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AGREEMENT

BETWEEN

**THE GOVERNMENT OF THE REPUBLIC OF
ZIMBABWE**

AND

**THE GOVERNMENT OF THE REPUBLIC OF
MOZAMBIQUE**

ON

THE ESTABLISHMENT AND PROCEDURES

OF A JOINT WATER COMMISSION

CONCERNING WATER RESOURCES

OF COMMON INTEREST

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OF A JOINT WATER COMMISSION
CONCERNING WATER RESOURCES
OF COMMON INTEREST**

PREAMBLE

The Government of the Republic of Zimbabwe and the Government of the Republic of Mozambique (hereinafter called "the Parties");

MINDFUL of the importance and paucity of water resources in the Southern African Region;

DESIROUS to maintain the tradition of good neighbourliness and cooperation between the Parties;

BEARING IN MIND the Helsinki rules on the uses of the waters of International Rivers, Helsinki 1966 and the Convention on the Law of the Non-Navigational Uses of International Water Courses;

RECOGNISING the relevant provisions of Agenda 21 of the United Nations Conference on Environment and Development, the concepts of environmentally sound management, sustainable

development and equitable utilization of shared water course systems;

CONSCIOUS that cooperation between the Parties with regard to the development of mutual projects in respect of water resources of common interest will contribute towards the prosperity and welfare of their peoples; and

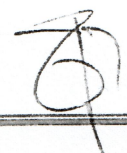

REALISING the implementation of the above mentioned will necessitate a formal structure to serve as a liaison channel and discussion forum on all matters of mutual interest to the Parties relating to water resources development and utilization.

HEREBY agree as follows :

ARTICLE 1

ESTABLISHMENT OF THE JOINT WATER COMMISSION CONCERNING WATER RESOURCES OF COMMON INTEREST

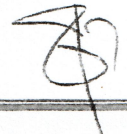
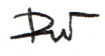
1. The Parties hereby establish and undertake to maintain a Joint Water Commission concerning water resources of common interest (hereinafter called the "Commission").
2. The objective of the Commission shall be to act as technical adviser to the Parties on matters relating to the conservation, development and utilisation of the water resources of common interest to the Parties and shall perform such other functions pertaining to the conservation, development and utilisation of such resources as the Parties may from time to time agree to assign to the Commission.
3. In furtherance of the stated objectives each Party shall, to the extent permitted by its own laws and procedures, provide such information as the Commission may require for the performance of its functions.
4. With respect of the Limpopo and Zambezi Catchments these will be subject to deliberations under their respective agreements unless the Parties believe it advantageous to enter into bilateral discussions.

ARTICLE 2

COMPOSITION AND PROCEDURES OF THE COMMISSION

1. The Commission shall consist of two delegations representing the Parties.
2. Each delegation shall consist of no more than three members to be appointed by the Party concerned, one member of whom shall be designated by that Party as leader of its delegation.
3. The leader of a delegation may co-opt no more than four persons to act as advisers to his delegation, unless agreed upon otherwise by the Commission.
4. The Commission shall meet at least once a year.
5. Meetings of the Commission shall be convened as agreed upon by the two delegations. The venue of meetings shall alternate between the two countries, unless the respective delegations determine otherwise.
6. The leader of the delegation hosting a particular meeting of the Commission shall, in respect of that meeting, be chairman, and 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.
7. Each delegation shall consist of at least two members in order to form a quorum for any meeting.
8. All decisions of the Commission shall be taken on the

basis of consensus between the delegations, but in the event the Commission fails to reach consensus the matter under discussion shall be referred to the Parties for further negotiations.

9. The Commission shall regulate its own procedures and the minutes of each meeting shall be approved and signed by the leaders of each delegation.

ARTICLE 3

FUNCTIONS AND POWERS OF THE COMMISSION

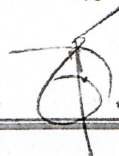
1. The functions and powers of the Commission shall be to advise the Parties on:
 - (a) measures and arrangements to determine the potential of the water resources available from rivers of common interest;
 - (b) measures and arrangements to determine the existing level of water resources utilization from river basins of common interest;
 - (c) the reasonable demand for water from common water resources;
 - (d) the collection, collation, dissemination and exchange of data and information on water resources of common interest;
 - (e) the criteria to be adopted in the conservation, allocation and sustainable utilization of common water resources;
 - (f) the prevention of and control over aquatic weeds and the pollution of common water resources; and

- (g) such other matters as may be determined by the Commission.
2. In pursuance of the provisions of paragraph 1 of this Article, the Commission shall in particular have the power to appoint consultants to assist it in the gathering and processing of information on any matter on which it is to advise the Parties and may exercise any power or make any decision relating thereto as may be agreed upon by the Parties from time to time.
 3. The Commission's advice to the Parties on any matter referred to in paragraph 1 of this Article shall, if required by a Party, be contained in a report signed by the leaders of the respective delegations, who shall be responsible for the submission of the report to their respective Governments.
 4. Any report prepared by the Commission on any matter referred to in paragraph 1 of this Article 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.
 5. The Commission shall, in all its deliberations and recommendations to the Parties, have regard to any interests of other States in any water resources of common interest between the Parties and such other States.

ARTICLE 4

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



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delegation and any person co-opted as adviser to its delegation by the leader concerned in terms of paragraph 3 of Article 2 of this Agreement.

2. The party hosting a meeting of the Commission shall be responsible for all costs incurred in making a venue available for the meeting, the preparation and distribution of the agenda and for the recording and distribution of the minutes.
3. 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.

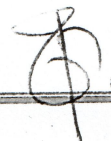
ARTICLE 5

GENERAL OBLIGATIONS OF THE PARTIES

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

- a) Supply such information and plans relating to the development and utilization of the water resources of common interest to the Commission, as the Commission may require for the performance of its functions;
- b) Cause members of the delegations to the Commission and its consultants to be granted all powers, authorizations, exemptions and rights including access rights, necessary to facilitate the performance of the functions and the exercise of the powers of the Commission.

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ARTICLE 6

REGISTRATION

In conformity with Article 102 of the Charter of the United Nations, this agreement and any amendment to thereof shall be registered by the Parties with the Secretariat of the United Nations.

ARTICLE 7

SETTLEMENT OF DISPUTES

1. Any disputes arising between the Parties concerning the implementation of this Agreement shall be settled amicably.
2. If such a dispute is not settled amicably it shall be referred to arbitration at the request of either Party. The Parties shall agree upon an arbitrator who shall be a citizen of a third State. The decision of the Arbitrator shall be final and binding on the Parties.
3. In the event that agreement is not reached between the Parties on the selection of an arbitrator then reference should be made to the Helsinki rules on the uses of the waters of International Rivers, Helsinki 1966 and the Convention on the Law of the Non-Navigational Uses of International Watercourses.

ARTICLE 8

AMENDMENTS

Any amendment to this agreement agreed upon by both Parties shall be effected in writing by the Parties.

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