

This case study describes the processes, issues and difficulties in establishing an effective transboundary organisation for the Niger basin over a 20 year period.

ABSTRACT

Description of Case

The Niger river basin has an area of $1.87 \times 10^6 \text{ km}^2$ and it is the longest river in Africa with a length of almost 4200 km. The basin lies variously in the humid, sub-humid, sub-arid and arid (Sahelian), climatic regions of West Africa where rainfall varies between 2300 mm to 100 mm per annum and the vegetation ranges from tropical rain forests in the south to desert conditions in the north. The basin, with a population of 100 million people, is shared by nine riparian countries, Benin, Burkina Faso, Cameroon, La Cote d'Ivoire, Guinea, Mali, Niger, Nigeria and Chad. Mali, Niger and Nigeria occupy the largest share of the basin with 30.3%, 28.3% and 23.8% respectively and Nigeria has 80% of the population. The basins faces many environmental problems (erosion, siltation, pollution, water borne diseases and others) yet the Niger river has potential for a spectrum of development uses including domestic and industrial water supply, flood control, hydropower generation, irrigation, fisheries, navigation and tourism.

In 1980, the Niger Basin Authority (NBA) was set up to promote co-operation among the Member States and to ensure integrated development in the fields of energy, water resources, agriculture, forestry, transport, communication and industry. The institutional and legal framework to carry out its mandate went through four phases between 1980 and 2001.

- Phase I (1980-1986) the Executive Secretariat was established with the assistance of Donors, but not carry out the assignment given because of institutional weaknesses and inadequate finance.
- Phase II (1987-1993), the authority was reformed in order to focus on development and to strengthen it institutionally, and financially, but again it was unable to perform as the problems during the first phase persisted.
- Phase III (1994-1997) the problems even got worse, and the authority was left without political and policy direction.

Finally, in Phase IV (1998-2001) the fortunes of the Authority began to turn round, when Member States began to see the danger they faced by not working together and the benefits they could get if they did. The authority has regained the confidence of the Member States and development partners. Action plans have been put in place which when complete will put the Authority on the road to achieve its objectives.

In spite of the problems mentioned it is on record that the Authority made progress with many basic studies (financed by donors, and executed by international governmental and non-governmental agencies) like the Hydroniger project.

Lessons Learned

From the performance analysed above the following lessons can be learnt.

- The basic Convention establishing an international river basin organisation should address the development objectives of the Member States. The provisions must also cover the status of projects (common ones) and how the financing is to be shared on an equitable basis among the Member States.
- The various organs of river basin authority should not cease to perform their roles and functions. The Summit Heads of State and Council of Ministers should be convened regularly to direct policy, make sure that policies and decisions are being implemented, and also to supervise the work of the Secretariat.

- The leadership of the Executive Secretariat needs to be entrusted to qualified persons who understand the mission of the organisation and also have a vision of what is to be accomplished and how to go about it.
- Staff of the Secretariat should be selected on the basis of qualification and experience and not on political grounds, Capacity building of the key officers need through formal and on the job training in their technical fields and in management is important.
- Financial matters need to be governed by clear, rules and regulations so as to eliminate or reduce to the minimum mismanagement.
- Provision needs to be made to harmonise the rules and regulations for management of water resources at different levels ie the basin, sub-basin, national and local levels
- Projects that benefit two or three member states should be encouraged, as well as those that benefit all of them at the same time. This is particularly necessary in a large river basin like the Niger, with as many as nine riparian countries.

Importance to IWRM

The case is important to IWRM because it shows how the enabling convention, the institutional and legal frameworks that are established make it possible or impossible to achieve the objectives of the organisation.

Main Tools Used

- | | | |
|------|---|---|
| A1 | - | Policies – Setting goals for water use, protection and conservation |
| A2.3 | - | Reform of existing legislation |
| B1.2 | - | Transboundary organisation for water resources management |
| B2.2 | - | Training to build capacity in water professionals |

MAIN TEXT

1. BACKGROUND

This case study was prepared as part of the programme of WATAC¹ to assist to improve the management of international river basin organisations in West Africa.

The Niger River Basin

The Niger river basin has an area of 1.87 x10⁶km² and it is the longest river in Africa with a length of almost 4200 km. The basin lies variously in the humid, sub-humid, sub-arid and arid (Sahelian), climatic regions of West Africa where rainfall varies between 2300 mm to 100 mm per annum.

The basin is shared by the nine riparian countries, Benin, Burkina Faso, Cameroon, La Cote d'Ivoire, Guinea, Mali, Niger, Nigeria and Tchad. Mali, Niger and Nigeria occupy the largest share of the basin with 30.3%, 28.3% and 23.8% respectively. See Fig. 1.

The basin has a population of about 100 million people of which 80% are in Nigeria. Some 65% of the national population of Nigeria is estimated to be in the basin.

The source of the river lies in the Fouta Jalon Mountains in Guinea at an altitude of about 800 m and enters the Gulf of Guinea in Nigeria. Its main tributary is the river Benue.

The mean annual discharge into the Gulf of Guinea is 7000 m³/sec. Flows are very variable both seasonally and from year to year.

The vegetation varies from tropical rain-forests in the south to desert conditions in the north. Environmental problems include erosion and silting of the river and its tributaries; industrial and household pollution, water borne diseases like guinea worm, bilharzias, cholera, etc. water weeds infestation water hyacinth, loss of arable and pasture lands, etc.

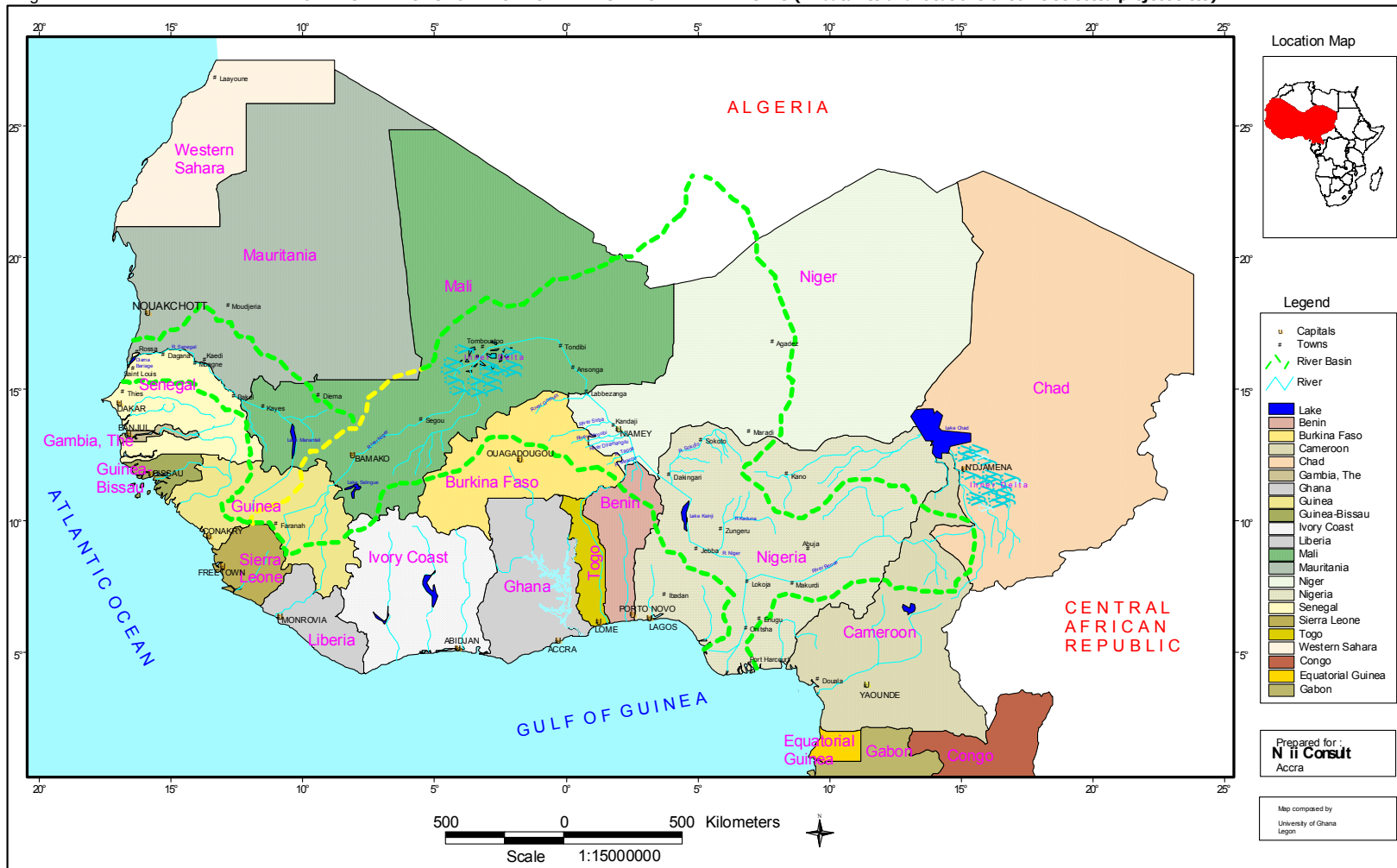
Development Potential in Basin

The Niger river has potential for a whole spectrum of uses including flood control, domestic and industrial water supply, hydropower generation, irrigation, fisheries, navigation and tourism. There is a total irrigable potential of 2.5 million ha of which less than 20% has been developed.

¹ West Africa Technical Advisory Committee of the Global Water Partnership

Fig 1.1

MAP OF WEST AFRICA SHOWING NIGER AND SENEGAL RIVER BASINS (Tributaries and locations of some selected project sites)



Phases of existence of NBA

Since the NBA was set up in 1980 it can be said to have been through four phases of existence between then 2001. These can be characterised as:-

- Phase I: From 1980 to 1986 when the Prospective Development Plan of the Niger River Basin was the key programme which the Authority was expected to implement.
- Phase II: From 1987 to 1993 during which attempts were made to overcome the problems that arose during Phase I and also implement a 5-year Development Plan.
- Phase III: From 1994 to 1997 when attempts to correct the shortcomings of the two previous periods failed, the Authority was left without political policy direction and the Economic Commission for African States (ECA) stepped in to assist.
- Phase IV: From 1998 to 2001 a period which saw a resurgence of the Authority during which it found its feet, and regained the confidence of the Member States and its development partners.

2. MAJOR DECISIONS AND ACTIONS (1980 TO 2001)

The major decisions and actions are described over the four phases described above.

2.1 Phase 1 - (1980 – 1986) Major Decisions and Actions

Major Decisions

The major decisions during this phase were taken at two summits of the Heads of State and Government, 7 Ordinary and 1 Extra ordinary Sessions of the Council of Ministers. The decisions were to:-

- Establish the Niger Basin Authority to ensure that the aims and objectives set out in the Convention are achieved.
- Launch a Prospective Development Plan for the Niger River Basin as a vehicle by which the objectives can be achieved.
- Prepare a Protocol on the Guarantee of Loans, Conditions of exploitation, realisation and management of projects and definition of their status to guide the allocation of financial contributions to member states.
- Prepare a protocol to set up a Niger Basin Development Fund, from which investments can be made in prefeasibility and feasibility studies.

Actions Taken

Establishment and Operationalising of NBA

The NBA was established in 1980 with a mandate to promote co-operation among Member States and to ensure integrated development of its resources notably in the fields of domestic and industrial, water supply, energy, agriculture, forestry, transport, communication and industry. The IWRM tool used was B1.1 (Transboundary organisation for Water Resource Management) which provided the legal basis for the policy to co-operate to develop the basin. The Convention set out the aims and objectives of the NBA and the responsibility to achieve the aims and objectives. The IWRM tool used is A1 and it provided the enabling environment. The authority was given a 4 tier organizational structure, namely: Summit of Heads of State and Governments, Council of Ministers, Technical Committee of Experts and an Executive Secretariat.

The Secretariat is headed by an Executive Secretary responsible for the day to day administration of the Authority for implementing the policies, programmes and projects. The Secretariat consists of five sections namely Administration and Finance, Water Resources, Navigation, Transportation and Telecommunication, Agriculture and Livestock, Documentation and Information.

The funds for running the Secretariat were contributed by the Member States, but none was to contribute more than 15% of the budget.

Capacity Building of the Secretariat

To respond to the change from NBC to NBA, the staff who had focused on basic studies were given reorientation to be able to handle the development oriented mandate of the NBA. Additional staff were also recruited. The UNDP, FAO, FAC, USAID, and CIDA provided funds for training and also to establish a Planning Unit. The FAO was the executing agency. The training was both on- the- job and in overseas institutions in Europe, lasting from 6 to 24 months. Equipment and logistic support were provided from aid funds. Member States were expected to contribute to the budget for the period.

Achievements by the end of the first phase 1980-86

By the end of the period the prospective development plan had not been implemented. However projects dealing with basic studies carried over from the NBC days like the Hydroniger and Mathematical Modelling Projects financed by donors and executed respectively by WMO (World Meteorological Organisation) and SOGREAH (a Grenoble based firm specialising in hydraulic schemes) had made progress. The parts dealing with feasibility studies of projects had not been addressed. In addition no action was taken on the request to prepare protocols cover status and financing of projects and the Development Fund. A number of reasons were responsible for this lack of performance.

- First, the best qualified staff were not recruited. The Member States nominated the key personnel who tended to feel more allegiance to their States than to the Authority.
- Second trained staff were not kept on the jobs for which they were trained.
- Third most Member States did not pay their contributions to the budget. Appeals by 3rd Summit and 8th and 15th Sessions of Council of Ministers were not respected. It appeared that Member States were not happy about the basis for allocating the budget which they felt was not commensurate with the benefits they could derive from the projects.
- Fourthly, there was mismanagement of the finances to the extent that at the 12th Session of the Council of Ministers the Executive Secretary was relieved of his post. By the end of the period staff could not be paid their salaries and creditor bills were outstanding.
- Fifthly the non-payment of contributions by the Member States led to disaffection with the Donors (UNDP, USAID, FAC, CIDA) to the extent of threatening to withdraw their support. They gave payment of contributions by Member States (current and arrears) as condition for continued support. On the Executive Secretariat the Donors suggested that they be allowed to assume a degree of participation in the management of the NBA, or that an Executive Agent be procured as in the case of the Mekong River Basin. These conditions and suggestions were not heeded by the Council of Ministers.

2.2 Phase II (1987-1993) Major Decisions and Actions

Major Decisions

During this phase the Authority attempted to come to grips with the problems of Phase 1. The main decisions were to adopt a revised 1980 Convention, secondly to restructure the Authority and thirdly to adopt a 5-year Development Plan. The Summit meetings and Council of Ministers sessions at which decisions were taken were the 5th Summit of Heads of State and Government held in N'Djamena in October 1987; 15th Session of the Council of Ministers; and the Extra-ordinary Session of the Council of Ministers held in Bamako in December 1988.

Actions Taken

The main tool used were policy reform tools A2.3. The assistance of UNDP and FAO were sought to implement the decisions.

A revised Convention was signed in 1987 to cure the policy shortcomings of the 1980 Convention. The key amendments were directed at the Aim, Mandate, Inclusion of Staff and Financial Rules and Regulations; an Audit Board and Financial Controller. Provision was also made for the Authority to maintain permanent contact with the Member States in order to acquaint themselves with the development plans, notably, those aspects affecting the Niger Basin. They were also to refrain from carrying out, on the section of the river, its tributaries

and sub-tributaries situated within their territorial jurisdiction, any works likely to pollute the waters or adversely change the characteristics of the fauna and flora.

Institutional Restructuring and Strengthening

The following were undertaken to restructure the NBA and strengthen the Secretariat, using capacity building tools (B2.2).

- The Departments under the Secretariat were reduced from five to three departments mainly; Planning and Projects Execution; Administration and Finance; Documentation and Information;
- The staff of the Secretariat were given training and also provided with computers by the BIEF. Also the Japanese Government provided training support to the Executive Secretariat. Criteria for appointment of the Executive Secretary based on qualifications and experience was prepared for use.

Achievements in 1987-1993 period

In spite of the restructuring of the Secretariat, the training of staff and the provision of equipment, there were no funds. As such, the Authority could not compile the essential data for a long term policy for development of the basin in the fields of hydropower, irrigated agriculture, river navigation, effect of hydraulic structures on the environment. Further it could not obtain assistance from Member States to prepare a Master Plan for long term development, as required by the 5 year development plan.

This was because only Nigeria and Niger paid their contributions to the annual budgets. The Authority sank even further financially over the 1987 –1993 period. Apparently, the inaction of the Secretariat in getting an equitable cost sharing formula and also the inability to prepare a protocol to define the legal position of projects were at the bottom of the reluctance of Member States to pay.

By the 16th Session of the Council of Ministers held in Bamako in 1994 the financial situation had got so bad that Member States were asked to pay the salaries of their nationals in the Secretariat.

Within the institutional framework, co-operation with Member States and inter-governmental organisations (viz the sub-basin development of organisations) still posed a problem as the relations had not been defined beyond what was contained in the revised Convention. The Authority could not capitalise on the presence of the Liptako Gourma Authority and the Niger-Nigeria Joint Commission for Co-operation to obtain the necessary data and information to help in preparing the Master Plan for development.

2.3 Phase III (1994 – 1997) Major Decisions and Actions

During this phase, there was no Summit Meeting. The Council of Ministers held one extraordinary Session in Niamey in 1993 and the 16th Ordinary Session in Bamako in July 1994. No new development programme was initiated as the previous two phases.

Major Decisions Made

The decisions in this period were by the Extra-ordinary Session of the Council of Ministers in 1993 and the 16th Ordinary Session in 1994.

The main decisions were firstly that until a new Development Plan was initiated, work should be continued to implement the NBA Restructuring Plan and secondly Member States should pay their contributions and arrears of contributions. As at the end of May 1994 the arrears amounted to CFA 798 million, and staff salary arrears amounted to CFA 43 million². In the interim Member States were requested to pay the salaries of their nationals.(Give also the above monetary sums in US\$)

Actions Taken and the IWRM Tools Used

The critical financial situation made it impossible for much to be done on the Master Plan project carried out from the previous phase. However, there was progress on those projects which were being funded by Donors and executed by international governmental agencies.

² 100 FCFA is equivalent to 1 French franc

The ECA undertook at the instance of the Authority a study on the Performance and Prospects of the Niger River Basin in 1995. The study identified the problems facing the Authority, its achievements and the on going restructuring exercise. Using reform tools A2.3 it recommended:-

- The implementation of the Restructuring of NBA as approved by the 5th Summit; Convening a Consultative Meeting of Donor agencies; Establishment of National Units whose officers can be called National Correspondents of NBA.
- That an appropriate legal framework to regulate utilization and equitable sharing of the water resources of the basin be put in place.
- That a new contribution sharing formula be adopted.

The ECA further proposed amendments to the Convention and a draft Legal Framework for NBA's intervention. The amendments referred to Articles 3, 4, 5 and 10 of the Revised Convention of 1987. The Draft Intervention Protocol covered, Planning and implementation of Works and Projects of Common Interest; Legal Status of Projects; Financing of Projects and Works; Acknowledged Rights and Facilities granted the Authority; Detailed Rules on the Application of Regulatory Powers; Role of the Executive Secretariat; Conflict Prevention and Resolution Procedure.

The ECA organised a colloquium on the basin which drew attention to the harsh climatic constraints and the anthropogenic pressures on it and also the need to develop a strategic approach and co-operation to promote concrete activities for its sustainable development.

Problems Persisting

The problems encountered in earlier Phases 1 and 2, continued and persisted during this third phase of the existence of the Authority. In addition, the Authority lost political and policy direction. Under the Convention, the Summit of Heads of State and Government and the Council of Ministers were expected to meet once in two years and once a year respectively. Over the third phase, no Summit was convened and the Council of Ministers met only in extraordinary session in 1993 and in one Ordinary Session in 1994.

2.4 Phase IV (1998 – 2001) Major Decisions and Actions

The 17th Session of the Council of Ministers held in October 1998 in Abuja four years after the 16th Session of the Council in 1994 can be said to have started a new interest in and commitment to the NBA. The 6th Summit was also held in 2000, 13 years after the 5th in 1987. The major decisions during this period were taken by the Council of Ministers at their 17th to 20th Sessions between 1998 and 2001 and the Summit of Heads and State and Government at their 6th Session in December 2000 in Bamako.

Major Decisions Taken

- i) To prepare of a New Vision for the Authority. This must have been inspired by activities at the international and regional levels.
- ii) To improve Policy direction and supervision by:-
 - Holding regular statutory meetings in accordance with the provisions of the Convention of the NBA , ie the Council of Ministers Session and the Summit of Heads of State and Government.
 - Approving the revised Financial Rules and Regulations and Staff Rules and Regulations
 - Mobilising funds and implementing the three-year Action Plan (2000-2002).
- iii) To improve the Institutional Framework by:-
 - Encouraging grass root community initiatives as part of a rational management of natural resources of the basin. Activities to be undertaken would include supply of potable water to rural communities, promotion of women's activities for the development of market gardening crops, promotion of fish farming.
 - Consolidating the Executive Secretariat and the National correspondents of the NBA.

- Mobilising Member States, sub-regional organizations, the international community to support NBA in its efforts aimed at rational and equitable management of the resources of the Niger Basin.

Actions Taken and the IWRM Tools Used

This period can be said to be a period of the relaunch of the NBA, thanks to the impact of the Bamako Colloquium (1995) on Safeguarding the Niger River, the IWRM Conference in Ouagadougou (1998), The Hague Water Forum (2000), the growing conflicts among Member States (particularly Upstream/downstream members) about the equitable sharing, use and pollution of the water resources of the basin, the realisation of what NBA had been able to achieve in the field of knowledge about the basin over the years in spite of the numerous difficulties.

The following actions were taken on decisions made:-

Action Plan - A tripartite committee made up of NBA, the Member States, and the development Partners was tasked to prepare a 3-year Action Plan to direct the integrated planning of the basin and the realization of an integrated development plan.

Institutional framework – Representatives of NBA and the sub-basin organisations; namely the Futa Jalon Hydro-ecological Project, Liptako-Gourma Authority, Niger-Nigerian Joint Co-operation for Commission, whose members are also members of the NBA started to co-operate by participating in each others meetings.

Finance

A radical improvement has occurred in the payment of contributions. The formula for assessing contributions to the budget was revised based upon the proposals made by ECA in 1995 as follows:-

Benin from 10.73% to 5%	Guinea from 11.18% to 10%
Burkina Faso from 9.16% to 4%	Mali from 12.76% to 20%
Cameroon from 10.12% to 7%	Niger from 12.50% to 18%
Cote d'Ivoire from 9.78% to 5%	Nigeria from 14.95% to 30%
Chad from 8.81% to 1%	

By September 2001, the payment situation was that Benin, Cameroon and Nigeria had paid all their current contributions and Mali, Niger and Guinea, had paid all their arrears and part of their current contribution.

Outstanding Problems

The outstanding problems that are yet to be addressed to enable the NBA play its rightful role are:-

- The processing and adoption of a Legal Intervention Framework on the lines prepared by ECA, in 1995.
- The liaison between NBA and Member States with the appointment of national focal points.
- The establishment of a Development Fund. The Secretariat needs to complete the necessary protocol for the establishment of this fund, since the request was made by the Summit of Heads of State and Government when the Authority was set up in 1980.

3. PERFORMANCE

It is clear that between 1980 and 1997, the NBA was unable to carry out the programme assigned to it in 1980 towards the fulfillment of its mandate. It must however be stated that NBA made progress with, basic studies and development of operational tools which were carried over from the NBC days. These relate to the Hydroniger project, the River Modelling Project and the Desertification project funded by Donors and implemented by international governmental and non-governmental organizations.

Performance was weak despite the large amount of assistance it received to strengthen the Secretariat, to recruit and build capacity of staff, and also to strengthen the capacity of the various organs within it, and the reforms of the NBA Convention.

The Convention has been partly blamed for not achieving the goal of the Authority. It has been said that the Aim and Objectives were not clear enough. The focus was on studies to assess the water resources of the basin. The practical benefits which its Member States expected were not forthcoming. The Revised Convention of 1987 clarified the Aims and Objectives to make the Authority more development oriented. But by 2000, the Authority had still not been able to prepare an integrated socio-economic development and environmental conservation and protection plan for the basin, on which to base the integrated management of the water resources.

The Revised Convention, apart from clarifying the Aims and Objectives made provision for:-

- The centralised institutional framework to be decentralized to the national level. The details of this decentralisation are still being worked out.
- Sharing, conservation and protection of water resources from pollution and resolution of conflicts. The legal instruments prepared by ECA are yet to be adopted.
- Strengthening the capacity of the Executive Secretariat, by including Staff and Financial Rules and Regulations and an Auditing Unit to assist management. It has taken a long time for the regulations to be finalised and approved.

Unfortunately the Revised Convention did not define the legal status of projects nor the mode of financing of Common Works. The request by the Heads of State and Government to do so was not complied with. Again the ECA draft is yet to be adopted.

The Member's unwillingness to pay their annual contributions was due to the fact that most of them did not see what benefits they could derive from the projects being undertaken compared with the share they were to contribute.

The Authority suffered between 1987 and 1997 because there was no political/policy direction and supervision from the Summit of Heads of State and Government and the Council of Ministers as provided by the Convention.

4 Lessons Learned

From the performance analysed above the following lessons can be learnt.

- It is important that the Convention which provides the enabling environment for the establishment of an international river basin organisation, should address the development objectives of the Member States, make provision for consultation and co-operation in the allocation, protection, conservation of water resources, the environment and the resolution of conflicts.
- The provisions must also cover the status of projects (common ones) and how the financing is to be shared on an equitable basis among the Member States.
- The various organs of river basin authority should not cease to perform their roles and functions.
- The Summit Heads of State and Council of Ministers should be convened regularly to direct policy, make sure that policies and decisions are being implemented, and also to supervise the work of the Secretariat.
- The leadership of the Executive Secretariat needs to be entrusted to qualified persons who understand the mission of the organisation and also have a vision of what is to be accomplished and how to go about it.

- Staff of the Secretariat should be selected on the basis of qualification and experience and not on political grounds, even though it will be necessary to pay attention whenever possible to national balance in the key positions at the Secretariat. Hence the need for staff regulations.
- The key officers need to be given formal and on- the- job training to build their capacities in their technical fields and in management. They should be kept on the jobs for which they are trained.
- Financial matters need to be governed by clear, rules and regulations so as to eliminate or reduce to the minimum mismanagement.
- The institutional infrastructure must recognise management of water resources at different levels viz the basin, sub-basin, national and local levels, and the framework should be such as to cover all levels. Provision needs to be made to harmonise the rules and regulations for management at the various levels.
- Projects that benefit two or three Member States should be encouraged, while paying attention to those that benefit all of them at the same time. This is particularly necessary in a large river basin like the Niger with as many as nine riparian countries.

5 Contact and author

Author

Nii Boi Ayibotele,
Nii Consult, P.O. Box OS 981, Osu, Accra, Ghana.
Tel. 233-21-761007, Fax 233-21-761008, E-mail: ayibotele@niiconsult.com.gh.

Contact

Mohammed Bello Tuga
Executive Secretary
Niger Basin Authority
P.O. Box 729
Niamey
Niger
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 Maggia-Lamido Basin (Administrative districts and lines of communication; Gada-Goulbi de Maradi and Tagwai-et Fadama basins; Komadougou Yobe (common zone)
 Administrative districts and lines of communication;
 Hydrographic system and developments;
 Hydrological network of the Komadougou Yobe river basin;
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