



Report on the First Sio-Malaba-
Malakisi basin stakeholders'
consultative workshop for the
initiation of a Benefit Opportunities
Assessment Dialogue



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Held from May 15th - 19th 2017, at Kisumu Imperial Hotel, Kenya

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List of Abbreviations/Acronyms

BOAD	Benefits Opportunities Assessment Dialogue
BOAT	Benefits Opportunities Assessment Tool
BRIDGE	Building River Dialogue and Governance
CBSI	Confidence Building and Stakeholder Involvement
CBO	Community Based Organization
CFA	Cooperative Framework Agreement
CMP	Catchment Management Plan
CORB	Cubango-Okavango River Basin
EoI	Expression of Interest
IGAD	Intergovernmental Authority on Development
IWL	International Water Law
IWRM	Integrated Water Resources Management
IUCN	International Union for the Conservation of Nature
LVBC	Lake Victoria Basin Commission
MoU	Memorandum of Understanding
MoF	Ministry of Foreign Affairs
NBI	Nile Basin Initiative
NGO	Non Government Organization
OES US	Bureau of Oceans and International Environmental and Scientific Affairs of the Department of the United States of America
RBO	River Basin Organizations
SDC	Swiss Development Cooperation
SDG	Sustainable Development Goal
SMM	Sio -Malaba –Malakisi
TAC	Technical Advisory Committee
TB	Transboundary Basin
TWC	Transboundary Waters Cooperation
TWRM	Transboundary Water Resources Management
UN	United Nations
UNECE	UN Economic Commission for Europe
UNWC	UN Water Convention

1. Opening Session

The first Sio–Malaba–Malakisi Basin stakeholders’ consultative workshop for the initiation of a Benefit Opportunities Assessment Dialogue was held from 15th– 19th May, 2017 at the Imperial Hotel in Kisumu, Kenya. The workshop was attended by the representatives of Sio-Malaba-Malakisi (SMM) riparian States (Kenya and Uganda) drawn from local, district/county to national level and also from various sectors. In addition, representatives from regional organizations (NBD, NBI, NELSAP and LVBC) also participated. The workshop was facilitated by the representatives from the project partners – IUCN, UNECE and IGAD Secretariat as well as a team of national, regional and international consultants. The full list of the participants is herein presented as Annex 1 to this report.

Mr. Fred Mwangi, the Regional Water Expert, IGAD Secretariat called the meeting to order and welcomed participants to Kisumu City and to the workshop. In his remarks, he emphasized on the importance of the workshop and mentioned some of the important highlights of the workshop like Basin Visioning and Benefits Opportunities Assessment Dialogue (BOAD) and their significance as regards the SMM sub basin. He encouraged participants to actively participate in exchanging ideas and acquiring knowledge in Transboundary Water issues which is crucial in the region. Mr. Mwangi also informed the participants that IGAD Secretariat was doing its best in facilitating Transboundary Water issues in the IGAD region including building the capacity among its Member States. He noted that this will address the unevenness of capacity among the IGAD Member States and will strengthen for example the ongoing negotiations on the IGAD Water Resources Protocol. He finally welcomed participants to the meeting.

Dr. Ali Matano, the Executive Secretary, Lake Victoria Basin Commission (LVBC) welcomed the participants to the workshop. He stated that the region boasts Lake Victoria, the second largest fresh water Lake in the world and thanked the workshop organizers for organizing the workshop in Kisumu which is on the shores of Lake Victoria. He however informed the participants that despite the abundance of water resources and fertile soils in the region, poverty levels are high. He also informed the meeting that the basin is facing several challenges that come as result of human activities, climate change among others leading to the degradation of the ecosystem. He pointed out that dealing with this menace needs a holistic approach with the involvement of stakeholders in the basin. In this regard, he thanked IGAD for involving the stakeholders from the SMM basin in the dialogue towards the management of the transboundary SMM catchment. Further, he acknowledged the role Nile Equatorial Lakes Subsidiary Action Programme (NELSAP) has played in the SMM basin and noted the fact that the IGAD initiative is building on this with a view to enhancing transboundary benefits. He informed the participants that LVBC is fully committed in promoting Transboundary Water Governance within the context of the framework governing Lake Victoria and NBI. He also noted that some of the initiatives under the SMM had been taken up under the LVEMP project and concluded by saying he was interested to receive the report of the workshop and exploring any role that the LVBC could play in addressing the issues in the SMM sub-basin.

Ms. Chantal Demilecamps, Environmental Affairs Officer, United Nations Economic Commission for Europe (UNECE), Water Convention Secretariat gave a brief introduction of UNECE in promoting transboundary waters cooperation and governance. She informed the participants that UNECE Water Convention was initially meant for Europe but was later opened up to other

parts of the world. She stressed on the need for transboundary water cooperation so as to realize the benefits that comes with cooperation. Ms. Chantal expressed great pleasure in working with the IUCN and IGAD Secretariat in supporting strengthening of transboundary water governance and cooperation in the IGAD region and also informed the meeting that her institution (UNECE) is currently supporting 2 pilot projects in the world; one in Europe (Drina Basin) and the other one in Africa (Okavango basin) in addition to the SMM basin. She noted that transboundary waters cooperation requires high level intervention by decision makers who have to be convinced of the importance of cross border cooperation and benefits that comes with it.

Ms. Mine Pabari, the Deputy Regional Director, Eastern and Southern Africa Regional Office of the International Union for the Conservation of Nature (IUCN), welcomed participants to Kisumu and to the workshop. She thanked the IGAD Secretariat and the project partners for organizing the workshop at the SMM basin level. She highlighted that IUCN has two complimentary projects for supporting the IGAD transboundary water programme, namely, BRIDGE (Building River Dialogue and Governance) funded by Swiss Development and Cooperation (SDC) and the recently launched project 'Strengthening Transboundary Water Governance in the IGAD Region', funded by the OES U.S. Department of State. She reminded the participants that water is vital in all aspects of life and that it's this complex relationship with water that requires that it's well managed for enhanced benefits across sectors, levels and stakeholders.

Mr. Tom Waako, a representative of the Nile Basin Initiative, in his remarks stated that the Sio-Malaba-Malakisi is a vital resource in the region. He noted that while the Malaba-Malakisi drains into Lake Kyoga, in Uganda, the Sio drains into Lake Victoria. He informed the meeting that the SMM basin is prone to degradation and erosion due to human activities and climate change which requires corrective measures to restore the ecosystem. He thanked IGAD and the partners for initiating activities in the SMM sub basin and noted that the NELSAP had laid the foundation from which the IGAD initiative could build on, e.g. monographs had already been done and various investment projects are already ongoing. He emphasized on the importance of the workshop and thanked IGAD for the opportunity and the invitation to the workshop.

Dr. Callist Tindimugaya, SMM riparian States representative and Commissioner of Water Resources Planning and Regulation, Uganda recognized all the institutions represented in the workshop and acknowledged the support of IGAD Secretariat, IUCN, UNECE and Development Partners (SDC and OES) for making this workshop a reality. He stated that collaboration as regards transboundary waters cooperation and governance is a must since water is transboundary in nature and does not recognize territorial boundaries. He informed the meeting that collaboration in the management of development of the SMM sub basin – shared between Kenya and Uganda - is ongoing and is helping the two countries to manage the water resource together so that they could realize the benefit as a team. He emphasized on the importance of benefits assessment given that benefits, when quantified, could be used to convince decision makers on the need to cooperate. He informed the meeting that Uganda is already deliberating on how to take forward the various investment projects identified in the SMM basin through the NELSAP Program.

Ms. Gladys Wekesa, Director of the Transboundary Waters Department, and Nile Technical Advisory Committee member for Kenya, acknowledged the presence of Mr. Kulati Wangia, the chief guest and Dr. Ali Matano, the Executive Secretary, LVBC and thanked all participants for honoring the invitation to the workshop. She also acknowledged the great work done by IGAD

Secretariat and the project partners in organizing and funding the workshop, emphasizing that transboundary water cooperation is the best approach to address environmental degradation within the Lake Victoria basin and related issue of declining lake water levels in the lake. She stated that the workshop will give participants an opportunity to share what had been achieved so far in the SMM sub basin, and discuss and agree on the way forward. She informed the meeting that the NBI, LVBC, and IGAD stakeholders will aid in creating synergies that would help fast track the development projects in the SMM sub basin in order to realize together, the benefits that comes with cooperation, including upstream/downstream harmony among resource users.

The Chief Guest, Mr. Kulati Wangia, acting Minister for Agriculture, Livestock, Cooperatives and Fisheries in the County Government of Kakamega, appreciated the opportunity and honor accorded to him to officially open the meeting. He thanked the IGAD Secretariat, IUCN and UNECE representatives and all stakeholders for organizing and attending the workshop respectively. He expressed contentment with the integrated approach of collaboration by all parties to manage, develop and conserve the SMM sub basin. He gave a brief introduction of the Lake Victoria basin and SMM sub basin, including the work that NELSAP has so far carried out, informing participants that the region has high potential for investment and development citing hydropower as an example. Mr. Wangia stressed that development of the water resources with regard to irrigation will enhance agricultural productivity and contribute to eradicating food insecurity in the region. He noted that the dialogue around benefit sharing in the SMM sub basin, which the participants will be discussing in the workshop, has a potential of strengthening transboundary water cooperation and governance. He stated that the OES/IGAD project needs to build on the NELSAP previous work and address the challenges experienced on the ground especially those that relate to water resources management and development. He also emphasized on the need to actualize all the plans so as to realize the benefits at the same time eliminating the perennial water problems. The chief guest stated that the workshop will aid in sensitization of the upstream users to ensure that they utilize and manage water in a reasonable manner making sure they are not affecting the downstream users. He further stressed the importance of experience sharing and consultative collaboration in the management and development of transboundary water resources. He finally declared the workshop officially opened.

1.1. The programme and objectives of the workshop

A presentation on the workshop programme and objectives was made by Dr. Isabelle Fauconnier, Water Policy and Sustainability Advisor, IUCN Global Water Programme. She noted that the overall workshop objective was to contribute to strengthening transboundary water cooperation between Kenya and Uganda in the Sio-Malaba-Malakisi River Basin. In this regard, the workshop will engage key stakeholders from the SMM basin in a joint basin visioning process that will: 1] analyze challenges and opportunities for transboundary water cooperation in the SMM basin, building on past and on-going activities and studies for the basin related to transboundary water cooperation; 2] develop, through a multi-level dialogue, a common understanding among key basin actors of the main benefits (historical or potential) of transboundary water cooperation in the SMM Basin, as well as some of the opportunities for realizing them (preliminary cooperation scenarios) and possible related trade-offs; 3] finalize the design of the next steps of project activities in the SMM basin. The specific objectives of the workshop were noted as: 1] to improve the participant's understanding on transboundary water governance, benefits of transboundary water cooperation, and benefit sharing, through the delivery of capacity building modules and exercises; 2] to discuss the findings of the study - the

situation analysis and benefit scoping paper – that has been commissioned to inform the design and planning of the project activities to be implemented in the SMM basin; and 3] to discuss and agree on the way forward and next steps for the project activities (in the basin). After a few discussions, the programme and agenda for the meeting was adopted without amendment and is appended as annex 2.

All the presentations made during the workshop have been assembled together and are available at: <http://www.waterlawandgovernance.org/en/learning-resources/document-library/training-materials/first-sio-malaba-malakisi-basin-stakeholders> and <http://www.unece.org/index.php?id=45894#/>

2. Introduction to the project and Benefits Opportunities Assessment Dialogue (BOAD)

An introductory background presentation on the OES/IGAD project as well as its rationale was done by Mr. Fred Mwangi, the Regional Water Expert, IGAD Secretariat. Mr. Mwangi noted that the project is supporting the realization of some aspects of the objective of the IGAD Regional Water Policy which was endorsed in 2015. He outlined the specific objective of the project, its activities, to achieve the objectives, both at the regional and SMM basin level. He noted the importance of assessing the benefits opportunities from cooperation on water management in the IGAD region.

The presentation on the SMM basin selection process was given by Gladys Wekesa and Callist Tindimugaya, in their presentation they noted that the SMM basin was selected as a demonstration basin through a process in which Kenya and Uganda jointly submitted an Expression of Interest (Eoi) based on the criteria agreed upon by the project partners.

A presentation on the Benefits, Opportunities, Assessments and Dialogue (BOAD): Enhancing shared benefits from water through improved transboundary cooperation: a roadmap for dialogue was made jointly by Dr. Isabelle Fauconnier, Water Policy and Sustainability Advisor, IUCN Global Water Programme and Ms. Chantal Demilecamps, Environmental Affairs Officer; UNECE. The highlights of the presentation included the value of a BOAD; the previous work of IUCN and UNECE that BOAD is building on i.e. BRIDGE and Policy Guidance Note on the benefits of transboundary water cooperation respectively. Benefit sharing is a key instrument for good water governance that takes into account stakeholders' involvement from different levels and sectors hence is an approach to achieve win-win outcomes for multiple stakeholders in a basin. Participants were informed of some examples of previous similar work on benefits of cooperation such in the Drina basin and the Cubango-Okavango River Basin.

2.1 Discussion

During the discussion that followed the presentations, participants were additionally informed that the demonstration basin selection process started way back in 2015 with the TAC Meeting held in Entebbe, Uganda. Based on the agreed selection criteria, Juba-Shabelle was the first basin to be selected as a demonstration basin under this programme but the project couldn't takeoff due to insecurity reasons. As a result, another round of selection process was initiated to have an alternative basin selected. Kenya and Uganda were the only IGAD Member countries that submitted a joint Expression of Interest (Eoi) for the SMM Basin and which was subsequently selected as the alternative demonstration basin. In addition, it was established that the two riparian countries, Kenya and Uganda, have a strong cordial relationship. As a

demonstration basin, participants were informed that lessons generated from it will influence other basins in the IGAD region.

Participants were informed that the UNECE Policy Guidance Note on the benefits of Transboundary Water Cooperation was prepared through a series of workshops and experts consultations and that the note outline the steps for assessing and communicating the benefits of transboundary water cooperation and governance. The policy note acknowledges the challenges faced even by river basins with Commissions and governance arrangement in place, in quantifying benefits and their sharing. In addition, participants were informed that no policy is static, that all policies are dynamic and can be reviewed at will by Member States to capture any emerging issues. Policies designed to govern and manage water resources at national level can be reviewed to enrich the regional policies. This is because most national policies synchronize very well at regional level with water issues. Further, a policy can't work without a protocol since a policy announces how certain objectives will be achieved while a protocol articulates how the policy will be implemented. The meeting was also informed that all stakeholders at national as well as community level should be fully involved in participating in the policy formulation so as to ensure that their interests are taken into account.

3. Overview of the SMM basin

A presentation on characteristics and key issues in the SMM Basin documented in the situation analysis report was done by Eng. Cosmos Muli, a national consultant and a member of the three person team engaged by the OES/IGAD project to carry out the situation analysis. The overall objective of the situation analysis was to inform the design and planning of the project activities to be implemented in the SMM sub-basin under the OES/IGAD project. This was necessary to avoid redundancy and to maximize the added value of the project for the SMM basin. The highlights of the presentation included: population; social economic activities and issues; location; climate; land use and land cover; hydrology and climate; land tenure and ownership; water related issues; degraded areas; waste disposal and solid waste management; and conflict related issues.

3.1 Discussion

The SMM basin is an agricultural hub that feeds a big population in the country; harbor water towers; provides water for domestic use including irrigation; has great hydro power potential among others. Due to this potential the basin water resources management and development should therefore be effectively coordinated. Additional basin challenges that participants pointed out included low sharing and exchange of water related data and information, and pollution of the two rivers by poor solid waste and municipal waste water management. A participant suggested that the name Lwakhakha appear in the name of the Malaba-Malakisi River. The workshop was informed that the Situation Report makes explicit mention of the Lwakhaka River and how it combines with the Malakakisi River to form the Malaba River.

4. Transboundary Water Governance

A presentation was made on transboundary water governance including examples from cooperation under the UNECE/Helsinki Water Convention, the Nile Basin Initiative and on local and multi-level governance from BRIDGE by Dr. Isabelle Fauconnier, Ms. Chantal Demilecamps and Dr. Nicholas Azza. The highlight of the presentation included the following: definition – the meeting was informed that water governance is a set of formal, public institutions and regulations, informal networks and social norms, as well as private sector mechanisms such as

markets that modify and regulate the way stakeholders interact with water and water-related ecosystems and derive and distribute benefits from them (Adapted from Regan et al. 2016). The OECD has twelve (12) principles on water governance, grouped broadly under effectiveness, efficiency and trust & engagement. The meeting was also informed about the transboundary basins of the world; transboundary water challenges and associated scales such as pollution, over abstraction, conflictive uses of water – mining, irrigated agriculture, fishing, environment, hydropower; international water law (the 1997 UNWC and 1992 Helsinki Convention) with their associated substantive norms (legal duties & entitlements) - equitable and reasonable utilisation, due diligence and no significant harm and environmental protection; Institutional aspects and examples of transboundary water governance and cooperation frameworks and institutions e.g. the Drin, Sava and Nile basins as well as the Goascoran Binational Management Group (Honduras-El Salvador), the Sixaola River Binational Commission (Costa Rica – Panama). In addition the meeting was informed about the transboundary water cooperation and the SDGs - **Target 6.5**: By 2030, implement integrated water resources management at all levels, including through transboundary cooperation as appropriate; **Indicator 6.5.2**: Proportion of transboundary basin area with an operational arrangement for water cooperation; complements **Indicator 6.5.1** which measures advancement of Integrated Water Resources Management (IWRM).

4.1 Discussion

In the discussion that followed the presentation on transboundary water governance it was noted that countries sharing a transboundary basin need to work together to identify benefits that will come with the cooperation. It was also noted that since framework are different between countries there is need for harmonization for easier collaboration between the two countries sharing a basin. The meeting realized that though achievable, it is not easy to establish a well-functioning mechanism and institution that would help in promoting the transboundary waters cooperation and governance due to differences in the way issues are handled in respective countries. Taking the Rhine river basin as an example, the meeting was informed that its riparian countries took many years to establish the Rhine Commission. The complexity of the process can determine the speed at which the institutions can be established. The process is usually complex if many countries are involved and vice versa. The management of the Rhine River Basin demonstrates that it's less costly to have an institution to manage the shared water resource rather than managing the resource nationally. The Drin basin process demonstrates a third party can effectively facilitate the dialogue between the riparian states in helping them establish the transboundary institution.

In the Nile Basin, Countries successfully negotiated the Cooperative Framework Agreement (CFA) except a contentious article 14b, on the status of colonial agreements on the Nile. It was also observed that, if the Nile River Basin Commission was in place, Ethiopia couldn't have proceeded to construct the mega dams in a unilateral fashion. The commission would help moderate the activities that relates to any development on a shared water resource in one country so as not to cause significant harm to the other riparian country. The stakeholders learnt that, in any kind of negotiations, however complex the situation seems to be, it is always important to employ diplomacy. Thus in negotiations and cooperation, it's all about finding a common interest and benefits that will be realized as a result of cooperation.

It was also noted that it is vital to consider a river basin as a management and development unit this will ensure that all the activities in the basin will be taken into account at the local level will

eventually affect other levels both regionally and internationally. The catchments at the sub basin level should be run by Water Resources Users with the help of an established action committee. It was further noted that each country has its own guidelines governing the use and management of shared waters. However, due to Intercultural difference in uses, there is need for a regulatory framework on the ground to govern the local communities on the use of the waters.

Perhaps the SMM project was providing a tool to the two countries for realizing the SDGs. The Chair urged participants to internalize the SDGs because they are very important nationally, regionally as well as internationally.

5. Benefits from water, and from improved transboundary cooperation on water

A presentation on identification of benefits from shared waters in the Sio-Malaba-Malakisi, and on improved transboundary water cooperation was done Mr. Roberto Martin Hurtado. The highlights of his presentation included; facilitated brainstorming and presentation on identification of benefits from shared waters, grouped into two broad categories based on a joint developed typology: 1] benefits from improved water management in the basin - economic benefits, social benefits, ecosystem benefits; 2] benefits from enhanced trust in and beyond the basin - regional economic cooperation benefits and peace and security benefits. Also presentation on the findings on the benefits scoping analysis in the SMM (which is a companion report for the situational analysis) whose objectives was to identify current and potential benefits of (improved) transboundary cooperation in water resources management to SMM riparian countries and their stakeholders at different levels in different sectors mainly to contribute to the identification of a set of activities that could be carried out as part of the BOAD in the SMM basin, this included: 1] explore the “less traditional” benefits¹ of transboundary water cooperation to help attract support for a formal institutional framework, 2] identification of all the benefits and beneficiaries of specific cooperation activities to support prioritisation of investment projects in the SMM basin, 3] developing qualitative assessments of benefits to support prioritisation through the BOAT tool, and 4] communicate the benefits of transboundary cooperation projects to attract national funding.

5.1 Group Work

Past and current benefits of shared waters in the SMM basin

Four groups were formed to discuss the past and current benefits of shared waters in the SMM basin. Participants divided into four groups and each group discussed the past and current benefits of shared waters in the SMM basin and the extent to which those benefits could be enhanced through improved transboundary water cooperation. Some of the benefits as discussed by the groups included the following: water source for irrigation, domestic use, industrial use, food security and improved livelihood; developed sub-catchment management plans at transboundary level (Lwakhakha, Middle Malaba, chebombai, lower Sio sub-catchment management plans); joint management of the SMM sub basin by employing best management practices; capacity building and experience sharing between the two states; joint management of the investments of projects identified under the SMM projects - multipurpose water supply,

¹ benefits from enhanced trust in and beyond the basin - regional economic cooperation benefits and peace and security benefits

irrigation schemes, hydro power, sio-siteko dam among others; joint development of institutional framework beyond the MoU to help govern the management and development of the SMM basin water resource; joint resources mobilization; development of planning tools (NBI DSS tool for better planning in SMM) and installation of monitoring stations e.g. Hydromets & Metrological stations.

Extent to which the said benefits can be enhanced through improved transboundary water cooperation.

The conclusion from the second group discussion session was that the benefits of transboundary water cooperation could be enhanced through reviewing and strengthening institutional arrangements for easier planning and coordination of the activities within the basin; joint enforcement of existing laws as regards transboundary water projects; increased awareness of the project as well strengthening the existing efforts by the community in the management of the water resource; establishment of the joint transboundary management committee which would oversee activities by both Ugandan and Kenyan communities (improved community participation throughout the project cycle); ensure enhanced joint investments and mobilization of resources to fund the identified projects in the basin; and mainstreaming the plans of joint management of the projects at transboundary level into national, as well as local level.

5.2 Discussion

During the discussion that followed the presentation and group work, participants learnt that when it comes to project actualization, individual countries may not be able to implement some projects independently, but jointly and in so doing, the countries will be able to enjoy the benefits that come with transboundary water cooperation.

The two collaborating countries should first of all identify the costs and the beneficially of the projects. In the process of identifying benefits, the countries sharing a resource should first identify the problems encountered in the basin and key issues, and then link them with the benefits to be shared between the states. The states should also consider existing structures as well as considering putting up new framework/structures that would guide in the overall management and development of the basin. Further stakeholders learnt that quantification of the projects depends on the anticipated impacts; both positive and negative.

It was also clarified that peace and regional economic benefits are also potential benefits that come with cooperation. They may not be tangible but can be perceived. Qualitative assessment of benefits usually weighs the benefits that are more valuable than the others while quantitative assessment weighs the one more important or less important or that are more or less likely to cause impact. In enhancing benefit sharing (in SMM); it's important to consider identifying the existing gaps so that they could be filled. The meeting noted that there is need to form a committee at the WRUA/community level to ease the running and management of the SMM sub basin. The communities were also encouraged to form cooperatives and own projects considering huge potential in realizing the transboundary water cooperation benefits in the SMM sub Basin. Finally, the stakeholders learnt that there are three pillars of transboundary water cooperation namely; Institutional Framework; Investment projects and sensitization of the communities.

6. Introducing the BOAT methodology

The Benefit Opportunity Assessment Tool (BOAT) was introduced by Dr. Isabelle Fauconnier, IUCN Global Water Programme. Participants using a fictive transboundary basin “Takong” jointly analyzed in qualitative terms both positive and negative impacts as a result of activities being undertaken or planned for in the “Takong Basin” and in so doing selected a “win - win” scenarios based on equity and sustainability. Through this analysis, participants understood what would be different types of shared benefits that could arise from certain investments e.g. water supply, hydro-power generation, irrigation, navigation, economic benefits, environmental etc as well as costs or negative impacts associated with these investments on various stakeholders. This helped the participants to see the river as a connection rather than a geopolitical and power relations hence jointly discuss on how to share the benefits of the watershed and overcome sovereignty and administrative challenges.

7. Stakeholders and beneficiaries mapping in the SMM Basin.

This presentation was made by representatives from Kenya, Uganda and NBI – they shared their experiences with other participants on what stakeholder is and how they carry out stakeholders and beneficiaries mapping in their activities.

Experiences from Uganda by Mugisha – a stakeholder is someone who is affected and can affect the proposed activities, and their involvement is secured through the development and implementation of the sub-catchment management plans; stakeholders are identified at various levels – international/national, regional i.e. local government, politicians are very important as well as NGOs; and community. A simple tool – power and influence is used to characterize these stakeholders and the engagement process initiated through for examples consultative meetings.

Experiences from Kenya, Joseph Ngome – stakeholders are those who are directly involved in the basin e.g. Ministry of Water, Lake Victoria North Catchments, civil society, NGOs, Faith based organizations and community based organizations e.g. WRUAs. Engagements is done through workshops and seminars, media etc. Some of the activities the stakeholders are involved in include environment, energy, food, security initiative. Some issues that arises if stakeholder analysis is not carried out properly includes: competition, duplication of efforts, limited advocacy in making their voices heard to influence policies and governments functionaries etc.

Experiences from NBI, Waako – NBI is mandated to promote sustainable development in the Nile Basin. It has a strategy for stakeholders’ engagement and communication. The NBI stakeholders include State and non-State actors that includes: the Council of Ministers and Technical Advisory Committee; Forum for the Development Partners, private sector; forum of elders and opinion leaders; groups of youth and women; media; cultural group; lawyers etc. NBI uses a matrix of power and influence to identify stakeholders for specific initiatives and/or projects.

In addition to the three case studies above, findings on situation analysis in regards to stakeholders mapping and strategy to involve them in the OES/IGAD project was presented by Dr. Nicholas Azza and team and participants in a plenary made additional contribution which included listing additional key stakeholders from SMM basin not mentioned in the report, it was however, noted that stakeholders are project specific, nevertheless, the following were mentioned:

- a. Private sector and more so the industries,
- b. Socio-cultural and institutional organizations,
- c. Council of Ministers, Youth, Academia and Media,
- d. Water resources management and environmental groups in Uganda,
- e. Department of Gender, Ministries of Tourism, Finance and Planning
- f. Water production sector,
- g. County governments,
- h. Kenya Forest Service,
- i. Kenya water tower authority

Participants mentioned that some key stakeholders risks being overlooked or having less voice in a project, such as the local communities and care should be taken to avoid this.

8. Overview of current and potential projects in the SMM basin

Findings of the situation analysis in regards to the current and potential investment projects in the SMM basin was presented by a member of the consultant team (Eng. Badaza). It was noted that SMM has an investment strategy that was developed in 2008 (requires updating to be consistency with the national planning principles and processes). Its objective was to promote the identification of broad investment areas and intervention measures to address transboundary water resources issues and challenges in the SMM catchments to stimulate environmentally sustainable socio-economic development. A list of a number of investment projects that were identified was presented and discussed by the stakeholders. They are mainly around:

Water Security Program

- Multi-Purpose Storage Reservoirs for irrigation development, flood Mitigation, water supply, HEP development.

Infrastructure Development Program

- Small Hydropower Development Projects.
- Water Supply and Sanitation Project (Gravity Flow Schemes, Urban Water Supplies, Sewerage Systems, Urban Storm Water Drainage)
- Irrigation Development.

Environment Management Program

- Watershed Management/Catchment Afforestation Project.
- Wetland Management Project.
- Water Quality Management - Pollution Control Project/Solid Waste Management.

Food Security

- SMM Transboundary Fisheries Project -Aquaculture Development and Regional Hatchery Development Project.
- Enhanced Agricultural and Livestock Production Project.
- Infrastructure for Market Access to improve Production

Most importantly, participants discussed the importance of integrating built and natural infrastructure to ensure sustainable water resources. The meeting also noted that an institutional mechanism should be established to coordinate the realization of these investments in the SMM basin.

9. Basin visioning

This session on basin visioning facilitated by Roberto Martin-Hurtado and Isabelle Fauconnier helped participants to have a re-look at the various investment projects proposed for the SMM and discussed them once again (in groups) taking into account alternative water management scenarios (AWMS)², identified and prioritized a number of them ranging from catchment restoration, multi-purpose facilities, irrigation scheme, livelihoods diversification, waste water treatment, hydropower etc. Stakeholders identified that these projects would have an impact on and/or those that would support their implementation, included: local communities and farmers, local/county and national governments including line ministries and departments such as finance and planning, water and environment, mining, agriculture, foreign affairs, development partners, private sector, water/energy companies, WRUAs, ecosystem, NGOs, cultural organizations, political leaders, women group etc. Various specific benefits and negative impacts on each stakeholder were also identified.

10. Summary of the previous two days and objectives for day three

A brief presentation on the reflections of the first two days of deliberations was done by Mr. John Owino, IUCN, Eastern and Southern Africa Regional Programme. This reminded the participants of what had been discussed in all the nine sessions so far covered i.e. the workshop opening; introduction to the project and Benefits Opportunities Assessment Dialogue (BOAD); overview of the SMM basin characteristics and key issues; transboundary water governance; benefits from water, and from improved transboundary cooperation on water; introducing the BOAT methodology; stakeholders and beneficiaries mapping in the SMM basin; and overview of current and potential investment projects in the SMM basin. To build on the foregoing, the objectives for day 3 were also highlighted as follows: presentation and discussion on the institutional options for the transboundary management of the SMM basin; presentation and discussion on the mechanisms for linking national development planning to transboundary basin planning; presentation and discussions on how communication could help move the agenda forward on transboundary benefit sharing to spur transboundary water governance and cooperation; presentation and discussion on the SMM project activities going forward; next steps under the project and lastly workshop conclusions and closure.

11. Institutional options for the transboundary management of the SMM basin

This session was facilitated by different presenters covering various topics. Eng. Badaza, a member of the consultant team, made a presentation covering an overview of past work and current status of institutional processes and arrangements at all levels both formal and informal in Sio-Malaba-Malakisi Sub Basin. The presentation highlighted the SMM Institutional set up

² These comprise a measure or set of measures applied to existing or potential water-using activities in order to improve their combined impacts across stakeholders

under the NELSAP; efforts to develop a permanent legal and institutional framework for the SMM Sub Basin including various analysis on the institutional options for the future management of the SMM Sub-basin. A presentation on the institutional framework for the Nile Basin Initiative as an example of a transboundary water governance was made by Dr. Azza.

The meeting noted that through the NELSAP/NBI process, an institutional framework for the SMM basin has been discussed and established but needs to be concluded and operationalized in that the NELSAP is a project that has ended, therefore the operations of its project based institutional framework that includes Project Management Unit, Project Steering Committee, Nile TAC and Nile COM will stop forthwith. On the other hand, the operation of the Comprehensive Framework Agreement (CFA) for the Nile Basin has not come into effect because a number of riparian countries have not ratified it. In addition, these two frameworks does not provide room for multi-stakeholders representation and/or participation, since they are purely government-led processes clear direction is yet to be discussed and agreed upon by the countries.

A case study on Sava River Basin in Eastern Europe was made by Ms. Chantal Demilecamps, UNECE and the participants were informed on the history of cooperation; principles of cooperation; scope of cooperation; and the mechanism of cooperation in the Sava River Basin. In addition, Mr. Fred Mwangi, IGAD Secretariat, made a presentation on the IGAD Regional Water Resources Policy that was endorsed in 2015 and the draft IGAD Regional Water Resources Protocol that is being negotiated by the IGAD countries to implement the IGAD Regional Water Resources Policy when enacted.

11.1 Discussion

In the discussion that followed, stakeholders learnt that a joint institution for the river basin management and development brings riparian countries together so that they deliberate on the joint river basin activities and this ensures effective coordination of the implementation of the activities as well as resource mobilization. Participants were also informed that the Sava River Basin Commission was created to coordinate the joint activities on the basin. Initially, the river was handled as a national asset but after the dissolution of the Socialist Federal Republic of Yugoslavia in the early 90s the Sava River, which was the biggest national river then, became an international river of recognized importance. The earlier nationally-based management had to embrace the change in strategies for joint management of the resource to account for all activities including agriculture and hydro power development as well as pollution control that would come with such developments. As a result, benefit sharing in the Sava region is currently linked to the activities that are being jointly implemented in the Sava basin. Governance in the Sava basin has been possible due to strong framework and incentives for good governance.

12. Mechanisms for linking national development planning and Transboundary basin planning

Presentations on the mechanisms for linking national development planning to transboundary basin planning for Kenya and Uganda were made by Mr. Silas Mutia and Ms. Lillian Idrakua representatives of SMM, Kenya and Uganda respectively. The presentations highlighted existing catchment management plans; how the catchment management plans feed into the sector and national development planning processes; how national development planning and budgeting are linked; and the role of stakeholders in the national development planning and budgeting processes.

12.1 Discussion

In the discussion that followed the presentation, it was noted that catchment management plans (CMPs) usually have criteria that are used to determine which project should be given first priority as far as implementation is concerned. Therefore, through CMPs, projects are categorized and prioritized. The meeting noted that CMPs should be reviewed after every five years. The identified projects should be prepared in such a way that they are realistic and can attract funding and that it's the level of preparations at regional level that will make the project attractive. Though shared between the countries, each government should spearhead the development of the transboundary projects at national level. This is because transboundary projects have positive impacts at national level as well as regional/international level. Prioritization of projects within the government may also differ thus there is need for consensus on the projects to be executed followed by collaboration approach by the respective governments. A common project may be used to link the two governments' in order to collaborate in planning, prioritizing and execution. It was also noted that in order to achieve tangible benefits from the projects on the ground, all the ideas and plans laid down should be turned into actions. These transboundary projects also need to be strengthened for resource mobilization. Following the recent devolution in Kenya, which led to birth of county governments, so much has changed regarding the way the programs used to be run in the previous regimes. In addition, while Kenya has county governments, the government of Uganda has districts. As a result, the institutional arrangements may be different between the two countries which would probably pose a challenge during implementation of the transboundary projects, so utmost care should be taken when designing a transboundary river basin management and development institution. The WRUAs were also encouraged to make sub-catchment plans for funding. The institutions involved in the management of such transboundary projects need to sensitize the Water Resources Users Association from both countries on the importance of sub catchment plans.

13. Moving the agenda forward – how could communication help?

A presentation was made by Eng. Cosmus Muli on the previous communication efforts of SMM project. He noted that SMM project had a communication and stakeholder participation plan that supported the transboundary water cooperation processes and investments projects and aided in resource mobilization. The communication plan was operationalized through workshops for the dissemination of project outputs, media coverage and investment conferences, exhibitions (Nile Day, Forum), Nel info, NELSAP Websites, Billboards, Twitter, Facebook etc. In addition, Chantal and Roberto made a presentation on the importance of benefits communication to support transboundary water cooperation processes and investments. In their presentation they noted that after benefits have been identified and assessed, they have to be communicated. Communication is key because it is a process of convincing decision-makers, stakeholders, and donors etc to do something or do something differently. Since different stakeholders can have different perspectives on something, it is important to clearly understand the target audience, the message you want to communicate to them and the tool you want to use, examples of communication tools includes: policy briefs, newsletter, memos, reports etc.

These presentations were then followed by an interactive discussion on what would be the audiences to target and messages to deliver to strengthen transboundary water cooperation in the SMM basin?

14. SMM project activities going forward

The following summary on the priorities for follow-up and the possible recommendation for the OES/IGAD project was presented by Dr. Nicholas Azza:

Priorities for follow-up:

- Support the countries in resources mobilization,
- Implementation of the investments projects,
- Implementation of the sub-catchment management plans,
- Preparing sub-catchment management plans for new sub-catchments
- Up-scaling small-scale demonstration projects,
- Continuing capacity building in the area of transboundary water and environmental resources management,

Operationalizing the MoU

Possible activities under OES/IGAD project:

- Finalization of the legal and institutional framework for transboundary water cooperation in the SMM basin;
- Facilitation of a process for prioritization of investment projects in the SMM basin; pursuing an open and transparent process that allows for enhanced dialogue, bargaining and trade-offs between various interest groups, and between the two countries, to reach agreement on prioritization of the many investment projects.
- Training on water diplomacy and transboundary water management, and awareness raising on the UN Watercourses Convention and UNECE Water Convention;
- Identification and nurturing of basin champions for integrated river basin management and development;
- Establishing and operating an SMM Water Forum;
- Supporting the preparation/refinement of good practice guides (approach for sub-catchment planning; gender mainstreaming, stakeholder participation, climate change mainstreaming, resettlement action planning etc.)

The recommendation from Roberto Martin-Hurtado component of the study were as follows:

- Explore the “less traditional” benefits of Transboundary water cooperation to help attract support for a formal institutional framework.
- Identify all the benefits and beneficiaries of specific cooperation activities to support prioritisation.
- Use the SMM BOAD to launch the update of the SMM Investment Strategy that focuses on identifying common principles of the management plans from Uganda/Mpologomo and Kenya/LV North, as well as gaps Develop qualitative assessments of benefits to support prioritisation through the BOAT tool.
- Communicate the benefits of transboundary cooperation institutions and projects to Ministry of Finance and development partners to attract national external funding – as part of this, engage MoFs and DPs in next workshop.

15. Way Forward

The presentation of the way forward was made by John Owino and highlighted the following;

- Finalization of the project plan/activities by June, 2017;
- Next set of analytical activities/studies (e.g.: investment strategy; institutional arrangements) to be done from June – Oct 2017.
- Study tour of the SAVA/Rhine Basin scheduled tentatively for Sept/Oct 2017
- Second Sio-Malaba-Malakisi sub basin Stakeholders Workshop on Identifying Collaborative Water Management Solutions and Opportunities for Benefits Enhancement through an update of the investment strategy together with continuation of dialogue on institutional framework for transboundary river basin governance and training, scheduled for Nov/Dec 2017
- Third Sio-Malaba-Malakisi sub basin Stakeholders Workshop on Identification of investment and development opportunities for the enhancement of shared benefits by development partners and stakeholders and training; and production of final outputs and report Scheduled for March 2018.

16. Closing Remarks

Mr. Tom Waako, a representative of NBI, appreciated the IGAD Secretariat and project partners for organizing the workshop and for having a good project for the development and management of the Sio-Malalaba-Malakisi sub basin, shared between Uganda and Kenya. He informed the meeting that the Nile Basin Development Forum held biannually within the Nile riparian States is scheduled to take place from 24th to 25th October 2017, in Kigali. He requested those who are willing to do presentations to register early so as not to miss out during the event.

Dr. Hellen a representative of Nile Basin Discourse thanked the IGAD Secretariat and Development partners for organizing this important workshop and also appreciated the participants for their time and patience during the workshop. She informed the meeting that there will be a Nile Basin Discourse Summit which will be held on 29th November, 2017 in Uganda. She welcomed all participants to the summit so that they could also learn from the Communities.

Dr. Isabelle Fauconnier, IUCN, Global Water Programme appreciated the participants for attending and actively participating in the workshop and most importantly for the vision they had for the SMM sub basin. She reiterated that the workshop was very important for the stakeholders since it created real awareness in sustaining the resource and that participants/stakeholders benefited from very vital contributions from different parts of the world.

Ms. Gladys Wekesa, TAC Kenya, thanked the IGAD Secretariat for accepting to organize the first SMM basin meeting in Kenya. She informed the meeting that there had been cordial relationship between Uganda and Kenya and that's the sole reason the two countries have been able to collaborate in many issues affecting the basin. She also thanked both the regional and international experts for disseminating such vital knowledge on transboundary water cooperation and governance and on benefit sharing among other important topics delivered. Ms Wekesa informed the IGAD Secretariat that Kenya is ready to partner with them and other development partners in the transboundary waters issues which would help in the management of the shared water resources.

Mr. John Musila, the head of Ugandan delegation, thanked the IGAD Secretariat, IUCN, and all the development partners for organizing and ensuring that the workshop was a success. He also thanked the participants for attending and engaging in the dialogues as regards SMM sub Basin management. He informed the meeting that Kenya and Uganda have been having good relationships dating back to pre-colonial period and as a result, the two countries have been interacting well both politically and economically. He stressed the need to sustainably manage the available water resources within the region. He further stated that the Nile Basin as a whole has vast water resources that need to be jointly managed by respective riparian countries, citing an example of the Nile River which has a long history in this continent.

Mr. Fred Mwangi, the Regional Water expert; and IGAD Secretariat appreciated the development partners and participants and again explained how the SMM was selected. He informed the participants that Juba Shabelle basin was initially selected as the demonstration basin but the project couldn't take off due to insecurity issues. He thanked Isabelle Fauconnier and John Owino, IUCN, for their efforts and requested them to invest much on SMM Sub Basin. He also thanked the UNECE for supporting the project in terms of capacity building. Mr. Fred Mwangi also expressed appreciation to the participants for their attendance and patience throughout the workshop. He informed them that he will be happy to meet the stakeholders in the incoming workshop. He finally declared the workshop closed.

17. Annex 1 – List of participants

Kenya

Ms. Gladys Wekesa
Director, Transboundary Water Resources
Department, Ministry of Water and Irrigation,
Kenya Maji House, Ngong Road
P.O Box 49720- Nairobi
Tel: 25422716103/ 0723706692
Email: gnwekesa@yahoo.com;

Mr. Silas Mutia M'nyiri
Deputy Director, Transboundary Waters
Ministry of Water and Irrigation
P.O Box 1141-00200, Nairobi
Email: silasmutia@gmail.com;
Tel: 254 2 271613 Ext. 42358
Mobile: +254 723 382 916

Mr. Nasser Okoth
2nd Counselor, Ministry of Foreign Affairs
P.O Box 30551-00100
Email: okothnasser@gmail.com;
Tel: 254 2 318888 Ext 213
Mobile: 254 705 736 592

Eng. Brian Muchilwa
Project manager, KETRACO-MOEP
P.O Box 34942-00100
Kawi Complex Block B, Popo Lane,
Off Red Cross road, South C
Nairobi.
Email: bmuchilwa@ketraco.co.ke;
Office: +254 719 018 115 or
Private: +254 700 752 330

Ms Winnie Mugeru
Irrigation Engineer, National Irrigation board
Ministry of Water and Irrigation
P.O Box 30372-00100
Email: winniemugeru@gmail.com;
Tel; 254 720 470 950

Ms Rose Ogara Fukwo
Ag. Regional Manager
Water Resources Management Authority
Lake Victoria North catchment Area
Off Kakamega/ Kisumu Rd, opposite
BBK, Kakamega Branch
Email: rosefokwo@yahoo.com;
P.O Box 774-50100, Kakamega
Tel: 25425630834/ 0724831787/0735279938

Mr. Benedict Odongo Bideru
Chairman
Nanguba Water Users Association/
Water Resource Users Association (WRUA)
P.O Box 176, Funyula, Kenya
Mobile: 254720 986 906
Email: benedictbideru@gmail.com;

Ms Joan Nangekhe Mukhebi
Treasurer
Chebombai WRUA
P.O Box 30, Cheptais
Mobile: +254 723 468 745

Ms. Sella Mutsotso
Chief Officer
Bungoma County
P.O box 437-50200
Bungoma
Tel: 254 704 204 965
Email: sellamutsotso@rocketmail.com;

Mr. Jacob Ochieng Odhiambo
Environment and Climate Change Manager
USAID- KIWASH Project
UN Crescent Gigiri
P.O Box 1863-00621
Nairobi.
Off.: 254790999073/780999071
Mobile: 254 722 240 837
Email: Jacob_ochieng@kiwash.org or
ochyjacks@gmail.com;

Mr. Gregory J.E Odeke
County Executive Committee Member (CECM)
Department of Water, Environment and Natural
Resources.
County Government of Busia
Tel: 254722 962 245/ 0700 138 728
Hon.odekegregory@busiacounty.go.ke or
odekes@yahoo.com;

Mr. Cosmos N. Muli
Consultant
P.O Box 2571
Kakamega.
Tel: 254722363 827
Email: cmuli@nilebasin.org or
cosmutua@gmail.com;

Mr. Kulati F. Wangia
CECM – Ministry of Agriculture, Livestock
Fisheries and Cooperatives
County Government of Kakamega

Isaac Nyarwaya
Principia Resource Mobilization Officer
Lake Victoria Basin Commission- LVBC
P.O Box 1510-40100
Kisumu
Tel: +254 017 053
Email: nyarwaya@lvbcom.org;

Mr. Joseph Ngome
Board chairman, Kenya Nile Discourse Forum
Vihiga, Kakamega
Email: Kenya@nilebasindiscourse.org;

Consultants

Dr. Nicholas Azza, Consultant
Free Lance, P.O Box 31943, Kampala,
Uganda
Tel: +256 751 241 000
Email: niliman.azza@gmail.com;

Mr. Roberto Martin- Hurtado
Director, Alboran Consulting Ltd
17 Endlesham Rd, Swiz 8JX London
+442037376315/ 447462620577
Email: roberto_martin@hotmail.com;

IGAD Secretariat

Mr. Fred Mwango, Regional Water Expert
IGAD Secretariat, Djibouti
Email: Fred.mwango@igad.int
Tel: [253 77 129 170](tel:25377129170)

Ms. Khadija Mohamed
Programme Officer
IGAD Secretariat, Djibouti
Email: Khadija.mohamed@igad.int;
Tel: +253 77 871 661

Ms. Sagal Souleiman
Assistant Secretary, IGAD Secretariat
Djibouti
Email: Sagal.iman@igad.int
Tel: 253 77 220 566

Uganda

Dr Callist Tindimugaya
Commissioner, Water Resources Planning and
Regulation, Entebbe, Uganda
Email: Callist_tindimugaya@yahoo.co.uk;

Mr Jackson Twinomujuni
Commissioner, Transboundary Water
Resources Management, P.O Box 20026,
Entebbe, Uganda
Email: jk.twinomujuni@gmail.com;
Tel: +256772 895 585

Ms Lillian Idrakua
Commissioner, Water Quality Management
Ministry of Water and Environment
Entebbe, Uganda
Email: Lillian.idrakua@mwe.go.ug;

Mr Louis Mugisha
Team Leader, Kyoga Water Management Zone
Mbale, Uganda.
Email: mugishalouis@yahoo.com;

Mr Deo Kabaalu
Directorate of Environment Affairs
Regional Wetlands Coordinator-East
Ministry of Water and Environment, Wetlands
Management Department
Plot 3-9 Kabalega Crescent
P.O box 20026-Luzira, kampala
Email: deolukaaba@yahoo.co.uk;
Tel: 256 782 729 140/ 752 729 140

Mr. Patrick Okotel
Eastern Center-WfP, Water for Production
Department, Mbale, Uganda
Email: okotelpatrick@gmail.com;
Tel: 256 414 505 942/ 782 128 872

Mr. Musila John
Vice-Chairman/LC V Chairperson
Kyoga Catchment Management Committee
Manafwa District Local Government
Tel: 256 772 459 556
Email: African_missionaries@yahoo.com

Mr. Egesa Anthony
Chief Administrative Officer, Busia District Local
Government, Mpologoma Catchment
Management Committee
P.O Box 124-Busia
Tel: +256 772 602 806;
Email: egans_sons@yahoo.com

Mr. Mugoya Joseph
Chairman, Nyanza Fish Farmers Association
Member of Mpologoma-Kyoga Catchment
Committee
Tel: +256752701440
Email: Mugoyajoseph.5@gmail.com;
Freddienkoola@gmail.com;

Eng. Mohammed Badaza
Project Technical Officer/ National Consultant
Ministry of Water and Environment
P.O box 19, Entebbe, Uganda
Tel: +256 772 449 215
Email: mbadaza@gmail.com

Ms. Were Lamula
Natural Resources Officer,
Butaleja Local Government
Tel: +256 782 608 259
Email: lamulaw@yahoo.com

Mr Justus Anyine katsigazi
Foreign Service Officer
Ministry of Foreign Affairs
IGAD Focal Person
Tel: +256 414345661/ 256782476178
Email: anyinejustus@gmail.com;

Mr. Mwandha Christopher
District Water Officer, Namayingo District Local
Government
P.O Box 64, Bugiri
Tel; 256 392 002 235/706 933 620
Email: mwachris@gmail.com

Ms. Bisikwa Sarah
District Natural Resource Officer,
Manafwa District
Mpologoma Catchment Management Committee
Email: Busikwa81@gmail.com

Mr. Arthur Nkubito
National Consultant/ Programme Manager
Lutheran World Relief
Plot 23 Bagarabusa Drive, bugolobi
P.O Box 22892, Kampala, Uganda
Tel: 256 784 912 205/ 414 665 584
Email: ankubito@lwrearo.org;

UNECE
Chantal Demilecamps
Environmental Affairs Officer
United Nations Economic Commission for
Europe (UNECE)
Palads des Nations, Geneva Switzerland
Tel: +41229172463
Email: Chantal.Demilecamps@unece.org;

NILE BASIN DISCOURSE (NBD)

Dr. Hellen Nabwala Natu
Email: hellen.natu@gmail.com

IUCN

Dr. Isabelle Fauconnier
Water policy And Sustainability Advisor, Global
Water Programme, 28 Rue, Mauverney
1196-Gland, Switzerland
Tel: +41 797 204 005
Email: Isabelle.Fauconnier@iucn.org;

Ms. Mine Pabari
Deputy Regional Director Programme,
IUCN-ESARO
Email: Mine.PABARI@iucn.org

Mr. John Owino
Programme Officer, Water Programme, IUCN-
ESARO
Email: John.Owino@iucn.org;

Mr. Humphrey Onyango
Finance Clerk
Email: Humphrey.ONYANGO@iucn.org;

NELSAP/CU

Richard Ngendajayo
Environmental and Social Safeguards Specialist
NELSAP/ CU, P.O Box 6759, Kigali Rwanda
Tel: 250 788 306 105

NILE BASIN INITIATIVE

Mr. Tom Wako
Program Officer, Nile Basin Initiative
Plot 12, Mpigi Rd, P.O Box 192, Entebbe
Tel: +256414321424/ 772 602 433
Email: twako@nilebasin.org

LAKE VICTORIA BASIN COMMISSION **(LVBC)**

Dr. Ali Said Matano
Executive Secretary, LVBC, Kisumu,
Email: matano@lvbcom.org

OSIENALA (Friends of Lake Victoria)

Dr. Obiero Ong'ang'a,
Executive Director, OSIENALA,
P.O Box P.O. Box 4580-40103 Kisumu, Kenya.
Email: oonganga@osienala.net

18. Annex 2 – Workshop programme

Day 1 – Monday 15th May 2017	
	Participants travel and check in at the hotels in Kisumu in the evening
Day 2 – Tuesday 16th May 2017	
8.30-9.00	Participants arrival to the Imperial Hotel Workshop Venue and Registration
9.00-9.30	<p>Session 1. Workshop opening</p> <p><i>Chair: IGAD Secretariat</i></p> <p>Welcoming remarks by:</p> <ul style="list-style-type: none"> • IGAD Secretariat, Fred Mwango, Regional Water Expert • LVBC, Dr. Ali Matano, Executive Secretary • United Nations Economic Commission for Europe (UNECE) – Ms. Chantal Demilecamps, Environmental Affairs Officer • International Union for Conservation of Nature (IUCN) – Ms. Mine Pabari, Deputy Regional Director, East and Southern Africa Regional Office • SMM Riparian States Representative - Callist Tindimugaya, Commissioner of Water Resources Planning and Regulation, Uganda; • SMM Riparian States Representative - Gladys Weseka, Director Transboundary Water resources, Kenya • Opening Remarks by the Chief Guest <p>Round of introductions</p> <p>Workshop objectives and agenda – Isabelle Fauconnier, Water Policy and Sustainability Advisor, IUCN Global Water Programme</p>
9.30-10.30	<p>Session 2. Introduction to the project and Benefits Opportunities Assessment Dialogue (BOAD)</p> <p><i>Chair: TAC Uganda</i></p> <ul style="list-style-type: none"> • The IGAD Regional Water Resources Policy and Draft Protocol – Fred Mwango • OES/IGAD project – regional and demonstration basin components – Fred Mwango • The SMM basin selection process – Gladys Wekesa/Callist Tindimugaya • The BOAD: Enhancing shared benefits from water through improved transboundary cooperation: a roadmap for dialogue – Isabelle Fauconnier /Chantal Demilecamps • Q&A
10.30-11:00	<i>Coffee break</i>
11.00-12.00	<p>Session 3. Overview of the SMM basin</p> <p><i>Chair: TAC Kenya</i></p> <ul style="list-style-type: none"> • Characteristics and key issues identified in the Situation Analysis – Eng. Cosmus Muli • Plenary discussion

12.00-1.00	<p>Session 4. Transboundary Water Governance</p> <p><i>Chair: TAC, Uganda</i></p> <ul style="list-style-type: none"> • Presentation on transboundary water governance, including examples from cooperation under the UNECE/Helsinki Water Convention, the Nile Basin Initiative and on local and multi-level governance from BRIDGE – Isabelle Fauconnier; Chantal Demilecamps; Nicholas Azza. • Q&A's and/or discussions
1.00-2.00	<i>Lunch break</i>
2.00-4.00	<p>Session 5. What are benefits from water, and from improved transboundary cooperation on water</p> <p><i>Chair: SMM sub basin stakeholder from Kenya</i></p> <p><i>Facilitators: Roberto and Isabelle</i></p> <ul style="list-style-type: none"> • Facilitated brainstorming to identify benefits from shared waters in the SMM and improved transboundary water cooperation; • Presentation of the typology of potential benefits of transboundary water cooperation Roberto Martin-Hurtado; • Presentation of the findings of the scoping of transboundary benefits study - Roberto Martin-Hurtado; • Group reporting and plenary discussions
4.00-4.30	<i>Coffee break</i>
4.30-5.30	<p>Session 6. Introducing the BOAT methodology</p> <p><i>Chair: SMM sub basin stakeholder from Uganda</i></p> <p><i>Facilitator - Isabelle Fauconnier, IUCN Global Water Programme</i></p> <ul style="list-style-type: none"> • Presentation • Group work • Group reporting and plenary discussion
Day 3 – Wednesday, 17th May 2017	
9.00-10.30	<p>Session 7. Stakeholders and beneficiaries mapping in the SMM basin</p> <p><i>Chair: NBD</i></p> <ul style="list-style-type: none"> • Presentation on stakeholder mapping including experiences from Kenya and Uganda; • Stakeholder and beneficiary mapping results from SMM situation analysis study by Nicholas Azza • Interactive exercise • Group report and plenary discussion
10.30-11.00	<i>Coffee break</i>

11.00-12.30	<p>Session 8. Overview of current and potential projects in the SMM basin</p> <p><i>Chair: NELSAP</i></p> <ul style="list-style-type: none"> • Presentation on the infrastructure projects that have been proposed for the SMM basin - Rationale and relevance of each project – Eng Mohamed Badaza; • Group discussion: the need to update or revise the Investment Plan - Roberto Martin-Hurtado • Using the BOAD to prioritize and refine projects that offer maximum benefits – Roberto Martin-Hurtado
12.30-1.30	<i>Lunch break</i>
1.30-3.00	<p>Session 9. Basin visioning</p> <p><i>Chair: NBI</i></p> <p><i>Facilitated by Roberto Martin-Hurtado and Isabelle Facounnier</i></p> <ul style="list-style-type: none"> • Group work - drawing a map of the basin; • Representing key activities (and associated stakeholders) on the map; • Representing proposed projects and their potential benefits and impacts on different stakeholders; • Group reports and plenary discussion
3.00-3.30	<i>Coffee break</i>
3.30-5.00	<p>Session 9. Basin visioning, continued</p> <p><i>Facilitated by Isabelle Fauconnier</i></p> <ul style="list-style-type: none"> • Group exercise on BOAT – qualitative analysis of the projects and possible alternative water management scenarios – • Group reports and plenary discussion
Day 4 – Thursday, 18th May 2017	
9.00-9.15	<p><i>Chair: IGAD Secretariat</i></p> <p>Summary of work carried out so far and findings from day 2 and 3 and objectives for the day (4) – John Owino</p>
9.15-10.15	<p>Session 10. Institutional Options for the TB management of the SMM basin</p> <p><i>Chair: LVBC</i></p> <ul style="list-style-type: none"> • Overview of past work and current status of institutional processes and arrangements for SMM - Nicholas and Team; • Presentations of case studies: <ul style="list-style-type: none"> ○ NBI; ○ UN and UNECE WCC's - Chantal; ○ The IGAD Regional Water Resources Policy and Protocol: Principles and Lessons – Fred • Plenary discussions on institutional arrangement on transboundary basin management

10.15-10.45	<i>Coffee break</i>
10.45-12.00	<p>Session 11. Mechanisms for linking national development planning to transboundary basin planning</p> <p><i>Chair: SMM Basin Stakeholder</i></p> <ul style="list-style-type: none"> • Country perspective; • Group work to identify relevant gaps, mechanism and options to strengthen the linkage – Roberto/John • Group report and plenary discussion
12.00-1.00	<p>Session 12. Moving the agenda forward – how could communication help?</p> <p><i>Chair: IGAD Secretariat</i></p> <ul style="list-style-type: none"> • Previous communication efforts of SMM project - Nicholas and Team/Gladys/Callist; • Importance of benefits communication to support transboundary water cooperation processes and investments - Chantal/Roberto • Interactive discussion: what would be the audiences to target and messages to deliver to strengthen transboundary water cooperation? - Chantal/Roberto/Nicholas/John
1.00-2.00	<i>Lunch break</i>
2.00-3.00	<p>Session 13. SMM Project Activities going forward</p> <p><i>Chair: TAC Kenya</i></p> <ul style="list-style-type: none"> • Presentation of Findings from Situation Analysis, including recommendations for refinement of project activities going forward - Nicholas and Team • Plenary discussion
3.00-3.30	<p>Session 14. Next steps under the project</p> <p><i>Chair: TAC Uganda</i></p> <p>Proposed timeline for project activities and agreement on Next steps, by whom - John</p>
3.30-4.00	<p>Session 15. Workshop conclusions and closing</p> <p><i>Chair: IGAD Secretariat</i></p> <p>Closing remarks (Kenya, Uganda, local authorities, IUCN, UNECE, IGAD Secretariat)</p>