

THE ZAMBEZI

Special Issue

Volume 6 no 1

Zambezi Watercourse Commission sets transboundary perspective

by Leonissah Munjoma

The process that led to the formation of the Zambezi Watercourse Commission (ZamCom) has had major impact on southern Africa's perspective of transboundary issues. It propelled these issues to the top of the political agenda in SADC.

The importance of resource sharing and the need to integrate management of shared water resources became a popular topic for discussion during this negotiation process. Today, integrated water resources management (IWRM) is discussed at almost every forum that has a water agenda.

It took more than a decade for negotiations on the establishment of ZamCom to be concluded. During these years, many developments took place. These include the negotiation and signing of the SADC Protocol on Shared Watercourses, initiation of a few other river basin organisations, and the formulation by SADC of the Regional Strategic Action Plan for IWRM. The process has also won the much needed political commitment within SADC member states.

Luis de Almeida of the SADC Water Division, which has the mandate to implement the action plan, said during the Water Resources, Sanitation and Hygiene (Warsh) fair held in Harare that the SADC Protocol on Shared Watercourses is a result of the ZamCom process.

He said the ZamCom process has contributed to collective learning, networking, playing field levelling and confidence building in southern Africa.

Seven of the Zambezi river basin states signed the agreement to establish ZamCom in mid-2004. However, the negotiations to establish ZamCom date back to the late 1980s. These were suspended in the early 1990s to allow for discussions on the SADC Protocol on Shared Watercourse

Continued on page 3

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EDITORIAL

The Zambezi river and its dense network of tributaries and ecosystems constitute one of southern Africa's most important and valuable natural resources. It is, perhaps the best of what the region has in terms of shared natural capital.

The Southern African Development Community (SADC) recognises the need for regional cooperation in the management of these shared natural resources using an integrated ecosystem approach. Article 5 of the SADC Treaty commits the region to achieving sustainable utilisation of natural resources and effective protection of the environment.

The Zambezi river basin has within its large expanse, water resources, land and soils, forests and wildlife which define the region's economic activities ranging from energy generation, agriculture and forestry, manufacturing and mining to conservation and tourism, and scientific monitoring and research.

The launch of the Zambezi Watercourse Commission (ZamCom) is therefore a significant move towards regional integration.

In his foreword to the book *State of Environment Zambezi Basin 2000*, Mozambique's President Joaquim Chissano, then chairperson of SADC, noted that, as the most shared resource in the SADC region, the Zambezi provides a "litmus test in terms of meeting one of the objectives of the SADC Treaty".

SADC's Water Division has a mandate to implement the Regional Strategic Action Plan for Integrated Water Resource Development and Management. One element of this plan is the establishment of river basin commissions as defined in the SADC Protocol on Shared Watercourses.

With the growing water demand in the basin states, water sharing has become a major concern and transboundary issues in land and natural resource use, such as water and wetland management interventions, make it necessary that planning is done in a coordinated and integrated manner.

The establishment of ZamCom will allow basin states to establish links for discussion and exchange of views, and mutually beneficial cooperation to achieve better management of shared water resources.

Consensus on the need for coordinated planning in the management of shared water resources has been demonstrated not just in southern Africa but also in the rest of Africa where basin organisations have been established. These include the Nile Basin Initiative (NBI), the Orange-Senqu Commission (OraseCom) and the Limpopo Commission (LimCom).

ZamCom needs to look at lessons learned from already established basin organisations as well as bilateral institutions such as the Zambezi River Authority and strive to strengthen shared management of the river and its resources..

There are a number of challenges in the Zambezi basin. These include ensuring that all stakeholders buy into the concept of shared management of water resources, creating a common understanding regarding Integrated Water Resources Management (IWRM), and agreeing on priority areas for harmonious policies, integrated strategies and conflict resolution.

The SADC Executive Secretary Dr Prega Ramsamy, said during the ZamCom launch in Kasane, Botswana, there is need for cooperation in the management and development of the watercourse bearing in mind disaster prevention as a result of "natural extreme occurrences such as droughts and floods".

A well managed water resource will benefit the majority of the SADC population who depend on the basin for their livelihood, thus contributing to the poverty eradication goal.

Poverty alleviation with the aim of eradication is a global goal that has been included in processes such as the UN Millennium Development Goals (MDGs), the African Union's New Partnership for Africa's Development (NEPAD), and SADC's Regional Indicative Strategic Development Plan (RISDP). It is not by coincidence that all these processes have targeted poverty eradication as a priority. It is the realisation that poverty can only be eradicated through cooperation, integration and resource sharing.

The future scenario for water situation in the region as outlined in the book, *Defining and Mainstreaming Environmental Sustainability in Water Resources Management in Southern Africa*, a SADC report, shows a region facing acute water shortages in some countries with the situation ranging from that of absolute water scarcity to water stress, and quality and availability problems.

The launch of ZamCom sets the region on a path of partnership in development. ZamCom's success will largely depend on how well partnerships are embraced.

Highlights...

Zambezi river basin states sign agreement	4
Zamcom process to inform other agreements	5
Achieving gender equality a challenge in the basin	6
SADC challenges Country Water Partnerships to make impact	7



Zambezi Watercourse Commission sets transboundary perspective

Continued from page 1

Systems signed in 1995. The Protocol was revised in 2000 and came into force in 2003 upon ratification by the required two-thirds majority.

The need for such a protocol came about during discussions on ZamCom and it was realised that before the River Based Organisation (RBO) was formed, there was need for a modus operandi for the management of shared watercourses.

Almeida said the long time that it took to finalise the ZamCom agreement has resulted in a powerful, comprehensive and much more complex pact than other agreements signed earlier. Unlike other basin organisations, ZamCom will have a secretariat and its functions are predetermined.

Bernard Khupe, a commissioner with both the Okavango Commission and the Orange Senque Commission concurred with Almeida when he talked about the complexities that the two basin organisations are experiencing due to the absence of a secretariat.

"Both commissions depend on people who are already employed and only attend meetings as commissioners and when they go back home, they devote their time to their fulltime jobs in the respective governments," he said.

Almeida said the ZamCom negotiation process had projected transboundary water issues to the top of the political agenda in the region. Following the original Protocol on Shared Watercourse Systems, a specialised regional water sector unit was established in SADC

while the Regional Strategic Action Plan on Integrated Water Resources Management was formulated and it facilitated the establishment of other river basin institutions in the region. Almeida said some of the key lessons learnt from the process include:

- ♦ the fact that there is now political commitment and guidance at highest possible SADC level;
- ♦ there is now a broader framework for regional integration and development;
- ♦ the realisation of the use for a SADC protocol on shared watercourses;
- ♦ the region has adopted a holistic approach for IWRM;

Objectives and functions of the commission

The objective of the Commission is to promote the equitable and reasonable utilisation of the water resources of the Zambezi Watercourse as well as efficient management and sustainable development.

The Commission's functions are to:

- ♦ collect, evaluate and disseminate all data and information on the Zambezi Watercourse as may be necessary for the implementation of this agreement;
- ♦ promote, support, coordinate and harmonise the management and development of the water resources of the Zambezi Watercourse;
- ♦ advise Member States on the planning, management, utilisation, development, protection and conservation of the Zambezi Watercourse as well as on the role and position of the Public with regard to such activities and the possible impact thereof on social and cultural heritage matters;
- ♦ advise Member States on measures necessary for the avoidance of disputes and assist in the resolution of conflicts among Member States with regard to the planning, management, utilisation, development, protection and conservation of the Zambezi Watercourse;
- ♦ foster greater awareness among the inhabitants of the Zambezi Watercourse of the equitable and reasonable utilisation and the efficient management and sustainable development of the resources of the Zambezi Watercourse;
- ♦ co-operate with the institutions of SADC as well as other international and national organisations where necessary;
- ♦ promote and assist in the harmonisation of national water policies and legislative measures; and
- ♦ carry out such other functions and responsibilities as the Member States may assign from time to time.

- ♦ there is ownership and leadership of the Commission by the basin states;
- ♦ the Commission has adopted a benefit approach as opposed to water sharing, to allow those with less water to benefit;
- ♦ there is national funding of regional initiatives as a result of the Commission;
- ♦ mutual trust and confidence was built;
- ♦ the realisation that any well meaning processes are time consuming; and
- ♦ the importance of using a process approach instead of a project management one.

Among some of the challenges ZamCom faces, Almeida said, are institutional development and capacity building, retaining ownership and leadership of the Zambezi process with the basin states, finalising the strategy development process while addressing immediate priorities targeted at poverty reduction, and implementing a holistic programme based on process management and basket funding with a diverse partnership base. □



Shared watercourses

Zambezi river basin states establish a Commission

The Zambezi river basin states have established the Zambezi Watercourse Commission (ZamCom) to promote equitable and reasonable utilisation of the water resources of the river basin.

The Commission is also expected to support efficient management and sustainable development among the riparian states of Angola, Botswana, Malawi, Mozambique, Namibia, Tanzania, Zambia and Zimbabwe. All the riparian states except Zambia have signed the agreement.

The agreement signed on 13 July in Kasane, Botswana, is the culmination of negotiations that date back to the 1980s. These talks however, had to give way to negotiations on the SADC Protocol on Shared Watercourses, which was signed in 1995 and later revised and ratified in 2003. The negotiations resumed in 2002.

ZamCom is expected, in SADC Executive Secretary Dr. Prega Ramsamy's words, to "play a critical role in ensuring balanced and harmonious development of the Zambezi Basin Water resources, with a view of prevent-

Governing the Zambezi Watercourse Commission

Three organs will govern the Commission: the Council of Ministers, the Technical Committee and the Secretariat.

The Council's main role will be to adopt policies and decisions, and to provide necessary leadership during implementation.

The Technical Committee will implement policies and decisions of Council.

The Secretariat will provide technical and administrative services to the Council under the supervision of the Technical Committee. The Secretariat will also facilitate the development of a strategic plan, annual work programme, plans, studies, assessments and other documents required for the implementation of the agreement.

The basin states have committed themselves to eight principles under ZamCom. These are sustainable development, sustainable utilisation, and prevention of harm, precaution, inter-generational equity, assessment of trans-frontier impacts, co-operation and equitable and reasonable utilisation.

ing potential conflicts and ensuring adequate and effective benefit-sharing among all riparian states in particular, and in the SADC region at large".

The agreement is testimony to SADC's commitment to regional integration and promotion of effective co-operation in the management and development of water resources.

President Festus Mogae of Botswana challenged the Commission to do things differently to achieve their goals.

"We need to be asking ourselves what we should aim to do differently in the coming decade to perform better than we did previously. As it begins its work, the Zambezi Watercourse

Commission, and in particular its Council consisting of the eight water ministers from the riparian countries, must address itself to how it is going to effectively contribute to the UN goal," he said in reference to the Millennium Development Goals' target of halving the number of people without access to safe water and sanitation by 2015.

His vision in 10 years is a situation where joint strategic projects between riparian countries have a positive impact on the quality of life of the people in the basin.

"In my vision, the Zambezi Watercourse Commission will be far more than a group of representatives protecting national interests in actual or potential disputes. The Commission will actually be in a position to contribute constructively to the spread of peace, the amelioration of poverty and its ultimate eradication, as well as the integration of the SADC region through more efficient and environmentally sustainable use of the natural resources at our disposal," he said. □

Size of Zambezi Basin

Country	Total Area (sq km)	Area in Basin (sq km)	Area in Basin %	2002 Total Population ^a	Population in Basin ^b	Population in Basin %
Angola	1,246,700	145,000	11.6	14,000,000	518,000	3.7
Botswana	582,000	84,000	14.4	1,736,000	13,888	0.8
Malawi	118,000	110,390	93.2	11,500,000*	9,901,500	86.1
Mozambique	802,000	140,000	17.5	18,100,000	3,472,200	19.2
Namibia	824,000	24,000	2.9	1,830,000	67,710	3.7
Tanzania	945,000	27,000	2.9	33,600,000	1,344,000	4.0
Zambia	753,000	540,000	71.7	10,700,000**	7,511,400	70.2
Zimbabwe	391,000	251,410	64.3	11,630,000	8,385,230	72.1
Total	5,661,700	1,321,800		103,096,000	31,753,568	30.8

* Mid- year 2003

** 2004 mid- year projection

Source: Chenje, M, (ed), *State of the Environment Zambezi Basin 2000*, SADC/IUCN/ZRA/SARDC, Maseru/Lusaka/Harare, 2000

^a SADC Website (www.sadc.int)

^b Adapted from SADC Website figures (a.)



ZamCom process will inform other agreements on shared watercourses

by Bayano Valy

The launching of the Zambezi Watercourse Commission (ZamCom) this year should act as a catalyst resulting in the SADC region signing more management agreements for the remaining 14 shared river basins.

Negotiations aimed at establishing ZamCom were fraught with difficulties, and were delayed – talks started far back in the late 1980s and were suspended in the 1990s to give the region time for discussion of the SADC Protocol on Shared Watercourses which was eventually signed in 1995. They were resumed in 2002, culminating with the signing of the agreement on 13 July 2004 by seven of the eight riparian states.

The negotiations were tough because, in the opinion of Mozambican Public Works Minister Roberto White, nations first considered their own interests. "When you look at resources that are not territorially fixed such as water, that are not controlled by any given country, it brings a contradiction."

"Thus the management process of contradictions between national and regional or at times international interests takes time until they are accommodated, and that is what happened," said White.

"Contradictions arise between what is considered national interest or what is thought first that you could lose when you go to a regional solution," he said. "This is the dynamism or dialectic that exists between national versus regional interests when we're discussing water resources."

But what should be borne in mind is that "there were no winners or losers. Fundamentally all countries will benefit from the signing of the agreement."

This has fed a new vision that henceforth when countries want to shortlist projects on the Zambezi they should seek to protect not only state interests, "but make sure that benefits that can be gained out of a hydroelectric project, for example, can be shared by the region."

Consequently, the signing of the agreement represents a sign of greater things to come. "The Zambezi, being, in my opinion, the most important basin of the SADC region is a great event that clearly needs to be celebrated."

"If all these SADC countries achieved understanding regarding such a great basin, which would eventually be proportionately problematic as the Zambezi is, it's natural that they'll more easily understand each other in other basins which are shared by fewer countries and eventually have little water such as the Pungwe basin," said White.

Throughout the negotiation process countries had learned lessons from each other, and in Mozambique's case, the country has won a larger vision of the interests existing in the upper Zambezi, and at the same time conveyed its own perceptions that upper river states had "hardly any notion of".

Mozambique's concern is to see to it that water use upstream does not affect the breeding grounds of prawns; and that the hydroelectric project on Cahora Bassa dam is not compromised, among others.

"We have a huge delta, that the great part of the production of prawns depends on the volume of freshwater of the Zambezi; we also have very important environmental protected areas, and we're perhaps in southern Africa after the Congo, the second energy powerhouse. All these are realities that were learned by the other countries when we brought them on the table," he said.

Of the 15 shared river basins in SADC, Mozambique is downstream of nine making it the country with the most shared basins in the region. Mozambique is the end-user country. "Thus most water can be used in upstream countries before it reaches Mozambique, which means reducing the quantities of water flowing into the country, as well as water quality – as water decreases in quantity it normally has the tendency to be polluted," said White.

So the agreement will enable Mozambique to have enough water to carry out projects that will impact on the lives of the population.

"With the agreement we're poised to create conditions for water to be used for the development of the regional population. Water resources are extremely important because they're life resources. They enable the uplifting of the living conditions of the population," he said. □

Some issues in the Zambezi river basin

The Zambezi Watercourse Commission (ZamCom) is expected to deal with an array of environmental issues within the basin. These include:

- ◆ Poverty eradication
- ◆ Harmonisation of water policies, legislation and strategies
- ◆ Efficient and equitable use of water resources
- ◆ Regional cooperation among institutions, some of which may have competing and overlapping interests
- ◆ Optimising industrial and mining productivity and preventing pollution
- ◆ Food self-sufficiency and food security through irrigation initiatives
- ◆ Demographic change and population pressures
- ◆ Rational management of biodiversity and forest resources
- ◆ Land degradation and soil erosion
- ◆ Unsustainable damming and the threats to ecosystems through sedimentation
- ◆ Depletion of the wilderness value due to over-development of tourism
- ◆ The complexity of putting less emphasis on national interests for the benefit of regional cooperation.



Communities

Communities aware of shared resources

Communities living in the Zambezi river basin are aware of the issues relating to the shared natural resources.

One such community is the Toka-Leya in Chief Mukuni's area in Livingstone where the Victoria Falls borders Zambia and Zimbabwe.

Conscious of what would happen to natural resources if they were not cared for, the people of Mukuni are working with various organisations to create awareness around the issues and to find solutions for some of the problems.

They have formed the Mukuni Development Trust (MDT) to find practical solutions to issues such as deforestation, land degradation, inadequate water supply and sanitation, wildlife depletion, and bush fires.

They believe that if these problems are not dealt with at community level, they may create a lot of conflict in terms of natural resource use and sharing.

"We know we should conserve our trees because we depend on them," says Senior Chief Mukuni.

Chief Mukuni describes the village as one of the few "authentic existing African villages" from whom a lot could be learnt in terms of cultural practice and preservation.

Through the MDT, the community is attracting tourists to their area where they educate them about their pre-colonial history and way of life. The Trust uses the proceeds to promote conservation of biodiversity through sustainable community-based natural resource management. □

Achieving gender equality a challenge in Zambezi river basin

One of the challenges in the Zambezi river basin is that of reducing gender inequalities and increasing women's participation in decisions concerning the environment and natural resource management.

The Southern African Development Community (SADC) has endorsed the need to give women "full access to, and control over productive resources such as land, livestock, markets, credit, modern technology, formal employment, and a good quality of life in order to reduce the level of poverty among women", in its 1997 Gender and Development Declaration.

The 1995 Beijing Declaration and Platform for Action (BDPFA) challenged governments globally to address "gender inequalities in the management of natural resources and in the safeguarding of the environment" among other obstacles to the empowerment and advancement of women.

Following women full access to resources means they should be involved in the management of natural resources.

It is not just the water sector that has left out women in the management of the resource. The situation

applies to other sectors. This raises the challenge to all the other institutions, be they river basin organisations or protocols that have been formulated to address natural resource issues.

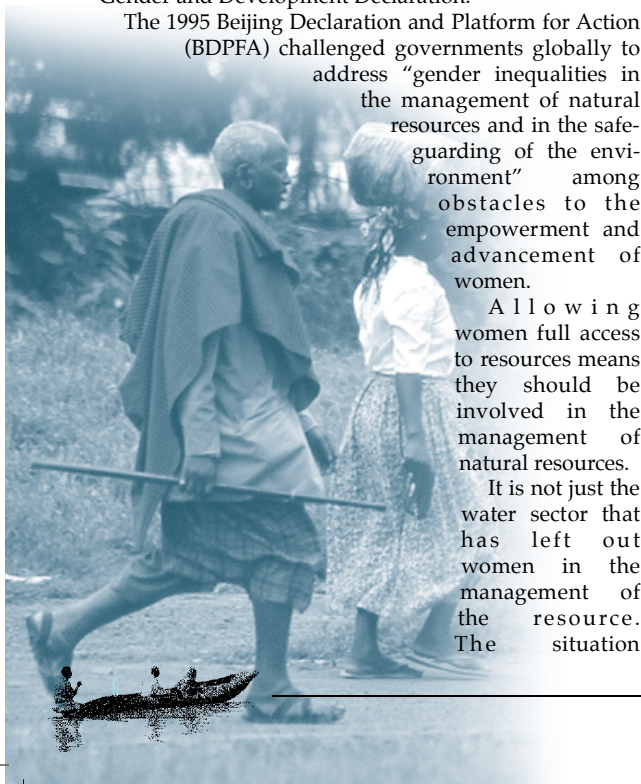
Delegates to the sub-regional meeting on the implementation of the BDPFA in southern Africa held in Lusaka, Zambia urged governments to:

- ♦ involve women in environmental decision-making at all levels, including as managers, designers and planners, and as implementers and evaluators of environmental projects;
- ♦ integrate gender concerns and perspectives in policies and programmes for sustainable development; and
- ♦ strengthen or establish mechanisms at the national, regional and international levels to assess the impact of development and environment policies on women.

Studies have shown that while women carry a heavier load in production, they do not enjoy similar rights in terms of access to and control over resources. Men commonly have rights to decide how resources such as land, water, and fisheries are utilised.

Women's inclusion in the management of natural resources is important, as they are the domestic managers who are in most contact with the resources when they carry out most of the work including collection of water. Women also decide which water sources to use for what purposes and how much water to collect including how to dispose of the various types of waste water.

The pivotal role that women play as carriers and users of water and guardians of the living environment has seldom been reflected in institutional mechanisms for the development and management of water resources. In ensuring that there is adequate and efficient benefit sharing among all riparian states, ZamCom is expected to promote the role that women play and give them a voice in decision-making. □



SADC challenges Country Water Partnerships to make impact

by Stanley Mubako

The Southern African Development Community (SADC) has challenged the Country Water Partnerships (CWP) to come up with business plans that ensure impact at grassroots level, where most of the action takes place.

CWPs facilitate dialogue and activities aimed at promoting the principles of Integrated Water Resources Management (IWRM).

Participants include institutions engaged in water and sanitation related activities such as research, service delivery, training and dissemination of knowledge and information.

IWRM promotes coordinated development and management of water, land and related resources to maximise economic and social welfare in an equitable manner without compromising the sustainability of vital systems.

The Global Water Partnership-Southern Africa (GWP-SA) has facilitated and supported the establishment of country partnerships after realising the importance of national realities and priorities and the need for local level action.

The first country partnership was launched in Zambia in 2000. More have since been launched in Botswana, Malawi, Namibia, Swaziland, Tanzania, South Africa and Zimbabwe.

Obonetse Masedi of the SADC Water Division, who was speaking at the fourth Annual Consulting Partners

meeting of GWP-SA in Swaziland in July, described the network as a platform that promotes water dialogue.

This process together with other related national and regional initiatives are instrumental in preventing potential conflicts over scarce water resources in the region.

SADC's Regional Strategic Action Plan for IWRM, is devoted to the establishment and strengthening of river basin organisations.

These include the Orange-Senqu Commission (Orasecom), Okavango River Commission (Okacom), the Incomati Maputo and the recently launched Zambezi Watercourse Commission (ZamCom).

The commissions will play a pivotal role in the preparation of IWRM plans, which will form the basis for key infrastructure projects for the provision of water.

"SADC believes in a participatory and consultative process and the CWPs are key to this," said Masedi.

"It is important that the role of the partnerships is clear and effective. They are the key vehicles representing country stakeholders through which the process of consensus building proceeds."

Masedi urged CWPs to be active in all member states, in order to promote the process of consensus building among stakeholders.

He said southern Africa has the potential for serving as an IWRM model for the rest of the world. □

State of environment reports to be published every five years

State of the environment reports in southern Africa are to be published every five years, in line with the Regional Indicative Strategic Development Plan (RISDP). The reports are to be called the *Southern Africa Environment Outlook*.

The first report on the southern African environment was published in 1994. Two thematic reports, one on Water and another on Forestry and Biodiversity followed in 1996 and 2000. The reports are produced under the Communicating the Environment Programme (CEP).

The second report covering issues such as land, fresh water resources, marine and coastal resources, forests and woodlands, wildlife resources, and human settlements is expected out early next year.

The *Southern Africa Environment Outlook 2004* has nine chapters divided into three sections. One chapter gives an overview of the southern African region, seven describe the resources of the region and the interaction with its people and a third section contains a chapter that deals with trends and scenarios.

Margaret Nyirenda, the SADC Food, Agriculture and Natural Resources (FANR) Supervisor said the regional grouping considers environment as a cross-cutting issue

and would thus fall under the Chief Director's office together with other issues such as poverty and HIV and AIDS.

This gives environment the prominence it deserves and also allows for the integrated assessment, which is the basis of state of the environment reporting.

The CEP partnership was established in 1992 after the United Nations Conference on Environment and Development (UNCED) summit in Brazil. SADC formulated the Regional Policy and Strategy for Food, Agriculture and Natural Resources in 1992. Information was seen as the main anchor to the granting of equal footing to both the environment and development.

The main CEP goal then was to facilitate the first State of the Environment in Southern Africa report.

The CEP objective is to inform, motivate and empower people at all levels of decision-making in southern Africa, from the individual and NGOs to the private sector and governments, to take positive actions to counter environmental degradation and move towards sustainable development paths by providing them with clear objectives and meaningful information on the environment. □



THE ZAMBEZI AT A GLANCE

The Zambezi River

- rises on the Central African Plateau in the Kalene Hills in northwestern Zambia and flows through eight countries to its delta in Mozambique and the Indian Ocean.
- drains an area of almost 1.4 million sq km, stretching across Angola, Botswana, Malawi, Mozambique, Namibia, Tanzania, Zambia and Zimbabwe.
- supports the Victoria Falls, popularly identified as one of the seven natural wonders of the world, as well as Kariba and Cahora Bassa hydroelectric dams and their lakes.

The Zambezi Basin

- ♦ is the most shared in southern Africa and third largest in Africa after the Congo and the Nile.
- ♦ covers about 25 percent of the total geographic area of the eight riparian countries estimated at 5.6 million sq km.
- ♦ is home to almost 40 million of SADC's estimated population of over 200 million people.
- ♦ hosts urban areas such as Luena in Angola, Kasane in Botswana, Tete in Mozambique, Katima Mulilo in Namibia and Mbeya in Tanzania, almost all urban centres in Zambia including the capital city of Lusaka, all urban centres in Malawi and most in Zimbabwe, including Harare.
- ♦ contains Lake Malawi/Nyasa/Niassa covering 28,000 sq km, Africa's third largest freshwater lake after Lakes Victoria and Tanganyika and third deepest in the world.



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