



Outcomes of the EU Horizon 2020 DAFNE PROJECT

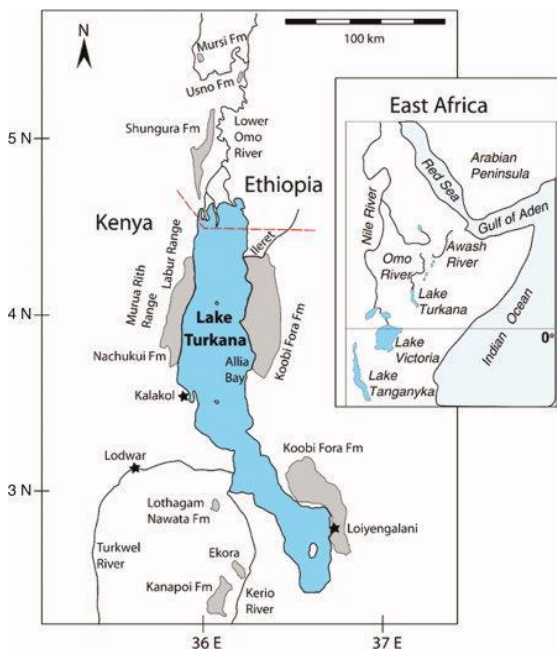
The Omo-Turkana River Basin

Progress towards cooperative frameworks

KEY POLICY MESSAGES

- The OTB has reached a stage of pivotal importance for future development; the time to establish a cooperative framework on water governance is now.
- Transparency and accountability must be improved in order to facilitate the sharing of data and information, increasing trust and reducing the perception of risk.
- Benefit-sharing which extends beyond energy could enhance regional integration and improve sustainable development within the basin.

THE OMO-TURKANA RIVER BASIN



The Omo-Turkana River Basin (OTB) – for the purposes of the DAFNE Project – comprises of two main water bodies: the Omo River in Ethiopia and Lake Turkana which it drains into. While the Omo River lies entirely within Ethiopian territory, Lake Turkana is shared by both Kenya and Ethiopia, with the majority of Lake Turkana residing within Kenya.

The OTB holds high cultural, social, geological and environmental importance with the lower Omo Valley and Lake Turkana both listed as UNESCO World Heritage Sites. It is also an important economic resource due to its high

potential for hydropower and irrigation schemes that are, if scientifically and equitably managed, crucial to lift millions within and outside the basin out of extreme poverty; this has led to transboundary cooperation in recent years.



This policy brief is derived from research conducted under the €5.5M four-year EU Horizon 2020 and Swiss funded 'DAFNE' project which concerns the promotion of integrated and adaptive water resources management, explicitly addressing the WEF Nexus and aiming to promote a sustainable economy in regions where new infrastructure and expanding agriculture has to be balanced with social, economic and environmental needs. The project takes a multi- and interdisciplinary approach to the formation of a decision analytical framework (DAF) for participatory and integrated planning, to allow the evaluation of decisions based on social, economic and environmental needs, therefore reflective of sustainable development.

For further information on the project see <http://dafne-project.eu>



The OTB is home to some 15 million people, more than 90% of which live within rural areas. Both the Omo River and Lake Turkana are vital resources, both in terms of large-scale developments for economic growth and for a variety of livelihoods. Lake Turkana is relied upon by many for fisheries, while seasonal flooding is an important part of cultivation on the riverbanks for indigenous groups.

Kenya and Ethiopia are facing a number of changes including population growth, increased urbanisation and impacts from climate change. Access to electricity within both countries remains low, particularly within Ethiopia. Large portions of the population in both countries continue to live in conditions of extreme and relative poverty, with many suffering from food insecurity.

In order to address some of these challenges, both countries have adopted ambitious national development plans. For Ethiopia, part of this plan includes becoming a regional power hub, driven by a series of cascading dam developments. The power generated from these developments is also set to benefit Kenya through the provision of (relatively) cheap electricity. In addition to hydropower, major irrigation schemes have also been put in place and oil reserves have been discovered in the Lokichar region of Southern Turkana.

All of these developments may have an impact on both the quality and quantity of water availability downstream (and upstream) and have the potential to cause various impacts with relation to fisheries, flooding, biological diversity and displacement. At the same time, they also represent opportunities for economic growth through income generation at a country level, as well as job creation for local level and present possibilities for enhanced benefit sharing between Kenya and Ethiopia.

DAFNE APPROACH

The legal/governance component of the DAFNE project conducted an extensive review of legal and policy frameworks at multiple levels: national, basin, regional and international.

▪ **International Water Law (IWL)**

It reviewed the extent to which the key principles of IWL (including equitable and reasonable use, no significant harm and the duty to cooperate) are used within the basin and provided information relating to how each principle could be used to enhance basin governance. It also looked at how these principles are presented within national policies and development plans.

▪ **The Water Energy Food Nexus (WEF)**

The principles of IWL were also linked to the WEF Nexus; illustrating how using key principles through the lens of multiple sectors can give greater 'substance' and clarity to legal provisions.

▪ **Sustainable Development Goals (SDGs)**

The research also linked to the sustainable development goals and the extent to which both of the aforementioned frameworks can help to contribute towards the achievement of the SDGs.

Overall, our analysis demonstrated that an integrated method of governance utilising each of these three frameworks, termed the Law, Nexus, Goals (LNG) approach could act as a solid base in the formation of a comprehensive governance strategy in the OTB.



Image: fishing boats on the Omo River (credit Fritz Kleinschroth).

HISTORY OF COOPERATION

The OTB is one of the largest river basins in Africa without a cooperative framework on water governance. Further, neither Kenya nor Ethiopia are parties to the UN Watercourses Convention 1997 or the 1992 UN Convention on the Protection and Use of Transboundary Watercourses and International Lakes. Thus, a governance gap currently exists.

The countries do, however, have a positive spirit of cooperation and have established many cooperative frameworks.

- A Memorandum of Understanding was signed in 2006 between the Kenyan Electricity Transmission Company and the Ethiopian Electric Power Corporation for the joint development of the Kenya-Ethiopia Highway Project.
- In 2016 an agreement was signed with relation to the Kenya-Ethiopia Highway Project.
- In June 2017, the Cross-Border Programme for Sustainable Peace and Socio-Economic Development (SUPSED) was signed.
- Reported agreement on electricity sharing (not available publicly, or to the authors).

REGIONAL PROGRESS

In recent years, there has been growing prominence of regional level frameworks through the Intergovernmental Authority on Development (IGAD).

IGAD formed the Inland Water Resources Management Programme in 2012 to work towards the formation of a common approach for the governance of shared watercourses in the region and put in place a regional water policy and protocol. The Regional Water Resources Policy, currently in draft form, was endorsed by both Kenya and Ethiopia in 2015.

Important points regarding developments through IGAD:

- The content of the policy and protocol have been based on a synthesis of national legal frameworks, IWL principles and other basin agreements within the region.
- The policy includes the cornerstone principles of IWL: equitable and reasonable use and no significant harm.

- A Communiqué was signed in 2018 by Ministers responsible for water resources in all IGAD States. The document recalled the principles of IWL, stressed the importance of water as a 'basic necessity' and noted the need to promote closer cooperation for the 'equitable, sustainable and coordinated utilisation, protection, conservation and the management of transboundary/shared water resources in the IGAD region'.

In addition, a draft policy and protocol on data sharing has also been formed focusing on seven key areas; 1) strengthening of regional policy and legal framework; b) strengthening of regional institutional framework for data management; c) national level data collection and processing; d) national level sharing and exchange of water related data and information; e) sharing and exchange of water related data and information at a regional level amongst member States; f) public access to water related data and information and knowledge products. Similarities can therefore be seen between the steps being taken within IGAD and the frameworks which have previously been put in place within basins in Southern Africa, such as the Zambezi River Basin.

It is also important to note that Kenya and Ethiopia are parties to other agreements on transboundary watercourses including the Nile Basin Initiative (NBI) and the Cooperative Framework Agreement (CFA). This illustrates the willingness of the countries to engage with transboundary water governance and support for the key principles of IWL.



Image: Tree on the Omo Delta (credit Fritz Kleinschroth).

KEY FINDINGS

- The OTB is one of the largest river basins in Africa without a cooperative agreement on water governance.
- Perception of risk with respect to adopting the principles of IWL and experiences within other basins (namely the Nile), as well as external (and some internal) attitudes towards the projects on the Omo may be slowing progress towards cooperation.
- The developments taking place within the basin have been the subject of international scrutiny, which may not be reflective of the situation on the ground.
- Nonetheless, a strong history of cooperation exists between Kenya and Ethiopia, as exhibited through trade and power sharing agreements.
- Significant developments towards a regional water policy and protocol have taken place at regional level through IGAD.
- It is possible that regional level developments will act as a catalyst for enhanced cooperation on water governance and the establishment of basin level frameworks.
- Due to the volume and variety of developments taking place, great potential for benefit sharing exists within the basin.

Considering the volume of developments which are taking place in the basin, the establishment of a shared agreement the nature of which is to be determined by both countries is essential to ensure the sustainable development of the basin, protection of vital ecosystems and maintenance of key livelihoods for those reliant on the water and related resources of the basin.

BENEFIT SHARING

Applying benefit sharing to the development endeavours in the OTB can promote equity in terms of economic development and help to negate any downstream impact. Benefit sharing could take a simplistic form of compensation or operate more comprehensively across multiple sectors such as the supply of affordable products such as sugar and electricity to downstream communities. Similarly, oil and gas and fish products can be supplied to upstream communities, as appropriate. As noted by Sadoff and Grey (2005), benefit sharing can take multiple forms:

Type	The Challenge	The Opportunity
Type 1 Increasing Benefits <i>To the River</i>	Degraded water quality, watersheds, wetlands, & biodiversity	Improved water quality, riverflow characteristics, soil conservation, biodiversity and overall sustainability
Type 2 Increasing Benefits <i>From the River</i>	Increasing demands for water, sub-optimal water resources management & development	Improved water resources management for hydropower & agricultural production, flood-drought management, navigation, environmental conservation, water quality & recreation
Type 3 Reducing Costs <i>Because of the River</i>	Tense regional relations & political economy impacts	Policy shift to cooperation & development, away from dispute/conflict; from food (& energy) self-sufficiency to food (& energy) security; reduced dispute/conflict risk & military expenditure
Type 4 Increasing Benefits <i>Beyond the River</i>	Regional fragmentation	Integration of regional infrastructure, markets & trade

A framework of benefit sharing used in addition to the LNG approach could help to demonstrate the opportunities which could be created through enhanced transboundary water governance.



KEY RECOMMENDATIONS

- Developments at a regional level show clear, although slow, political momentum towards transboundary governance; this could be used towards the development of a basin level agreement.
- Transparency and accountability should be increased to enhance trust and reduce the perception of risk – this can be achieved through greater information sharing and ensuring that agreements are made publicly available.
- Institutional cooperation is vital for the sustainable development of the river basin
- It is essential to ensure that communication and stakeholder participation are a core part of any basin agreement. This should include the scientific community and legal, national and regional advocacy groups.
- Mutual understanding and consensus must be reached when defining key principles such as ‘equitable and reasonable use’ based on scientific evidence and the reasonable expectation of both countries to prosper. The misconception that legal and policy principles are against development projects or deny a country’s right should be overcome.
- Benefit Sharing should be formalised and used to illustrate the benefits which more formalised water governance can bring.

KEY REFERENCES

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FURTHER INFORMATION

For further information and other disciplinary perspectives on the DAFNE project see

ACKNOWLEDGEMENTS

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Image: The Omo River (credit Fritz Kleinschroth)

