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FACTSHEET

Strengthening Legal, Regulatory, and Policy Frameworks for Transboundary Water Resources Management in the Lake Kivu and Ruzizi River Basin

Lake Kivu and River Rusizi/Ruzizi Basin Authority (ABAKIR) was created by Burundi, DRC and Rwanda to address various challenges faced by the basin and contribute to socio development of member countries.

Water resources and other natural resources of the basin offer various opportunities to riparian countries and its population including but not limited to: production of hydropower up to 500 MW on Ruzizi/Rusizi river, supply of drinking water to surrounding populations, water for irrigation, fishing and fisheries, tourism, transport and navigation, exploitation of methane gas and other gas resources, etc. It is even possible to have oil reserves beneath the Lake.



The Consultant AHT started by approaching stakeholders to identify key challenges encountered in the Basin. They analysed the legal and political context in which ABAKIR operates – from the global, regional and national level. At the end they developed recommendations for ABAKIR and its member states on how to advance transboundary water cooperation: choosing the appropriate ways of working together: **cooperation – coordination – harmonization or even unification**, according to the prerequisite for each challenge and political commitments of member countries.



On the other hand, the basin faces many challenges and threads, such as water pollution, erosion, soil degradation, sedimentation, climate change, volcanic eruptions, limnic eruption, landslides, and more.

Effective integrated water management in the basin requires among other things strengthening legal, regulatory and policy frameworks through cooperation by riparian countries. It is in that context that this study was carried out by a German Consulting Company, AHT, under the financing of the European Union and the German Ministry of Cooperation.

Cooperation – Coordination - Harmonization

- ❖ **Cooperation** = joint activities that contribute to reaching the same goal or objective. It doesn't necessary need the same exact Legal action or text.
- ❖ **Coordination** = ensure that laws, decisions or standards (existing or new) at national (or local) level in each country contribute to achieving the same results leading to the same goal, objective or standards, jointly defined.
- ❖ **Harmonization** = creation of laws, decisions or joint standards for all member countries.

Cooperation → Coordination → Harmonization → Unification

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Legal and political context to guide ABAKIR operations:

At global level: International water law provides the overarching framework for how countries that share water resources should use, develop and protect such water resources. This study outlines key principles of international water law that are relevant to the basin. Since the 3 member countries of ABAKIR have signed some international conventions, they were inventoried for eventual future harmonization.

At continental level: The African Union (AU) provides a framework for transboundary water resources and environmental management in Africa, under which countries can cooperate at regional level. This study explains which African instruments can provide guidance to ABAKIR.

At regional level: Lake Kivu and River Rusizi/Ruzizi Basin has a strategic location, in the heart of Africa. There are various regional instruments that provide important frameworks for cooperation in the basin as they guide riparian states towards regional cooperation. However, there are also risks of overlaps in memberships of some organizations to be mitigated. The study makes an analysis of the existing regional instruments and provides recommendations on how ABAKIR can strategically use them.

At national level: all riparian countries have various legal instruments (laws, decrees, by-laws...) and political instruments used to individually address sustainable water resources management and/or sectors related to it (energy, agriculture, environment...). This study makes an inventory of those instruments, analyses them, provides advice to ABAKIR on how to use them for sustainable management of the basin.

Management activities considered as priority through stakeholder consultations:

- ✓ Water quality management (including water pollution)
- ✓ Fishing and fisheries
- ✓ Hydropower generation and management of the cascade of Rusizi/Ruzizi
- ✓ Navigation
- ✓ Methane gas exploitation
- ✓ Oil exploration
- ✓ Climate change
- ✓ Land use management/urbanization



Key recommendations:

1. Strengthening ABAKIR legally and politically:

- ✓ Ensure speedy ratification of the convention to provide ABAKIR with a sound legal basis
- ✓ Mobilization of financial resources
- ✓ Reinforce the capacity of staff by recruiting more staff and empowering the existing ones
- ✓ More commitment from member countries to support ABAKIR

2. Reinforce and institutionalize regional cooperation:

- ✓ ABAKIR and its member states need to consider strengthening the partnership with regional organizations operating in the same geographical zone:
 - with basin authorities sharing the same hydrological basis, namely LTA, CICOS
 - with economic communities operating in the same region, especially CEPGL, CIRGL, EAC
- ✓ ABAKIR should also reinforce collaboration with other basin authorities in the region (and even in the world) like, the LVBC, NBI ... to learn from their experience in transboundary water resources management

3. Implement legal framework of cooperation among member countries.

To address various challenges and threats commonly shared by the 3 member countries, ABAKIR should undertake the following:

- ✓ Institutionalize the cooperation process among the countries and national institutions in 3 steps:
 - prioritize which topical matters and which cooperation challenges to address first (a priority list to be integrated in ABAKIR's action plan)
 - For each cooperation matter, analyse if there is a need of adding new legal or political instruments or if already existing cooperation framework will just be confirmed or adjusted.
 - According to the nature of legal and political instruments subject to cooperation between the 3 countries, they will negotiate and decide, which option is feasible and appropriate, choosing from: **cooperation – coordination – harmonization or even unification**
- ✓ At the end, protocols, procedural rules and related guidelines and policy documents will be drafted and signed by riparian member states and implemented or supervised by ABAKIR.

Key stakeholders consulted:

- ✓ Government institutions of the 3 riparian countries involved in management of the basin resources, namely from following key sectors: water resources management, agriculture, fishing and fisheries, energy, water supply and sanitation, mining...
- ✓ Users of the basin resources for example: industries, hotels, fishermen, methane gas operators, hydropower operators, navigators, ...
- ✓ Partner institutions such as NGOs, research institutions, ...
- ✓ Regional partner institutions like: CEPGL, LTA, LVBA...