



Document from the 7<sup>th</sup> Africa Water Week,  
held in Libreville, Gabon, 29 October – 2  
November 2018

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practice in the provision, use and  
management of water resources for  
sustainable social and economic  
development and maintenance of African  
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**PLENARY SESSION DAILY REPORT**  
**(RAPPORT JOURNALIER DE SESSION PLÉNIÈRE)**  
**‘7<sup>TH</sup> AFRICA WATER WEEK’**  
**« 7<sup>IÈME</sup> SEMAINE AFRICAINE DE L’EAU »**  
**29 OCT. – 02 NOV. 2018**

<b>No.</b>	<b>AWW7-2018SS/27</b>	<b>Version No.</b>	01r0			<b>Report Date:</b> (Date du rapport)	01/11/2018
<b>Date:</b>	01/11/2018	<b>Time:</b> (Heures)	9:00 AM	to	10:50 AM	<b>Language:</b> (Langue)	French
<b>Theme:</b>	Toward Achieving Water Security and Safely Managed Sanitation for Africa						
French theme	‘Vers la Sécurité de l’Eau et des Services d’Assainissement gérés en toute sécurité pour l’Afrique’						
<b>Sub-theme:</b> (Sous-thème)	Water Governance: Reengineering IWRM, the Nexus Approach						
<b>Session No.</b>	27	<b>Title:</b> (Titre)	How do judicial and institutional frameworks for transboundary water cooperation support governance and development?				
<b>Country:</b> (Pays)	GABON	<b>City:</b> (Ville)	Libreville	<b>Location:</b> (Lieu)	Stade de l’Amitié Sino-Gabonaise à ANGONDJE		
<b>Rapporteur</b> (Rapporteur):	Wilde Rosny NGALEKASSAGA				<b>Technical Partner:</b> (Partenaire technique)	SASI GABON	
<b>Further details:</b> (Informations complémentaires)	<ul style="list-style-type: none"> <li>• PowerPoint Presentation (YES) : Judicial Frameworks and Mechanisms</li> <li>• Technical Documentation Technique (YES): Global Opening of the 1992 Water Convention; The Water Convention: Responding to Global Water Challenges; Water and Adaptation of Climatic Change in Transboundary Basins: Lessons to learn and Good Practices</li> </ul>						
<b>Abbreviations and Acronyms:</b> (Sigles et abréviations)	<ul style="list-style-type: none"> <li>• IWRM : Integrated Water Resources Management</li> <li>• AMCOW: African Ministers Council on Water</li> <li>• UNECE: United Nations Economic Commission for Europe</li> <li>• ANBO: African Network for River Basin Organizations</li> <li>• UICN: International Union for Conservation of Nature</li> <li>• TBO : Transboundary Basins Organization (Organisation des Bassins Transfrontières)</li> </ul>						

**IDENTIFICATION OF THE LEAD CONVENER AND CONTACT (IDENTIFICATION DES RESPONSABLES ET CONTACTS)**

<b>Lead Convener</b> (Responsable):	UNECE
<b>Co-convener</b> (Coresponsable):	ANBO, AMCOW, Green Cross International, UICN, FME, Senegal, Chad
<b>Contact:</b>	Sonja Koeppel, <a href="mailto:Sonja.Koeppel@un.org">Sonja.Koeppel@un.org</a>

**SPEAKER IDENTIFICATION (IDENTIFICATION DES INTERVENANTS)**

<b>Moderator</b> (Modérateur):	NDEMAZAGOA Désiré
<b>Speakers</b> (Intervenants)	<ul style="list-style-type: none"> <li>• Mr. SANGBANA, Komlan</li> <li>• Ms. KOEPPEL, Sonja</li> <li>• Mr. NIOKOR (Panelist)</li> <li>• Mr. THAMAE, Lemka (Panelist)</li> <li>• Mr. BOUGUERE, Francis (Panelist)</li> <li>• Ms. HERE, Natou (Panelist)</li> </ul>

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|  | <ul style="list-style-type: none"><li>• Mr. GUEBANDA, Sylvain (Panelist)</li><li>• Mr. MOHAMED, Tarik (Panelist)</li><li>• AMCOW Representative (Panelist)</li></ul> |
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**SESSION OBJECTIVES (OBJECTIFS DE LA SESSION)**

The session aims to analyse the advantages for development, regional integration and the peace of judicial and institutional frameworks for the transboundary cooperation on water and basin at the international and regional levels, and to present the latest innovations across the African continent. Particularly, the experience and lessons drawn from the elaboration of a Water Agreement, as well as the recent ratification to global conventions will be discussed.

## **SESSION PLAN (PLAN DE SESSION)**

- First part: Opening Statement and Q&A with the speakers
- Second part: Q&A with the panellists
- Third part: Conclusion

## **SESSION SUMMARY (RÉSUMÉ DE LA SESSION)**

In this session, with an audience of 40 people, it was a matter of analysing the contribution of judicial and institutional frameworks to governance and development through transboundary cooperation in terms of water resources. As an introduction, the moderator, M. Désiré NDEMAZAGOA presented the session and agenda, which focused on three main parts: opening statements, an open discussion with the panellists and a conclusion.

The opening statements were jointly given by Mr. Komlan SANGBANA and Ms. Sonja KOEPPPEL under the theme: How do judicial and institutional frameworks for transboundary water cooperation support governance and development?

In his speech, M. SANGBANA stated that 40% of the world population live in transboundary basins. He also added that 61 of these basins are in Africa. In terms of international law, the speaker stated that it is about rules of law at multiple level, taking into consideration local, national and international dimensions. These levels are complementary and non-competing. As to knowing why it is necessary to dispose of global treaties, the speaker noted the following:

- They encourage a common language and mutual understanding between states;
- They support and replace regional conventions;
- They foster the harmonization between basins and regions.

Among the multiple treaties that exist internationally, the speaker mentioned:

- The New York Convention on the Law on the Use of International Streams for Non-Navigation Purposes of 1997;
- The 1992 Helsinki Convention on the Protection and Use of Transboundary Streams and International Lakes;
- United Nations Resolution on Transboundary Aquifers 2008.

Mr. SANGBANA specified that the Helsinki Convention on Water is the only United Nations intergovernmental framework for transboundary cooperation with regard to water. It is the only one to dispose of an institutional mechanism for its implementation.

Taking the floor, Ms. Sonja KOEPPPEL explained the practical implementation of the Helsinki Convention. She specified that the convention is based on three pillars:

- The prevention principle
- The fair and reasonable use principle
- The cooperation principle

Apart from the Convention itself, the Secretariat supports the implementation of the convention through the publication of technical documents. The impacts of this convention in the field begin to be seen, according to M. KOEPPPEL. In the European Region, she noted that there currently exist bilateral and multilateral treaties. In addition, the convention also addresses rising challenges such as the adaptation to climatic changes.

After this presentation, the moderator invited the panel composed of 7 speakers to openly discuss. He asked questions to 5 of the 7 panelists (see questions below). A short Q&A session was held with the audience. The two other panelists gave a conclusion speech.

## **QUESTIONS AND ANSWERS (QUESTIONS ET RÉPONSES)**

<b>Question No.</b>	1	<b>Author (Auteur):</b>	Mr. Désiré NDEMAZAGWA (Moderator)
<b>Wording (Libellé):</b>	What are the latest cooperation developments in your country?		
<b>ANSWERS (RÉPONSES)</b>		<b>Speakers (Intervenants)</b>	
Senegal joined the 1992 Convention. The Convention was ratified by the President in last August. This confirms Senegal's will of engaging and cooperating at the international level. Also, this is not contradictory to our current engagements. Within ECOWAS, we have also adopted the supranational principle which means that anything we deciding within this framework also applies to other States. We have adopted two		Mr. NIOKOR	

policies, one is about hydraulic facilities and the other on shared water resources.	
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<b>Question No.</b>	2	<b>Author (Auteur):</b>	Mr. Désiré NDEMAZAGWA (Moderator)
<b>Wording (Libellé):</b>	What are the latest cooperation developments in your country?		
<b>ANSWERS (RÉPONSES)</b>			<b>Speakers (Intervenants)</b>
In Southern Africa, we do have certain institutions. One of the instruments helping us is the 1997 SADC Treaty. The revision of this Treaty is ongoing in order to include the role of ministers. We also want to include underground waters to be dealt with by the SADC Water Commission. The Fluvial Basins Commission insists over the benefits for stakeholders and encourages political will.			Mr. Lemka THAMAE

<b>Question No.</b>	3	<b>Author (Auteur):</b>	Mr. Désiré NDEMAZAGWA (Moderator)
<b>Wording (Libellé):</b>	What are the latest cooperation developments in your country?		
<b>ANSWERS (RÉPONSES)</b>			<b>Speakers (Intervenants)</b>
Central Africa has important water resources. We have 16 shared watercourses, 5 international lakes and 17 aquifers, etc. We believe that water resources should serve for development and peace. Since the year 2000, we have adopted the 2021 Central Africa vision; there was also the Head of States Declaration. The ECCAS has adopted in 2007 and 2009 a policy document on water. As for Central African Republic, the Head of State validated an action plan for integrated water resources. I can also mention the regional validation of water resources linked conflicts the prevention by the ministers in December 2016. There is also the validation of an exchange protocol on water data in October 2017. Finally, we have a support program for the creation of transboundary basins organizations. We are currently implementing an organization covering four basins: Ntem, Nyanga, Komo and Ogooue.			Mr. Sylvain GUEBANDA

<b>Question No.</b>	4	<b>Author (Auteur):</b>	Mr. Désiré NDEMAZAGWA (Moderator)
<b>Wording (Libellé):</b>	How does the AfDB contribute to the implementation of judicial and institutional mechanisms related to water?		
<b>ANSWERS (RÉPONSES)</b>			<b>Speakers (Intervenants)</b>
The judicial and institutional mechanisms contribute to governance and transparency within participative and transparent processes. They also constitute governance development elements. These mechanisms include a supranational power, and constitute a common negotiation basis. Water is a precious resource. In that context, it tends to be appropriated, creating conflicts. There exist a need to regulate the sector. The AfDB is a development tool, and water is one of its five priorities. The judicial mechanisms are development contributory tools.			Mr. Francis BOUGUERE

<b>Question No.</b>	5	<b>Author (Auteur):</b>	Mr. Désiré NDEMAZAGWA (Moderator)
<b>Wording (Libellé):</b>	What is the role of judicial and institutional frameworks in carrying out sovereign activities?		
<b>ANSWERS (RÉPONSES)</b>			<b>Speakers (Intervenants)</b>
We are in the Nile basin. We have more than 600 active civil society organizations. The existence of judicial and institutional frameworks help us in understanding how to work with the organizations to reach base populations. For example, we have signed memorandums of understanding with a few organizations. We can mention the IGAT. Those mechanisms allow us to have access to non-state actors. There is also the fact of creating an adequate environment to reach the field. The existing mechanisms allow us			Ms. Natou HERE

to ensure the fair and reasonable use of water resources. They lead to an improved cooperation through common treaties based on consent and collaboration with communities.	
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<b>Question No.</b>	6	<b>Author (Auteur):</b>	Participant
<b>Wording (Libellé):</b>	In the West African Regional, Senegal is the only country to have joined the 1992 Helsinki Convention. Does this not put you at a disadvantage with the other countries in the sub-region in implementing the convention?		
<b>ANSWERS (RÉPONSES)</b>			<b>Speakers (Intervenants)</b>
Every country is free to join the Convention. The adhesions have recently been opened, in 2016. The Convention promotes principles that Senegal has already been applying. This adhesion comes as a regulator and puts the country in conformity with international law. This helps to prevent conflicts. In the case of Senegal, it is a matter of carrying a leading role for countries in the sub-region.			Mr. NIOKOR

<b>Question No.</b>	7	<b>Author (Auteur):</b>	Participant
<b>Wording (Libellé):</b>	What is the foreplay to join the 1992 Convention?		
<b>ANSWERS (RÉPONSES)</b>			<b>Speakers (Intervenants)</b>
Every country can freely join. At the internal level, a reflection should be carried out to adopt a strategy. This can be done through committees, workshops, etc.			Mr. Komlan SANGBANA

<b>Question No.</b>	8	<b>Author (Auteur):</b>	Participant
<b>Wording (Libellé):</b>	(Contribution of a Chadian participant, not to a question)		
<b>ANSWERS (RÉPONSES)</b>			<b>Speakers (Intervenants)</b>
I would like to share Chad's experience on our adhesion to the Convention. It all started in 2014, during the Africa Water Week in Dakar. We have established contacts with the Convention Secretariat and back home, we shared the information with all the stakeholders. Chad is a member of multiple TBO. For us, this adhesion constituted a priority. The Convention Secretariat organized two meetings in Ndjamena. The law on the Adhesion was voted in last February, and the final validation occurred in May of this year. We plan on holding a final workshop from November 19 to 22 to end the process.			Participant

<b>Question No.</b>	9	<b>Author (Auteur):</b>	Participant
<b>Wording (Libellé):</b>	Our countries are members of basin organizations. Can these organizations adhere to conventions? How is the adhesion process?		
<b>ANSWERS (RÉPONSES)</b>			<b>Speakers (Intervenants)</b>
The conventions are first established by States. To this day, basin organizations cannot adhere. The conventions include diligence obligations, which means an implementation that varies according to the proper capacity of each State. The aim is to empower States.			Mr. Komlan SANGBANA
Transboundary basin organizations are the convention implementation agents. The Secretariat works with the TBO in the implementation process.			Ms. Sonja KOEPPPEL

<b>Question No.</b>	10	<b>Author (Auteur):</b>	Participant
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<b>Wording (Libellé):</b>	Only the Helsinki Convention includes a mechanism for its implementation. What about the others? Isn't an obstacle, and how can it be resolved?	
	<b>ANSWERS (RÉPONSES)</b>	<b>Speakers (Intervenants)</b>
	During preparatory proceedings of the 1997 Convention, the States have to not adopt a mechanism. They wanted to remain a convention framework. However, the 1992 Convention can allow the application of other instruments. Certain mechanisms are ongoing. Recognized that States are considering that there is not an urgent need to create mechanisms.	Mr. Komlan SANGBANA
	The Helsinki Convention supports the implementation of other instruments through activities, projects, etc. This implementation is favoured by other actors, IUCN, banks, etc.	Ms. Sonja KOEPPPEL

### **CONCLUSIONS OF THE SESSION (CONCLUSIONS DE LA SESSION)**

In his conclusion, Mr. Tarik MOHAMED indicated that according to the existing pressure on water resource, it can be considered that there are pertinent improvements of judicial frameworks and mechanisms. The 1992 Convention Secretariat constitutes a technical tool that can be used by TBO. It encourages the creation of new TBO. The aim of this is to avoid conflicts, preserve the basins' identity, improve productivity and water supply, to better prevent catastrophes, etc. He specified that the judicial framework must touch populations.

The AMCOW Representative concluded the session by reminding that laws constitute an ensemble of rules established by the community to regulate behaviors. It is necessary to have water conventions to solve the water resources allocation issue. The aim of this session was to draw the importance of the two major world conventions on water and to analyze the regional frameworks. The 1997 Convention was developed by a United Nations Commission. However, both conventions stress one main issue: the obligation of cooperation at the community, regional and international levels. AMCOW pursues a vision and mission, which is the reasonable use of water and development, regional cooperation, environmental protection and prevention against climatic changes. The issues relative to water require transversal answers. The necessity of protecting water streams is recognized in other conventions, including the ones relatives to armed conflicts.