



RENEWAL

Research and Evaluation of Nexuses of the Exploitation of Water in African Law

The RENEWAL (Nigeria) Project Briefing

Project Leading Partners: The Research and Evaluation of Nexuses of the Exploitation of Water in African Law (RENEWAL) Project is being implemented under the Global Law, Justice and Development Forum (GLJD) of the World Bank by the Center for Water Security and Cooperation (CWSC), USA and the International Association for Water Law (AIDA).

I. RENEWAL PROJECT OVERVIEW:

At the heart of RENEWAL is a comprehensive discussion and accessible overview of water governance in each country in Africa. RENEWAL provided an expansive view of the way water is governed under each country's system by comprehensively reviewing the laws directly and indirectly shaping water governance. To provide a complete picture of water governance in Africa, Partners will collect and catalogue the laws from the international level all the way down to the local regulations that directly and indirectly determine water governance in a country. This requires looking at not only at the laws traditionally understood as 'water laws,' i.e. the laws protecting water quality and managing water allocations and rights, but also the laws governing sectors whose operations use and affect water, including but not limited to energy, land-use and agriculture. This kind of broad, in-depth collection and cataloguing of Water Laws – those laws which affect the protection, management and governance of water – is unique and allows for the design of solutions that address the root cause of challenges.

Once collected and catalogued, project leaders and local stakeholders will summarize the individual laws and clearly identify how the collected laws are interrelated. These analyses and graphic representations are intended to give partners, local stakeholders and decision-makers a clear understanding of the state of the existing water governance. Once each of the laws and the interconnections are understood and accessibly presented, the CWSC in

collaboration with AIDA and experts will apply an evaluative metric to each water governance framework in order to determine shortcomings, gaps and inconsistencies. The identification of these challenges is only the first part of improving and strengthening water governance and therefore advancing the achievement of water security and SDG6. This will require working with decision-makers and local stakeholders to identify next steps that will lead to the development and implementation of long-term, sustainable solutions to the concerns identified in throughout the collection, cataloguing, analysis and evaluation of the laws.

II. PURPOSE

The law underpins and drives the advancement of development priorities, including guaranteeing access to clean, safe water and improving the health of the river basins which serve as the lifeblood for communities. In order to fulfill SDG6, along with many of the other SDGs, Africa must achieve water security. To build and strengthen the foundation upon which the achievement of the SDGs depend, RENEWAL analyzes and evaluates the state of water governance in Africa, by first determining and understanding the existing state of water governance and second evaluating the effectiveness of the water governance framework in place.

This project will:

- Collect and catalogue the laws, regulations and policies directly and indirectly shaping and influencing water governance, from the international level to the local level;
- Provide a clear summary and description of each law, regulation and policy to make this information accessible to decisions-makers and the public;
- Identify the intersections and connections between water and the laws of sectors who affect and use water;
- Graphically illustrate the applicability of the laws, identified intersections and the administrative structure for designing, implementing and enforcing identified law; and
- Evaluate the water governance for each country based on a clear, well-supported metric.

In effect, this database, by providing a comprehensive view of the state of water governance and law in each African country, will serve as a tool for decision-makers and the public in advancing water security throughout Africa in order to achieve the SDGs and other development priorities. Without a clear understanding of the existing state of water governance, countries are unable to take clear, targeted steps forward that will directly address the shortcomings, gaps and inconsistencies operating as barriers to the achievement of water security. RENEWAL will position decision-makers to design lasting solutions with systemic effect.

III. TARGET GROUPS/BENEFICIARIES

RENEWAL benefits a wide variety of interested parties. These include:

- **Decision-makers, policy-makers, stakeholders, and lawyers in Africa.** Having a clear, comprehensive collection, catalogue and illustration of the existing water governance framework allows decision-makers to evaluate the existing system and identify the shortcomings, gaps and inconsistencies in order to better deliver on development priorities. Furthermore, a clear understanding of existing policies engenders greater consistency in application and enforcement.
- **Citizens.** An important objective of RENEWAL is to ensure that this information is presented in a format that is accessible to citizens so that citizens can participate in the law-making process, be knowledgeable of their rights and hold designated authorities accountable. To ensure accessibility of the database, partners will design and deploy educational and capacity-building programs.
- **Academics.** RENEWAL encourages active research and analysis of water governance structures in order to advance water security.

IV. PROPOSED DEVELOPMENT OBJECTIVE

RENEWAL advances the achievement of the SDGs and the twin goals of the World Bank.

1. Advancement of the SDGs:

By advancing water security and enabling the improvement of water resource and ecosystem management, RENEWAL advancements the achievements of the SDGs. Water is a basic and essential resource to sustainable development, economic prosperity, equality, ecosystem protection and good health. Ensuring access to water and sanitation for all under SDG6 will rapidly boost the achievement of the others SDGs. RENEWAL supports systemic change by focusing on the law and governance instruments directing water protection and management. RENEWAL's expansive examination and analysis of African water laws and governance will broadly support the advancement of the SDGs.

2. Twin goals of the World Bank:

Water is essential to eliminating extreme poverty by 2030 and boosting shared prosperity, the twin goals of the World Bank. Access to clean, safe drinking water means more girls in school, reduced outbreaks of water-borne diseases such as diarrhea, typhoid, cholera and worm infections and greater earning capacity for families with fewer missed days of work and women with time to take on income-generating employment. RENEWAL creates a tool that can be used by decision-makers and citizens to develop sustainable water governance.

V. EXPECTED OUTCOMES

RENEWAL will deliver seven key deliverables.

1. Open and Accessible Database on Water Governance. The primary deliverable will be the online database, complete with a comprehensive collection of laws and other original source materials, visual representations, accessible explanations and analysis, and peer-reviewed evaluation notes for each country and region. The database will be free and openly accessible to the public.

The website will initially be presented in English with reference to original source material in its native language. As the project moves into maintenance from development, we anticipate finding and deploying partners who can make the evaluation materials as well as the legal materials accessible in the official and majority languages of the continent, with a focus on languages used in national court systems.

2. Comprehensive Data on Water Governance. The data created and cataloged by this project is the first attempt to fully compile all laws that affect the governance of water in Africa. This includes laws, regulations, policies, practices, guidelines, local customs and judicial decisions. RENEWAL provides detailed and comprehensive overviews, expert analysis and evaluation and visually accessible data. This database will serve as the premier source of information on water governance in Africa, allowing researchers, government officials, development workers and citizens to easily comprehend the state of water law and governance in any given country or region as well as understand trends and connections between different governance models. The database will be maintained and updated by a network of partners and stakeholders overseen by the CWSC to ensure the database remains current.

3. Proprietary Methodologies. In order to complete this project, Co-Leaders will develop four methodologies: a Collection Methodology and Qualitative Assessment Questionnaire (QuAC), a Cataloguing Methodology, an Analysis Methodology and an Evaluation Methodology. These carefully designed and vetted methodologies will allow our research to be consistently conducted by different Partners and the analyses and evaluations to be reliable

4. Analysis of Water Governance. The expert analysis of laws by water lawyers, in conjunction with partners, will allow for a deep and authoritative summary and analysis of water laws and governance in each country and region of Africa. These evaluative summaries will provide a succinct, impartial, accessible overview for lawyers and non-lawyers alike, helping to present the massive amounts of statutory and other data in a more digestible way. Analysis will also come in the form of graphics and detailed reports that analyze and accessibly convey information. These evaluations will be periodically updated by local stakeholders as laws change, allowing for a current, reliable database.

5. Sustainable Network to Maintain the Database. RENEWAL is a large undertaking and will require a network of partners and stakeholders to create and maintain the water governance database. Partners and stakeholders will provide indispensable insight into the law, its implementation and its enforcement as well as serve an important role in the sustainability of the project by providing real-time updates on legal changes. This network will also act to disseminate relevant information to stakeholders and offer educational and capacity-building programs to citizens and decision-makers in order to ensure continued engagement and accountability in water governance.

6. Creation of Training Modules once launched. RENEWAL will serve as a host for in-person and virtual training modules created by partners. These modules will use the data collected by RENEWAL to educate officials and stakeholders around the world on water law and governance issues that are central to achieving best practices and good governance targets as well as to introduce and educate stakeholders about the database and how it can be used and applied. Relying on examples drawn from the RENEWAL database, these training modules will encourage deeper interaction with the database, make the database an effective tool for all stakeholders, and continue to build the network of water professionals that are at the core of the sustainability of the database.

Provisional training modules may include:

- “Water Governance Best Practices”
- “Water Governance and Natural Disaster Preparedness”
- “Legal Challenges to Water Allocation”
- “Regional Approaches to Water Management”
- “Conflict Resolution Solutions in Water”
- “The Human Right to Water: Status and Implications”

7. Evaluation of Water Governance. Upon collecting, cataloguing and objectively analyzing the water governance, Co-Leaders will develop and apply a methodology for evaluating the strength and effectiveness of water governance. The methodology will seek to identify strengths, shortcomings, gaps and inconsistencies.

VI. PROJECT IMPLEMENTATION COUNTRIES

RENEWAL is currently been implemented in Nigeria, South Sudan, Kenya and South Africa.

VII. BASELINE

RENEWAL expands upon databases of laws that have been collected by a variety of international and domestic institutions, notably the Food and Agriculture Organization's FAOLex database. Our work will deepen and broaden these databases by adding greater

information on the unwritten practices and customs which implement and actualize the written laws and regulations. This will allow experts to develop a unique, richer understanding of the role that water laws actually play in the management of water and the response to water scarcity.

VIII. DATA SOURCE

As described above, we will be creating our own unique data source. We will also be relying on publically available laws, regulations, policies, standards and other legal guidelines. As part of the collection and cataloguing, we will be interviewing those persons who are in charge of applying the law as well as those who are affected by the law. Through this rich dataset, we will be able to identify key trends and achieve deeper analysis and evaluation. The data will be made publically available at various points throughout the project to allow other researchers, academics and development professionals to engage with the project and participate in the additional research outside of the project. At the completion of the project, all of the data and information will be made available to the public free of charge.

IX. MONITORING AND EVALUATION

Throughout the project, members of partner institutions will serve to monitor and evaluate the progress of RENEWAL. Drawing upon the existing network of professionals that are affiliated with the CWSC as well as the expertise at the World Bank and GFLJD partner organizations, the project will include multiple layers of monitoring review and provide many avenues for input and comment. Each of the lead partners will provide oversight and evaluation of the work product, drawing upon their deep knowledge of the subject matter and their expertise in the region. RENEWAL will also depend on periodic peer reviews to examine and test the methodologies and their application.

IMPLEMENTATION OF RENEWAL PROJECT IN NIGERIA

African Law Foundation (AFRILAW) in partnership with the Center for Water Security and Cooperation (CWSC) USA is currently implementing a two (2) year 'Research and Evaluation of Nexuses of the Exploitation of Water in African Law (RENEWAL) Project' in Nigeria. AFRILAW is a non-profit and non-governmental development law organization with corporate headquarter in Enugu State of Nigeria.

Nigeria Project Key Objectives: The key objectives of the Project include to create the first-pan African water law platform for Nigeria, including a comprehensive collection and cataloguing of all existing water laws; summaries of each law and detailed analyses of how the collected laws relate and interact to make up the governing water law framework; and evaluations of existing frameworks. With this resource, we intend to host educational and engagement workshops to introduce communities to the platform, teach community-members how to use the platform, and engage in active dialogue with all stakeholders to get their feedback, input, and insight.

PROJECT IMPLEMENTATION-PHASE ONE (January-December 2018):

Project Activities No. 1: Collection of Federal and States Government Water related Laws, Policies, Regulations, Standards, and Strategies.

AFRILAW hired 37 lawyers across the 36 States including FCT as State Water Law Researchers to collect all relevant Federal and States Government Water related Laws, Policies, Regulations, Standards, and Strategies in accordance with the “Collection Methodology” provided in the areas of water, sanitation, hygiene, environment, health, land, natural resources, agriculture, disaster management, security, economy, infrastructures, and energy.

About 1600 relevant Federal and States Government Water related Laws, Policies, Regulations, Standards, and Strategies were collected across the 36 States including FCT by the State Water Law Researchers.

Project Activities No. 2: Cataloguing of Collected Federal and States Government Water related Laws, Policies, Regulations, Standards, and Strategies.

The 37 State Water Law Researchers cataloged all the 1600 Federal and States Government Water related Laws, Policies, Regulations, Standards, and Strategies in collected from the 36 States including FCT in accordance with the “Cataloguing Methodology and Templates” provided by AFRILAW.

PROJECT IMPLEMENTATION-PHASE TWO (January- December 2019):

Project Activities No. 3: Seletion, Training and Deployment of 6 Field Researchers for the deployment of Qualitative Assessment Questionnaire (QuAQs) in 18 states in the 6 geopolitical zones of Nigeria.

AFRILAW selected and trained 6 Field Researchers selected from each zone for the field research, and the zone and states for the field research include:

1. Mr. Emmanuel Ejim for **North West Zone (Kaduna, Kano and Jigawa States)**
2. Mrs. Iya Catherine for **North East (Adamawa, Bauchi and Yobe States)**
3. Ms. Rachel Nwoka for **South-South Zone (Akwa Ibom, Bayelsa and Rivers States)**

4. Ms. Aba Regina for **North Central Zone (Benue, Nasarawa and Niger States)**
5. Ms. Reuben Linda for **South East (Abia, Ebonyi and Enugu States)**
6. Mr. Kehinde Adegbite for **South West Zone (Ogun, Osun and Oyo States).**

The Field Researchers Training Workshop was held on Saturday April 6th, 2019 at the Sunshine Hotel, Enugu, Enugu State by AFRILAW with funding support from CWSC:



The Qualitative Assessment Questionnaire (QuAQs) were developed and deployed for the field research.

The purpose of the Qualitative Assessment Questionnaires or QuAQs is to deepen our understanding of how law is being used, the effectiveness of that use, and the responses to misuse or lack of understanding or enforcement. The questionnaires will allow us to understand with greater insight how the law has evolved in each country, the limits of the laws, the practices that have taken the place of laws in some circumstances. Through these questionnaires, we will create an evaluation plan with stakeholders in governments and outside of government that will identify key failures of the law and incorporate best practices collected by the questionnaire. As such, this is a critical component of RENEWAL, and the responses that you obtain will add to the richness of our investigation. The QuAQ will explore five categories of information: 1. Customary Practices 2. Governance and Institutions 3. Education 4. Access and 5. Enforcement.

The QuAQs are made up of 15 Categories which include: State Ministry of Water Resources/ Utilities (Commissioner/Perm-Secs/Directors/HODs); State Water Management Board (Managing Director/Chief Executives/Directors/HODs; Other Relevant State Ministries, Departments and Agencies (MDAs)(Gender/Social Development/Environment/Sanitation/Health/RUWASA/Physical Development/Planning/Land/Agriculture); State Legislative House Members (Water/Utilities/Social Development/Rural –Urban Development Committees); Law Officers (Ministry of Water Resources/Utilities/Water Management Boards-Legal Depts/Ministry of Justice); Local Government Area (LGA) Executives/Administrators/HODs (Water/Utilities/Social Development/Community Development); Judiciary (High Courts/Magistrate Courts/Customary Courts); LGA Legislative House members (Executives/Officers); Town/Community Leaders (Traditional Leaders /Town Union Executives); CSOs, (Representing disadvantaged groups -Women /Children/People living with Disabilities); Private Organization/Companies; Community –based organizations (Women/Youth Groups/Market/Traders Associations/People Living With Disabilities (PLWDs), etc); Religious Leaders; Stakeholders; and International Organizations and Donor Groups.

There were about 250 Interviewees/Respondents from the 15 QuAQs categories who participated in the field research from April 7, 2019 to May 31, 2019.

Project Activities No. 4: Selection and Training of Water Law Research Consultants for the Review, Analysis and Evaluation of Collected and Catalogued Federal and States Government Water related Laws, Policies, Regulations, Standards, and Strategies.

AFRILAW selected 6 Senior Law Lecturers from University of Nigeria Enugu Campus, Ebonyi State University, University of Benin, and University of Calabar as Water Law Research Consultants for the Review, Analysis and Evaluation of Collected and Catalogued Federal and States Government Water related Laws, Policies, Regulations, Standards, and Strategies collected from in each geo-political zones of Nigeria.

The Water Law Research Consultants Tasks:

- 1. Review of Collection and Cataloguing Templates:** Each Water Law Research Consultant will review the Collection and Cataloguing Templates from the States in the Zone in accordance with the “Collection Methodology” and “Cataloguing Methodology”, and in line with the direction provided.
- 2. Analysis of all Collected and Catalogued Federal and States Government Water related Laws, Policies, Regulations, Standards, and Strategies:** Each Water Law Research Consultant will analyze the collected and catalogued Water related Laws, Policies, Regulations, Standards, and Strategies from the States in the Zone in accordance with the “Analysis Methodology,” to be provided, drafting an independent description and illustration of the existing water law framework.

Each Water Law Research Consultant will analyze the collected Qualitative Assessment Questionnaires (QuAQs) in accordance with the Template to be provided.

- 3. Evaluation of the Existing Federal and States Water Law Frameworks:** Each Water Law Research Consultant will conduct a preliminary evaluation of the existing water law framework from the States in the Zone in accordance with the "Evaluation Methodology" to be provided.

AFRILAW in partnership and funding support from Center for Water Security and Cooperation (CWSC), USA organized and held a 1-Day Training Workshop for 6 Water Law Research Consultants on 31/01/2019 at BON Hotel Stratton, Abuja:







Group picture of the Water Law Research Consultants Training Workshop with CWSC ED and Co-ED and AFRILAW ED

Project Activities No. 5: Hosting Stakeholders Education and Engagement Workshops:

Using the various RENEWAL Project research reports, AFRILAW will organize and hold education and engagement workshops across the 6 geo-political zones of Nigeria. The workshops are to introduce communities to the platform, teach community-members how to use the platform, and engage in active dialogue with all stakeholders to get their feedback, input, and insight.