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Aquae Incognita

'Drawing A Line' in the Water Breeds African Border Disputes

James G. Workman

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ROUGHLY MIDSTREAM SOMEWHERE ABOVE SJAMBOK RAPID, Namibia or South Africa –The prow of the Mowhwak swung slowly into the current, then picked up speed, making my British canoe partner grip her paddle like a weapon over the treacherous waters. A low rumbling rose from just around the bend ahead of us, where the guide had just vanished from view.

Bilge sloshed around my ankles, and I swore. We were leaking fast. The stern must have cracked on that rock right after launch. The boat drifted low, sluggish and less responsive with each progressive stroke. Its gunwales dipped close to the fluid surface and the thin fiberglass bottom scraped the submerged rocks. There was no route to shore, no way to back-paddle upstream; the smooth tongue of water sucked us forward.

From the bow my canoe partner grimaced at me with mistrust, still simmering over how I veered us into a tree less than an hour ago. Now the boat rocked under the first series of back-curling, rock-formed rapids — called a 'wave train' — and swayed hard over to the leeward side. On the verge of capsizing, I raced through safety procedures and assessed the emergency provisions lashed aboard: dry food; warm clothing; cold beer; valid U.S. passport;*Passport?* For a river trip?

Ah, yes. For this was no ordinary river, no commonplace trip. By my reading, we had embarked on nothing less than a covert diplomatic mission. Our seven-boat expedition was coursing downstream into the precious and precarious waters of southern Africa's most contested stream; our quest ...an elusive, invisible dotted line. Few people could agree on our stream's official name — Orange, Senqu, Vaal,



Connect the Dots: The elusive line between Namibia and South Africa looks clear from shore and on paper, but blurs once you are swept along into the river.

Gariiep, Dragon, or simply 'The Great River.' But far more dangerous in terms of exposed raw political nerves, none could agree on the details of its exact geographical demarcation.

This was no small oversight. After more than a dozen interviews, no legal expert, diplomat or government resource official had been able to identify where, precisely, the international border lay. Namibia claimed it ran right down the middle, giving it half of this valuable 400-kilometer river reach. South Africa maintained it ran along the right, or northern, shore, in which case all the water conveniently belonged to it. Both sides offered valid arguments; neither would budge. Below a calm surface, voices sounded testy. At the Vioolsdrif/Noordoewer border post, officials despised their cross-river counterparts. Militant action had not been ruled out.

So in the interests of peace I decided, like any Quiet American, to take the burden of resolution upon myself. Oh, I weighed the risks, both of action or inaction. Left unresolved, that unmapped ambiguity endangered far more than our hapless vessel as it ricocheted back and forth between Namibia and South Africa. It repressed badly needed economic development — fishing, minerals, conservation, natural gas, grazing, agriculture, recreation, hydropower — in that eastern part of the subcontinent. It escalated geopolitical tensions in a region already on edge. It threatened, in one observer's words, to "become a lingering international administrative nightmare" that could capsize foreign relations between Africa's two newest, driest democracies. Press on, lads, into the spray — er, fray!

* * *

I planned to row alone, but before embarking was assigned a partner. The urbane young woman was on holiday from London, and would be turning 30 on the river. She had never paddled before. On the ride to the put-in camp she appeared exceedingly nervous, and asked, hopefully, if I had spent much time on the water myself. I envisioned myself a Bogart trying to calm Hepburn at the start of *The African Queen*.

"Oh I should say so," I assured her with confidence.

"Back at university I amassed four years' solid rowing experience on a winning team."

She sighed, her face awash with unmistakable relief.

"Of course," I added candidly, "that was on lakes. In eight-man shells. Rowing backwards."

She looked much aggrieved.

But buoyant. She brought me wake-up tea the first morning, and referred to me as 'luv.' That day, her birthday, I propelled us into an embankment, four boulders, and three other canoes in rapid succession. I was thence on my own for tea and, noting my delicate sensibilities about recent weight gain, she began to refer to me as "Mr. Pillsbury Dough-Boy."

Over fire that night I recalled that the English 'rival' and 'river' both derived from the same Latin word, *rivalis*, which means 'one who uses the same stream.' *Rivalis* applied to Namibia and South Africa as each struggled to overcome their borderline tensions and strike a fair political equilibrium. By then it likewise applied to the Limey and myself, as we struggled not to flip.

* * *

The rapids loomed closer. We felt a slow grind along the bottom, and I frantically started bailing with a scoop in my left hand. This made steering with a paddle in my right hand decidedly problematic, and my wobbly efforts inspired my dear *rivalis* to pivot around in her bow seat and glare back at me with bile. She shouted

something that was, perhaps mercifully, drowned out by the torrent.

"What did you say?" I asked her.

"The line!" she repeated, referring to the watery route that our lead guide's boat picked through the rapids.

"What about it?"

"We're drifting off course from it!"

"Are you sure?"

"Yes! Where's the fixed line we're supposed to follow?"

Well, see, that was exactly my point. Our covert mission here came about because there was no agreed upon 'line' that could be followed by any



Paddle to the sea: *The river is placid only in the parts where I could confidently get out my camera without fear of capsizing*

politicians and jurists, let alone us.

As the rapids tossed us toward a boulder and a lateral wave slammed over the bow and drenched her, I realized that perhaps now wasn't the best time for me to hold forth on the origins of this high-stakes international border dispute. But some things just can't wait.

Cape Dutch colonists on a northern reconnaissance expedition (a crude precursor of my own) 'discovered' a large river in 1779 and named it after their Netherlands House of Orange. Years later they found that their Orange River rises 3,300 meters above sea level at its source in the Drakensberg Mountains, of what would eventually become Lesotho; it then flows 2,300 kilometers west through the incredibly hot, dry Karoo desert into the Atlantic. Evaporation rates are high. Yet when those Dutch settlers first encountered it, it discharged an annual average 10 billion cubic meters of water into the sea. Since then, thirsty farmers and cities have wedged no fewer than 31 large dams far upstream from our stretch. Through transfer tunnels, canals, weirs and diversions, these siphoning structures have combined to reduce the Orange's once-tumultuous roar to its current growl.

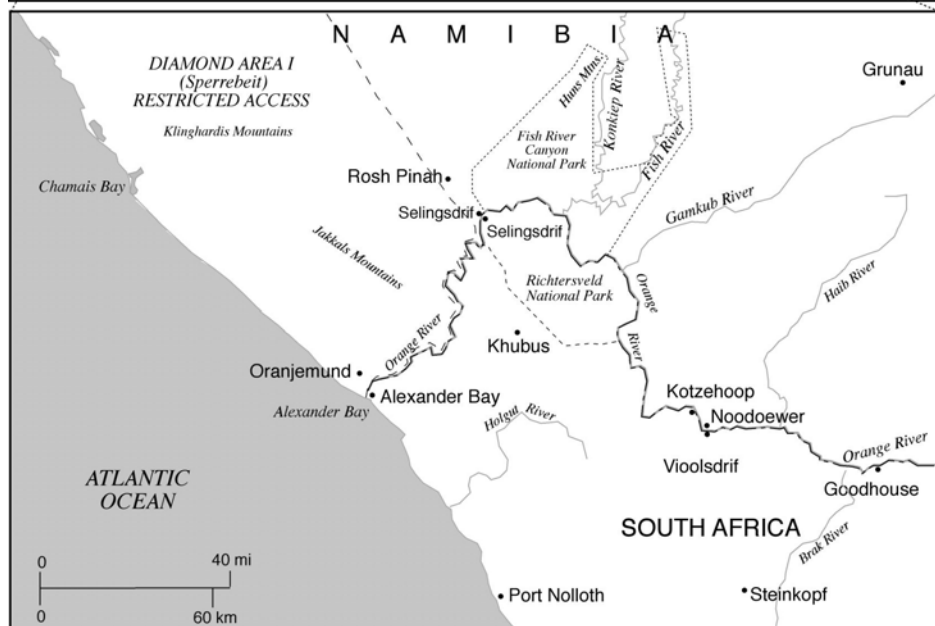
Lower water meant slower water. But between pools, it also meant a steeper gradient, leaving us more exposed to rocks. What's more, the current still packed a wallop. "I've done about three dozen river trips down this stretch of the Orange," said Scotty, one of our guides, less than an hour before the river wrapped his canoe around a boulder and unceremoniously dumped him into the current's 'eddy' on the other side. "Nothing changes but the people in the boats. And, of course, the river level. But in all that time, this is the absolute lowest I've ever seen the water."

Some 1,800 kilometers upstream river waters were at that moment slowly rising behind the brand new, giant Mohale Dam in Lesotho (JGW-10), never to be seen here again. The dam diverts a huge chunk of the Orange River off to Johannesburg, which pumps any wastewater east,

down the Limpopo or Oliphants, draining out to the Indian Ocean. Gone, clear across the continent. Rarely would the water here ever again rise much higher than this.

Still, any reduction in the river's former watery glory gets redeemed by the spectacular desert-mountain canyons that flank it. Together, river and rock remain formidable foes. From the time of discovery through dozens of government changes, the rough and rugged combination of water and mountain here has forged a lasting natural territorial obstacle between Namibia and South Africa.

Turning geology into a border seemed logical enough at the time. Indeed, grab an atlas. Find an international boundary. If it's a straight line, odds are it's a latitude or





Switched Current: Most of Lesotho's Senqu River, the Orange's key tributary, will be diverted just downstream of here by Mohale Dam— first to Johannesburg, then to the Indian Ocean on the opposite side of the continent.

longitude; if it's squiggly, it's either a mountain range, or a river, or both. So? Well, as long as land remained the most precious commodity the Great Powers wanted to grab, rivers like the Orange, Rio Grande, Jordan, Mekong served an important, if primitive, function. This side: ours; that side: yours.

But as water itself turns scarce and precious, the river pulls both sides deeper into the current. Surveyors must wade into the wet winding seam to haggle over details about where, exactly, the border along, on, of, inside, around, above and within the confounded river may lie. They prefer a foundation that is precise and solid. But like me today, they encounter an opaque, ever-shifting, turbulent and oscillating amorphous stew of mud, moss and water. Rivers change; all is flux, noted Heraclitus 2,500 years ago. Flows alter the shape and position of channels each moment; they erode banks upstream and build them up with packed sediment downstream.

This constant, eternal flux confounds cartographers and leaves the governments who depend on them severely nonplussed. Yet in the competition for water they can't escape decisions: Does or doesn't the dotted line run along the Left bank? Or the Right? Do we count the 50-year high-water mark of a flood, or low-water mark of a drought? Do we demarcate by a) the exact geographic middle of the stream, b) the fastest flow line, or c) the deepest part of the channel, known as a *Thalweg*?

* * *

Scha-clunk! It appeared we again had missed all three definitions of 'center.' When I opened my eyes, I found our prow neatly wedged up, suspended between two partially submerged rocks. Water piled against our upstream side, making us keel to the left. Another canoe with two wide-eyed humans was bearing down on us, back-paddling but nevertheless about to ram. I clambered out to shove us free and detected a bitter dry chuckle from the bow. Ah yes, there the inappropriately named

'Felicity' was glowering narrow-eyed and cursing me under her breath.

"Try to keep it balanced while I get out," I called to her.

"Balance? Don't you think it's a little late for that?"

"Just don't force it, or we'll get in trouble."

"We ARE in trouble," she snapped. "You were in back. You're the one who's supposed to be steering us!"

"Well, you're supposed to paddle!" I retorted.

"I thought you said you knew what you're doing."

"I do, but I can't do everything myself."

"Do? DO?? You don't do anything. You just sit there and let your mind wander. By default I'm the one who has to navigate from the front."

* * *

Sigh. Navigation was the last thing on the minds of officials who attempted the first colonial boundaries. The river was still an obstacle, its water not seen as deeply important. Land was. During December 1847, Harry Smith, Governor of the then-British Cape Colony, proclaimed that the northernmost boundary of the colonial realm ran right up to the *southern bank* of the Orange River, and no further. In an age where baobab trees were labeled boundary markers, the first dotted-line definition was a precedent here, running:

"thence down the left bank of the last mentioned River, to where it falls into the Orange River and thence, flowing the course of the last mentioned river along its left bank to where it empties itself into the Atlantic Ocean."

And so 'thence' that precedent stood for four, solid, peaceful decades.

Then along came 'The Scramble for Africa,' dragging in a reluctant Otto von Bismark. Along came attempts at German territorial expansion throughout Namibia, then called Southwest Africa. Along came maneuvers, shots across bows, skirmishes, and, eventually, Anglo-German talks in Berlin to sign the "Heligoland-Zanzibar Treaty" of July 1890.

While dividing Kenya and Tanganyika, that treaty also, in Article III, adjusted wrinkles in a thin blue line. "The original Orange boundary along the southern bank could not be kept," according to historian Klaus Derks, "due to the incompetence of the German negotiators."

"Instead of maintaining the boundary which had already been legislated in 1847," lamented Derks, "or insist on the middle of the river...the Germans inattentively gave way to the British demand to relocate it on the *northern* bank of the Orange River."

Why did the British demand this? Perhaps they were induced by the discovery of diamonds or gold upstream. More likely, say scholars, these settlers from rainy climes had begun to see how worthless Africa's arid land was without water. No water, no foreign farmers. No settlement,

no sphere of influence. "This demarcation was driven by political considerations aimed at denying the German territory access to water and thereby creating an inhospitable buffer zone," said Anthony Turton of the African Water Issues Research Unit, University of Pretoria. "This is an excellent example of the use of water as a political tool or weapon."

The Germans discovered their careless blunder only after signing the document. Alas, too late. Nevertheless, in 1906 they officially filed a note of their planned intent to 'reinterpret' it. Combining it with another dispute in the Caprivi Strip, they suggested the matter be settled by international arbitration. The British, worried that their position was vulnerable, ignored the German note and dropped any negotiations. There the matter dangled, in plain view, for everyone to pretend to ignore. Through two World Wars, one Cold War, two United Nations protectorates and decades of South African apartheid governance, the Orange River flowed on and on, but the border dispute remained frozen in time.

1990 brought the great thaw. The ANC was unbanned. Apartheid was dismantled. Mandela was released from prison. More pertinently for our quest, Namibia finally gained its independence and, after a century, the first thing it wanted was to gain what it considered its rightful claim to the water. Surprisingly, the minority regime in South Africa was willing to accommodate.

Before the democratic transition from white to majority rule, President F.W. De Klerk declared, most famously, that South Africa had symbolically "crossed the Rubicon," never to return to its earlier repressive regime and apartheid policies. In a less-heralded but still significant gesture, he quietly initiated steps to re-cross the Orange, and move the Namibia / South Africa border half-



Bridge Over Troubled Waters: *De Klerk promised to 'Cross the Rubicon,' and this border bridge crosses the Orange, but neither side has been able to indisputably cross back the official boundary to the center.*

way back. The compromise invoked *medium filum fluminis aquae*, or the 'middle of the river' rule.

* * *

As a rule, I repeatedly tried to bring us back to the *medium filum fluminis* as well but... *Clunk*. That was a rock.

"Paddle hard right."

"I am."

"Harder."

"I AM!"

Ka-Thunk! That was another rock, with a log straining water through it.

"Okay now quickly. Other side!"

"Why?"

Screee-aaape. I didn't want to know what that was.

"Are you going to steer us into every obstacle in the river?"

* * *

Beset by less tangible obstacles, De Klerk's political move was easier to execute on paper than it was on the river. Both governments had set up technical teams and had progressed to the point that both Namibia and South Africa initialed a document concerning the new position of the border. But South Africa was caught up with more explosive *internal* rivalries between white and black, Xhosa and Zulu. De Klerk left office without signing the papers.

Under large-hearted Nelson Mandela, both governments' surveyors-general again met and signed maps identifying what was to be demarcated in the middle, but for some mysterious reason, with all the excitement and other crises, five years passed and the process was not followed through to the end. As recently as last August, Namibian President Sam Njoma and South African President Thabo Mbeki met in Upington to settle the matter. After they parted, two truths were told.

In Windhoek, the South African High Commission claimed the issue was at last resolved in favor of South Africa.

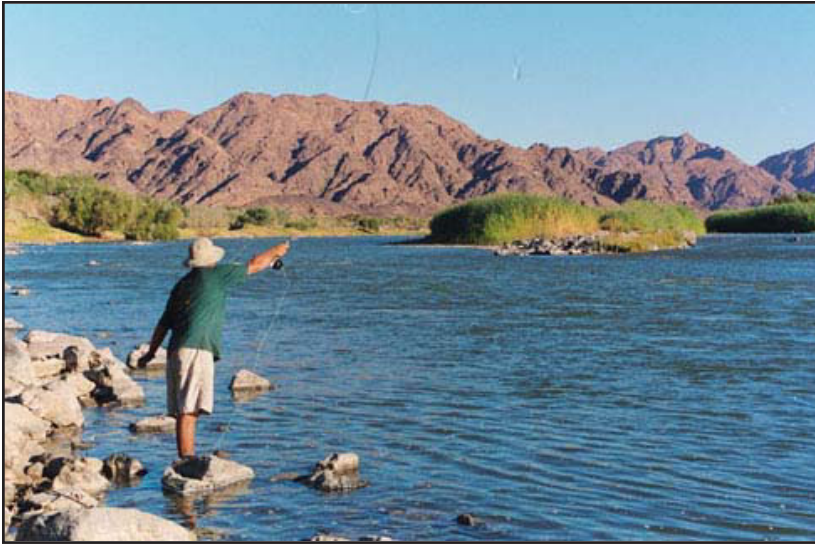


Visible Sign, Invisible Line: *We had to cross this official border post four times before and after floating the river between posts; the nation's guards were bitter toward those on the other side.*

"As far as I am concerned," said the deputy head of mission, Phakamile Gongo, "the border will stay where it is."

Sniffed Namibia: that all depends on what the meaning of 'is,' is. Namibia's Minister of Foreign Affairs, Information and Broadcasting, the Hon. Theo-Ben Gurirab, told reporters that negotiations were in fact "stalled," and the issue was not yet resolved. "President Mbeki did not have the benefit of what had transpired between Namibia and De Klerk's government, nor what had happened between Namibia and Mandela's government."

In the meantime, for over a decade, bureaucrats in both nations have proceeded about their daily work as if there were no elephant hovering over their desks. This



Casting Across the Thalweg: "A River Runs Through It," to be sure, but a dotted line runs through the river, somewhere, and elusive fish run through the line.

led to the international rule known as Sort Of. "We're still sort of trying to determine how much they (Namibia) are entitled to in terms of a responsible and equitable share," Linda Garlipp, Senior Legal Advisor of the Department of Water Affairs and Forestry (DWAF) in Pretoria, told me.

Right, but who determines what is 'equitable?' Seems they both do, Sort Of. "Well, we're Sort Of reclaiming authority under the law from 1890, where the rivers stands at the moment (north bank). And we Sort Of deny the other's view, not explicitly, just in informal practice. Namibia said it was promised that both countries would make the border in the middle of the river, and it Sort Of stands by that. But in fact no one really knows our official status right now."

* * *

When I started my research, I found that Sort Of confusion terribly amusing. I chuckled to learn how, despite the enormous stakes and potential saber rattling, none of the top officials had a clue about the fixed border demarcation. After three days on the river, finding our 'line'

only to lose it again with near-disastrous results, I grew Sort Of humble. I developed empathy for their plight. Our *intra-fluvium rivalis* on the *aquae incognita* became a microcosm for the foreign relations. To wit:

By exerting my paddle like a rudder on the south side I felt responsible, in control. I was confident that I, *de facto* captain, steered us down the equitable path toward resolution, and that it clearly was in Felicity's own interests to trust my experience. I was, after all, the 'upstream power' as I steadily plied the waters on South Africa's side of the canoe.

Yet judging by her strenuous strokes on the downstream, or Namibian, front, my canoe partner appeared to be turning mutinous. Perhaps she labored under the misguided impression that in fact it was she who had, or should have, control. Maybe she imagined she could navigate us all the way down the current, steering a responsible course from the bow. Bah.

As it happened, neither of us had control. The current did. From time to time, in its unexpected eddies, the Orange/Gariep/Dragon River pirouetted us around backward, staring upstream, blind to obstacles behind us. Or it occasionally snatched up one or both of our paddles, mocking our quest for that elusive 'line in the water.'

Likewise, several volatile forces complicated any common-sense boundary move between the two nations. First came the upwelling of history. Those colonial powers from Europe who scrambled for Africa were often painfully vague on their motives. But by refusing to reopen the issue, they locked in tradition. All those dead white males were not in the least bit participatory, and left modern, living, black and female democratic leaders to unravel the tangled meaning of treaties they had no part in negotiating, and of laws they never wrote. Plus, new bureaucracies grew up during the intervening years. "(South Africa's) Department of Water Affairs and Forestry has a different interest in the dispute from (SA's) Foreign Affairs," Ms. Garlipp told me.

Second came the arid force of geography. Namibia is vulnerable. It lacked a single perennial stream flowing entirely within its borders. It is beset by the lowest rainfall and highest evaporation rates south of the Sahara. So its government feels understandably testy, while forced to be diplomatic, over the use and status of the five rivers — Kunene, Okavango, Orange, Chobe and Zambezi — that make up its borders. [See sidebar on page 12: 'Curse of the Thalweg: Islands in the Stream']

Upstream South Africa wants to express African solidarity with its post-apartheid northern neighbor. But it

too is a prisoner of its drought-prone geography. The Orange River is its Pulmonary Aorta. It may occasionally donate from its lifeblood, but prefers to succor minor arteries of its own body, like the Ash, Vaal, Fish or Sundays Rivers. To survive, it jealously guards the Orange. That's why, from the moment the dispute complaint was lodged in 1906, it left the status quo lingering unresolved; it promised to eventually sign papers but delayed any ceremony in order to keep its options open. The shared river binds their fate even as its water pries them apart.

* * *

Compounding this turbulence was the pressure of diverse economic tributaries. Water itself is but one of the controversial resource issues at stake. Hanging in the balance were: irrigation farming; livestock grazing; real-estate development; hydroelectricity; oil and gas leases in the delta; alluvial diamond mining; recreation contracts; even freshwater and offshore saltwater fishing in an invisible commercial bracket that extends 200 nautical miles out to sea. Leaders in each of these industries maneuvered around each other, but also pressed hard for clarity and resolution.

Our expedition was no exception. Months ago a rival outfitter on the Namibian side sought an edge, and so complicated border crossings for South African companies. We had to cross both sides, twice, in order to launch.

"Where will your accommodations be?" inquired the Namibian border official, thumbing through my passport.

"Camping on the river."

"On which side?"

"Um..."

"Namibia," interjected my guide, Francois.

"Good," said the official. Ka-Stamp!

"But you told the South African guy we were camping on their side," I whispered after we left.

"We'll camp wherever the hell there's a good spot with



"Yes, we are staying in Namibia," said this fisherman, mending his nets before casting them into the water. No license required, but his methods were ancient and wide loops ensured that little fish would escape to grow big for later.

a beach to pull up on," he said, and fired up the engine.

* * *

No one followed us, but others weren't so lucky. Not long ago, near the mouth of the river at Alexander Bay, vigilant South African coast guards boarded and arrested three 'trespassing' Namibian vessels that were 'poaching South Africa's fish.' It then had to release them (people, that is) when it was pointed out that there was no maritime boundary. South Africa's foreign affairs deputy director in Namibia, a chagrined Willie de Groot, explained. "It's a complicated process and a lot of things have to be considered," he said, adding that delay was due to Namibia's ongoing border dispute with Botswana (see sidebar, page 12). Meanwhile both the shallow fresh and the deep salty *aquae incognita* remained a fishing free-for-all.



Camping in Namibia:

Starry nights, clear mornings, hot fires and cold beers help one forget the tension and bickering on the water during the day. Now, if we could just get the tense officials involved in the border dispute out here...

And I took advantage of it. On the first evening, as we made camp on the South Africa side, I borrowed a guide's fishing pole, baited it with corn, and cast downstream. The hook snagged. The line broke. I sulked, and drank a beer. Thus fortified, I re-tackled and cast strategically across what I considered to be the Thalweg into Namibia's side of the river. Within 15 minutes of each other, I reeled in two feisty African yellow-fish (never mind how big). The next day my *rivalis* and I swerved several times to avoid getting tangled in the nets of artesian fishermen on both shores. None of us had licenses, or required them. But at least their nets were wide-spaced; the little ones swam through the gaps to freedom (as did mine after release).

Then there's diamonds. Our guide Francois urged us, only half joking, to keep an eye out for a girl's best friend; one of his predecessors had found a shiny rock lodged in a bank then paddled the rest of the way down the river with it lodged between his cheek and gum.

"Was it a diamond?"

"Don't know," he replied. "But he was never back to guide again."

Namibia is among the world's largest gem quality-diamond producers — 1.5 million carats annually, in fact — often mined along ancient river terraces, especially on the right bank. Though they surface near the delta and offshore, the rocks originate upstream and are car-

ried down current from kimberlitic pipes high in South Africa.

So it shouldn't come as a shock to learn the two countries vociferously disagree on who gets to net the Orange River's alluvial diamonds — or its gas. With more tax revenue at stake than fishing, both countries require and enforce their licenses. Shifting the border from the high-water mark on the Namibia bank to the center of the stream would affect, and possibly jeopardize, the mineral and exploration rights of De Beers, Forest Exploration, Aschutz Corp., Trans Hex, Kuboes Diamante and the state owned Alexkor. Shifting the border would mean renegotiating their rights, and tax revenue, with Namibia. No wonder Pretoria's bureaucrats lacked motivation to follow through on the generous overtures of their last three presidents.

* * *

The river slowed and my *rivalis* decided on a new arrangement: I paddled, she sunbathed. Fine. I welcomed the silence and absence of adversarial paddling. Eventually we heard a rumbling, and looked up expecting rapids. Instead we saw a giant pump slurping up water to irrigate tomatoes and grapes.

Whose water? I wondered. The pipes ran up the Namibian bank, even though South Africa still claimed all water. I checked it out. While the border remained in doubt, it seemed the two countries could at least negotiate a few farming developments, however stupid they appeared on the edge of a desert. The pump was made possible thanks to goodwill established through the Permanent Water Commission (PWC) established back in September 1992 under De Klerk's mid-river overture to Namibia. The PWC gradually evolved, in fits and spurts¹,



The Princess and the Paddler: The author toils under the hot sun to steer a responsible and equitable course down the center of the river while his canoe partner, um, well, it had been a rough day in the rapids upstream.

into the Orange-Senqu River Commission (ORASECOM), the first in Africa of its kind. ORASECOM includes all four nations — Lesotho, South Africa, Botswana and Namibia — who have, or in wetter years once had, streams feeding into the Orange under one umbrella, international, river-basin organization.

At this point in our expedition I had begun to see the river-human interaction in all its complexity. The Orange River's border dispute had become a delicate hairline stress fracture, barely detectable even in an x-ray. If set right within a protective cast like the ORASECOM, it could heal and become stronger than before; if set wrong, it could compound into an irreparable deformity.

I chose that particular metaphor because after hours of solo paddling my right wrist was beginning to feel sprained from all the feathering, plowing, wrenching, prying, twisting, plying and contorting it had to do. Alone. Lugging that baggage still bronzing in the bow.

"Hey spinster, think you might take a stroke every hour or so?"

"Why? Have you finally learned to paddle straight, you chubby old geezer?"

"No. But there's more rapids ahead. And looks like someone flipped."

She sat upright, astounded that the overturned canoe wasn't our own.

* * *

Diplomatic goodwill ebbs and floods; the profit motive remained. Ideally, ORASECOM could smooth disputes over shared water use, but it lacked the teeth or expertise to resolve complex matters, like electricity. Namibia consumed 2,300 Gigawatt-Hours each year; its utility, NamPower, anticipates that in four years it will import 1,800 to 2,000 more from beyond its borders, especially South Africa. That troubles them for two reasons: projected price hikes and increased vulnerability to a 'higher power.'

So it envisions water currents converted to electrical currents. According to John Langford, acting manager of operations for NamPower, the utility had proposed Mini Hydro Stations to harness 72 Megawatts from the Orange — and another 20-30 from the Okavango at Popa Falls — to generate its own independent source.

The Popa proposal set off international distress signals because of potential damage to the ecologically delicate, and eco-touristically lucrative, Okavango Delta in Botswana. Comparatively little outrage arose over the Orange River proposal.

¹Forming such a commission may be difficult because of the delicate sensibilities of weak states. Lesotho negotiators insisted on inclusion of the name "Senqu," which was Lesotho's main tributary. Without compromising, they held up the process until ORACOM became ORASECOM. The SE stands for Senqu.

But here there was a glitch. Yep. You guessed it. Langford said he couldn't generate a single watt until the two countries resolve their border dispute. But that wouldn't be enough. Even if the line moved to the center, as hoped, NamPower would push for exclusivity: "We also need to secure the hydropower rights in the lower Orange for Namibia's use only."

* * *

At least these economic pressures were all theoretically within the realm of human ethics. Less predictable was the amoral hydrology of the river itself. The endeavors of joint planning commissions — not to mention my own canoe's covert quest — had been repeatedly compromised by the sheer, unpredictable flow of the river itself. The Great River didn't seem to mind back in previous centuries when It Alone embodied the Border Itself, completely self-contained in its current. But now men wanted to parse its body down the middle, slice along its length, or split it up the side. They wanted to vivisect it like some corpse, some abiotic entity rather than the breathing beast that it is.

The river wasn't about to make man's border-finding task any easier. It didn't stand still long enough for anyone to accurately measure it. So it rebelled. It bucked and boiled, eddied and churned. It rose, lifted, dropped, drowned, grew, flooded, withered, expanded, destroyed, created, roared and, um, cripes! right now, no matter how desperately we bailed and paddled, it had forced us where we didn't want to go, pressing us closer and closer to that sinister jagged rock that suddenly rose up so menacing before us.

Thud.

"Honestly, didn't you SEE it?" she demanded, after we bounced off in a ricochet, turned in an eddy, and filled with more unwanted ballast water.

"I thought YOU were going to watch for rocks."

"I am."

"Well, why didn't you say anything?"

"Well, I did."

"Well, I didn't hear you."

"Well, that's because you're old and grumpy and stupid and DEAF!"

We pulled up on shore to dump out our canoe's water and wait for the other boats in silence. The river had aged us. Strangers only four days ago, we had skipped the stages of courtship, wedding, children, empty nest and retirement and plopped straight into to the routine of a worn-



Fruit of Cooperation Becomes Fruit on the Vine:
Negotiations over water use lead to international river basin organizations and shared irrigation projects like this one, that pumps "South Africa's water" onto Namibia's lands.

out old married couple, quarrelling over the same recurring irritants.

And so, it seemed, had the two nations. Though their democracies were but a decade old, their border issue was so ancient, so ingrained, and each disputant had come to know his *rivalis* for so long, that even if the boundary ever got resolved on paper, I suspected not much would change. Officials drew authority from the dispute; if it went away, their role would shrink. They would somehow find some excuse to keep bickering. Otherwise they would miss the exchange.

I sat in the canoe, bailing. She sat on the bank, stewing. Minutes later another canoe — paddled by a brother and sister team — expertly glided up in a J-turn for a perfect landing beside us. The young, fit, handsome brother leapt from the stern and greeted Felicity with a kiss. She immediately brightened back into a twentysomething, 50 years of our forced marriage-induced wrinkles melting away in that instant.

Naturally I pretended not to notice, just as I had the last three mornings when she walked past me, carrying him tea. Inwardly I grumbled. No fair: I endured the shrew on the water; he enjoyed the princess on shore. Or was it perhaps my paddling that brought out her cantankerous side?

When the time came to shove off I noticed that prince charming swapped places with his sister (not with us; none of the other boats wanted either of us *near*, let alone, *in* their canoes). Without con-



Always Paddle Your Own Canoe:
Will Rogers' advice made sense to me, but not this couple.

With only our expedition as impromptu wedding party, Kevin and Amita Slabbert were married hours before we pushed off from shore as the minister urged them, "Let your paddle be your love, the river your life, and marriage your adventure in the time that lies ahead."

Looking Back Upstream: The healthiest thing two paddlers — or two disputing nations — can do is switch seats, and roles, and perspectives. Feeling helpless and vulnerable in the downstream position reminds that you are upstream of someone else, and vice-versa.



sidering the consequences, I suggested we try the same.

She looked dubious. “What?”

“Seriously, you want to have a go from the back for a change?”

“I don’t know.”

“Go ahead Felicity,” encouraged the brother, pushing off from shore. “Nothing ventured...”

So we reversed roles. It felt strange, awkward, uncomfortable. Paddling on the downstream Namibia side, I felt devastatingly vulnerable. But I also enjoyed not having the responsibility of trying to steer or navigate. I surrendered the obligation to find and follow that damn invisible line in the water. I could relax, switching to even strokes and knowing that it was her responsibility to fall in alternating sync with mine.

We began to find a rhythm in the slack water. We plied the waters with silent resolve, and even overtook some of the boats. But in more turbulent stretches she apparently found it as difficult as I had to paddle and steer and bail, all at the same time. We careened in a narrow reach, zigzagging between Namibia and South Africa and Namibia. We passed inches from a dangerous solid stone overhang, narrowly missing it because both of us feverishly paddled hard on the same side. At one point after a confluence we spiraled off a cushion and skirted a pourover by a hair’s breadth. Not a word was exchanged the whole time, but after an hour, when the guides waved us over to the shore to scout Sjambok Rapids — the most treacherous drop in our journey where half the boats routinely capsize — she gently indicated that we might return to our original seats.

We got out. Everyone was edgy, but excited. The sun-hot boulders burned the bare soles of our feet. As we hopped from left and right foot, Francois carefully explained the interaction of fluid dynamics and rocks.

“Look, there’s a hole at that froth over there,” he pointed, slowly tracing his hand downstream. “Then

there’s a fast, smooth tongue gliding along the gradient. See it all glassy? Keep to one side of the middle as you head into the wave train, but watch out so that when you come into that compression you’re in a position to navigate the siphon. And at the end, don’t relax, not for a second. There’s a vicious eddy that will flip even experienced guides. Got that? Good. We’ll go one boat at a time in well-spaced intervals.”

Too soon it was our turn. By then I had scraped my fingernails off to the nub. Felicity looked pale, but was bravely smiling. When we resumed positions — me back, she in front — it was with a new respect not only for the rapids we were about to undergo, but more importantly, for the other’s point of view that we had already endured.

As the rapid churned hungrily below, deathbed confessions emerged. She admitted that the day before, when she claimed to have pointed out a nearby rock, she had in fact been pointing out a distant goliath heron. I conceded that it was extraordinarily exasperating in the bow to have no control. One felt helpless, exposed. It was also more exhausting.

“Besides,” I said. “Most of the stones we hit were not visible anyway.”

“I promise never again to question your steering,” she vowed.

“I promise to put that promise to the test.”

We were still *rivalis*, after all, but perhaps *rivalis amicae bene*.

* * *

This reversed-position perspective also encouraged cooperation in border disputes along African rivers. For all nations facing downstream must also glance back upstream. The *aquae incognita* so carelessly carved by colonial powers as they drew lines on a map over desks in Europe — without regard to local tribes, people, contours, needs or the waters — thus became a potential future force for African geopolitical solidarity.

Thanks to the illogical boundaries drawn under the colonial ‘Scramble,’ no continent on earth has more international rivers than Africa. No Southern African country is a riparian ‘island unto itself.’ Each one finds itself both upstream and downstream of another (Mozambique is exclusively downstream of nine rivers, a dynamic I’ll tackle in a later newsletter). Top cabinet officials in water, agriculture, energy or foreign relations have begun to recognize their interdependence. Lesotho rises upstream of South Africa, which lies upstream of Namibia, which lies upstream of Botswana on one river and downstream from it on another. The mighty Zambezi drains and flows through eight nations of the Southern African Development Community (SADC). Each watershed binds *rivalis* nations under what is known as a “hydrosecurity complex.”

Grasping this, SADC nations committed themselves

several years ago to an abstract but firm set of obligations established between neighboring countries inscribed in international law. As two responsible complying democracies sharing the same river basin, those rules compel them to ensure 'fair' water allocation. "As the upstream country, we must release and allow the use of a reasonable proportion to our neighbors," said Kader Asmal, the first Water Minister under Nelson Mandela, and the driving force behind the nations' progressive, new Water Act. "Previous undemocratic regimes might ignore those rules, or evade the meaning of 'reasonable'," he told me, "but South Africa both could not, and would not."

"Quite the contrary," he later added. "South Africa and Namibia have become co-signatories to the SADC Protocol on Shared Rivers, which reinforces the Helsinki Rules in a regional context."

Unfortunately, as he conceded, two even higher powers trump all. The laws of climate and gravity were always unpredictably tinkering with these particular watersheds. Arid rivers do not fill or behave on their own without human intervention.

When I last checked the border dispute raged on, unabated. Just before filing this dispatch I heard, most recently, some breathless speculation that Namibia was prepared to turn Diamond Mining Area A, Sperrgebiet, into a national park, since most economically feasible diamond mining was now done offshore in the river mouth. "By linking it with the transfrontier Richtersveld Park in South Africa, and Ai-Ais-Fish River Canyon, perhaps that might eliminate the basis for any question or need for a border in the river," suggested a hopeful Stefan Geiter of the African Peace Parks Foundation.

Perhaps. I wasn't holding my breath; the river would always hold some surprises. Africa recently gave birth to an infant 'African Union,' and several South African officials claimed that in the process all nations agreed to "lock in the boundaries established under colonial rule." Fine, replied Namibia, but which boundaries are those? 1890? 1847? 1989?

For our part, we shoved off into the current toward Sjambok Rapid. A sjambok is a rhino-hide whip. The air was a dry furnace; our sweat evaporated faster than water could replace it. I was thinking — as both rower and amateur surveyor — how a river must be measured in

three dimensions: length, breadth and volume. Right here in these rapids, those dimensions converged at the river's best, and most complex.

But there was also a fourth dimension, Time. Every instant we put pressure on the river, the river was putting pressure back on us. Every move we made would affect our run, and the river's course, and, however subtly, any boundary. Newton meets Heisenberg; the more carefully we try to examine the river in any experiment, the more we alter it, and become altered ourselves. I turned the Mohawk upstream.

"Um, NOW where are you taking us?" she challenged suspiciously. But grinning.

"Trying to get a better angle on the wave train. Avoid the hole," I shouted, then turned the canoe down current.

"What hole?"

"The one they warned us about. On the right."

"Right of what? Where?"

"Or was it on the left? I forget."

"Left of what?!"

"The line, the course through the rapids."

"You found it?"

"Found what?"

"Watch that rock!"

"Paddle hard left!"

She plunged her blade on South Africa's side. I back-paddled on Namibia's. With a buck and a lurch we careened gracelessly into the center of the vortex that revealed no visible demarcations whatsoever, only water beside us beneath us above us within us churning frothy, white, cold, alive. □



Into the Rapids: Water, water everywhere and not a drop to think about where to draw the international boundary line. Your correspondent Sort Of clarified the boundary dispute in his own mind, even if he failed to resolve it on paper.

Curse of the Thalweg

ISLANDS IN THE STREAM

The same Berlin Treaty of 1890 gave rise to a second fractious water-related border dispute, this time involving the Chobe River on the absolute opposite corner of Namibia from the Orange.

Here in the Caprivi Strip, just upstream from the border town of Kasane, right before the Chobe flows into the Zambezi and where four countries come together, there lies a 3.5 square kilometer island in the middle of the river.

Namibia calls this island "Kasikili." Botswana calls it "Sedudu." When nations disagree on a name, you just know there's going to be trouble. The island had no mineral wealth. No oil, diamonds, gas, gold. In fact, for a third of the year it was often submerged under rainy season floods. That never stopped local Namibians from periodically poling over in their *mekoro*, setting up temporary reed huts, and fishing or hunting or grazing whatever sustenance they could from the island.

Meanwhile, Botswana authorities were watching, and growing livid. Their irate government considered the island to be theirs, and the Namibians thus insolently trespassing and poaching. Tensions grew. After Namibian independence in 1990, acrid squabbling debate began, "with intermittent threats of military action, including formal military occupation of the island by the Botswana Defense Force," according to Dr. Peter Ashton, an African river specialist who had conducted impact studies of the Okavango ecosystem.

The confusion stemmed from the 1890 Treaty, which defined Namibia's eastern boundary rather vaguely as "the middle of the main channel" of the Chobe River. Namibia claimed that "main channel" ran deepest around the south of Kasikili, making the island theirs. Botswana claimed the thalweg ran to the north of its Sedudu.

On 29 May 1996, both Namibia and Botswana jointly and formally submitted their cases to the International Court of Justice in The Hague. Three years later — after careful consideration of the depth, width, relative volume, navigability, and riverbed profile — the ICJ ruled that the channel ran north of the island. Magnanimous in victory, Botswana said craft from both countries could navigate the waters in both channels unimpeded.

That was a welcome precedent. And it would be the happy ending of a peaceful process, but for two things. First, Sedudu is but one of six islands in the stream — the others are Mantungu, Impalila, Kavula, Lumbo and Muntongobuswa — that are disputed on the watery edge of Namibia's Caprivi. Second, rivers writhe back and forth like unmanned fire hoses at full blast. In coming years the Chobe might carve out a deeper channel to the south, reversing the basis for the judicial decision.



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