



African Regional Workshop

Public Participation in International Waters Management

November 13-16, 2007

Maseru, Lesotho

**Legal and Institutional Frameworks for Public and
Stakeholder Involvement
Case Study: Lake Tanganyika Convention**

By

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Introduction

- Historically most international treaties have been drafted as a result of a decision taken at a diplomatic conference.
- A preparatory committee is set up to prepare a draft to be negotiated at the diplomatic level.
- This is an extremely slow and protracted process since each State;
 - Sends a delegation with a particular mandate & instructions to focus on achieving certain objectives of national significance;
 - Possibility of production of competing texts, and
 - Periodic need for negotiators to refer back to their governments for further instructions.
- The process can take so long, until some of the parties make last minute concessions for a compromise before a final text can be agreed upon.
- We couldn't accommodate such a process within the time and financial constraints of the Project.
- We had to think a context adaptive process strategy.

Strategic Process Principles

- Ensuring active participation of key players from riparian countries;
- Using existing principles of international environmental and water law that the countries had **already endorsed** in other contexts as the starting point;
- Facilitating discussions and **focusing on developing a consensus among the key players on the best way of conserving and utilizing the Lake** rather than negotiating a convention through formal diplomatic channels.

Process Preparation

1. Facilitating Participation

Preparation of **background papers** in French and English dealing with international environmental law and the law of transboundary watercourses, conflict resolution, legal and institutional arrangements for the management **of lake and river basins in other countries.**

2. Identification of Stakeholders & Issues

Legal consultants contracted to visit the capitals of the riparian States to meet decision-makers:

- to discuss the organization of the workshop and who should participate,
- to elicit the views of the Key players, to gather additional information and gain their commitment to participate.

3. Preparing Extensively 1st Workshop

- **Production** of a legal and Institutional **baseline report** that reviewed all relevant national laws, international and regional agreements and declarations entered into or adopted by one or more of the four riparian countries; and advised on improving the regulatory framework by concluding a framework convention
- **Circulation** of the study to all targeted stakeholders;
- Allocation of **sufficient time for comments and feed-back.**



1st Workshop Strategic Process Techniques

1. Using the legal and Institutional baseline report

- The Report gave all the participants a good overview of the Systems in all the countries which provided a good basis for future discussions, particularly by promoting greater understanding by the lawyers from countries with common law legal traditions (Tanzania and Zambia) of the civil law Systems (in Burundi and DRC) and vice versa.
- The Study provided a foundation and a starting point for developing a draft convention by drawing attention to the fact that a consensus already existed between the countries on many of the basic principles which should be applied with regard to transboundary water courses and environmental protection, as evidenced by the various regional and international agreements to which the countries were party

2. Building on existing agreements

- Use of international and regional environmental **agreements** and **declarations** that riparian States had **signed** and **principles** of international environmental law **endorsed** by riparian States.
- This helped in expediting discussions since the delegates were happy to include in the draft convention most of these principles on the basis that they had already been endorsed by their countries and the discussions could concentrate on developing a framework appropriate to the Lake.

3. Building a pre-negotiation consensus

Workshop participants agreeing that discussions **aim at reaching an agreement on a text** which the delegates would feel able to recommend for adoption by their governments rather than camping on formal positions.

Convention's Participatory Provisions

The Convention recognizes that:

- **Public awareness** is an essential precondition for building effective public participation in decision making processes and to the long-term effect of management of the Lake, particularly in view of the difficulties of enforcing legislation in distant parts of the Lake.
- **Public Participation** is an important precondition for building an effective management system based on co-operation between governments and the users of the Lake's resources.
- **Public Access to Information** is an important building block of a long-term management regime based on the full participation of Lake users.
- To this effect, the Convention **requires each Contracting State** to:

- a. promote and encourage public awareness and to implement a program of education and public awareness of the lake Basin population;
- b. adopt and implement legal, administrative measures to ensure that the public have the right to participate in decision-making processes including in the procedures of EIA;
- c. give the public the opportunity to express its opinion or views before a final decision is taken;
- d. give public access to justice against any environmental management decision;
- e. give access to information concerning the state of the Lake Basin, activities, measures taken or planned to prevent adverse impacts to facilitate public involvement in decision-making.
- f. Exchange information;

Convention's Participatory Institutions

The Lake Tanganyika Management Authority (LTA) and its main organs: The Conference of Ministers (supreme body); the Management Committee which is assisted by Technical Committees; and an executive Secretariat.

At country level, Interministerial Committees will guide and supervise implementation activities; local governments and committees, civil society and private sector all participate in Lake Management decision-making processes.





Project Regional Steering Committee Meeting Chairman & Regional Project Coordinator



Zambian Delegation



Zambian Ministerial Delegation to the Convention Ministerial Meeting



DRC Ministerial Delegation to the Convention Ministerial Meeting



Tanzanian Delegation



Burundian Delegation



Tanzanian Delegate exchanging with the Regional Coordinator at the Ministerial Meeting



Burundi Minister Signing Lake Tanganyika Convention, 12 June 2003



DRC Minister signing the Lake Tanganyika Convention, 12 June 2003



Tanzanian State Minister Signing Lake Tanganyika Convention, 12 June 2003



Zambian State Minister Signing Lake Tanganyika Convention, 12 June 2003



Host Minister, Senior Permanent Secretary, UNDP Resident Representative and Regional Project Manager applauding the signing of the Convention



The Four Riparian Ministers Pausing Together after the Convention Signing Ceremony



The Four Riparian Ministers Toasting after the Signing Ceremony

