

FOURTH WATER USE AGREEMENT

1991

AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF NAMIBIA
AND THE GOVERNMENT OF THE PEOPLE'S REPUBLIC OF ANGOLA
IN REGARD TO THE DEVELOPMENT AND UTILIZATION OF THE WATER
POTENTIAL OF THE KUNENE RIVER

RECOGNISING that the Governments of Portugal and the Republic of South Africa at various times since 1926 entered into agreements for the development of Rivers of Mutual interest, specifically the AGREEMENT BETWEEN THE GOVERNMENT OF THE UNION OF SOUTH AFRICA AND THE GOVERNMENT OF THE REPUBLIC PORTUGAL REGULATING THE USE OF THE WATER OF KUNENE RIVER FOR THE PURPOSES OF GENERATING POWER AND INUNDATION AND IRRIGATION IN THE MANDATED TERRITORY OF SOUTH WEST AFRICA " of 1 July 1926, and the AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC OF SOUTH AFRICA, AND THE GOVERNMENT OF THE REPUBLIC OF PORTUGAL IN REGARD TO RIVERS OF MUTUAL INTEREST AND THE CUNENE RIVER SCHEME" of 13 October 1964;

RECALLING also the " AGREEMENT BETWEEN THE GOVERNMENT OF THE REPUBLIC SOUTH AFRICA AND THE GOVERNMENT OF THE REPUBLIC OF THE PORTUGAL IN REGARD TO THE FIRST PHASE DEVELOPMENT OF THE WATER RESOURCES OF THE CUNENE RIVER BASIN" executed on 21 January 1969; and

CONSCIOUS that Angola and Namibia have since become sovereign states.

NOW THEREFORE:

The Governments of the Republic of Namibia and the People's Republic of Angola, recognising the need for the mutual benefit of the peoples of Angola and Namibia to consolidate by means of a new agreement the arrangements for the development and utilization of the waters of the Cunene River, as envisaged in the Agreement between the Government of the Republic of Portugal dated 21 January 1969, hereby affirm and endorse the terms of the Agreements between the Governments of Portugal and the Republic (formerly the Union) of South Africa of 1 July 1926, 13 October 1964 and 21 January 1969, (herein after collectively referred to as " this said agreement")

- Conscious that the first phase of the developments as envisaged in the Agreement of 21 January 1969 has already been partially completed;

Recognising that the works so completed could not as yet be utilized to its best economic potential;

- Noting that neither party has to date been able to derive its equitable economic benefit;

- Mindful of the fact that both parties are anxious to promote the development of the region and encourage a spirit of good neighbourliness between their peoples

Conscious of the changed circumstances which necessitated amplification and amendment of, and additions to certain articles of the said Agreement, which are no longer appropriate or applicable in their original form, in particular Article 4.2.8 of the Agreement of 21 January 1969 in respect of the Operating Authority therein defined; and

- Realising that Namibia will become increasingly dependent upon the Republic of South Africa for its power requirements at continuously increasing costs;

The Parties hereto agree:

1. To establish a Joint Operating Authority (as referred to in Article 4.2.8 of the said 1969 Agreement) to ensure:

a) The maximum beneficial regulation of water flow at Gove required for optimum power generation at Ruacana and to control the abstraction of water along the middle Kunene and

b) To ensure the continuous operation and adequate maintenance of the water pumping works at Calueque and the diversion weir at Ruacana.

2. To allow the Permanent Joint Technical Commission (established in terms of Article 2.2 of the said 1969 Agreement) to evaluate the development of further schemes on the Kunene River in order to accommodate the present and the future needs for electricity in both countries.

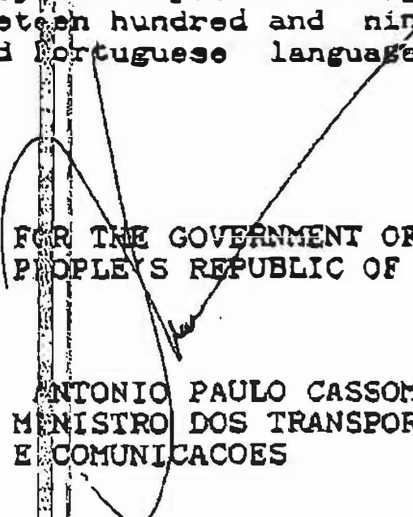
3. This Agreement shall take effect on the date of execution thereof by representatives of the two Governments.

Thus done and signed at Lubango, People's Republic of Angola, on this eighteenth day of September nineteen hundred and ninety, in two original copies in English and Portuguese languages, both texts being equally authentic.

FOR THE GOVERNMENT OF THE
REPUBLIC OF NAMIBIA


HON. H. HAMUTENYA
MINISTER OF INFORMATION
AND BROADCASTING

FOR THE GOVERNMENT OF THE
PEOPLE'S REPUBLIC OF ANGOLA


ANTONIO PAULO CASSOMA
MINISTRO DOS TRANSPORTES
E COMUNICACOES