

No. 48720

**South Africa
and
Swaziland**

Agreement between the Government of the Republic of South Africa and the Government of the Kingdom of Swaziland on water supply across the border between South Africa and Swaziland. Driekoppies, 23 July 2010

Entry into force: *23 July 2010 by signature, in accordance with article 7*

Authentic text: *English*

Registration with the Secretariat of the United Nations: *South Africa, 14 July 2011*

**Afrique du Sud
et
Swaziland**

Accord entre le Gouvernement de la République sud-africaine et le Gouvernement du Royaume du Swaziland sur l'approvisionnement en eau à travers la frontière entre l'Afrique du Sud et le Swaziland. Driekoppies, 23 juillet 2010

Entrée en vigueur : *23 juillet 2010 par signature, conformément à l'article 7*

Texte authentique : *anglais*

Enregistrement auprès du Secrétariat des Nations Unies : *Afrique du Sud, 14 juillet 2011*

[ENGLISH TEXT – TEXTE ANGLAIS]

AGREEMENT

BETWEEN

**THE GOVERNMENT OF THE
REPUBLIC OF SOUTH AFRICA**

AND

**THE GOVERNMENT OF THE
KINGDOM OF SWAZILAND**

**ON WATER SUPPLY
ACROSS THE BORDER BETWEEN
SOUTH AFRICA AND SWAZILAND**

PREAMBLE

The Government of the Republic of South Africa and the Government of the Kingdom of Swaziland (hereinafter jointly referred to as “Parties” and separately as a “Party”);

INSPIRED by the spirit of the Southern African Development Community Revised Protocol on Shared Watercourses in the Southern African Development Community (SADC) Region;

RECOGNISING the Treaty on the Establishment and Functioning of the Joint Water Commission (JWC) between the Parties;

RECOGNISING the Tripartite Interim Agreement between the Republic of Mozambique, the Republic of South Africa and the Kingdom of Swaziland for Co-operation on the Protection and Sustainable Utilisation of the Water Resources of the Incomati and the Maputo Watercourses;

CONSIDERING the relative paucity of water resources in the Southern African Region and the need to provide the people in the Region with access to sufficient water supplies;

MINDFUL that both Parties appreciate the fact that water is the essence of life and human dignity;

CONSCIOUS of the fact that access to safe water is a basic human right and that the lack of or contamination of water jeopardizes both the physical and social wellbeing of all people;

HEREBY AGREE as follows:

ARTICLE 1

DEFINITIONS

In this Agreement unless the context indicates otherwise-

“Recipient Country” means the territory of the Recipient Party;

“Recipient Party” means the Party that receives the water;

“Supplying Country” means the territory of the Supplying Party; and

“Supplying Party” means the Party that supplies the water.

ARTICLE 2

GENERAL OBJECTIVE

This Agreement aims to facilitate water supply across the border between the Republic of South Africa and the Kingdom of Swaziland.

ARTICLE 3

OBLIGATIONS

(1) The Supplying Party undertakes to:-

- (a) authorise water supply authorities and water service providers in the Supplying Country to enter into contractual arrangements with water supply authorities or water users in the Recipient Country to supply water across the border;
- (b) provide guidance to water supply authorities, water service providers and water users in both countries on contractual arrangements and conditions which shall be acceptable to both Parties;
- (c) assist water supply authorities or water users in the Recipient Country to obtain servitudes needed to convey water from abstraction points over the border, where applicable;
- (d) assist water supply authorities or water users in the Recipient Country to get access to the infrastructure on the other side of the border for construction, operation and maintenance purposes, where applicable;
- (e) authorise personnel of water supply authorities and / or water users in the Recipient Country responsible for the operation and