

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

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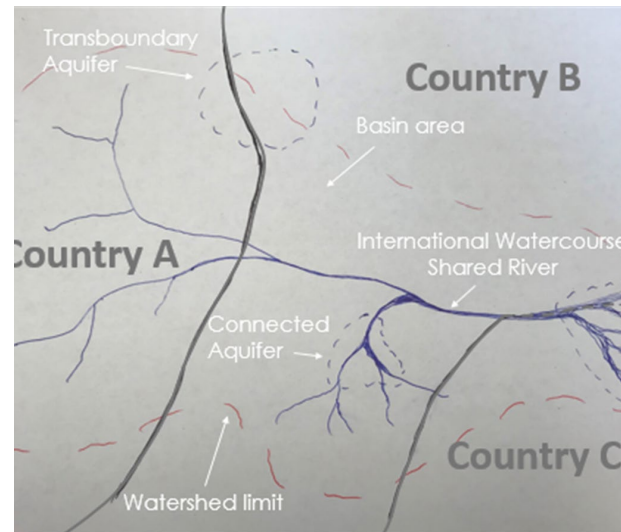
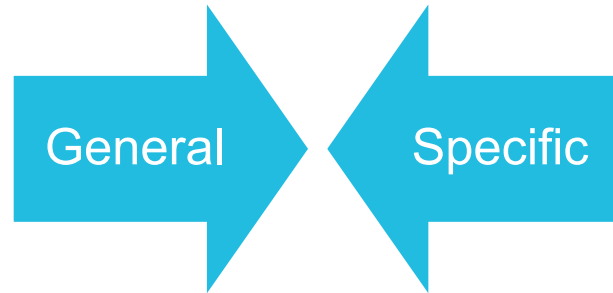
Overview

- 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

- Objective
- Scope
 - System
 - Functional

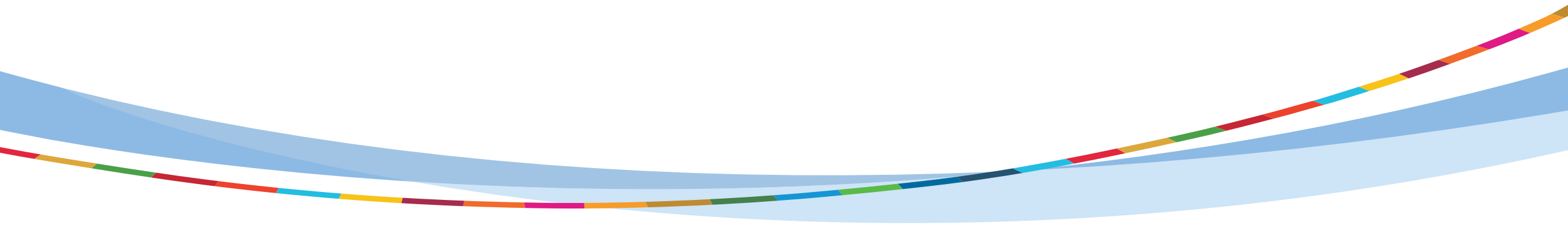


“The objective of the present Convention is to ensure protection and conservation of the biological diversity and the sustainable use of natural resources of Lake Tanganyika and its Basin by the Contracting States on the basis of integrated and co-operative management.”

(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

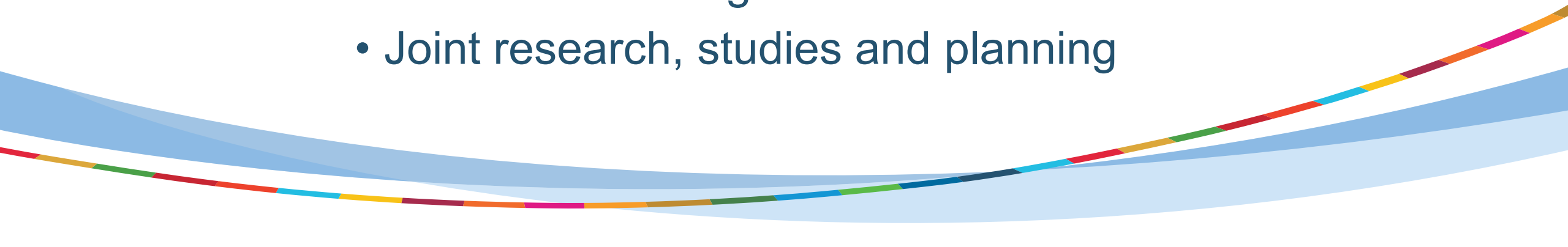
 - Keep track of terms to be defined during negotiations
 - Definition versus keeping flexibility to reach agreement
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General principles, rights and obligations

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



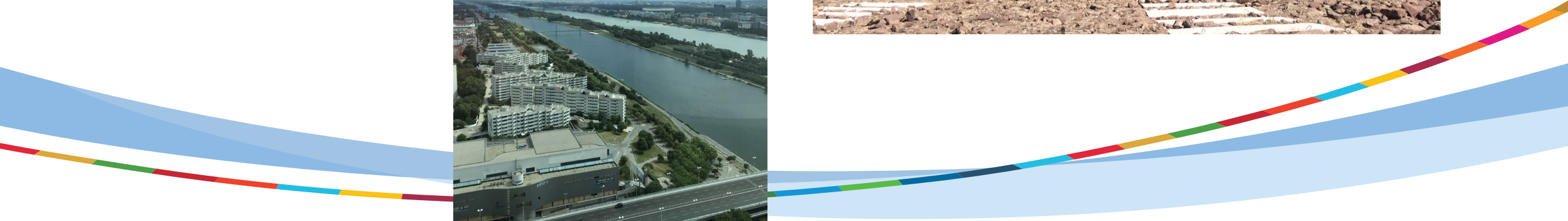
Water management and protection

- 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

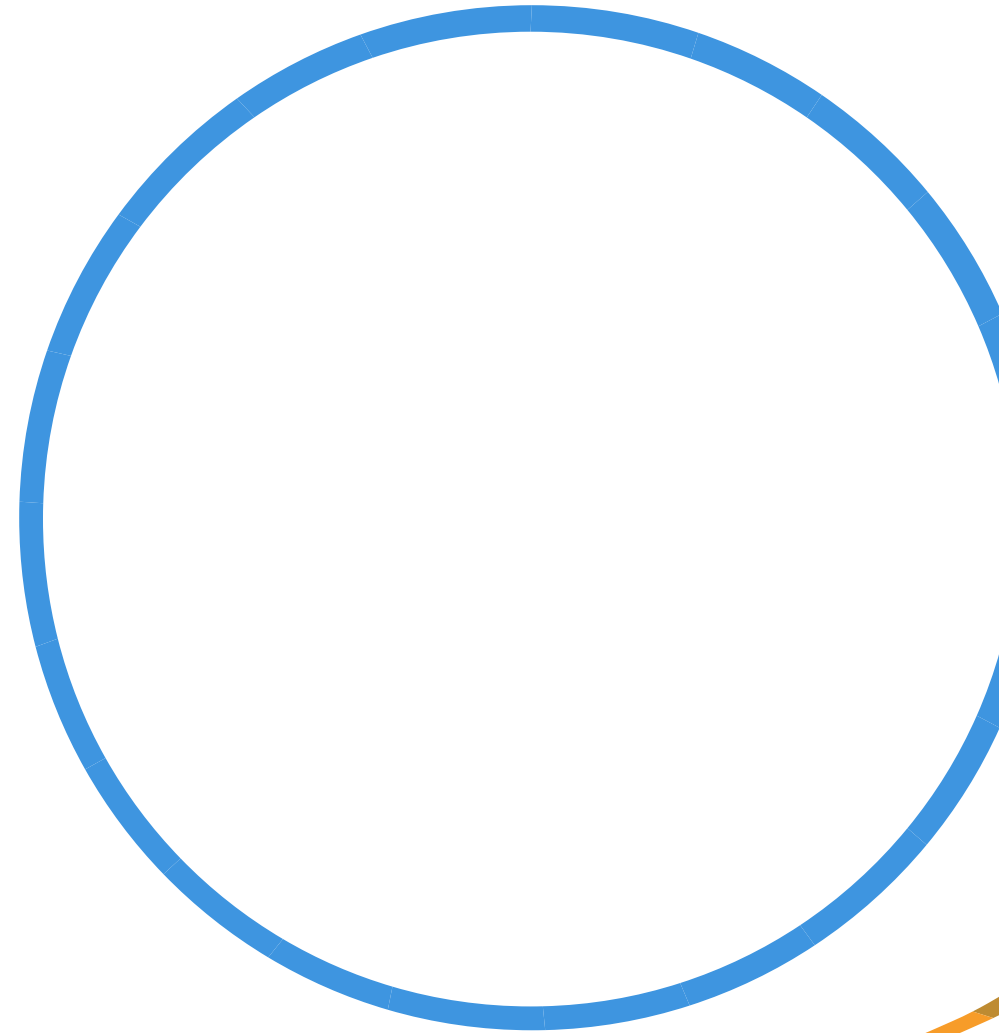


- Agriculture
- Energy
- Navigation
- Climate change
- Spiritual aspects



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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