

BASIC COMMON STEPS IN THE ACCESSION PROCESS - FAQs AND THE EXPERIENCE OF GHANA

DR. B. A. ADJEI

WATER RESOURCES COMMISSION

GHANA

**NATIONAL WORKSHOP RELATED TO THE CONVENTION ON THE PROTECTION AND USE OF TRANSBOUNDARY WATERCOURSES
AND INTERNATIONAL LAKES: NIGERIA'S ACCESSION PROCESS**

**27 - 29 JULY 2022
ABUJA, NIGERIA**

Introduction

- The signing, acceding or ratifying an international convention means that a country acquires benefits and assumes obligations on the international level towards the use and management of certain resources or activities.
- Generally countries fall within some legal frameworks or regimes and the processes for being part of an international agreement tends to follow certain trends.
- However every country must prepare and be in readiness both nationally and at the international level to be part of any international legal regime.
- There are often questions asked and clarifications sought before a country takes this step. The 1992 Water Convention has prepared FAQs and aspects of it will be shared together with country experiences - on the accession process.

How should an Accession Process be organized? (1)

- Basically there are no mandatory steps to be followed in the accession process to the water convention and there is no universal blueprint. However, some good practices have emerged that help to effectively organize the process.
- The Water Convention Secretariat has prepared a road map to facilitate accession processes. The road map is advisory in nature and is based on lessons learned from parties having completed their accession processes. It describes in detail the following possible steps:

(1)

Preliminary discussion and expression of interest by the Ministry in charge of water. This step may include:

- nomination of focal points and participation in activities under the Convention.
- review and discussion of the Convention, article by article, by technical and legal experts in order to establish the steps required for compliance with the Convention's provisions.
- presentations on the Convention and discussion among relevant departments of the Ministry.
- sending a letter of interest for accession to the Water Convention Secretariat.

How should an Accession Process be organized?

(2 &3)

(2)

- Broader discussion involving relevant sectoral ministries and the ministry of justice and the ministry of foreign affairs, as well as other relevant actors. This step may include:
 - Discussions in an informal or formal framework (by establishing an inter-ministerial committee or a working group).
 - Preparation of a list of questions and topics related to the benefits and opportunities derived from accession to the convention, to be discussed during a national workshop.

(3)

- A national workshop on the convention which provides an occasion to discuss the benefits of the Convention and the challenges of implementation among key actors such as the relevant sectoral ministries, Ministry of Foreign Affairs, Parliament, relevant federal government officers, basin organizations, civil society, traditional authorities if required etc.), as well as experts on the Water Convention (Water Convention Secretariat, international experts), and technical and financial partners.

How Should An Accession Process Be Organized?

(4)

- Undertaking the country specific formal procedure for the ratification of treaties acceded to by the country.
- This procedure varies depending on the country, but requires close cooperation between the Ministry in charge of Water, the Ministry of Foreign Affairs, Ministry of Justice and the Office of the Attorney General, Parliament (are relevant), the Office of the President, and the Water Convention Secretariat.
- It is completed with the deposit of the Instrument of Accession with the treaty section of the United Nations Secretariat in New York.

What is expected in an Instrument of Accession?

- It depends on how the country drafts the document subject to international requirements.
- Importantly, the instrument of accession should make it clear that the country accedes to the water convention as amended. The document must make reference to **decision VI/3** of the Meeting of the Parties to the Water Convention. This decision in 2012 gave a blanket approval to any future request for accession by United Nations member states outside of the UNECE.
- The Water Convention Secretariat can provide advice and share a template of an Instrument of Accession, if required.
- Finally the Instrument of accession is to be deposited with the treaty section of the United Nations Secretariat (depository) in New York. It is recommended that this step be coordinated with the Water Convention Secretariat.

After accession – what next?

Implementation

- Preparations for implementation must commence in the accession process by doing the following;
 - Awareness creation of the convention's obligations among the relevant institutions and stakeholders;
 - WHIPPING UP OF sufficient political attention to implement obligations
 - BUILD technical, administrative and financial capacity
 - Coordination among relevant implementing authorities (by focal person)
 - Cooperation with prospective riparian parties – invitation to meetings and promotion of accession if co-riparians have not acceded .
- A thorough review of national laws and regulations, and bilateral and multilateral agreements in order to identify any steps needed for the implementation of the Convention.
- Adoption where necessary of legal and administrative measures and ensuring sufficient human, financial and technical resources are available for implementation.
- A good practice in preparing for the implementation of the Convention is to develop an **Implementation Plan**, which would assess the needs and requirements for implementation and specify measures, a timeline and resources needed. Such a plan can facilitate the provision of technical support for the implementation of the Convention.

How Ghana did it... Accession Roadmap (1)

- Lead institution for the process
 - Water Resources Commission (Ministry of Sanitation and Water Resources) identified as lead institution and led the process
- Developed a Ratification Toolkit
 - Served as main material for decision making; and shared with stakeholders to inform, educate and seek buy-in and consensus
 - It contained elements:
 - An overview of the Water Convention and how it works;
 - National context- policies and the Convention; regional context -relationship between existing agreements/ arrangements and the Water Convention
 - The country as a responsible player in the international community
 - Advantages of joining the Water Convention
 - Country's obligations under the Water Convention
 - How the Water Convention follows international customary law
 - How a country can join the Water Convention.

How Ghana did it... Accession Roadmap (2)

- **Identification of Key Stakeholders:**

- Institutions that need to know, provide assistance in the accession, decision makers, potential beneficiaries (regulators, water users, research and academia), engaged in public awareness and communication (media, civil society), etc.

- **Engagement/Consultation of the Stakeholders;**

- Organised a national stakeholder workshop for consensus and the way forward
- Follow up strategic engagements with key decision-makers (Ministries of Foreign Affairs and Justice; Cabinet; and Parliament)

- **Materials and platforms for communication;**

- Establish collaborative arrangements to assist in communication and advocacy
- Provide necessary briefs.

- **Timelines for the accession;**

- Define timeline for completion of accession (from National Workshop to accession 18 months)

- **Resources and Support Required (Internal and External);**

- Cost for the process and knowledge transfer
- Technical assistance (UNECE Secretariat)

Challenges and Opportunities to the Accession

- Initial lack of dedication from the lead Ministry was missing and had to be worked on, change of Ministers meant starting over.
- Creating stakeholder interest and understanding took time to be created – requires zeal and tact.
- Sustained financial support (internal and external) through the accession process
- Flexibility should be factored into timing of the process – Timely approvals required from key decision-makers if missed will delay the process.
- Bringing co-riparians along – role of Volta Basin Authority and ECOWAS- WRCCC

Lessons Learnt ... (1)

- Key to the accession process is commitment at the highest political and technical level.
- Support of a willing and dedicated Ministry in Charge of water and Agency to lead and coordinate the entire process.
- Significant to adequately engage the key decision-making institutions – cabinet and parliament.
- Ensured effective collaboration with relevant ministries - evident in the unanimous adoption of the ratification bill by Parliament.
- In seeking political commitment – promote linkage of Water Convention with major global initiatives (2030 Agenda) as a primary instrument and support for the implementation of SDG6.

Lessons Learnt ... (2)

- The accession toolkit packaged as a simple document with all relevant information was handy and disseminated in educating the general public.
- Mobilize all sector wide stakeholders around the processes and sustain the education and dissemination process.
- Established collaborative arrangements with NGOs and the media who took charge of the communication and advocacy as part of their outreach programs.
- Push from the transboundary basin organisation was critical - the accession is central within the Volta Basin Authority - recognised as an activity to be carried out by the riparian states.

THANK YOU