

# TRANSBOUNDARY RELATIONSHIP BETWEEN BOTSWANA AND SOUTH AFRICA OVER MOLATEDI DAM



# Location



# Brief Facts on the Molatedi Dam

- **Catchment Area - 8787 km<sup>2</sup>**
- **Surface Area - 3600 ha (full supply level)**
- **Impounds - Marico river**
- **Total Capacity - 203 000 000 cubic meters**
- **Height - 29 m**
- **Earth Fill dam**

# History

**1. The Dam was built as part of a collaborative effort between;**

- **Department of Water Affairs of the then Bophuthatswana**
- **Department of water Affairs of the Republic of South Africa**
- **Water Utilities Corporation of Botswana**

## *History*

The Dam was built as an effort to optimally utilise the water resources of the Marico River which borders RSA and Botswana



The river flows in an easterly direction for approximately 253 km before joining the Crocodile River to form Limpopo River

# **Applicable Legal Framework**

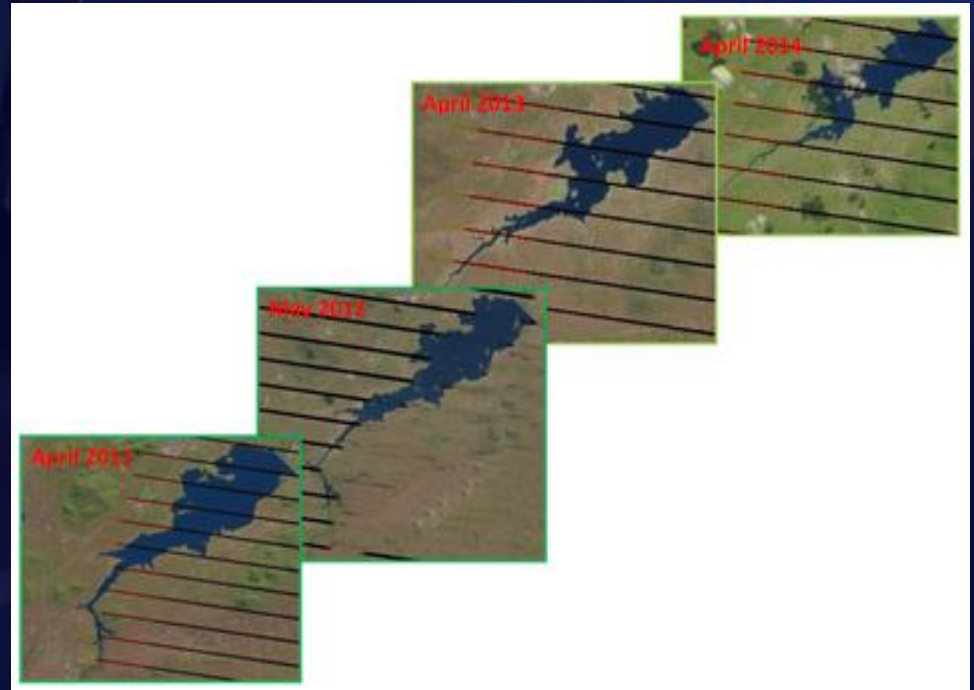
- 1. Three parties entered into an agreement for the construction, operation, maintenance and supply of water – TSWASA Agreement 1998**
- 2. Agreement revised in 2014 as a result of;**
  - Incorporation of Bophuthatswana into RSA**
  - Revised SADC Protocol on Shared Water courses (August 2000)**
  - Establishment of Joint Permanent Technical Committee between RSA and Botswana**

- 🔥 **Revised Protocol on Shared Watercourses in SADC** which makes provision for the coordinated management, protection and utilisation of shared water resources within the region
- 🔥 **2008 Agreement between RSA and Botswana on Water Supply Across the Border** facilitating authorised water supply across the two countries (incl local authorities and individuals)
- 🔥 **Limpopo River Basin Agreement** establishing LIMCOM

# Challenges Associated With The Dam

## 1. Institutional Reforms

## 2. Climate Change leading to changes in yields and consequently allocations





# Challenges Associated With The Dam

Current allocations done after a study on the hydrology, with Botswana not really being involved in the study leading to protracted negotiations on the allocations.

Gaps still remain.

3. Scarcity of resources and increasing water demand as well as conflicting interests in the resource (domestic vs commercial use)

4. Power supply challenges being faced by RSA

# Opportunities

- 🔥 **Scheme gives an example of cooperation between the two states over a strategic resource and gives encouragement that it is possible to cooperate for the benefit of both states.**
- 🔥 **Diversification of economic activities (dam amenties)**

# Challenges in implementing existing legal framework/ Lessons Learnt

- 1.** The Revised TSWASA agreement was drafted without due cognisance to existing legal frameworks that govern shared watercourses.
- 2.** During negotiations, too much emphasis on the technical aspects on not on the environmental and social aspects.
- 3.** Dispute resolution clauses being ineffective.
- 4.** The agreement makes NO provision should the dam completely dry up

# Challenges in implementing existing legal framework

5. The agreement does NOT provide for the “Buying out” of water allocations
6. The Agreement is silent on periodic revision and monitoring (revised only if the yields should change)

# CONCLUSION

- **Need to revise the agreement, having applied our minds to the various governance documents that exist and ensure proper alignment.**
- **Not doing so, shall lead to disputes which we are already seeing signs of.**
- **“When the well’s dry, we know the worth of water” per Benjamin Franklin**
- **THANK YOU**

