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Design general provisions and substantive norm of the content of legal frameworks: general consideration

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MINISTRY OF INTERIOR

Federal Ministry for the Environment, Nature Conservation Nuclear Safety and Consumer Protection







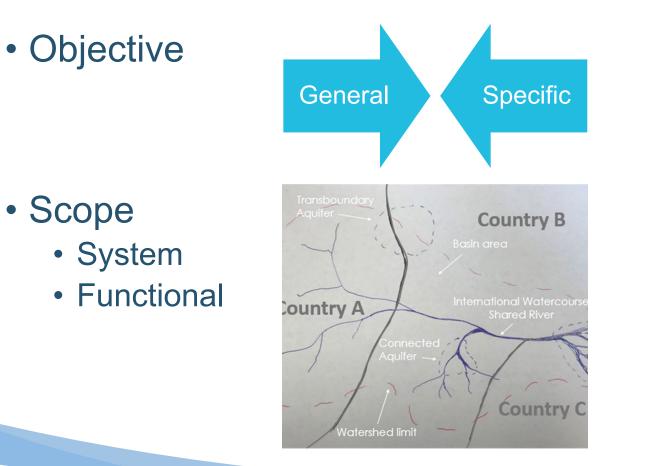


Overview

- General Provisions
- Substantive content
 - General principles, rights and obligations
 - Additional principles and guiding concepts
 - Water management and protection
 - Additional sectoral and other considerations



General Provisions – Objective and Scope



"The objective of the present Convention is to ensure protection and conservation of the biological diversity and the sustainable use of natural resources of Lake Tanganyika and its Basin by the Contracting States on the basis of integrated and co-operative management." (Art 2 (1) The Convention on the Sustainable

Management of Lake Tanganyika)

General Provisions - Definitions

- Establish shared meaning
- Abbreviate commonly used terms
- Establish treaty specific meaning
- Keep track of terms to be defined during negotiations
- Definition versus keeping flexibility to reach agreement

General principles, rights and obligations

- Equitable and reasonable utilization
- Prevention of significant harm
- General duty to cooperate
- General obligation to protect
 the ecosystem



Additional principles and guiding concepts

- Sustainability
- Precautionary principle
- Polluter/user-pays principle
- Human rights to water and to a clean, healthy and sustainable environment

Water management and protection

- Flow regulation and allocation
- Hydraulic facilities and infrastructure
- Conjunctive management groundwater

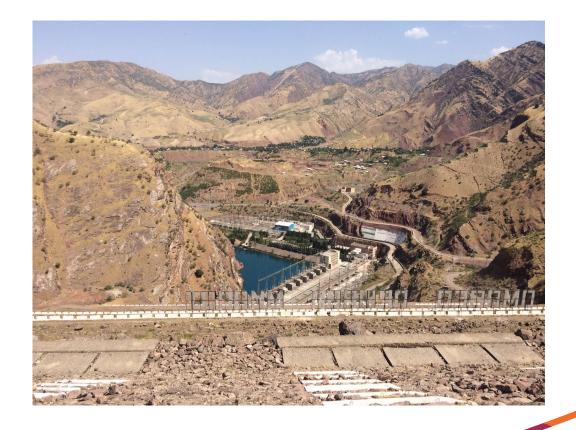
- Prevention, reduction and control of pollution
- Conservation of the ecosystem
- Source to sea
- Emergencies
- Joint research, studies and planning

Additional sectoral and other considerations



Agriculture Energy Navigation Climate change Spiritual aspects





Conclusion

- Objective provides the framework
- Identify level of desired specificity
- Identify required substantive content to meet objective
- Consider advantages and disadvantages of flexibility

Thank you!

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