

**WATER DIPLOMACY IN
TRANSBOUNDARY WATER
RESOURCES MANAGEMENT**

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PRESENTATION OUTLINE

1. Background Information on Transboundary Water Resources Management.
2. What is Water Diplomacy?
3. Capacity Building in Water Diplomacy
4. Conclusion

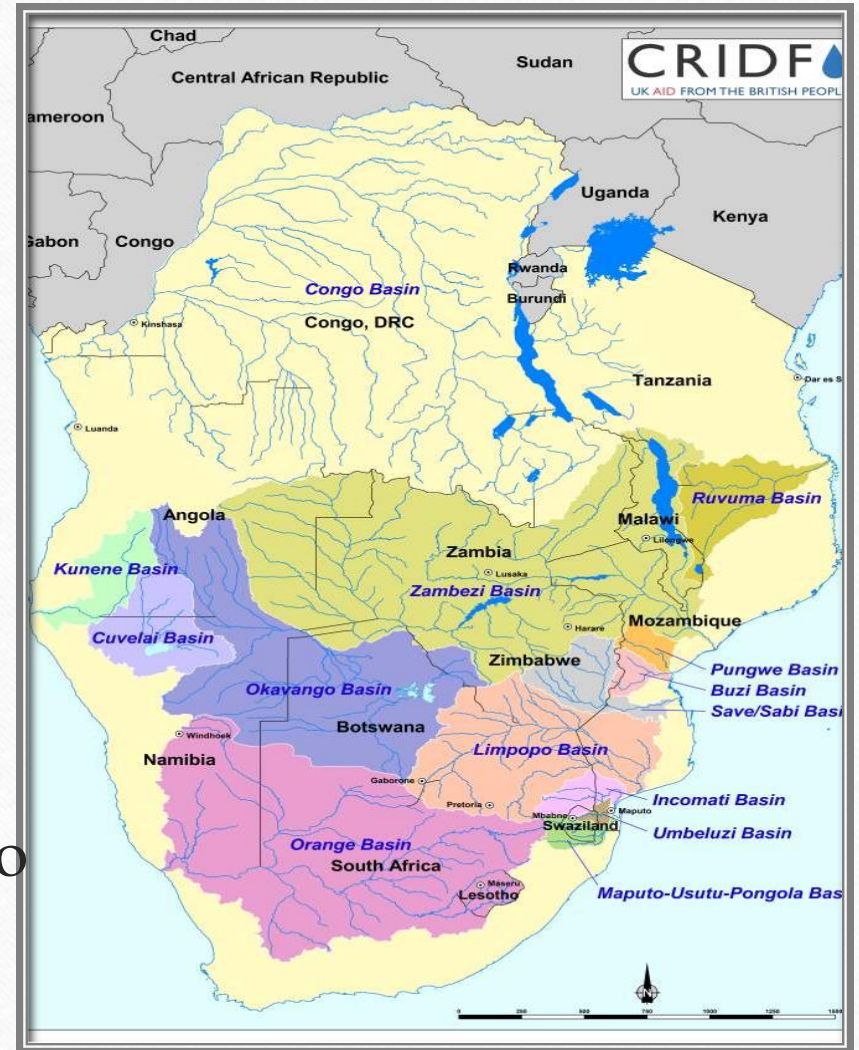


ABOUT ZIALE

- ZIALE is a body corporate established by *Zambia Institute of Advanced Legal Education Act No. 10 of 1996*, Chapter 49 of the Laws of Zambia. It falls under the umbrella of the Ministry of Justice.
- The Institute provides diversified legal training to personnel in private and public institutions with a view to enhancing their managerial and/ or professional skills.
- here it's sole purpose is to provide practical legal education.
- The flagship course is the Legal Practitioners Qualifying Examination (LPQE) Course, a practical course designed to prepare University Law Graduates for the practice of law and admission to the *Zambian Bar*.

1.0 BACKGROUND INFORMATION

- Shared Water Resources are also referred to as Transboundary Water Resources because of the crossing the boundaries of two or more countries.
- Zambia shares water resources with the other countries in the Zambezi and Congo basins and is part of Southern Africa Development Community(SADC)



1.0 BACKGROUND INFORMATION CONT'D

- Water cooperation is the strategy Zambia is using in the Management of Transboundary Water Resources (As stated in the Water Resources Management Act no. 21 of 2011, sections 55-59)
- Zambia ascribes to the upholding of International Law as reflected in the Water Resources Management Act no. 21 of 2011.



2.0 WHAT IS WATER DIPLOMACY?

- To start with it is important to appreciate that Management of transboundary water resources is always based on cooperation and leveraged by water governance, benefit sharing and water diplomacy.
- But what then is **Water Diplomacy** and why is it important?



2.0 WHAT IS WATER DIPLOMACY? CON'D

- Water Diplomacy is defined by scholars and water practitioners as the use of diplomatic Instruments:
 - i. To resolve existing water use or water management conflicts or disagreements over shared water resources.
 - ii. To prevent potential or emerging water use or water management conflicts or disagreements over shared water resources.



2.0 WHAT IS WATER DIPLOMACY? CON'D

- It is also important to mention that **Water Diplomacy** applies to water use conflicts that may arise within a country in relation to inland water use by different sectors and water users.
- Water Diplomacy is the use of diplomatic instruments such as:
 - i. Negotiations.
 - ii. Dispute-resolution mechanisms.
 - iii. Establishment of consultation platforms.



2.0 WHAT IS WATER DIPLOMACY? CON'D

iv. Organization of joint fact-finding missions.

To resolve disagreements and conflicts over shared water resources. The aim is to prevent and resolve conflicts by diplomatic means.

- **Water Diplomacy** is important because it helps to foster **water cooperation, regional stability** and **peace**.
- However, technical instruments such as establishing basin-wide management plans or joint monitoring networks etc. are not part of water diplomacy.



2.0 WHAT IS WATER DIPLOMACY? CON'D

- While diplomatic and technical instruments often build on each other, it is important to strictly differentiate the definition of water diplomacy from the one of water resources management technical instruments.



2.1 HOW CAN DISAGREEMENTS AND CONFLICTS OVER WATER RESOURCES ARISE?

- Competing uses for a scarce water resource that can lead to disagreements that destabilize communities, countries or regions.
- Conflicts can relate to different understandings of whether a watercourse should be developed for unilateral economic gains by one country without consideration of other countries sharing the resources or for mutual benefit; an issue particularly pertinent in shared water basins.



2.1 HOW CAN DISAGREEMENTS AND CONFLICTS OVER WATER RESOURCES ARISE? CON'D

- A very good example of water conflicts here in Zambia is the **Lusemfya River** where there are competing uses of the water resource ranging from Agriculture, Water Supply and hydro-power generation, while the demand for water in the catchment is more than what is available.
- This scenario could also be experienced at transboundary where the riparian states have competing uses for the water at a particular time of the year and if not well addressed can lead to a series of disagreements and conflicts.



2.2 WATER DIPLOMACY IN COOPERATIVE INSTRUMENTS

- Cooperative instruments usually have principles or provisions that relate to **Water Diplomacy**.
 - i. The UN Water convention (**global level**), the SADC Revised protocol on shared Watercourses (**Regional level**) and the ZAMCOM Agreement (**Basin level**) all support the principles of:
 - a. No significant harm (meaning that whatever planned developments must not cause environmental harm to the watercourse.
 - b. Prior Notification (meaning that before any riparian country embarks on any planned development, there is need to notify other countries on such planned measures)
 - c. Equitable and Reasonable Utilization (meaning that the use of water resources on any watercourse must be based on the equitable and reasonable utilization



2.2 WATER DIPLOMACY IN COOPERATIVE INSTRUMENTS

- The mentioned principles are also reflected in the national water law: The Water Resources Management Act No. 21 of 2011.
- ii. ZAMCOM Agreement under Article 21 has provisions which speak to Water Diplomacy:
 - a) Article 21-1 (Speaks to consultations and negotiations)
 - b) Article 21-3 (Looks at setting up a tribunal for dispute)
- iii. Water Resources Management Act No. 21 of 2011 has the following provisions:
 - a) Section 57 (a)- (Speaks to mechanisms for dispute resolution regarding shared water resources)
 - b) Section 57 (C)- (Speaks to facilitating the building of appropriate capacity for negotiations of shared water resources)



3.0 CAPACITY BUILDING AS A WAYFORWARD FOR ZAMBIA AND THE REGION

- Capacity building in Water Diplomacy is **urgently required** for **water professionals, other professionals** and **people** involved in the management of both shared water resources and in-land water resources.
- ZIALE and the Ministry of Water with the support of cooperating partners are in the process of **designing the Water Diplomacy capacity building programme**.
- The programme will cater for the national and regional **Water Diplomacy capacity building needs**.
- Water Diplomacy is key in the handling of climate Change as it is envisaged that with this climate Change disputes among the competing uses of the water resource will increase at both basin and sub- basin levels.



3.0 CAPACITY BUILDING AS A WAYFORWARD FOR ZAMBIA AND THE REGION CON'D

- Thus, capacity building in water Diplomacy has the ability to create awareness on the linkages between sub-nation, national and transboundary water dynamics.



4.0 CONCLUSION

- i. Capacity building in Water Diplomacy is a must for SADC member states.
 - How is Zambia positioning itself in the water sector both in terms of Transboundary and in-land water resources management?

The Ministry of Water Development and Sanitation in Zambia, are at an advanced stage in terms of designing a Capacity Building course on Water Diplomacy with a target audience looking at the needs of sub-national, national and regional.



4.0 CONCLUSION CON'D

- What is ZIALE able to do or offer in the area of Water Diplomacy.

Able to build capacity in the Water Sector in the following aspects;
Differentiation between Water diplomacy instruments and technical instruments and substantive issues in the law and procedural issues that relate to transboundary water resources management to be thoroughly understood.

ii. Capacity building programme to start in 2023 once engagement meetings with the Ministry of Water and cooperating partners are concluded in 2022.



REFERENCES

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THANK YOU FOR LISTENING

THE END

