Mozambique), 25th November 2008.
30. interview with Dumisani Mzdebele, staff member of the SADC water-division, during the SADC Parliamentary Forum, Arusha (Tanzania), 25th November 2008.
31. interview with Prof. Gerhard Erasmus, EPA-consultant and staff member of the Trade Law Centre for Southern Africa (TRALAC), during the SADC Parliamentary Forum, Arusha (Tanzania), 26th November 2008.
32. interview with Jessica Longwe, Director Partner Relations von European Parliamentarians for Africa (AWEPA), during the SADC Parliamentary Forum, Arusha (Tanzania), 26th November 2008.
33. interview with Neil van Wyk, Chief Engineer: National Water Resource Planning (East) in the Ministry for Water and Forestry South Africa, Department Water Affairs, Pretoria (South Africa), 28th November 2008.
34. interview with David Hancock, Programme Manager of SADC-ProBEC for the GTZ Johannesburg, Johannesburg (South Africa), 28th November 2008.
35. interview with Dr. Katharina von Ruckteschell-Katte, Regional Director Sub-Sahara-Africa of the Goethe-institut and head of the Goethe-institut Johannesburg, Johannesburg (South Africa), 28th November 2008.
36. interview with Tracy S. Molefi, staff member of the International Water Department, and Kalaote Kalaote, Principal Water Resources Engineer of Water Affairs, in the Ministry of Minerals, Energy and Water Affairs Botswana, Gaborone (Botswana), 2nd December 2008.
37. interview with Hans Terje Ylvisaker, Senior Regional Energy Coordinator of the Norwegian Embassy Maputo and Lead-ICP of the energy-sector in SADC, Gaborone (Botswana), 2nd December 2008.
38. E-Mail-interview with Charles Reeve, Economic Attaché of Delegation of the European Commission to South Africa, Pretoria (South Africa), 4th November 2008.

39. E-Mail-interview with Frauke Neumann-Silkow, project-manager of GTZ „Transboundary Water Management in the Congo-basin“ (GETRACO) and Dr. Ubald Koch, team-leader of the GTZ-programme for water-sector reform in the DR Congo (RESE), Kinshasa (DR Congo), 5th December 2008.
40. interview with Peter Conze, head of the GTZ-departement „Southern Africa“, Gaborone (Botswana), 11th December 2008.
41. interview with Dumisani Mzdebele und Dr. Kenneth M. Msibi, former member of staff of the Water Affairs Department in the Ministry for Natural Resources and Energy Swaziland, Gaborone (Botswana), 11st December 2008.
42. E-Mail-interview with Carolino Mendes, responsible project-manager for the Kunene cooperation (GABIC) in the state-secretariat for water Angola, Luanda (Angola), 17th December 2008.
43. E-Mail-interview with Prof. Dr. Helmut Asche, professor in the „Institute of African Studies“ of the Universität in Leipzig (Germany), 18th December 2008.
44. E-Mail-interview with Rakotondralambo Andriantahina, project-leader in the department of water-management in the Ministry of Water in Madagascar, Antananarivo (Madagascar), 7th January 2009.
45. E-Mail-interview with Jo-Ansie von Wyk, reseacher in the Department of Political Sciences of the University of South Africa in Pretoria, Pretoria (South Africa), 13th January 2009.