

AGREEMENT  
BETWEEN  
THE UNITED REPUBLIC OF TANZANIA  
AND  
THE REPUBLIC OF MOZAMBIQUE  
ON  
THE ESTABLISHMENT  
OF A JOINT WATER COMMISSION

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## PREAMBLE

The Government of the United Republic of Tanzania and the Government of the Republic of Mozambique (hereinafter jointly called "the Parties");

**MINDFUL** of the value of the scarce water resources in the Southern African Region;

**CONSCIOUS** of the advantages of regional development and recognising that co-operation between the Parties with regard to the sustainable development and equitable utilisation of water resources of common interest will significantly contribute towards the economic prosperity and welfare of their peoples;

**DESIROUS** of strengthening good neighbourliness and peaceful co-operation between the Parties;

**REALISING** that closer co-operation between the Parties requires an institutional framework which will serve as a liaison channel and discussion forum on all matters of mutual interest to the Parties relating to water resources development, management and utilisation;

**TAKING INTO CONSIDERATION**, the 1997 United Nations Convention on the Law of the Non-Navigational Uses of International Watercourses and the Revised Protocol on Shared Watercourses (2000) in the Southern African Development Community Region;

**RECOGNISING** that relevant provisions of Agenda 21 of the 1992 United Nations Conference on Environment and Development adopted the concepts of environmental sound management, sustainable development and equitable utilization of shared watercourse systems;

**CONSCIOUS** of the fact that good relationship between the government and the people of the Parties, good neighborliness and mutual respect, will contribute to the improvement of co-operation on the protection and utilization of waters for the benefit

and the welfare of their populations; and

BEARING IN MIND their common interest and commitment to regional integration and poverty reduction through Southern African Development Community (SADC);

HEREBY agree as follows:

## ARTICLE 1

### DEFINITIONS

(1) For the purposes of this Agreement the following terms shall have the meanings ascribed to them hereunder:

- |              |   |
|--------------|---|
| "Commission" | means the Joint Water Commission established under Article 2 (1) of this Agreement;                       |
| "Ministers"  | means the Ministers responsible for water resources of the Parties;                                       |
| "Parties"    | means the Government of the United Republic of Tanzania and the Government of the Republic of Mozambique; |
| "Protocol"   | means the Revised Protocol on Shared Watercourses in the SADC region;                                     |
| "SADC"       | means the Southern African Development Community.   |

(2) Any other term defined in the Protocol and used in this Agreement shall have the same meaning as ascribed to it in the Protocol.

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## ARTICLE 2

### ESTABLISHMENT OF THE JOINT WATER COMMISSION

- (1) The Parties hereby establish and undertake to maintain a Joint Water Commission.
- (2) The Commission shall possess legal personality in the territory of each Party.

## ARTICLE 3

### OBJECTIVES

The objectives of the Commission shall be to:

- (1) advise the Parties on matters relating to the management, conservation, development and utilisation of the water resources of common interest; and,
- (2) identify areas of co-operation related to Integrated Water Resources Management and Development.

## ARTICLE 4

### GENERAL PRINCIPLES

- (1) In the implementation of the present Agreement, the Parties commit themselves to the following principles:
  - a) Principle of sustainable development;
  - b) Principle of sustainable utilization;
  - c) Principle of prevention of harm;
  - d) Principle of precaution;



- e) Principle of inter-generational equity;
- f) Principle of co-operation; and,
- g) Principle of equitable and reasonable utilisation.

- (2) These principles shall be interpreted according to the provisions of Article 3 of the Protocol, and developed in accordance with the latest scientific concepts and with the best environmental practices.

#### ARTICLE 5

#### COMPOSITION OF THE COMMISSION

- (1) The Commission shall consist of two delegations representing the Parties
- (2) The Commission shall be composed of officials appointed by the Ministers.
- (3) Each delegation shall consist of three members to be appointed by the Party concerned, one member of whom shall be designated by that Party as leader of its delegation.

#### ARTICLE 6

#### FUNCTIONS OF THE COMMISSION

The functions of the Commission shall be to:

- (1) advise the Parties on all technical matters relating to:
  - a) measures and procedures necessary for the optimum utilisation and the effective protection and control of the water resources of common interest;

- b) monitoring and exchange of relevant information for a wide range of hydrological and other relevant data including timely information needed for drought and flood prevention and mitigation, including forecasting and warning systems;
- c) the exchange of relevant data and information, with regard to pollution, other environmental effects of water uses or other hazards which may cause damage or harm to rights or interests of the Parties;
- d) the exchange of relevant information on the impact of climate changes on water resources of common interest;
- e) any other aspects related to the planning, development, utilisation, and management of water resources of common interest referred to the Commission by any Party;
- f) the definition of the criteria to be adopted in the conservation, allocation and sustainable utilisation of water resources of common interest;
- g) the promotion and coordination of efforts to prevent and control infestation of aquatic weeds over water resources of common interest;
- h) the elaboration of contingency plans and measures for responding to harmful conditions resulting from natural causes such as drought and floods or as emergency situations that result from human conduct such as industrial accidents; and,
- i) investigations and studies, separately or jointly between the Parties with regard to the development of water resources of common interest including the construction, operation or maintenance of any water works;

(2) Prepare reports for submission to the Parties as appropriate. Such reports shall be duly signed by the respective leaders of delegation.

(3) Recommend to the Parties that the Ministers meet as and when deemed

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- (4) necessary to review the activities of the Commission and provide the necessary guidance and policy direction.
- (5) Perform other functions pertaining to the conservation, development and utilisation of such resources as the Parties may, when necessary agree to assign to the Commission.

#### ARTICLE 7

##### POWERS OF THE COMMISSION

The powers of the Commission shall be to:

- a) assist in the gathering and processing of information on any relevant matters on which it is to advise the Parties and may exercise any power or make any decision relating thereto as may be agreed by the Parties;
- b) deliberate in order to make recommendations to the Parties on any interests of other States on water resources of common interest;
- ✓ c) form committees and task forces, which will be empowered to look at topical water issues concerning the two countries as may be required;
- d) appoint consultants to assist with specific assignments as and when deemed necessary; and,
- e) prepare and adopt its own rules of procedure.

#### ARTICLE 8

##### MEETINGS OF THE COMMISSION

- (1) Commission shall meet at least twice a year but it may call extraordinary meetings upon consultation whenever circumstances require.



- (2) The venue of meetings shall alternate between the two countries, unless the respective delegations determine otherwise.
- (3) The Party hosting a particular meeting of the Commission shall, in respect of that meeting, be responsible for the preparation and timeous distribution of the agenda including all supporting documentation, recording and distribution of the minutes as well as making available a suitable venue. The leader of the delegation of the hosting Party shall be the chairman of that meeting.
- (4) Each Party may co-opt no more than three persons to act as advisers to its delegation.
- (6) All decisions of the Commission shall be taken on the basis of consensus between the delegations, but in the event that the Commission fails to reach consensus the matter under discussion shall be referred to the Ministers for further negotiations.
- (7) The minutes of each meeting shall be approved and signed by the leaders of each delegation.

## ARTICLE 9

### OBLIGATIONS OF THE PARTIES

Each Party shall, in respect of its territory and subject to its laws:

- a) supply such information and plans relating to the development and utilisation of the water resources of common interest to the Commission, as the Commission may require for the performance of its functions; and
- b) provide the members of the delegations to the Commission, and appointed consultants with all the necessary access rights required for the exercise of their functions under this Agreement;



## ARTICLE 10

### FINANCIAL ARRANGEMENTS

- (1) Each Party shall in respect of all meetings of the Commission be responsible for all costs, except for those referred to in paragraph (2) of this Article, incurred in connection with the attendance and participation of its delegation and any person co-opted as adviser to its delegation by the leader concerned in terms of Article 8 (4) of this Agreement.
- (2) All other costs incurred and liabilities accepted by the Commission in the performance of its functions and the exercise of its powers shall be equally shared between the Parties unless agreed otherwise by the Parties.
- (3) Any report prepared by the Commission on any matter referred to in Article 6 (2) of this Agreement shall include estimates of the cost involved in the implementation of the advice of the Commission and may include proposals for the apportionment of such costs between the Parties.

## ARTICLE 11

### SETTLEMENT OF DISPUTES

- (1) Any dispute between the Parties concerning the interpretation or implementation of this Agreement shall be settled amicably through consultation and negotiations between the Parties.
- (2) Where a dispute has not been settled amicably within one year from the date upon which negotiations were requested, it may be submitted to mediation or conciliation by either Party.
- (3) In the event of a dispute concerning the interpretation or implementation of this Agreement which the Parties have not arrived at a settlement through the means provided for in paragraphs (1) and (2) of this Article, the dispute may, unless the Parties agree on another means of settlement, be brought before the Tribunal of SADC.

## ARTICLE 12

### ENTRY INTO FORCE

This Agreement shall enter into force after the Parties have notified each other of the fulfilment of constitutional formalities. The Parties shall notify each other within sixty (60) days after the date of its signature.

## ARTICLE 13

### AMENDMENTS

The Parties may agree to amend this Agreement and any amendment agreed upon by them shall be committed to writing and signed by both Parties.

## ARTICLE 14

### TERMINATION

This Agreement shall terminate anytime if one of the Parties notifies the other in writing, six (6) months ahead of the intended date of termination of this Agreement.

ARTICLE 15

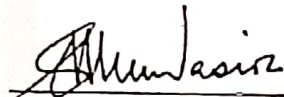
REGISTRATION

This Agreement shall be registered with the SADC Secretariat and with the Secretariat of the United Nations.

DONE at Pemba, Mozambique on this day...11...of October 2006 in two originals in the English and Portuguese languages, both texts being equally authentic.

Hon. Stephen Masato Wasira  
*Minister For Water*

Hon. Felicio Pedro Zacarias  
*Minister of Public Work and Housing*



For and on behalf of the United Republic of  
Tanzania



For and on behalf of the Republic of  
Mozambique