

The Abuja Ministerial Declaration on Water *A Milestone or Just Another Statement?*

A Water Forum Contribution

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Abstract: *Africa faces major problems in its water resources sector, manifested in the periodic droughts and floods and compounded by population growth, urbanization, and environmental degradation. Africa has a large number of shared rivers, lakes, and aquifers, and the uses and protection of most are not regulated by any agreements between the riparian states. Where such agreements exist, they do not encompass all the riparians. A number of instruments were concluded by the African leaders with the view of addressing these problems. The most recent of those instruments is “the Abuja Ministerial Declaration on Water: A Key to Sustainable Development,” which was adopted in April 2002 and which establishes the African Ministerial Conference on Water. This article reviews the water resources problems in Africa and analyzes the various attempts to address them, including the Abuja Declaration.*

Keywords: *Abuja Declaration, African Convention on the Conservation of Nature and Natural Resources, African Economic Community, African Ministerial Conference on Water, African Union, Integrated Water Resources Management, Dublin Principles, Organization of African Unity, Protocol on Shared Watercourses in the Southern African Development Community, United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses.*

Introduction

Forty-five African ministers responsible for water resources in their respective countries met in Abuja, Nigeria on April 29 and 30, 2002 to deliberate on the challenges facing the Continent in its water resources sector. That gathering clearly underscores both the magnitude of the problems and the realization by the highest water officials in the continent that urgent action is needed to address such problems. The ministers issued the “The Abuja Ministerial Declaration on Water – A Key to Sustainable Development in Africa,” and pursuant to the Declaration, launched “the African Ministerial Conference on Water”(AMCOW). The purpose of this article is to review the water resources problems facing Africa, analyze the attempts to address them, including the Abuja Declaration and the role and responsibilities of AMCOW, and discuss the prospects and pitfalls of those attempts.

Africa Water Resources Problems

Africa faces a multitude of problems in the water resources sector. Those problems include the temporal and spatial rainfall variability, the periodic cycle of droughts and floods, and the significant growth in population, urbanization, and environmental degradation. The population of

the continent is approaching 700 million, and is expected to exceed a billion by 2025. This rapid increase in population, accompanied by urbanization, poor land use, and unregulated waste disposal is taking its toll on water resources, at both the quantitative and qualitative levels. About 65 percent of the rural population and 25 percent of the urban population are without adequate water. In 1996, more than 300 million people, close to half the population of the continent at the time, lived in a water-scarce environment (Sharma et al., 1996).

Hydrological variability and environmental problems, including watershed degradation, climate change, and desertification are compounding the problem. Drought is endemic in large areas of the continent. The Sahel region of Africa continues to receive less and less rainfall every year since 1960. The Sahel drought of the late 1960s and early 1970s resulted in the loss of more than a quarter a million of lives, and the droughts in early 1980s and early 1990s in the Southern African region have had serious environmental and economic impacts, resulting in famine, diseases, and loss of human life and livestock (Hirji and Grey, 1998). The drought currently afflicting the region is taking a significant toll on the population, especially in Malawi. Ironically, the effects of floods could be equally serious. The destruction caused by the rising Nile in Sudan in 1988 prompted the international community to raise

hundreds of millions of dollars to assist in the rehabilitation of the devastated infrastructure (World Bank, 1989). The economic losses that afflicted Kenya as a result of the El Niño floods in 1997 to 1998 surpassed one and a half billion dollars. The floods of February/March 2000 in Zimbabwe, South Africa, and Mozambique, were the worst in living memory. Due to a combination of heavy rain and cyclone Eline, the Limpopo and Zambezi rivers expanded to a width of 80 miles resulting in more than 400 fatalities and extensive destruction of livestock, farmland, and infrastructure (Salman, 2001). Water-borne diseases, whether resulting from the lack of safe water for drinking as happened during the 2000 floods, or lack of water for hygiene, have been identified as the primary cause for poor health in Sub-Saharan Africa (Sharma et al., 1996). It has been argued that “poverty in Africa is, in part, a consequence of its unique water resource endowment, which has always been, and remains, a fundamental constraint on the economic performance of African societies and the growth today of African economies” (Grey, 2002).

Africa has a large number of transboundary rivers and lakes. More than 80 rivers and lakes are shared by two or more countries. All of the countries in the Sub-Saharan mainland of Africa share at least one river basin or lake. Guinea is the upstream riparian on 14 shared rivers, and Mozambique is the downstream riparian on eight shared rivers. The Nile is shared by ten countries, the Congo by nine, and the Niger also by nine. The Zambezi is shared by eight countries, and the Volta by six. The Orange, Okavango, Senegal, and Limpopo are each shared by four countries (Gleick, 2000). A few of those rivers and lakes are governed by agreements regulating their use and protection, and only a minimal number of those agreements encompass all the riparian states of the basin. As a result, the riparians excluded from those treaties do not recognize those treaties, and the downstream/upstream tensions dominate a number of basins.

Disputes Over Shared Basins and Lakes

Disputes have emerged in a number of basins. It is reported that the construction of the M'njoli dam in Swaziland over the Umbeluzi river (which is shared by Swaziland, Mozambique, and South Africa) has decreased the flow of water of the Umbeluzi river to Mozambique by almost a half. The construction of the Driekoppies dam in South Africa over a tributary of the Incomati River (which is shared by Mozambique, South Africa, and Swaziland) has raised concerns about the reduction of communal cropping land in Swaziland because of flooding (Ebenizario, 2000). Another potentially problematic project is the proposed abstraction of about 17 million cubic meters of water from the Okavango River by Namibia, which will be transferred through a 260 km pipeline to Namibia's Eastern National Water Carrier. The Okavango River is shared by Angola, Namibia, Botswana, and Zimbabwe. Although

the project is still under study, concerns have been raised in the other riparian countries about the likely adverse impact of the project, particularly on the Okavango Delta in Botswana (Ashton, 2000).

In addition, international rivers and lakes serve as boundaries between a number of countries in Africa. Although boundaries, as a general rule are demarcated by treaties, the problem of interpreting those treaties as to the exact location of the boundary across the shared river has started cropping up in Africa (Salman, 2000). Namibia and Botswana disputed the line demarcating their boundaries across the Chobe River and, as a result, disputed the ownership of an island on the river called Kasikili by Namibia and Sedudu by Botswana. Attempts to resolve the dispute through negotiations which started in 1990 failed, and the matter was referred to and decided by the International Court of Justice in 1999. The Court interpreted the 1890 Treaty demarcating the boundaries between the two countries in such a manner as to place the boundary in the northern channel of the Chobe River, which results in the island being a part of Botswana (Salman, 2000). A similar dispute has recently arisen between Benin and Niger over the course of their boundaries across the Niger and the Mekrou Rivers and the consequent ownership of islands across the Niger River, particularly Lete island. The dispute was finally referred to the International Court of Justice in May 2002 following the failure of the attempts to resolve it through negotiations (International Court of Justice, 2002).

South Africa and Namibia dispute the line demarcating their boundaries across the Orange River. The Orange River forms the boundaries between the two countries for the entire southern border of Namibia with South Africa. Namibia claims that the border should be the middle line of the Orange River. On the other hand, South Africa believes that the border should be the deepest part of the river, which would be on the northern high water mark and not the middle of the river. Similarly, Malawi and Tanzania dispute their borders across Lake Malawi. For Malawi, the border runs along the Tanzanian shore, placing the entire lake under Malawi's sovereignty, whereas Tanzania claims rights over the lake (Caflich, 1998). Senegal and Mauritania also dispute the line demarcating their borders across the Senegal River. Thus, the challenges to the water resources sector in the African Continent extend beyond the national boundaries, and cover a wide array of issues with regard to the sharing and protection of the shared rivers there as well.

Attempts to Address the Existing and Emerging Problems

The Charter of the Organization of African Unity

There have been a number of attempts to address the problems of water resources in Africa, both at the national and regional levels. At the highest level, the Charter of the

Organization of African Unity, which was concluded in May 1963, emphasizes the responsibility of the heads of the African States and Governments “to harness the natural and human resources of our continent for the total advancement of our peoples in all spheres of human endeavour.” The Charter underscores the need for coordination and harmonization of the general policies in a number of fields, including health, sanitation, and nutrition. The Charter calls for peaceful settlement of disputes by negotiation, mediation, or arbitration. No specific reference has been made to water resources in the Charter, other than the overall reference to natural resources. Indeed, as a political/constitutional instrument, it is not surprising that the Charter did not pay specific and detailed attention to such matters. This was particularly true about water resources in the early 1960s when the challenges presented to the water sector were not major, compared to the post-independence challenges that those nations faced in other fields of development.

Convention on the Conservation of Nature and Natural Resources

In September 1968, five years after the establishment of the Organization of African Unity, the African Convention on the Conservation of Nature and Natural Resources was adopted at Algiers. The Convention gives considerable prominence to water resources. The preamble of the Convention states that soil, water, flora, and fauna resources (to which the Convention refers collectively as “natural resources”) “constitute a capital of vital importance to mankind.” Article II declares that the Contracting States “undertake to adopt the measures to ensure conservation, utilization and development of soil, water, flora, and fauna resources in accordance with scientific principles and with due regard to the interests of the people.” Article V deals specifically with water and it states that the Contracting States shall establish policies for conservation, utilization, and development of underground and surface water, and shall endeavor to guarantee for their population a sufficient and continuous supply of suitable water. The Article calls for specific measures for the study of water cycle and each catchment area, the coordination and planning of water resources development projects, the administration and control of all water utilization, and for the prevention and control of water pollution.

With regard to shared surface and ground water resources, Article V states that the parties shall act in consultation, and if the need arises, set up inter-state commissions to study and resolve problems arising from the joint use of these resources, and for the joint development and conservation thereof. Article VI addresses the issue of watershed degradation and calls on the parties to adopt scientifically-based conservation, utilization, and management plans, taking into account the importance of the vegetation cover for the maintenance of the water balance of any area. Article VII calls for the management

of aquatic environments, whether in fresh, brackish, or coastal water, with a view to minimize deleterious effects of any water and land use practices which might adversely affect aquatic habitats. Article XIV, on “Development Plans,” states that the Contracting States shall ensure that conservation and management of natural resources are treated as an integral part of national and/or regional development plans, and that when a development plan is likely to affect the natural resources of another state, the latter shall be consulted. Article XII on conservation education calls on the Contracting States to ensure that their people appreciate their close dependence on natural resources and that they understand the need and rules for rational utilization of these resources. It also calls on the Contracting States to ensure that those principles are included in educational programs at all levels and form the subject of public information campaigns.

Thus, it can be argued that the Convention addressed in significant details most of the issues pertinent to water resources, including shared water resources. Placed within the time frame of the late 1960s when it was adopted, the Convention was indeed quite a progressive instrument. Its progressive and comprehensive nature is evident from the fact that it succeeded in addressing intricate issues such as management and development of water resources, watershed protection and pollution, interaction of water and land use practices, and minimum flows. It is also evident from the attention it paid to the use and protection of shared water resources and from the inclusion of groundwater resources as well. The reference in Article V for consultation between riparians in the use of shared surface and groundwater, and in Article XIV on the need for consultation when the development plan of one state is likely to affect the natural resources of another state, is certainly a milestone. Since the term “natural resources” is defined to include water, it should be concluded that the Convention laid down the requirement of notification of other riparians. This is indeed a progressive development given that the international community was only able to agree on such a principle in 1997 when the United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses was adopted by the General Assembly of the United Nations (McCaffrey, 2001).

Treaty Establishing the African Economic Community

The African Economic Community was established in 1991 as an integral part of the Organization of the African Unity, pursuant to a treaty that was concluded for that purpose in 1991. The objectives of the Community are fourfold: (1) to promote economic, social, and cultural development and integration of the African economies; (2) to establish on a continental scale a framework for the development, mobilization, and utilization of the human and material resources of Africa; (3) to promote cooperation in all fields of human endeavor; and (4) to coordinate and

harmonize policies among existing and future economic communities in order to foster the gradual establishment of the community.

The Treaty does not include water resources as a separate chapter, but makes a number of references to water in a few chapters. Chapter VIII on "Food and Agriculture" calls on the Member States to cooperate in a number of fields, including development of river and lake basins. Chapter IX deals with "Industry, Science, Technology, Energy, Natural Resources and Environment." It calls on the Member States to coordinate and harmonize their policies and programs in the field of energy and natural resources through, for example, exchange of information on the prospection, exploitation, and distribution of water resources, as well as through coordination of their programs for development and utilization of water resources.

National, Bilateral, Multilateral, and Regional Instruments

Since most African countries gained their independence in the early 1960s, there have been attempts in a number of those countries to address the issue of water resources management at both the national and regional levels. Some countries have adopted water law and policies at the national level and have concluded bilateral or multilateral treaties on some of their shared rivers. Such treaties include the Nile Waters Treaty of 1959, the Agreement concerning the Niger River Commission of 1964, the Convention on the Senegal River of 1972, and the Lake Chad Convention of 1973, as well as the Treaty between South Africa and Lesotho on the Lesotho Highlands Water Project, entered into on October 24, 1986. They also include the Agreement on the establishment of the Limpopo Basin Permanent Technical Committee entered into on June 5, 1986 by Botswana, Mozambique, South Africa, and Zimbabwe. The Action Plan for the Environmentally Sound Management of the Common Zambezi River System was concluded on May 28th, 1987 by Botswana, Mozambique, Tanzania, Zambia, and Zimbabwe. On March 31, 1992, Swaziland and South Africa signed the Treaty on the Development and Utilization of the Water Resources of the Komati River. Angola, Botswana, and Namibia entered into an agreement on August 28, 1995 on the establishment of a Permanent Okavango River Basin Commission. South Africa and Mozambique signed an agreement on July 26, 1996 on the Establishment and Functioning of the Joint Water Commission (FAO, 1997). At the regional level 13 out of the 14 countries of the Southern African Development Community (SADC) signed on August 7, 2000, the Revised Protocol on Shared Watercourses in the Southern African Development Community. The Revised Protocol replaces, when it enters into force and effect, an earlier Protocol on Shared Watercourse System that was concluded in 1995. Both Protocols are of utmost importance given the water resources problems faced by the SADC countries, and the large number of shared riv-

ers in the Region (Salman 2001).

In addition to the above bilateral, multilateral, and regional instruments, the World Bank and some of the United Nations agencies are facilitating a number of initiatives on some river basins aimed at building confidence between the different riparians and at the development of joint projects, with the view of an eventual agreement encompassing all the riparians of the basin. The most important initiative in this connection is the Nile Basin Initiative. Indeed, the Nile Basin Initiative has for the first time brought together the ministers of water resources of the ten riparian countries and has facilitated the donors meeting in Geneva in June 2001, and the launching of the International Consortium for Cooperation on the Nile Basin (World Bank, 2001). Other initiatives include those for Lake Chad, the Senegal river, and the Niger river.

The Constitutive Act of the African Union

The Constitutive Act of the African Union was adopted by the 53 members of the African Union in Lome, Togo in June 2000. The Act will replace the Charter of the Organization of African Unity when it enters into force and effect, 30 days after the deposit of the instruments of ratification by two-thirds of the members of the Organization of African Unity. The Act has been concluded almost 40 years after the conclusion of the Charter. During those years a lot of attention has been paid worldwide to the emerging problems of water resources.

Despite its relatively detailed provisions, the Act devotes little attention to water resources. The Executive Council that consists of the Ministers of Foreign Affairs of the member states of the Union is entrusted with coordinating and taking decisions on policies in 12 areas of common interests enumerated in Article 13 of the Act. Those areas include water resources and irrigation. Yet, the Seven Specialized Technical Committees responsible to the Executive Council and whose mandates extend to a number of sectors, do not include one on water resources. One of the seven Committees is entrusted with "industry, science and technology, energy, natural resources and environment." Another committee is entrusted with rural economy and agricultural affairs. Since water resources are relevant to the work of both committees, it is likely that both committees will deal with some aspects of water resources. However, with the wide range of problems facing the continent in the water resources sector, and in order to avoid the likely jurisdictional conflict between those two committees, it would have been more appropriate to establish one committee with exclusive responsibility over water resources. This would have indicated a clear commitment to addressing the serious problems of water resources that the Continent is facing.

New Partnership for Africa's Development

Although the Constitutive Act of the African Union does not give water resources an important place, another

document, albeit far less prominent than the Act, has paid considerable attention to water resources. This document, which was issued in October 2001, is entitled "New Partnership for Africa's Development (NEPAD)." NEPAD "is a pledge by African Leaders, based on a common vision and a shared conviction, that they have a pressing duty to eradicate poverty and to place their countries, both individually and collectively, on a path of sustainable development." The document contains very disheartening figures. It states that "in Africa, 340 million people, or half the population, live on less than US\$1 per day. The mortality rate of children under five years of age is 140 per 1,000, and life expectancy at birth is only 54 years. Only 58 percent of the population has access to safe water. NEPAD calls for the reversal of this abnormal situation by changing the relationship that underpins it."

NEPAD focuses on what it calls the provision of essential public goods such as transport, energy, water, disease eradication, environmental preservation, and provision of regional research capacity. Water is included as part of the section entitled "Sectoral Priorities." Paragraph 113 of NEPAD sets out the objectives for water and sanitation. Such objectives include ensuring sustainable access to safe and adequate clean water supply and sanitation; planning and managing water resources on the basis of national and regional cooperation and development; addressing and sustaining ecosystems, biodiversity, wildlife, and climate change; and ensuring enhanced irrigation and rainfed agriculture to improve agricultural production and food security. NEPAD specifies four actions to be undertaken to achieve those objectives. Such actions include acceleration of work on multipurpose resource projects such as the SADC Water Secretariat's investigation of the utilization of the Congo river, and the Nile Basin Initiative; establishment of a task team to make plans for mitigation of the negative impact of climate change; collaboration with the Global Environment Sanitation Initiative in promoting sanitary waste disposal methods and projects; and support of the UN Habitat program on water conservation in African cities.

The Abuja Ministerial Declaration

It is perhaps NEPAD more than the Constitutive Act of the African Union that gave the impetus for the Abuja Ministerial Declaration on Water, which is devoted entirely to water resources and which has been issued at the level of the African ministers responsible for water resources in their respective countries. The Declaration welcomes the decision establishing the African Union and the launching of NEPAD with the overall objective of encouraging new approaches to Africa's sustainable development challenges, and expresses its resolve to promote the goals of the water related components of NEPAD. The preamble to the Declaration underscores the fact that a decade after the United Nations Conference on Environment and Development, more Africans lack access to

safe water and sanitation and that almost half the people of the Continent, particularly women and children, suffer from water-related diseases.

The Declaration establishes the African Ministerial Conference on Water (AMCOW), and directs AMCOW to strive to strengthen inter-governmental cooperation in order to halt and reverse the water crisis and sanitation problems in Africa. The Declaration further states that AMCOW will monitor progress in the implementation of major regional and global water resources and water supply and sanitation initiatives and will review progress in the implementation of the commitments set forth in the key international arrangements for the provision of financial resources and technology transfer in support of the water sector reforms in Africa. It also states that AMCOW will consider information provided by the African Water Ministers regarding the best practices in policy reforms in the water and sanitation sector at the country level, as well as information on the progress made in the implementation of the inter-governmental agreements. The Declaration refers to Chapter 18 (on Freshwater) of Agenda 21 of the United Nations Conference on Environment and Development, and states that AMCOW shall support measures for regional inter-governmental dialogue on the implementation of Chapter 18 for the purpose of recommending strategies needed to strengthen implementation.

The Declaration establishes a Steering Committee as an interim measure composed of Nigeria as chair, and representatives from the five sub-regions of the continent to finalize institutional arrangements which shall include a Bureau and a Secretariat, and shall develop the terms of reference for each of those institutions.

Analysis of the Recommendations for Addressing Water Resources Problems in Africa

With the steady increase in population, urbanization and environmental degradation, the problems of water resources in Africa are clearly getting worse. NEPAD states that only 58 percent of the population of Africa has access to safe drinking water. The Abuja Declaration states that currently more Africans lack access to safe drinking water than in 1992, when the United Nations Conference on Environment and Development was held. It also states that water-related diseases afflict more than half the population of the continent. With the considerable increase in demand for water in each country in Africa, the competing demands over the waters of the shared rivers are likely to generate more tensions, disputes, and even conflicts.

Water law, whether national or international, is relevant at all stages of water resources development and management. The law is needed to identify those who would have the right to use the resource and to establish a framework for allocation for each individual or entity. It is the law that prescribes a mechanism for compliance,

enforcement, and dispute settlement (Wouters et al., 2001). Policies and declarations on water resources usually provide the basis for such water legislation.

Yet, legal instruments, including national or international declarations, however detailed and comprehensive they may be, cannot by themselves resolve the issues they intend to address. The political will of the authorities at all levels is needed for operationalizing and enforcing such laws and educating the public on the need for and virtues of compliance. If that is absent, any legal instrument is as good as no instrument at all. These are perhaps some of the reasons why the different instruments discussed above have remained largely theoretical instruments, with little or no relevance to the matters in the area of water resources management they purport to address.

The Abuja Declaration is more specific with regard to the institutional arrangements (Conference, Bureau, and Secretariat). However, it lacks specificity on policies and actions. Not even the basic policies on water resources management that were adopted at Dublin and Rio in 1992 are being embodied or referred to. The Declaration also fails to set specific actions for implementation in the coming years or decades. The provisions of the Declaration fall more in the "best effort" category, and use such phrases as "strive to strengthen" and "support measures which encourage stronger and better performing institutional arrangements." The role of the AMCOW is not a proactive one and includes functions such as "receiving and analyzing reports and information," and "considering, where appropriate information regarding progress made in implementation of agreements."

Some basic principles, in line with those agreed upon at Dublin in 1992, need to be embodied in such declarations and other similar instruments, and adopted as the basis for any national policy or legislation on water resources (Solanes and Gonzalez, 1999). The Dublin Principles have been endorsed by a large number of governments, international organizations, academics, and non-governmental organizations. The principles set specific actions and prescribe clearer roles. The embodiment of the principles in those declarations will make them more meaningful and will likely influence national policies and legislations on water resources.

The first of the Dublin Principles is that water is a finite and vulnerable resource, requiring integrated management that would include surface and groundwater, quality and quantity, water and land, as well as fauna and flora. The African Convention on the Conservation of Nature and Natural Resources includes some of those elements. However, the other instruments are not that clear on this issue.

The second principle is that water should be treated as a social and economic good. Charges, whether for the water itself or for the cost of treating and delivering water, would result in a more efficient and equitable use, and would assist in addressing demand management. The differences between charging for water or charging for the

cost of treating and delivering water is not a subtle one since many cultures in Africa consider water as a God-given resource, on which no price should be tagged. Charges for water, or for the cost of treating and delivering it, would apply to domestic, municipal, industrial and agricultural users. There is a conspicuous absence of this principle in the Abuja Declaration.

The third principle is that water development and management should be based on a participatory approach involving users, planners, and policy makers at all levels. This principle is receiving increasing attention worldwide and is now being applied in many countries in the irrigation sector, as well as the rural water supply sub-sector. Irrigation is globally the largest single user of water taken from rivers, lakes and aquifers, accounting for about 70 percent of total water use (World Bank, 1992). In Africa the figure is higher, in some countries approaching 80 to 85 percent. It is widely believed now that participation of farmers in the management of the irrigation systems through their democratically elected water users' associations will result in a more efficient use, including a better system for collection of charges for operation and maintenance of the irrigation infrastructure, and for water. Other benefits include the increasing likelihood that the water facilities will be well maintained that contribution to community cohesion and empowerment will be done in a way that can be replicated in other development activities, and that reducing the financial and management burdens on governments will be reduced (World Bank, 1993). Besides establishing new water users' associations, existing traditional and informal institutions in the field of water resources management in Africa should be recognized and strengthened. As some authors pointed out, in Africa "the effective management and development of water resources, particularly under conditions of scarcity, requires treatment of water not only as a social and environmental good, but also as an economic good that reflects the scarcity value of this finite resource. More important, it requires strong institutions, an inter-sectoral capacity to regulate both water quantity and quality, and wide societal participation in resource conservation and protection." (Sharma, 1996).

Despite the repeated calls for cooperation on shared watercourses in the instruments discussed above, a few shared rivers, lakes, and indeed a few aquifers are covered by an agreement regulating the use and protection of such a watercourse. Many of the existing agreements do not include all the riparians. The Nile Treaty of 1959 is between Egypt and Sudan only, leaving out the other eight riparians of the Nile. The Agreement on the Zambezi River is concluded by five riparians, leaving out the three other riparians. Similarly, Guinea is not a party to the Senegal River Agreement. The SADC Protocol remains the only regional legal instrument on shared watercourses in Africa, although the Democratic Republic of the Congo which is a member of SADC has not yet signed the Protocol.

The provisions on cooperation and consultation highlighted in the bilateral and multilateral agreements on shared rivers, as well as in the provisions of the African Convention on the Conservation of Nature and Natural Resources that call for cooperation and consultation, and the SADC Protocol that is based on the UN Convention (Salman, 2001) are noteworthy. Yet, it is surprising to note the reaction of many of the African countries to the United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses (UN Convention). The UN Convention was adopted by the General Assembly of the United Nations on May 21, 1997, by a vote of 103 countries for the Convention, three against, (Burundi, China, and Turkey), 27 abstentions, and 52 countries did not participate in voting (Tanzi and Arcari, 2001). Of the 53 African countries: 24 voted for the Convention, one against (Burundi), six countries abstained (Egypt, Ethiopia, Ghana, Mali, Rwanda, and Tanzania), and 22 countries did not participate in the voting. This voting result is surprising given that the UN Convention is a framework convention based on the principles of cooperation and consultation and is supposed to be complemented by bilateral, multilateral, and regional agreements. It is also surprising given that a number of the main principles enunciated by the Convention are generally included in the bilateral, multilateral, and regional instruments discussed above, particularly the African Convention on the Conservation of Nature and Natural Resources as well as SADC Protocol.

Thus, there is a need for more than just repeated calls for cooperation between the different riparian countries. Perhaps an African Convention on transboundary watercourses, in line with the Convention on the Conservation of Nature and Natural Resources, should be attempted with the view of providing a framework for equitable sharing and protection of such watercourses. Another approach could be to replicate the SADC Protocol on other regions of Africa. However, whatever approach may be adopted, the issues to be addressed by those instruments should not be limited to sharing the waters of the shared rivers. Rather, they should be extended to sharing the benefits that can be derived from the river, taking into account the comparative advantages offered by each riparian, such as in the fields of hydro-electric power generation, irrigation, and industry. Cooperation is also needed to control the seasonal and periodic floods since most of the waters causing the floods usually originate beyond the boundaries of the affected country. It is also needed to deal with drought which is exacerbated, for example, by poor watershed management and deforestation caused by the increased use of firewood in most countries across the continent. As one expert noted, "the economic fragmentation that can result from tensions over shared rivers encourages the adoption of economically-inefficient policies that focus on self sufficiency, rather than on trade and integration" (Grey, 2002).

Conclusion

The Abuja Declaration and the establishment of the African Ministerial Conference on Water are, no doubt, strong indicators of the realization and recognition of the worsening situation of water resources in Africa and of the need for urgent action to address this situation. Indeed, the Declaration should be seen as a clear signal that the water resources situation requires a separate instrument addressing those problems, and the joint efforts and involvement of the ministers responsible for water resources in their respective countries. However, the Declaration, similar to the instruments issued before, falls short of laying down the specific actions that are urgently needed for arresting the worsening situation of water resources in Africa and of specifying solutions to the major problems that plague the water resources sector there. It also falls short of addressing the main elements for an integrated and sustainable water resources management at the local and national levels and of laying down the basic elements for cooperation on the shared watercourses at the regional and continental levels. Nevertheless, the Declaration and the establishment of AMCOW should be welcomed as a first step in the long road to addressing in a more comprehensive manner the existing and emerging water resources problems in Africa.

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