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**REFLECTIONS OF INTERNATIONAL WATER AGREEMENTS IN NATIONAL
WATER LEGISLATION**

by

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Abstract

Compliance with the legal obligations of States stemming from bi- and multi-lateral treaties and agreements on trans-boundary waters, to which such States are a Party, requires – among other things – a supportive domestic water legislation, thus producing an interface between the domestic and the international law planes. The international legal plane and the domestic legal plane interface along a pattern of conscious and deliberate reception of prior international/regional norms in the domestic legislation of countries, or of coincidental responsiveness of prior domestic legislation to international/regional norms junior in time. In this paper, the interface is explored by reference to the regional legal framework for trans-boundary waters in effect in Southern Africa, and to the domestic water legislation of two selected countries in that region (South Africa and Namibia). The examination of such domestic legislation in light of the Southern African regional legal framework in effect for transboundary water resources demonstrates how prior international/regional obligations have influenced the drafting of national laws (Namibia), and how prior national laws have been capable of responding to international/regional obligations junior in time (RSA). Examination of the legislation of the two countries discloses an interface pattern ranging from a tight fit to a loose approximation of their regional obligations. Moreover, the national laws examined articulate in detail how the commitments of the two countries at regional, bi- and tri-lateral level are to be considered in the application of the law, especially in connection with allocation of water for abstraction and use, and with water pollution control.