



**Water Governance and
International Water Law (IWL)
training in Africa
25-27 June 2018, Entebbe, Uganda**

Welcome from the organizers

It is with great pleasure that we welcome you to this Water Governance and International Water Law training course for improved transboundary water management in Africa.

The training course takes place at a time when there have been significant developments in international water law (IWL). At the global level, the 1997 UN Watercourses Convention has now entered into force; much in part to a significant number of African States that have become contracting parties, i.e. Benin, Burkina Faso, Chad, Guinea-Bissau, Morocco, Namibia, Niger, Nigeria, South Africa and Tunisia. Other African States are set to join the Convention in the near future, or are in the process of evaluating its merits. The UN Economic Commission for Europe's Convention on the Protection and Use of Transboundary Watercourses and International Lakes has been amended to allow all UN member states to be party to it. And, through the work of the international law commission, a set of draft Articles on the Law of Transboundary Aquifers has been adopted. Much has been done to promote the synergies between these global legal instruments, but more needs to be done to foster their joint promotion and implementation for the betterment of transboundary water cooperation across Africa, and elsewhere.

These legal developments at the global level are mirrored and multiplied at the regional and basin levels across Africa. Year on year, the practice of negotiating, adopting and implementing treaty arrangements for transboundary waters continues, and a wealth of experience is being accumulated although not always well documented and shared! Major challenges remain. 90 percent of the African continent is covered by 64 transboundary river basins. Some of these river basins in Africa still lack any agreement; others do not include all riparian States; and others are not adequate to address the multiple contemporary challenges faced by States sharing transboundary waters. It is also being increasingly recognized that transboundary groundwater must be better factored into transboundary cooperative arrangements for water.

Ultimately, the successful implementation of transboundary cooperation arrangements will rest with people. As a leading International Law Scholar, Professor Malcolm Shaw, once observed: 'International law is clearly much more than a simple set of rules. It is a culture in the broadest sense in that it constitutes a method of communicating claims, counter-claims, expectations and anticipations as well as providing a framework for assessing and prioritizing demands' (2008). It is very much in this spirit that this International Water Law course in Africa was conceived. The intention is to help foster a shared understanding of law's contribution to promoting transboundary water cooperation so that together we can strengthen the development and implementation of IWL irrespective of our disciplines and backgrounds and ultimately create capacity in transboundary water management across the African continent.

While there is only so much that we can do in a few days training course, we hope that the event will act as an important catalyst for fostering a stronger collaboration relating to IWL experiences and expertise across Africa. During this training we will trace the evolution of international law in this field, examine the main rules and principles, and offer numerous case studies that highlight both the experiences and challenges in implementing international water law 'on the ground'. Through a highly interactive group exercise and plenty of time for questions we hope there will also be some lively discussions. Hopefully, at the end of the training participants will therefore become familiar with recent trends in IWL, its main rules and principles, and the challenges and experience faced in its implementation across the continent. It is hoped that the training will also offer a great opportunity to exchange experiences with colleagues and make new friends!

Last but not least, we should recognize the vital contribution of all the speakers and organizers, and, in particular the key institutions, namely the African Network of Basin Organizations, Dundee University, Global Water Partnership (GWP), the Intergovernmental Authority on Development (IGAD), and Makerere University. Without their generous support the workshop would not take place.

We very much look forward to welcoming you to Kampala,

Dr. Emmanuel Kasimbazi

Chair, Environmental Law Centre
Makerere University

On behalf of GWP, IGAD, ANBO and University of Dundee!

AGENDA

Monday, 25th June

8:30 – 9:00 Registration

9:00 – 9:30 Welcome and Introductions

- Welcome, GWP
- Aims and objectives of the workshop, Alistair Rieu-Clarke, UNECE
- Tour de table

9:30 – 11:00 Why is international water law important? Juan Carlos Sanchez and Sarah Bebb, GIZ

The first session provides an introduction to the role and relevance of international water law. Participants will be asked to work in groups to answer a series of questions related to international water law, the answers to which will then be discussed in plenary.

11:00 – 11:20 Break

11:20 – 12:00 Substantive Norms, Emmanuel Kasimbazi

The objective of this session is to explore the substantive norms of international water law namely, the rule of equitable and reasonable use, the no-harm rule and the obligation preserve the ecosystems with a view to understanding how these substantive norms work and ascertaining what conduct is required of the states with respect to their shared watercourses.

12:00 – 12:30 Procedure and institutional arrangements, Barbara Janusz-Pawletta, GWP

12:30 – 14:00 Lunch

14:00 – 14:30 Implementing equitable and reasonable utilisation in practice,

- The Aral Sea Basin, Barbara Janusz Pawlettea

14:30 – 15:30 Water Diplomacy and Negotiation approaches, Yumiko Yasuda, Global Water Partnership

The objective of this session is for participants to understand how negotiation is used in water diplomacy and the different approaches to negotiation in the context of transboundary water cooperation. Two approaches are introduced: position-based and interest-based. In addition, the concept of ZOPEC (Zone of possible effective cooperation) will be introduced as a way to find possible win-win solutions that take into account political economy context of the river basin. Participants will learn application of these concepts in specific cases from the Mekong river, the Brahmaputra river and the Jordan river. Participants will also have an opportunity to exercise these different approaches of negotiation, when working on group exercises that take place throughout this training course.

15:30 – 15:50 Coffee Break

15:50 – 16:30 Overview of DSS model – use and stakeholder involvement in negotiation context, Dr Abdulkarim H Seid, Head of Water Resources Management Department, Nile Basin Initiative

16:30 – 17:30 Introduction to the Group Exercise, Phillia Restiani and David Michel, SIWI

The Group exercise will enable the participants to engage in a “serious game” simulation of international water negotiations. The participants will divide into two groups representing two different countries, an upstream state and a downstream state sharing the same river. Together, the two states must negotiate an agreement on the reasonable and equitable use of their collective water resources. In the first phase of the negotiation, each participant will represent a different government agency, stakeholder or interest group within their respective countries. Using concepts from international law and different approaches to negotiation, the participants will work together to define their state’s national position and negotiating strategy. In the second phase of the negotiation, the two countries will meet to present their arguments and negotiate an international agreement on their transboundary river.

Participants asked to review background to group exercise in the evening

Tuesday, 26th June

9:00 – 10:00 Transboundary Waters as a Catalyst for Peace, Mara Tignino

The objective of the first part of the session will be to present the recommendations of the Report “A Matter of Survival” of the Global High-Level Panel on Water and Peace. It will also give an overview of the projects undertaken by the Geneva Water Hub, in its role of the Secretariat of the HLPWP, to implement the recommendations of the Panel.

In its second part, the session will focus on the diplomatic and judicial means to solve transboundary water disputes and will give some examples of case-law of international courts and tribunals.

10:00 – 10:45 The Sustainable Development Goals and Transboundary Water Cooperation, Alistair Rieu-Clarke.

Strengthening the SDG6.5 monitoring process – GWP’s contribution, Kenge James Gunya.

10:45 – 11:00 Break

11:00 - 12:30 Group exercise – Internal Negotiations (Formulating a National Position and Strategy for Conducting International Negotiations)

- Break out into “National” groups
- Based on equitable and reasonable utilisation relevant factors, each group to prepare to argue case for an ‘equitable entitlement’

12:30 – 14:00 Lunch

14:00 – 15:30 Group exercise continued – Transboundary Water Negotiations

- The National groups meet for International Negotiations
- Employing considerations of international law and other relevant factors, and drawing on different potential approaches to negotiation, the groups argue their positions and seek an international agreement

15:30 – 15:50 Break

15:50 – 17:00 Group presentations and negotiations of an equitable entitlement

17:00 – 17:30 Group exercise wrap up

- Groups reach agreement on equitable entitlement based on international law

Wednesday, 27th June

9:00 – 10:30 Regional approaches to the development and implementation of international water law

- 20 Years of Experience in implementing the Water Convention, Alistair Rieu-Clarke
- SADC Revised Protocol on Shared Watercourses, Mr. Ngoanamathe Peter Nthathakane
- CEEAC Regional Protocol, Emerancienne Mogoia, CEEAC

10:30 – 10:50 Break

10:50 – 11:20 National perspectives on transboundary waters – Uganda experience, Callist Tindimugaya

11:20 – 11:50 Stakeholder engagement in a transboundary context – the Nile experience (H Natu, tbc)

11:50 – 12:30 Transboundary Aquifers and International Water Law – insights from North Africa, Dr Badia Chulli

12:30 – 14:00 Lunch

14:00 – 15:30 Treaty negotiation group exercise

- Based on outcomes from day 2, groups are asked to develop key procedural provisions of a bilateral treaty relating to notification and consultation, EIAs, stakeholder participation and joint institutional arrangements

15:30 – 15:50 Break

15:50 – 16:30 Treaty negotiation group exercise

- Groups propose bilateral treaty provisions

16:30 – 17:15 Review and reflections on group exercise

17:15 – 17:30 Workshop closing

Facilitators/Trainers



Alistair Rieu-Clarke is a Legal Officer with the Secretariat of the UNECE Convention on the Protection and Use of Transboundary Watercourses and International Lakes, and a Professor of Law at Northumbria University, Newcastle. His research interests focus on transboundary water cooperation, sustainable development and international environmental law. In recent years, his research has explored the role and relevance of both the UN Watercourses Convention and the UNECE Water Convention; as well as the application of international law within specific transboundary river basins, including the Mekong and the Nile. Alistair also advises international organisations and governments on matters relating to international law and transboundary waters, and he has a particular interest in matters concerning treaty implementation and compliance.



Professor Emmanuel Kasimbazi is a Professor of Law and the Chair of Environmental Law Centre at the School of Law, Makerere University. His research interests are in water law, climate change, wildlife, wetlands, oil and gas among others. He is an active member in the IUCN as a member of the Academy on Environmental Law and a member of the IUCN Commission on Environmental Law. He is a fellow of the Uganda National Academy of Sciences, the African Academy of Sciences and the World Academy of Sciences.



Dr. Yumiko Yasuda is a senior network officer at Global Water Partnership. She is a theme focal point on transboundary waters within GWP network, and also oversees its network in Asia region. Her area of expertise lies in analysis of water and environmental governance, particularly on political economy analysis as well as on non-state actors' engagement in natural resources management in the context of transboundary rivers. Her prior experiences are on the Mekong River, The Brahmaputra River and the Jordan River. Yumiko's work and research benefits from her prior experiences in working with water and environmental management globally while she worked for organizations including WWF, UNDP, Ericsson, and Mlup Baitong (local Cambodian NGO). Dr. Yasuda is a PhD graduate from the Centre for Water Law, Policy and Science at the University of Dundee (under the auspices of UNESCO).



Dr Callist Tindimugaya works with the Ministry of Water and Environment in Uganda as the Head of the Department for Water Resources Planning and Regulation with overall responsibility for ensuring sustainable and equitable utilization and protection of water resources of the country. Dr Tindimugaya has for over 10 years been representing Uganda on the Technical Advisory Committees of the Nile Basin Initiative (NBI) and Inter Government Authority on Development (IGAD). He is also a Vice President of the International Association of Hydrogeologists responsible for Sub-Saharan Africa.



David Michel is a Senior Program Manager with the Transboundary Water Management Department at the Stockholm International Water Institute (SIWI) where he works to strengthen sustainable management practices in shared rivers and aquifers. David is responsible for conducting geopolitical analyses to identify potential conflict risks and collaborative opportunities in transboundary basins, designing and implementing multi-track basin dialogues, and developing water diplomacy training and other capacity building initiatives to advance international

cooperation.



Dr Tignino is Reader at the Faculty of Law and the Institute for Environmental Sciences of the University of Geneva and Coordinator of the Geneva Water Hub's Platform for International Water Law. Dr Tignino acts as a legal adviser for States and expert for international and non-governmental organisations (UNITAR, IADB, UNEP, WaterLex). In 2017, she was awarded with the prize "Women Peacebuilders for Water" from the "Fondazione Milano per Expo".



Kenge James Gunya is a Knowledge Management Officer at GWP global secretariat in Stockholm, Sweden. He has over 7 years of experience in knowledge management and currently coordinates and leads a number of knowledge management as well as capacity building initiatives. These include among others, the Water Governance and International Water Law training in

Africa and Asia, IWRM related trainings with university, Horizone2020 (AfriAlliance smart innovative climate technologies, McGill Online course on adaptive water management. Kenge has a Bachelor in Environmental Management from Makerere University in Uganda and a Masters in Environmental Science with specialization in Water Resources and food security from Linköping University, Sweden.



Dr. iur. Barbara Janusz-Pawletta is UNESCO Chair Holder in Water Management in Central Asia, German-Kazakh University (GKU), Almaty, Kazakhstan (Water Governance); Head of regional MA Program on Integrated Water resource Management in Central Asia; Lecturer and long-term fellow of German Academic Exchange Service (DAAD) at GKU; Co-Editor-in-Chief of the Central Asian Journal for Water Reseach

Sarah Bebb is a GIZ Advisor on Transboundary Water Management in the Nile Basin, with a particular focus on communication, stakeholder engagement and public diplomacy. Before moving to Kampala in 2016, she supported the Mekong River Commission in developing and promoting a stakeholder

dialogue tool for sustainable hydropower development. Sarah holds an MSc in Global Environmental Politics from the University of Edinburgh.



Juan Carlos Sanchez has a legal and policy background focusing on transboundary river basins and ecosystem services. He currently supports the Nile Basin Initiative - Wetlands Programme, as an Advisor from the German Development Cooperation (GIZ – Deutsche Gesellschaft für Internationale Zusammenarbeit GmbH) to the international organization. He is engaged in a project which aims towards biodiversity conservation and sustainable use of ecosystem services in wetlands of transboundary importance in the Nile. Previous to joining the GIZ, he worked over 10 years on transboundary water cooperation; mainly on supporting the development of policy processes, setting up of transboundary institutions and management plans for natural shared resources with the Environmental Law Centre (ELC) of the International Union for the Conservation of Nature (IUCN). Juan Carlos is also a PhD candidate of the University of Dundee, where he researches on the linkages between international water law and the ecosystems approach.



Dr Abdulkarim H. Seid holds a Ph. D. in Civil Engineering and possesses over two decades of experience in the water sector. He is currently the head of Nile Basin Initiative (NBI) – Water Resources Management Department and Deputy Executive Director of the NBI. He has been assistant professor at Addis Ababa University where he taught hydrology and water resources engineering courses. He has worked as hydrologist/water resources engineer for a number of projects. Dr Seid led the development and operationalization of the Nile Basin Decision Support System (DSS). He is in charge of analytic work in the Nile Basin on projection of water supply and demand and formulations of strategies for addressing projected imbalances between water supply and demands. He is currently the Deputy Executive Director of NBI Secretariat and Head of the Basin-Wide Program.