



Transforming Transboundary Water Governance in Africa

In order to address some of the challenges of effective water governance in Africa, Global Water Partnership (GWP) and partners developed the training program: Capacity Development in Water Governance and International Water Law (IWL) in Africa. The programme has been running annually at the pan-African level since 2015, in both English and French.

The main purpose of the training is to provide tools to aid more efficient management of transboundary water resources, enhance the understanding of the possible shared benefits resulting from sustainable water management, and to establish collaborative governance mechanisms between and among countries. It also aims to raise awareness of and promote the value of international legal frameworks in fostering national, regional, and international cooperation.

Participants targeted in the training are mid to high-level practitioners and professionals in water-related sectors, government representatives, River Basin Organisations (RBOs), Regional Economic Communities (RECs), non-governmental organisations, academia, and the private sector.

While there is no shortage of capacity-building initiatives on transboundary water issues, the uniqueness of the GWP and partners' IWL training

workshops has been the peer-to-peer and cross-continental learning.

One of the specific objectives of the training is to establish and develop a network of experts and institutions that are involved in the design, adoption, and implementation of legal frameworks for transboundary water management across Africa. The concept of an IWL Alumni Community of Practice (CoP) has been repeatedly proposed by alumni with the objective of facilitating continuous engagement via a structured framework that enables sharing of information, knowledge, and experiences on transboundary water management and water governance issues around the world.

The IWL Alumni Community of Practice is envisaged to be a platform where IWL Alumni can continue peer-to-peer learning for improved integrated water resources management in the transboundary context.

Background to the 2017 and 2020 surveys on IWL training in Africa

The alumni from 2015, 2016, and 2017 were evaluated during 2017 on their perceptions and experiences of the training. The following training outcomes were evaluated:

01 Capacity of RBOs and national governments

02 Knowledge development and sharing

03 Network of experts in transboundary water management

04 Strengthening of a gender-equal approach to capacity development

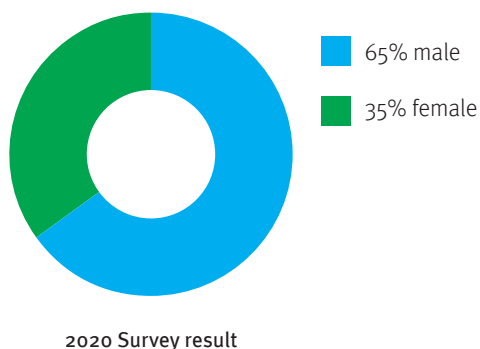
05 Application of Sustainable Development Goals

During 2020, a second survey was conducted to establish the level of interest in an IWL Alumni Community of Practice and investigate its possible modalities. The 2020 survey also investigated the impact of the IWL training on alumni’s professional development and their contribution to transboundary water governance.

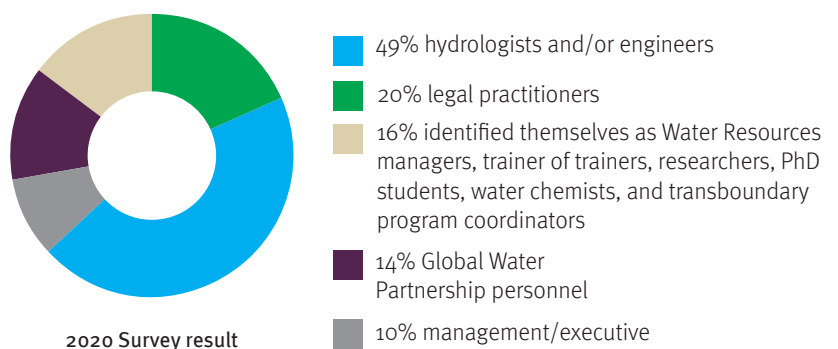
A summary of both surveys follows.

Survey results: Alumni profiles

Gender



Professional background



Role in transboundary water governance

- delivering national institutional mandates on transboundary water governance
- delivering on transboundary water governance at the regional level
- specialists/expert services in support of transboundary governance
- capacity building, lobby and advocacy on transboundary governance

2020 Survey result

Alumni identified three main motivators for attending:

- 1** To fully understand the legal framework for optimising the sharing of transboundary rivers and update and deepen knowledge of water legislation in order to be able to draft and negotiate bilateral agreements between Member States.
- 2** To network with other International Water Law practitioners and acquire knowledge, best practice, science application, and experience-based information from other countries and basin organisations.
- 3** To inform research, policy, and capacity building of university students and communities affected by water scarcity and hydro-politics in shared river basins.

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“As a lawyer in international water law and also an expert in Integrated Water Resource Management, the training was for me to deal with practical cases of application of the conventions that cover the management of transboundary waters, to prevent and resolve conflicts related to the operation and management of shared watercourses.”

– SURVEY PARTICIPANT

“What motivated me to participate in the IWL training is the relevance of the subject matter to the context in my country in terms of water conflicts with cross-border states. I work in the water sector on issues which can be sensitive especially the case of agricultural developments accompanied by the construction of water retention dams, which can be a source of conflict depending on whether we are upstream or downstream. I must be well trained in water law and conflict management to be effective in my research.”

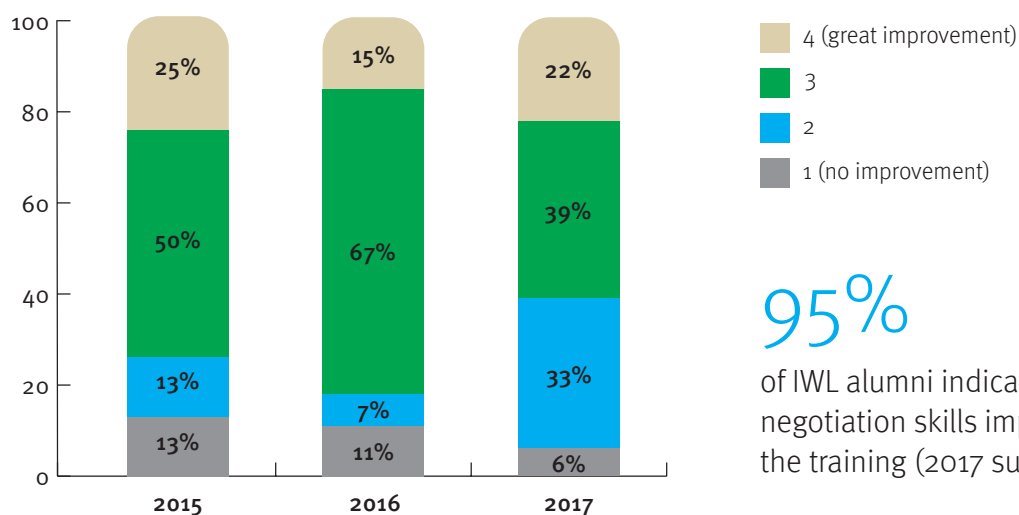
– SURVEY PARTICIPANT

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Survey results: Training outcomes

The majority of IWL alumni reported an improvement in the ability to influence public institutions related to transboundary water management as a result of the training (2017 survey result).

Participant ability to influence public institutions on a scale from 1 to 4:



95%

of IWL alumni indicated that their negotiation skills improved thanks to the training (2017 survey result).

Categories and examples of participants' usage of negotiation skills (2017 survey result):

Awareness raising, policy advocacy, lobbying, capacity building

Drafting of legal documents/framework relevant for transboundary water management.

- Drafting of Terms of Reference for Manual for the Notification of Measures Proposed in the Congo River Basin ABAKIR Convention
- IGAD Regional Water Resources Protocol in 2017
- Development of the water convention of the Volta basin
- Convention for the prevention and resolution of conflicts related to the management of shared water resources of Central Africa.

Negotiations

- The establishment of RBO for Imcomati and Maputo River Basins

- Water sharing agreements for Save and Buzi river basins between Mozambique and Zimbabwe governments
- Transboundary negotiations between Ghana and Cote d' Ivoire on the Black Volta river basin resources
- Negotiation in the signing of the convention related to the creation of the ABAKIR Convention
- Development process of the SDAGE of the Togolese River Basin, which is also an international basin (Volta and Mono.)

Training others on transboundary water law through other trainings, meetings, and debates

- Participation in several meetings held between Tanzania and Kenya on the management of Lake Chala-Jipe and the Umba River.

100% of IWL alumni have made efforts to share the knowledge they acquired with others within their own institution (2017 survey result).

Alumni have applied the training in the following ways:

01 In Charters, Treaties, Agreements and Conventions

EXAMPLES

- Facilitating negotiation meetings for the Nile basin
- Negotiation of the Buzi and Save bilateral agreements
- Development of the Volta Basin Water Charter and transboundary engagements with Black Volta Basin counterparts in Burkina Faso and Cote D'Ivoire

02 In transboundary cooperation, institutional setup, strategic planning and implementation

EXAMPLES

- Integrating transboundary issues as a national focal person for SDG indicator 6.5.2 on transboundary water cooperation
- Development of the Permanent Okavango River Basin Water Commission (OKACOM) data sharing protocol and notifications guidelines
- Coordination of joint water quality and invasive species management in Limpopo Watercourse Commission (LIMCOM), including giving technical advice for resolving disputes on water pollution issues

03 To facilitate cooperation on transboundary infrastructure

EXAMPLES

- Development of mechanisms for a proposed water transfer from the Oubangi system, Central African Republic to Lake Chad
- Provision of legal advice on issues related to hydroelectric projects within the framework of the transboundary Ruzizi 3 project, as lead negotiator

76%

of 2020 survey respondents were fully satisfied with the training

Proposed areas for improvement for future trainings

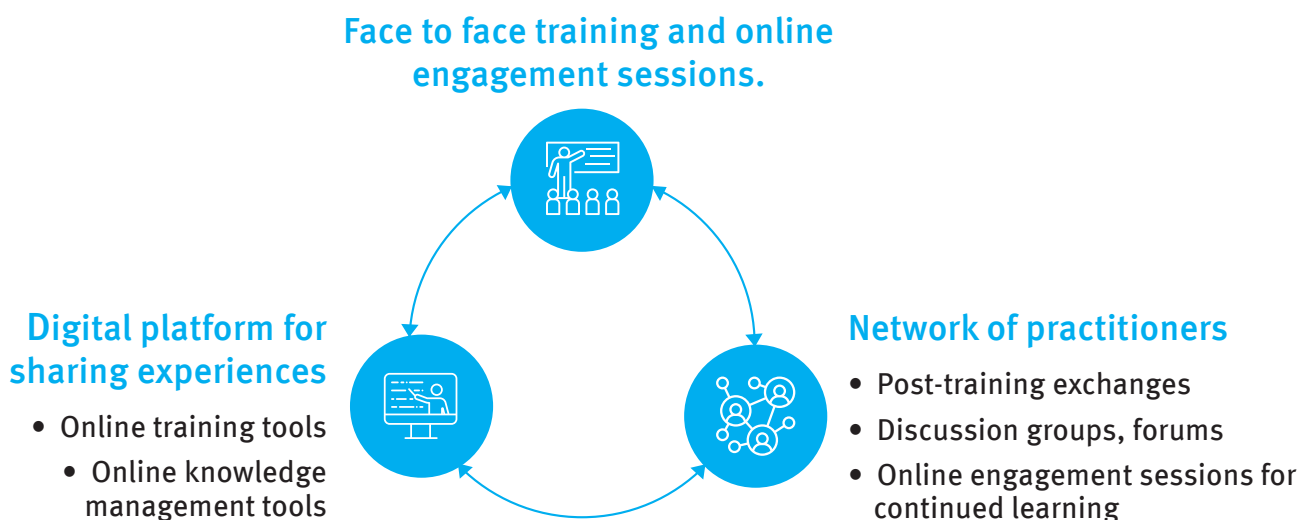
- More examples from the SADC region
- Longer course duration, covering more topics in detail
- Facilitation of collaborative partnerships, including youth engagement and expert exchange visits
- Sharing of in-country experiences by participants
- Funded follow-up projects in-country
- More grounding on the differences between the sources of law

Looking Forward: The Transboundary Water Capacity Development Platform

Building on the success of the GWP and partners' IWL Training, and the urgency to accelerate the brokering of cooperation agreements, preparation and financing of transboundary water projects in order to transform the investment outlook for water and sanitation investments in Africa and achieve the Africa Water Vision 2025, GWP will implement a programmatic capacity development programme called the *Transboundary Water Capacity Development Platform*.

The programme will build on the GWP and partners' IWL Training and is aligned with the emerging needs of Africa to facilitate transboundary water investments.

The proposed structure of the *Transboundary Water Capacity Development Platform* is based on partnerships and capacity building for improved practices and transboundary water cooperation and investments in Africa, shown in the diagram below.



The structure of the Transboundary Water Capacity Development Platform is informed by the 2020 survey responses of IWL Training, summarised below.

100% of alumni would like to maintain interaction with fellow alumni.

- to discuss challenges with transboundary water governance
- to learn about good practices

Alumni's Interest for further learning

- Politics and water diplomacy
- Water governance, including types of governance systems for transboundary water resources management, in the African context, taking into account climate, water security, and water quality
- Principles of domesticating international treaties, water conventions and national interests, and cooperative frameworks treaties/ MOUs/Agreements
- The limitations of International Water Law
- Roles and responsibilities in transboundary cooperation
- Gender and social inclusivity
- The influence of International Water Law on Sustainable Development Goal (SDG) 6 on water and sanitation.
- The impact of climate change on transboundary rivers, dealing with water scarcity and droughts
- Water security in transboundary basins, water quality and regulations with respect to accidental pollution, principles and legal

standards that govern the use, sharing, management and protection of transboundary freshwaters

- Stakeholder engagement and mobilisation frameworks for collective actions on transboundary waters
- Transboundary program development
- Mainstreaming climate into transboundary water governance and International Water Law

Online International Water Law Training

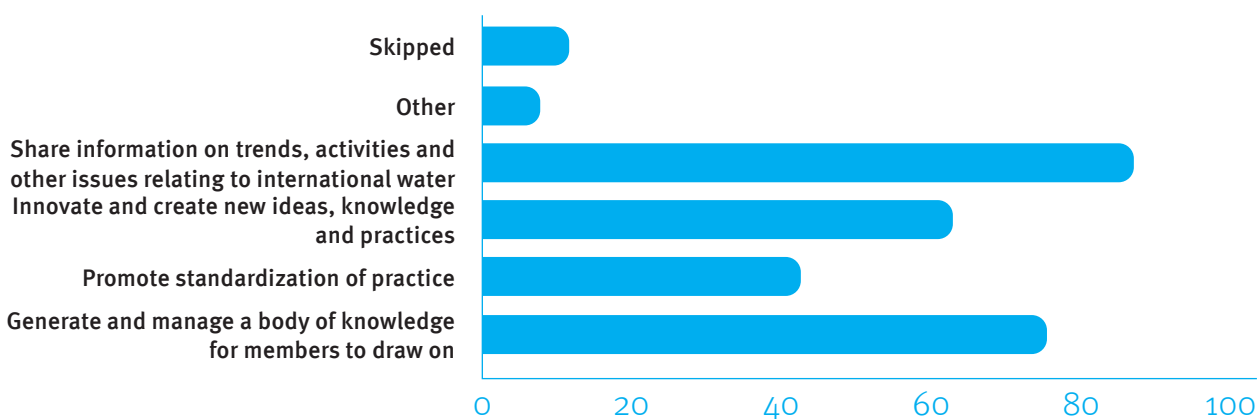
Alumni recommended that the main training event be maintained as face-to-face, although 70% of the participants would still have taken the course had it been offered online.

Rationale for online International Water Law Training:

- Offers Complementary courses
- Opportunities for self-pace learning
- Reference in implementation
- Opportunities for more applied/hands-on learning

77% of respondents would find an online Community of Practice (CoP) useful.

Possible uses for a CoP, according to alumni:



Alumni use the following social networks for professional purposes



Roles for managing a COP

- Secretariat structure, with representation from all regions and/or basins
- CoP manager and administrators, leading on all operational duties
- Moderator to oversee a well-designed knowledge management structure, including user-generated content
- Expert reference group, covering all training content areas

CoP functionalities

- Two-way content sharing
- Easily accessible on mobile devices
- Virtual meetings
- Translation across French, Portuguese, and English

What will good CoP practice look like?

- Clear definition of aims and objectives visible
- Group etiquette and rules of engagement defined
- Good time management for virtual group meetings
- After-hours training sessions to accommodate work schedules
- Group consensus on goals

- Easily accessible materials, available for download
- Mutual respect
- Professional working environment.
- Good organisation, coordination and planning
- A reward system for active membership

Suggested membership scope

- Water professionals: environmental and legal experts, land and water resources management experts, water resources practitioners and academics, capacity building specialists, environmental and natural resources specialists, basin development professionals, hydro economists, environmental activists
- State representatives and decision-makers including political appointees in natural resources management
- Technical and financial partners
- Universities and research institutions
- International Water Association members
- Civil society organisations representing traditional institutions, local communities, farmers, women, and youths
- Big industry water users in the private sector
- Media

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“A synergy of all stakeholders is essential for the effective implementation of the right to water for all communities. Decisions and initiatives on making arrangements are often more political than technical.”

– SURVEY PARTICIPANT

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