

<b>Workshop Report:</b> <b>Building and Managing Sustainable Transboundary Water Institutions in Africa and Beyond</b>	<b>Date: February 15-18, 2010</b>
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## DRAFT

### 1 Introduction:

The Workshop **Building and Managing Sustainable Transboundary Water Institutions in Africa and Beyond** was held in Entebbe, Uganda, between the 15-18 February, 2010 (See Annex A for the Agenda). More than 50 international practitioners, environmental groups, women's groups, and academics convened to discuss transboundary water issues in Africa (See Annex B participants list).

The Workshop was the last in a series of meetings to identify the major issues facing transboundary water management globally. Previous workshops have been held in Asia, Latin America and the Caribbean. The overall project focuses on analysis of institutional management and frameworks for cooperation of international groundwater, freshwater lakes and rivers, and marine ecosystems. The project is unique in approaching the three situations from an institutional perspective to determine common elements of transboundary resource management and identifying best practices can be transferred between different situations and regions.

The specific objectives of the workshop were to:

1. Gain an understanding and exchange information about the experiences of setting up and managing frameworks for transboundary waters in Africa. One objective was an interchange of ideas and lessons learned from the African context. The goal was identify a succinct list of experiences and recommendations to share with other transboundary water institutions both within Africa and beyond on how to build and maintain institutions.
2. Identify major obstacles to cooperation and interests of practitioners to enhance future and existing institutional frameworks. It was important to identify where major gaps exist either in knowledge or in implementation in on the ground management.
3. Identify means of engaging women and youth in transboundary waters. This objective serves to enhance the role of women and youth in directing

transboundary water management and institutional design, while partially addressed under the issue of stakeholder participation, key lessons learned and solutions for these groups are needed throughout the GEF portfolio.

4. Clarify any major training needs in transboundary water management and what learning tools might be most useful to accomplish them, such as through workshops, web material, interactive learning tools, short videos, amongst others.
5. Identify an initial network from Africa to review learning tools and become part of a larger workshop bringing together participants from Africa, Asia, the Caribbean and Latin America scheduled for April 2011.

## 2 Project Overview

Al Duda and Richard Paisley gave brief overviews of the GEF approach to learning in the International Waters portfolio and specific goals of this project.

The overall goal of the project:

*More sustainable governance and effective decision-making; through identification, collection, adaptation, and replications of beneficial practices learned through international experience.*

The project has 3 components:

- 1) Identify and analyze lessons learned and experiences, including case studies and the White & Case report which focuses on institutional structures. This includes detailed case studies of drilled down into how agreements were negotiated;
- 2) Establish and maintain south-south peer group learning networks as there is a great deal that can be learned through exchange of experiences;
- 3) Develop and implement experiential learning tools such as simulation exercises, gaming tools, amongst others.

## 3 Overview of sessions

On the first day, the Workshop was fortunate to have Dr. Alexander Aboagye, UNDP Country Representative, address the participants. He noted that the top priority issues for the UNDP were integrated water resources management, water and sanitation, food security (including fisheries), and transboundary water issues. He further noted that while it has been acknowledged for some time that the sustainable use of natural resources is critical for sustainable development and poverty reduction there are great challenges in doing so, including issues such as climate change and increasing pressures placed on resources.

On day 1 the participants were introduced to the major findings of the Latin America and Caribbean, and Asian meetings. The major issues were categorized in terms of:

- Data and information exchange: the types of information needed to design and develop sustainable management of transboundary resources, including how much data, when, how and amongst whom.
- Resolving differences or dispute resolution mechanisms, and compliance: which ones are effective both from a cost perspective as well as a decision-making perspective, what examples exist that have been tried and tested, informal vs formal approaches, amongst others.
- Sustainable finance mechanisms: The sustainable financing of the management of the international waters, both
  - Transactional costs of maintaining the agreement, including a secretariat, monitoring and information gathering, hosting meetings, communications etc.
  - Capital costs of specific projects to be undertaken,
- Flexibility in agreements and management, including decision-making: institutions need to be adaptive particularly for operational management. This includes dealing with uncertainty, both in the data itself and in terms of future events such as climate change,
- Institutional design: what are the most effective ways of setting up a framework to implement international agreements. How are they related to the agreement?
- Communication: Promotion and development of political will and understanding regarding support and effectiveness of institutional frameworks for transboundary water management,
- Public participation and stakeholder engagement: how best can consideration of stakeholders in the development and implementation of frameworks and operational management be achieved? Translating interests and needs of local issues up to the international level.
- Gender mainstreaming: what is gender mainstreaming and how can it best be integrated into GEF projects on transboundary water?
- International agreement to on-the-ground action: translating the commitments at the international level to local change and on-the-ground action.

One Day 1, Participants discussed data and information exchange, institutional design, sustainable finance mechanisms, and flexibility, in light of climate change. The discussions of data and information exchange touched on a number of related issues in terms of institutions, financing, political will (in terms of sensitivity of information), and focussing on needs and technical issues to drive the agenda. Financing focused principally on how to maintain an active secretariat. This fed into the discussion on institutional design and decision making, which lead to

discussions of flexibility in management at the local level for issues related to climate change.

Day 2 started with breakout groups focused to discuss the main obstacles and their solutions when implementing international agreements to on the ground action; gender mainstreaming for GEF projects; and topics for experiential learning tools, as well as types of tools. The later half of the day was spent examining a local project to assist livelihoods, water and sanitation, and local environmental education that was being implemented by the Entebbe Women's Association.

Day 3 was devoted to reviewing the major findings of the workshop, developing an ongoing dialogue of practitioners (African Network), and preparation for the Hauge meeting where participants from Latin America and the Caribbean, Asia, and Africa will be brought together to exchange experiences and validate experiential learning tools.

## 4 Workshop Findings

### 4.1 General Findings

**Awareness building** of the importance of transboundary water/marine management is critical at the highest levels of political decision-making, as well as at local and sub-national levels.

**Clear benefits of transboundary management** are needed to help influence policy makers and local stakeholders who may be impacted by transboundary management.

**In many cases it is beneficial to start small and work towards bigger goals** for cooperation. This is particularly important as a tool to build trust between parties. This can be either in terms of:

1. The number of parties involved. Eg Nile basin began certain initiatives that only involve certain relevant countries, such as Lake Victoria Agreement etc. eg. Iullemenden Aquifer System has initially only dealt with major countries (Mali, Niger and Nigeria, while Algeria and Burkina Faso were observers). The observers are now considering joining and existing framework to explore and manage a larger aquifer system.
2. In terms of substantive issues it may be beneficial to start with simpler issues, eg. information and data exchange in the Nile, when working towards a larger framework agreement as this will help determine needs for the larger agreement.

### 4.2 Obstacles to cooperation in international waters

Obstacles and their solutions are considered in two ways. i) the general obstacles to developing an international cooperative framework, and ii) the challenges

associated with implementing the internationally agreed needs at the local level where action and on-the-ground change occurs.

**Lack of political will is the major obstacle to both development and implementation of international frameworks.** Political will drives action at both the international, national and local levels. However, clear **benefits of cooperation** must be shown for political will to develop. Politicians and decision-makers need to show constituents 'why' decisions are being made. Better methods of awareness building are needed to enhance decision-maker understanding. Eg. Parliamentary dialogue process in SADC where GEF is funding engagement in presentations directly to parliamentarians.

**Lack of understanding regarding international law and sovereignty in international cooperation.** There are many misconceptions regarding what it means in a legal context to share resources, what is codified vs customary international law, what is the rule of law and how is it enforced, etc. This can sometimes enhance 'lack of political will'.

**Lack of recourse or sanctions for non-compliance.** In many international waters agreements there appears little recourse for non-compliance. See section on dispute resolution and compliance.

**Disparity in capacity between countries is a challenge.** Countries may be reluctant to enter into agreements where they know they lack the capacity to implement, or are non-compliant when they do agree simply out of matter of lack of capacity. For example in the Nile Basin Initiative there is a great disparity between Burundi and Egypt in the ability to implement the interim information and data sharing agreement.

**High turnover of key staff.** Often key individuals and champions of international agreements, either at the international or national level, drive implementation or cooperation. When these individuals change the process often suffers. *Solitution* : there is a need to integrated capacity building and institutional development to build a critical mass of people at national level to ensure implementation. *Conversely*, institutions, unless well funded, may lack commitment to implement in the way that a key individual does.

**Differences in legal systems and rights.** There is often a disparity in the way legal systems are developed and applied. For instance in the Nile, SADC, Niger Basin, Benguela, Guinea Current, amongst other there is both a history of common law, resulting from an Anglo-Saxon system, and civil law system emerging from the Latin.

**Disparity between international obligations and national laws and norms.** There is often a problem in that what might be agreed upon at an international level is not easily implemented at the national level as there is a disparity in rights at the national level and local levels. For example in Canada, the Federal government is responsible for fisheries, but not for fresh water which is under Provincial jurisdiction. In other situations local community norms and practices do not align well with national and international agendas.

**Difference in perception of benefits.** In many instances there are differences between perceived benefits from different uses of international water resources. This occurs both at the international and national levels. There may be fishing interests which are impacted by power development for instance. Clearer balancing of interests and benefit sharing is required. Politicians need to be able to explain clearly why an international agreement is being implemented.

**Inadequate financing mechanisms.** Financing will stall implementation even when agreement is signed; and, agreements usually provide for limited duration of financing. See section on sustainable financing. While this is often an impediment at the international level, such as maintaining a secretariat, it is particularly true at the national level where it is generally the job of ministries to delegate to departments the implementation of actions. National level funding for these initiatives are often poor.

**Inadequate institutions to devolve decision-making to lower level to achieve implementation.** The problem of implementation often stalls at the national level where there is a inadequate structure to implement the needed actions.

**Ineffective national focal point officers:** often the transboundary institution or secretariat does not have power to choose national focal points for implementation. They are often seen as political issues as they deal with international affairs and are thus not the technical people needed to achieve implementation.

**Lack of adequate structure to engage local stakeholders.** There is often an inadequate process to engage local stakeholders, and particularly women and youth, and civil society in general in terms of needs to be reflected at the international level, and in terms of implementation of actions. See section on Stakeholder engagement.

**Prior agreements have confused and potentially frustrate more contemporary developments of shared resources.** There are several agreements in Africa which were developed prior to independence. These

### ***4.3 Information and data exchange***

#### **Key elements for development of data and information exchange**

- i) Countries need to agree on data sharing procedure
- ii) Joint database available to all parties – Secretariat to maintain and update
- iii) Joint technical committee focused on data, that would involve committees of country officials responsible for collecting info, and oil companies, etc.
- iv) QA/QC procedures – this can vary for sensitive versus non-sensitive data
- v) May want to start with the “easier” information to share; learn to work together with ministries before get to “tougher” issues of water use, fisheries, etc

**Type of data** to be exchanged is important. There must be a clear tangible benefit to sharing data, otherwise it will be counter productive to cooperation. This is the reasoning behind the Trans-diagnostic Analysis which are carried out in GEF projects to develop a Strategic Action Plan to address issues of concern.

Greater information regarding economic and social benefits allows for a more complete analysis of benefit sharing and trade-offs to be developed, thus more equitable institutional frameworks to be developed. Eg: In the Niger Basin incorporating socio-economic data, as well as agricultural and hydraulic data has encouraged the development of a shared vision for the basin. It is viewed as a collective basin, not simply 9 countries sharing the basin.

**Data and information as a confidence building tool:** Some data may be sensitive or felt to be of national interest. The Danube Canada/US have been struggling with data sharing for 100+ years, and so it is not always something that occurs quickly. Often, such as in the case of the Benguela Current, there is sensitive and non-sensitive data, thus confidence can be built with disclosure/collection of the non-sensitive data first. In the Nile Basin the Interim Data and Information Exchange protocol has been developed with the intent that all countries can share available data (See Snapshot – The Nile).

**Data and information must focus on needs,** such as bilateral infra-structure agreements on dams will demand different types of information than pollution control or environmental protection agreements etc. Eg. In the SADC there are several agreements where different types of data are exchanged.

**All sources of data can be useful:** these include sources such as local municipal, district level, academic, etc. In the Lake Tanganyika Strategic Action Program, the non-empirical data is important – it may not be published, but it is important to find a way to capture knowledge that people have. Assess current potential data sources and capabilities for data collection and analysis.

**Financing of collection, analysis and dissemination.** Data must be generated before it can be exchanged – this should be integrated into agreements as there is an issue of significant costs associated with generation and transfer. Eg. The Benguela Current is developing a framework agreement and data and information exchange will be part of this. In the Nile, they have found that not all data has the same quality, and in many countries it has not been a priority and is under funded.

**Costs associated with data and information exchange** should be based on the needs and capacity of the countries to supply them. For instance, many agreements will suggest that 'readily available data' should be free of charge, while data that is requested and not readily available can be charged. Eg. Nile Basin Initiative, Niger Basin Authority.

**Data and information as leveraging tool.** Often richer countries will have greater data and thus have greater bargaining power. So efforts must be made to develop capacity in other countries. Eg. In the case of the Benguela current national institutions dealing with fisheries are being trained to have a 'data centre' in the most appropriate agency.

**Data and information as awareness tool.** The exchange of data and information can help lead to awareness building at the highest level and lead to more substantive agreements. Eg. The Illumenden Aquifer System exchanged information between Niger, Mali and Nigeria on groundwater resources. They developed a model which was then used to convince senior officials of the need to have more coordinated management of the groundwater. A framework agreement was signed in June 2009 for the sustainable management of the system.

**Formal vs informal mechanisms for data and information exchange.** In many cases, like the lullumenden, data and information that is readily available can be exchanged without a formal protocol, but rather as part of 'projects'. This has also worked for the Nile under the Nile Basin Initiative which oversees specific projects. The Mekong, in contrast, has an information sharing agreement in place, and has had a framework agreement in place for over 15 years; however, there is a reluctance to share information. Thus agreements are only as good as the willingness of the parties to share data.

Data and information exchange should be seen as a technical necessity and technical people should be at the core of determining types, method of exchange, frequency, quality control, etc. Legal advice is clearly necessary to ensure consistency with international norms, deal with property rights issues etc. Eg. Nile Basin, lullemeden Aquifer System, SADC system.

Often, there is a challenge of getting the in-country partners to actually make the data available; often it is not free and secretariats have to pay for some of this data (even partners in projects who have made commitments to GEF still require payment for the data). Eg. The Volta River Basin. Are there possibilities to have a Global data recovery fund?

**Use existing technology where available?** Satellite imagery and remote sensing can be used to help supply data. Some of it may be in the public domain through third parties such as universities. In the Benguela Current LME, online systems can download real time data. South Africa and Namibia are very data rich, but Angola is not as data wealthy (much of its data owned by oil companies) and it is very difficult to get this data. Be aware of these big challenges when developing the institutions. Also, under the SADC there are hydrological flow measuring systems on various rivers, these upload data to a central database that is accessible in real time by any of the member states. Because its so open and visible, member states trust the data more.

**Exchange data that countries are willing to exchange.** NBI countries did not want to do transboundary water analysis, but were willing to do transboundary environment analysis. Building cooperation and trust has led to the development of an interim agreement for data exchange (see Snapshot on NBI).

It can take time to develop exchange protocols:

- 14 years in the Zambezi river basin.
- Over 10 years in the Nile



- In the Limpopo it started in a step by step manner with Mozambique, South Africa, Botswana and then Zimbabwe.
- After the Lake Victoria Agreement the data and information protocol took only two years to develop, indicating the importance of political will.

**Snapshot : Nile Basin – data and information exchange**

- Began in May 2006, 14th Nile-COM meeting
- Two stage process: 1) Develop Interim Procedures for Data Sharing and 2) Develop a Full-fledged Agreement. Currently, at stage 1.

Two teams: 1) Advisory Group; 2) Technical Drafting Team

Drafting Teams circulates drafts to Advisory Group. Process has taken about 2.5 years

Objective: Interim Procedure seeks to facilitate implementation of NBI projects and programs; Facilitate access of the countries to this data

Uses different types of data, such as from public and academic sources

Cost and Finance: agreed that readily available data should be available free to the project; data not readily available condition on payment of fees for collecting and processing data; also costs required for periodic review and adjustment; Third parties to be provided with the information

Data quality: The party providing the data is to ensure its quality. To date there has been no need for a central quality control.

Implementation Arrangements: Nile-TAC supervises implementation of Interim Procedures, provides guidance for improvement.

Role of NFP institution: Avail data as per the request of NBI

Key lessons:

- (1) Senior people in committees tend to emphasize political issues rather than the technical ones. Keep data and information focused at the technical level.
- (2) Begin exchanging data where countries feel comfortable and build from there.
- (3) Data and information exchange are project driven, so there are clear benefits.
- (4) Ensure good communication between technical and legal persons negotiating the agreements.

#### **4.4 Institutional Considerations**

**Use existing institutions where possible:** In the Benguela current existing scientific agencies initiated dialogue, and later became an advisory body. In the Guinea Current LME existing centres of excellence, such as Marine Unit at Lagos University, were used as focal points for information and data for the entire region. This has facilitated the development of agreements as it reduces competition between parties for facilities. This can work when there are institutions which are clear leaders in certain fields in the region.

**The use of focal points for countries is helpful in enhancing data exchange as there is a point person to contact.** The Niger Basin Authority uses focal points in each country for data and information collection and exchange as well as other functions. The focal point acts as a channel between the national agencies and the Basin Secretariat. The Secretariat then compiles and analyses the data. For this to work, the focal point must be someone of some seniority to have legitimate authority. This is similar to the system used by the Nile, Iullemeden, and Volta programs which have focal points in relevant ministries.

In the Benguela Current they have developed 'independent' focal points as i) often single ministries don't have authority in all the pertinent areas and ii) often ministry people don't have the time. In the Nile, however, focal points need to be strong national institutions (agencies) to help set and follow through with the agenda.

In Lake Tanganyika, a national focal structure is employed whereby there are multiple focal points for different issues depending on the nature of the needs. For instance there are focal points in environmental departments, water departments etc.

In the Western Sahara Aquifer example, each country has a committee with different representative from different relevant sectors, and in some cases civil society. These are convened by a neutral third party, the Observatory of the Sahara and Sahel based in Tunis.

**Sub-committees are useful for advancing dialogue.** The Niger Basin Authority has found that the use of joint technical sub-committees making recommendations can be a useful way to enhance dialogue at higher decision-making levels. Technical sub-committees can be smaller and more focussed allowing for greater understanding of specific issues. Decision-makers which have a greater scope of consideration to deal with can then consider recommendations on specific topics while balancing other considerations.

#### **4.5 Financing Mechanisms**

Sustainable financing mechanisms are key to ensuring continuity and achieving the results of most international frameworks as the issues being addressed are generally long terms. This is particularly true with sustaining fisheries, environmental protection, management of shared water resources where ongoing monitoring and evaluation is necessary for decision making. However, it also the

case when agreements involve the development of infrastructure projects as there will be ongoing operational management and maintenance costs.

Beyond substantive elements of international frameworks, procedural aspects, such as the running of a secretariat, will necessitate continual financial inputs. There are a variety of different ways in which sustainable financial mechanisms are being developed to reduce dependence upon donor support.

**Show clear benefits:** at the core of any sustainable financial mechanism is the need to have political will to implement the international framework. Political will and interest will be generated by demonstrating a clear benefit to engaging in the international framework in question.

**Develop national level agendas to implement international frameworks:** In the Guinea LME countries are implementing work through National Action Plans.

**Funding the secretariat by member states is important to build ownership, and can take a variety of methods:** In the Western Sahara Aquifer after GEF funding terminated each country continues to support the Secretariat through national water sales. This is a similar formula that is being developed in the lullemeden aquifer.

In the Nile basin they have developed through a project by project basis and have developed separate institutions for each project. As the projects continue to provide benefits the institutions persist, however, there may be a need to institutionalize them beyond a project by project basis. Budgeting is considered each year. This also allows countries to prioritize projects and joint action.

The Benguela Current secretariat is funded by each country contributing \$100,000/annum plus contributions in-kind.

In the Niger Basin Authority each country supports the secretariat through a percentage based on GDP and land coverage (Check). The council of ministers determines costs of certain projects and approves the annual budget of the secretariat. Financing comes as part of Ministry budgets.

In the Black Sea the contribution of the parties to the Secretariat is by GDP only.

Lake Tanganyika commission receives contributions from all four countries, though not necessarily equal amounts.

In the Western Saharan aquifer system the countries design the budget and activities while the secretariat coordinates activities.

GEF will normally fund projects to develop TDA and SAPs, and often partial implementation of the SAPs with the idea that as countries increase funding and responsibility while GEF decreases funding over time.

#### ***4.6 Flexibility, climate change and adaptability.***

**Institutional arrangements need to build in flexibility.** Frameworks should allow for review and revision periodically, or when there is a perceived need for updating.

**Institutional arrangements should consider making provisions for extreme events in advance:** extreme conditions such as drought or flood, or changing ocean temperature in el Niño years could be assessed and provisions determined in advance so that parties will know what to anticipate and prepare accordingly. Consideration should be given to determining priority uses in such extreme cases.

**Information is needed for potential impact of climate change and extreme events:** there is a particular lack of information or reports regarding the effect of climate change and groundwater resources. This is true in both the Western Sahara and the SADC region where the effects on groundwater are not appreciated.

**Agreements should stress adaptive management and appropriate ways of dealing with uncertainty.** Many agreements, such as the Mekong and Lake Victoria reflect principles of integrated water management and adaptive management. These are prescribed at the procedural level whereas the substantive measures and methods of dealing or addressing extreme events will be at the local level and therefore under national implementation.

Periodic reviews of the TDAs could be used as a means of adaptive management performance measures. In Lake Malawi the reduction of near shore fisheries may give rise to a policy for commercial fisheries to only operate in the far-shore.

When practical climate change policies can be incorporated substantively at the international level. In Asia Seas program (PEMSEA? Check with AI) countries have determined to protect 20% of the coastal zone, particularly for sea grasses as a means of carbon sink for CO<sub>2</sub>.

#### ***4.7 Dispute Resolution and Compliance***

**Sanctions can be an effective to enhance compliance.** While typically more associated with marine and fisheries agreements, sanctions written into the framework agreements can be effective tools to enhance compliance of obligations. In the Indian Ocean (check) there have been two cases where sanctions have been threatened. At the same time the implementation of sanctions will determine their real effectiveness if countries are slow to adapt.

**Use of consensus in decision-making body is the general norm.** Many agreements and processes rely on consensus. This is the case in the Nile, Orange, Niger, etc.

**What happens when non-consensus occurs?** There are different methods for how to deal with non-consensus. In some cases, they are referred to higher larger bodies to which the agreement may be linked. For example in the Incometi River Basin non-consensus would be referred to regional economic community to resolve the dispute (SADC). In Lake Victoria, the Heads of State Committee could resolve differences.

**Lack of recourse or sanctions for non-compliance.** In many international waters agreements there appears little recourse for non-compliance. Fisheries

agreements often have sanctions, however, the manner in which they are applied has meant that they have not had a great effect in altering management practices. For instance,

**Informal process are often useful for resolving differences.** In the Volta Basin district level (sub-national) representation and engagement occurs internationally. Consequently, if there are differences in water management that have impacts at the district level then two districts may resolve the issue without involving the national level.

**Use of regional mechanisms are important to help resolve disputes.** The concept of leveraging other areas, such as trade, are important when attempting to resolve differences. The Niger Basin is linked to ECOWAS (Economic Community of West African States), Incometi, Orange, Limpopo, Zambiezi, are linked to Southern African Development Community (**Check**). These economic communities generally benefit from a much wider perspective than only water.

**Neutral Third Parties are very helpful in negotiating and implementing agreements.** Neutral third parties can help in facilitating and developing agreements as well as their implementation. It helps with ensuring equity and thus building trust between parties. Virtually all the major transboundary water agreements in Africa has some third party assistance in the development of the initial agreements and their implementation.

**Use of joint fact finding committees to help make recommendations.** In Malawi and Zambia (in Lake Malawi), there are joint scientific commissions convened to fact find and support decision making. This is somewhat similar to Nigeria and Cameroon which have annual meetings to

#### ***4.8 Stakeholder Engagement***

**Stakeholders should be adequately identified.** There is a need to identify who is important and that they are acknowledged at international level.

Working at district level works well – even if the locals aren't recognized in international arrangement. Can resolve locally informally.

**Local forums for educating and involving stakeholders are useful to help understand their interests.** This has been tried and tested in the Nile Basin and the Danube with success. The Okavongo has a initiative entitled Every River Has its People. Awareness is needed for stakeholders to understand how they fit into the bigger picture of transboundary development.

**Financing engagement of local stakeholders can be costly and may stop after donor withdrawal.** In Lake Victoria they have developed local beach management committees which will be funded by Sweden for the next 10 years. Beach management committees will have to show their benefits to maintain interest of and political will to keep them going.

**Agreements need to recognize the role of stakeholders.** There are transboundary agreements which explicitly look at stakeholder and local

community involvement. (Lake Tanganyika – Check). This helps encourage their participation from the highest level.

**Identify and strengthen the weak links in engaging stakeholders.** An overall analysis of where the weak links are in engaging stakeholders should be undertaken in each project to determine where the key link that needs enhancement is. Weak links can occur at many different levels, including the local level itself where multiple communities or sectors are brought together to represent interests.

**There is a general need to educate decision makers and parliamentarians regarding the role stakeholders.** Parliamentarians not know what happens at local level.

**Use of international stakeholder forums.** In the Nile Basin there are international stakeholder forums which inform the secretariat of civil society and local interests. This is not only done at the national level, but at the international level.

**Engage local stakeholders in local issues to develop local solutions, even across the border.** In the Volta Basin, the use of district level representatives in an international forum encourages dialogue between districts (even at the international level) as many districts on either side of a river will have similar issues, similar backgrounds and culture, it may be easier to develop solutions that meet their similar needs as opposed to taking it to the international level.

#### **4.9 Gender Main Streaming**

**A clear understanding of gender mainstreaming is needed by institutions, decision-makers and local communities.**

**Gender mainstreaming should be included or identified at the highest levels.** In the Lake Victoria Basin Protocol gender mainstreaming has been identified as an important aspect of implementation. In grass roots questionnaires they found that women see access to safe water as the key water issues while men focussed on developing businesses or were concerned about fisheries.

**Women working in relevant institutions.** Gender mainstreaming will be enhanced by emphasizing the participation of women in project implementation at all levels. It is often challenging to find qualified women to fill positions. Donor agencies can help enhance this by supporting the additional participation of women to meetings and in the implementation of projects as apprentices if necessary.

**Understanding the impact of gender mainstreaming at transboundary level.**

There is a need for studies to understand and determine the impact of gender mainstreaming and how decision-making and implementation are enhanced. Clear benefits need to be shown to enhance gender mainstreaming.

In the SADC there are gender mainstreaming policies that provide guidance to countries. However, which are not being implemented. Likely, this is because there seems to be no clear benefits for doing so.

## 5 Experiential learning tools.

**Adapt existing tools for transboundary water situations.** There are a number of tools which exist already, such as with integrated water resources management or integrated coastal zone management. What is needed is to adapt these to specific situations in transboundary water context.

**Tools are needed on:**

- Negotiation
- Dispute resolution
- Policy formulation – developing appropriate policy, institutional development,
- International water law (fresh water and marine issues). Short courses on international water law; understand why your national laws are not in line with international law
- Communication and multi-cultural or cross-cultural dialogue. Bridging between science (technical level) and policy (decision-makers). Simplified versions of laws and policies should be translated and communicated to the communities, radio, etc. Tools for technical people to communicate with the media.
- Stakeholder inclusions. For example the Nile Basin has an “Awareness Day” each year.
- Benefit sharing, trade-off between different uses or benefits. Focusing on what GEF can do as well as members and beneficiaries that can improve transboundary management. Decision-support tools will help management and negotiation. For example when you put forward an idea or benefit, how does this impact other benefits. This should include economic benefits as well.
- Incorporating uncertainty in decision-making, such as dealing with climate change issues.
- Gender mainstreaming – how and why.

**Tools should be developed for on the ground practitioners and decision makers. Develop appropriate tools for the level they need to address.** The tools should be specifically focused to those who face the problems and obstacles of managing international waters. For example, a tool to show the benefits of stakeholder engagement should be developed for decision-makers not necessarily technical level practitioners who already believe there are benefits.

**Greater exchange of information between marine and freshwater experiences and across different continents.** Tools should be developed to emphasize the similarity and beneficial practices that have occurred within the marine and freshwater settings, including groundwater.



**Engage women through existing institutions that focus on women.** In Uganda every district must have a women representative at the national level. It could be possible to use such a for a to enhance gender mainstreaming of project implementation.

**There is a possibility to study gender mainstreaming.** Lake Victoria have a monitoring program set up and may be able to evaluate gender issues by September 2010. Also, the Okavongo and SADC could provide suitable areas for researching gender in the near term.

## 6 Next Steps

In discussing the next major steps forward, Richard Paisley noted the following steps:

- 1) Combine the experiences from Europe, Latin America and the Caribbean, Asia and Africa to synthesis some key findings.
- 2) Advance the case study document of 25+ comparative arrangements, this includes the incorporation of any edits which are forwarded by March 15.
- 3) Nurture and enhance the nascent network of African practitioners (the peer to peer networks)
- 4) Develop experiential tools based on the combination of comments from the various regions.
- 5) Organise and convene the meeting in Hague to bring a representative sample of projects together from the different regions.

## 7 Workshop Evaluation

The workshop was evaluated based on five main criteria:

- i) The overall clarity of the objectives of the workshop.

Most participants felt that the objectives were clear and concise, though somewhat ambitious based on the time frame, the fact that many of the participants were meeting each other for the first time, and the mix between marine and fresh water issues.

- ii) How well the objectives were achieved.

In general participants felt the objectives were achieved, though less time could have been spent on discussing information and data exchange, and more time could have been spent on other issues.

It was however evident that under the discussion of information and data exchange many other areas, such as institutional structure, financing, dispute

resolution and compliance, stakeholder involvement etc. were introduced in a concrete way. This was planned from the perspective of the organisers as it was felt that these issues were best introduced from a practical point of view and then discussed in the more abstract.

iii) The logistics and organization of the workshop.

In general participants agreed that the workshop was well run and effective, however, one participant did state that there should have been translation available for French.

In response to this, the organisers asked all participants if they felt any need translation and none responded affirmatively. Scheduled translation was therefore cancelled as a cost saving measure.

iv) Facilitation

All participants responded that the facilitation and the break-out groups were well run and of value.

v) The field trip and its relevance to the workshop.

All participants felt the field trip was beneficial to view the on the ground action that can result from higher level policy decisions to reduce pollution develop livelihoods etc. This also helped ground the discussions in stakeholder engagement and gender mainstreaming.

vi) The overall value of attending the workshop.

Most participants felt the workshop was of great benefit. In particular those members of the Niger Basin Authority felt that it was of such benefit that they have requested that another be held in Niger, and hosted by them with support from GEF. While this is not scheduled as part of this project it represents high praise for the meeting. One participant felt that due to the lack of translation he was unable to benefit from the workshop to any great extent.

## Annex A

### Good Practices and Portfolio Learning in GEF Transboundary Freshwater and Marine Legal and Institutional Frameworks

#### *Building and Managing Sustainable Transboundary Water Institutions in Africa and Beyond*

*February 15-17, 2010*

**Lake Victoria Hotel - Entebbe - Uganda**

This meeting is part of the fact finding and research component of a three year GEF project to review best practices in international waters and develop experiential learning tools. The overall project focuses on lessons learned from the management of international groundwater, freshwater lakes and rivers, and marine ecosystems of institutional management and frameworks for cooperation. This project is unique in approaching the three situations from an institutional perspective to determine common elements of transboundary resource management. The project determines common institutional elements of learning that can be transferred between different situations and regions. Latin America and Asia experience has identified some areas of particular interest:

- Information and data exchange and the types of information needed to design and develop sustainable management of transboundary resources,
- Flexibility and decision-making, particularly for operational management, and specifically dealing with uncertainty, both in the data itself and in terms of future events such as climate change,
- Resolving differences or dispute resolution mechanisms, which are effective both from a cost perspective as well as a decision-making perspective,
- Promotion and development of political will and understanding regarding support and effectiveness of institutional frameworks for transboundary water management,
- Consideration of stakeholders in the development and implementation of frameworks and operational management,
- The sustainable financing of the management of the international waters, both
  - Transactional costs of maintaining the agreement, including a secretariat, monitoring and information gathering, hosting meetings, communications etc.
  - Capital costs of specific projects to be undertaken,
- The overall balance of costs v benefits in maintaining a framework agreement.

Please see <http://governance.iwlearn.org> for more detailed information about the project.

The specific objectives of this meeting are to:

6. Gain an understanding and exchange information about the experiences of setting up and managing frameworks for transboundary waters in Africa. One objective is have an interchange of ideas and lessons learned from the African context using the above areas as a starting point for dialogue. The goal is to come away with a succinct list of experiences and recommendations to share with other transboundary water institutions both within Africa and beyond on how to build and maintain institutions.
7. Identify major obstacles to cooperation and interests of practitioners to enhance future and existing institutional frameworks. It will be important to identify where major gaps exist either in knowledge or in implementation in on the ground management. For example, if there is consistently an issue in terms of compliance with some members, there may an opportunity to learn from other transboundary bodies how this issue has been addressed and fixed.
8. Identify means of engaging women and youth in transboundary waters. This objective serves to enhance the role of women and youth in directing transboundary water management and institutional design, while partially addressed under the issue of stakeholder participation, key lessons learned and solutions for these groups are needed.
9. Clarify any major training needs in transboundary water management and what learning tools might be most useful to do that. Another objective of the workshop is to highlight different needs, based on issues identified in 2. above, and determine the most effective way of addressing those needs. It could be through workshops, web material, interactive learning tools, short videos, amongst others.
10. Identify an initial network from Africa to review learning tools and become part of a larger workshop bringing together participants from Africa, Asia, the Caribbean and Latin America scheduled for April 2011. This includes possible identification of people and institutions for training in tool delivery at the April 2011 meeting.

### Agenda

Sunday, February 14	
<b>Afternoon/ Evening</b>	Arrival of Participants at Lake Victoria Hotel
<b>19:00-21:00</b>	Ongoing "Meet and Greet" for those who arrive early enough.

### Day 1: Monday, February 14

7:30-8:30	Breakfast
8:30-10:30	Introduction of meeting and participants
10:30-11:00	Overview of Workshop Objectives. Research to date presented by White & Case.
11:00-11:30	Coffee/Break
11:30-13:00	<p><b>Objective 1: Understanding and Exchange of Experiences</b></p> <p>Facilitated discussion of research work and experiences from Africa. Objectives of the discussion are to:</p> <ul style="list-style-type: none"> <li>• Discuss major experiences in managing transboundary waters in the region. Successes and lessons learned in relation to major themes.</li> </ul> <p><i>Output: Develop list of experiences and key lessons learned</i></p>
13:00-14:00	Lunch on site
14:00-15:00	<p><b>Objective 1: Understanding and Exchange of Experiences</b></p> <p>Continued</p>
15:00-16:30	<p><b>Objective 2: Obstacles to cooperation and solutions.</b></p> <p>Facilitated discussion of experiences from Africa on major obstacles to cooperation. Objectives of the discussion are to:</p> <ul style="list-style-type: none"> <li>• Discuss major experiences in managing transboundary waters in the region. Major obstacles to cooperation and potential solutions in relation to major themes.</li> </ul> <p><i>Output: Develop list of obstacles, solutions, and key lessons learned</i></p>
16:30-17:00	Wrap up
17:00-19:00	Break
19:00-21:00	Dinner at Hotel

**Comment [HG1]:** We need to have some time for people to introduce themselves.-

**Comment [HG2]:** Susan who is the facilitator

Day 2: Tuesday, February 16	
7:30-8:30	Breakfast
8:30-9:30	Summary of previous day and review of lists

<b>9:30-11:00</b>	<p><b>Objective 3: Clarify training needs and experiential learning tools</b></p> <p>Facilitated discussion of information gaps and training needs. Objectives of the discussion are to:</p> <ul style="list-style-type: none"> <li>• Discuss what information would be most helpful in promoting institutions for the sustainable management of transboundary waters.</li> <li>• Demonstration of potential tools</li> <li>• Determine what types of tools (information packaging) will be most beneficial</li> </ul> <p><i>Output: Create list of training needs and methods of packaging.</i></p>
<b>11:00-11:30</b>	Coffee
<b>11:00-12:30</b>	<b>Objective 3: Continued</b>
<b>12:30-13:30</b>	Lunch
<b>13:30-18:00</b>	Field Trip to Lake Victoria – Small GEF Project - EWA
<b>19:00-21:00</b>	Dinner at hotel

<b>Day 3: Wednesday, February 17</b>	
<b>7:30-8:30</b>	Breakfast
<b>8:30-9:30</b>	Summary of previous day – review training issues
<b>9:30-11:00</b>	<p><b>Objective 4: Enhance participation of women and youth in the building and implementation of transboundary water management</b></p> <ul style="list-style-type: none"> <li>• Discussion surrounding the experiences of engaging women and youth in transboundary water issues, management and the development of institutional frameworks.</li> </ul> <p><i>Output: list of examples and potential solutions for enhancing the role of women and youth.</i></p>
<b>11:00-11:30</b>	Coffee
<b>11:00-12:00</b>	<p><b>Objective 5: Setting up a network for information exchange</b></p> <p>Discussion: Setting up of African Peer Group for 2011 training in The Hague.</p> <ul style="list-style-type: none"> <li>– roles, function, who else should be included for the future?</li> </ul>

	<i>Output: Create a group to review tools and products.</i>
<b>12:00-13:00</b>	Lunch
13:00-14:30	Continued Discuss potential institutions and interests in <ul style="list-style-type: none"> <li>• Training of Local Experts for Experiential Tool delivery.</li> </ul> <i>Output: Identify criteria for training institutions/people</i>
<b>14:30-16:00</b>	Next steps
<b>16:30-17:00</b>	Wrap-up
<b>18:00 – 22:00</b>	Cultural Evening and Dinner – Entebbe Women Association – at EWA

## Annex B: Draft List of Participants

<b>NO</b>	<b>PARTICIPANT'S NAME</b>	<b>COUNTRY</b>	<b>ORGANIZATION</b>	<b>E-MAIL/</b>
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