



**The 1<sup>st</sup> Sio-Malaba-Malakisi basin stakeholders' consultative workshop for the initiation of a Benefit Opportunities Assessment Dialogue, May 15<sup>th</sup> – 19<sup>th</sup> 2017, at Kisumu Imperial Hotel, Kenya**

# **IGAD REGIONAL WATER RESOURCES POLICY & PROTOCOL**

## **Principles and Lessons**

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# I. Why an IGAD Regional policy and legal framework for WR management ?

- ***NEED FOR COMMON APPROACH, BECAUSE:***
  - *Many* transboundary/shared water resources
  - Uneven water distribution (different climatic conditions, but over 60% of the region is arid) -> competition for available resources
  - Different levels of socio-economic development
  - Different national approaches to water resources management
  - Different stages of development of national policy, legal and institutional frameworks
  - Need for development (& infrastructure)
  - Recognition of water as development engine

## II. POLICY GUIDING PRINCIPLES

Water is a natural resource which is owned in common by all the peoples in the respective countries of the IGAD region. If utilized in a sound way and having regard not only to present needs, but also to the needs of future generations, it may be a vehicle for peace, cooperation and economic integration. Based on these considerations, the IGAD Member States have agreed on a Regional Water Resources Policy which is informed by the following guiding principles.

- Sustainable development and management of water resources.
- Consideration of the basin as unit for the integrated planning and management of water resources using an ecosystem approach.
- Equitable and reasonable utilization of water resources.
- Prevention of the causing of significant harm.
- Cooperation on the basis of sovereign equality, territorial integrity, mutual benefits and good faith in order to attain optimal utilization and adequate protection and conservation of transboundary/shared water resources.
- Exchange of readily available data and information on the conditions of transboundary/shared water resources.

- Exchange of information on planned measures on transboundary/shared water resources. 4 Principle 5 of the Rio Declaration (1992) calls for state cooperation as an essential means to eradicate (not alleviate) poverty, since this is 'an indispensable requirement for sustainable development...'
- Subsidiarity, that means planning and management of transboundary/shared water resources at the lowest appropriate levels.
- Participation of stakeholders at all levels in water resources development and management.
- Sharing of benefits and costs inherent to resource development and management.
- User and polluter-pays principle.
- Economic and social value of water.
- Peaceful resolution of disputes.

## The principles listed above are based on :

- Existing IGAD policy and strategy documents, in so far as they deal with transboundary/shared water resources;
- Existing national policy documents of the IGAD Member States, since most principles underlying the Regional Water Resources Policy are recognized by all the states;
- The principles enshrined in the Agreement on the Nile Basin Cooperative Framework (2010), although it is not yet in force, since this legal instrument is the result of ample and constructive debates among the majority of the IGAD Member States; and
- The Africa Water Vision 2025, which indicates the way forward, and in particular its messages.

## Additional instruments informing the principles set out in this Policy include:

- the Dublin Statement on Water and Sustainable Development (1992) and the principles for integrated water resources management (IWRM) contained therein, which are considered as representative of best water resources management practices.
- The SADC Regional Water Policy (2005), since the SADC is a regional economic integration organization which has expanded its mandate to cover water resources, just like IGAD has done with natural resources. The SADC Regional Water Policy is based on consolidated consensus among SADC Member States, which is reflected in the Revised SADC Protocol (2000). The Protocol is based on prevailing international law and consistent state practice.
- The draft East African Community (EAC) Water Vision 2025, which was published in October 2012. 2.

# III. GENESIS OF DRAFT PROTOCOL

- **Analysis of policy & legal frameworks (nat'l)**
- **Regional synthesis**
  - Validated at Mombasa workshop (Oct 2013)
- **IGAD Regional Water Resources Policy**
  - Circulated to legal team & TAC
  - Revised after Kampala workshop (March 2014) and after further review by TAC
  - endorsed by Water Ministers, Addis, Jan 2015
- **Draft protocol prepared based on Policy**
  - Explained at Djibouti workshop (Mar 2015)
  - Reviewed at tech level at Naivasha (Jul 2015)
  - Establishment of Negotiation Committee



# IV. Principles informing draft protocol

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# V. LESSONS

1. Think of building trust
2. Problems in agreeing on Rules of Procedures for Negotiation Committee, it takes a lot of time to agree on these rules.
3. Negotiations is an art which is complex
  - Member States at different levels of understanding, skills and capacity is very uneven.
4. Managing different interest very difficult
5. Try to introduce capacity building training to close up on the capacity gaps

THANK YOU