



Bénin



Burkina Faso



Niger

« L'eau au service de la croissance et de la lutte contre la pauvreté dans le bassin transfrontalier de la Mékrou »

"Water for Growth and Poverty Reduction in the Transboundary Basin of Mekrou".

**COOPERATION FRAMEWORK AGREEMENT
TO PROMOTE POLITICAL DIALOGUE IN THE
TRANSBOUNDARY BASIN OF MEKROU**



Ce projet est financé par la Commission
de l'Union Européenne



**Global Water
Partnership**
West Africa

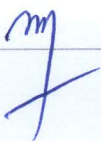
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CONSOLIDATED PROPOSAL OF THE FRAMEWORK AGREEMENT TO PROMOTE POLITICAL DIALOGUE IN THE TRANSBOUNDARY BASIN OF MEKROU

1. CHARACTERISTICS OF THE FRAMEWORK AGREEMENT

1.1 A FRAMEWORK AGREEMENT GUIDING COOPERATION BETWEEN THE THREE STATES OF THE TRANSBOUNDARY BASIN OF MEKROU

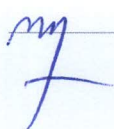
The agreement between the states of the Transboundary Basin of Mekrou is a Framework Agreement which aims at giving the broad guidelines of the cooperation between the three states of the Transboundary Basin of Mekrou made of Benin, Burkina Faso and Niger. These broad guidelines will focus on the principles, cooperation objectives, common measures and the identification of the main categories of stakeholders and their respective role.

For each initiative that will be undertaken as part of this Cooperation Framework Agreement, specific protocols that will target the Framework Agreement and fit into it will be established.

1.2 A COOPERATION FRAMEWORK AGREEMENT EXPRESSING THE WILL TO ESTABLISH A POLITICAL DIALOGUE BETWEEN THE THREE STATES OF THE TRANSBOUNDARY BASIN OF MEKROU

The Cooperation Framework Agreement, as envisioned, is political in nature, meant for promoting political dialogue for sustainable management of natural resources of the Transboundary basin of Mekrou. In this respect, it is similar in nature to the Paris Declaration or the Shared Vision that are also political documents; but applicable to the entire Niger Basin. The Agreement has no normative character; the normative framework is already essentially made of the revised Convention on the creation of the NBA of 1987 and the Niger Basin Water Charter.

As a political instrument, it must be based on the express will and the firm commitment of states to cooperate for the sustainable management of shared natural resources. This is in the context of promoting common interests and cooperation tradition binding the three states; so as to promote fair charges and profits sharing on the one hand, and between states and local communities on the other.



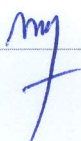
The Cooperation Framework Agreement aims at ensuring a constant advocacy for the Transboundary Basin of Mekrou; and to achieve concrete actions; given its specific characteristics in terms of assets and constraints. It is within the general framework of the NBA, to arouse a particular interest for this Transboundary basin in accordance with political and conventional instruments of the NBA. Indeed, the NBA instruments enable the member states to adopt international, conventional or unconventional instruments for a given portion of the Niger Basin. Thus, it exist nowadays several bilateral agreements on selected portions of the Niger Basin¹. This also justifies the obtaining and the implementation of the Mekrou Project on which this Cooperation Framework Agreement is being developed in the Transboundary basin of Mekrou².

Among other things, the Cooperation Framework Agreement specifically enables to:

- Create the conditions of a concerted, balanced and sustainable management of water resources;
- Create the conditions of an inclusive dialogue around water and environment issue in the Transboundary basin of Mekrou at all management levels;
- Create the conditions of socially adapted and environment friendly economic growth at all management levels;
- Promote short term, midterm and long term planning process;
- Promote the implementation of concrete actions in the Transboundary basin of Mekrou for the local communities;
- Consider climate change in the water resources management;
- Promote good water and environment management practices;
- Take into account the specific concerns related to gender, health, governance, human rights and conflicts prevention.

¹Memorandum of understanding between the Republic of Guinea and the Republic of Guinea-Bissau on the development of the Koliba-Korubal River (October 1978); Memorandum of understanding between the Republic of Mali and the Republic of Niger on cooperation on the use of Niger River water resources (12 July 1988); Agreement between the Federal Republic of Nigeria and the Republic of Niger on the equitable sharing in the development, conservation and use of their common water resources (18 July 1990); Agreement Cameroon/Nigeria on the Integrated and sustainable management of the Benoue Basin.

² The Project entitled "Water for Growth and Poverty Reduction in the Transboundary Basin of Mekrou" (Burkina Faso, Benin and Niger) and funded by the European Union.



2. CONTENT OF THE AGREEMENT

2.1 PREAMBLE

The Framework Agreement contains a preamble in which are listed the international instruments governing nowadays the sustainable management of the Niger Basin (conventional and unconventional instruments), but also major universal conventional instruments such as the UN Convention on International Water courses of 1997. The sub-regional community instruments on water and environment are also covered.

The preamble recalls the importance of the Transboundary basin of Mekrou for the states and local communities both economically, socially and environmentally, as well as challenges that hamper its sustainable development; including sustainable water and environment management, climate change adverse effects and the persistence of poverty. To address these challenges, it finally highlights the need for states to register their initiatives as part of an integrated, concerted and joint management of water resources; and the environment of the Transboundary basin of Mekrou, based on a participatory approach involving local communities in particular. This is to support green growth and poverty reduction in the basin by providing states and communities with better living conditions on the environmental, economic and social levels.

To meet these objectives, the states decide to adopt this Framework Agreement establishing a flexible, tailored and scalable cooperation framework to guide the sustainable management of the Transboundary basin of Mekrou.

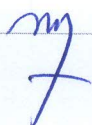
2.2 ARRANGEMENT

The Cooperation Framework Agreement sets its objectives (overall objectives and specific objectives), its material scope and space, as well as the guiding principles that should guide the various stakeholders in its implementation.

The general objective of the Cooperation Framework Agreement is to promote political dialogue between states in order to promote good governance in the planning and the integrated and sustainable management of natural resources of the Transboundary basin of Mekrou, taking into account socio-economic needs, food security and poverty reduction through the preservation and conservation of ecosystems and the improvement of the living conditions of local communities.

It identifies the main categories of stakeholders involved in the sustainable management of natural resources of the Transboundary basin of Mekrou, and clarifies the role of each of them. The main stakeholders are:

- The regional organisations, whether for integration or cooperation;

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- The Niger Basin Authority ;
- The States;
- Local authorities;
- Water management structures by basin or sub-basin within each state;
- Water users;
- The private sector;
- Civil society organisations and community based-organisations;
- Technical and financial partners.

It determines the objectives, areas and cooperation arrangements. Thus, on the use and protection of shared water resources, as well as the conservation and sustainable use of biological diversity, it encourages the states to:

- The equitable water use;
- The prevention and protection against pollutions;
- The quantitative and qualitative monitoring of water resources;
- The prevention and fight against damaging situations;
- The fight against aquatic invasive species;
- The management of emergencies;
- The conservation and sustainable use of wildlife resources;
- The promotion of sustainable pastoralism;
- The prevention and fight against waterborne diseases;
- The fight against the adverse effects of climate change;
- Soils conservation;
- The promotion of good environmental practices;
- The promotion of environmental assessments;
- Exchange of data and information.

In the area of water and environment management, the Framework Agreement calls on states to:

- Adopt a Transboundary basin of Mekrou Development and Water Management Master Plan (SDAGE) with Development and Water Management Schemes (SAGE) for each national sub-basin of Mekrou;
- Adopt an integrated water resources management strategy for the Transboundary Basin of Mekrou;

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- Adopt an investment plan of the Transboundary basin of Mekrou;
- Undertake joint programmes and projects of the Transboundary basin of Mekrou;
- Create local bodies of water resources management of the Transboundary Basin of Mekrou.

In terms of promoting actions, it encourages the states to:

- Provide their support to the civil society organisations;
- Provide capacity building for the stakeholders;
- Promote scientific research;
- Promote networks;
- Promote environmental education.

The Framework Agreement enshrines rights of the local communities in the Transboundary Basin of Mekrou including the following main ones:

- The right to water and sanitation;
- Information and public participation in the decision making process on the one hand, and the development and implementation of development programmes and projects on the other hand;
- The special consideration of gender, environment, health, governance, transparency and prevention of conflicts;
- The recognition and protection of local or traditional knowledge and know-how;
- The sharing of benefits arising from the utilization of genetic resources.

The Framework Agreement establishes the cooperating bodies for the sustainable management of the Transboundary Basin of Mekrou. The choice of these bodies and their methods of operation are driven by the concern of maintaining synergy with the NBA, but also to rationalise their operation. This is to take advantage of existing bodies of the NBA to limit the costs of their operation; and thus, ensure their institutional and financial sustainability.

Regarding the **regional level**, the Cooperation Framework Agreement establishes two bodies:

- An Advisory Committee of the Ministers of the Transboundary basin of Mekrou composed of the Ministries in charge of water and whose mission is to guide, supervise and coordinate the implementation of the Cooperation Framework Agreement between the member states of the Transboundary basin of Mekrou. It meets on the sidelines of meetings of the NBA Council of Ministers;
- A Technical Committee of Experts of the Transboundary basin of Mekrou; composed of representatives of water management national authorities and responsible for the implementation of the Advisory Committee deliberations. It meets in the sidelines of meetings of the NBA Technical Committee of Experts.

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At the **national level**, the Cooperation Framework Agreement establishes a national focal body of the Transboundary basin of Mekrou responsible for coordinating the management of the Basin at the national level. The focal national bodies of the Transboundary basin of Mekrou consist of National Focal Structures (SFN) of the Niger Basin Authority. It is about using the already existing structures within the NBA which are well established nowadays and which receive the financial support of the NBA.

At the **local level**; the bodies of the Transboundary basin of Mekrou are water resources management structures by hydrographical basin or sub-basin. At the local level, it will rely on water resources management structures which area of competence includes the area of the national portion of the Mekrou basin in each state. These water resources management structures which include the national sub-basins of the Mekrou in their area of competence may consist, depending on the countries, of water agencies, Basin Committees, Local Water Committees or any other structures responsible for local water resources management by hydrographical basin. Regarding Burkina Faso for instance; this will be the Water Agency of Gourma (AEG) which includes the national portion of the Mekrou in its area of competence. The AEG, like the other four water agencies created in Burkina Faso, has four bodies, namely ; the Basin Committee, the Board of Directors, the General Directorate and Local Water Committees (CLE).

The resort to the water resources management structures, as local bodies for the Transboundary Basin of Mekrou, has a double advantage. Firstly, these structures always include within them; all the local stakeholders of the basin and sub-basins. It is therefore for Burkina Faso, of AEG in which are represented all the categories of stakeholders and the CLE, which include all the stakeholders of the sub-basins. The resort to water resources management structures therefore guarantees the representation of all the stakeholders of the national sub-basin of Mekrou.

Secondly, these water resources management structures are much more likely to mobilise adequate financial resources to support the meeting of stakeholders of the national sub-basin of Mekrou. Indeed, some levy taxes and royalties under the sampler-pays principles. They will, in the long run, levy royalties according to polluter-pays principles.

Water resources management structures comprising the national portion of the Transboundary Basin of Mekrou in their area of competence, are encouraged to organise meetings or forums of stakeholders of the national sub-basin of the Mekrou.

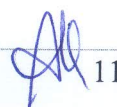
In their actions and initiatives at the national portion of the Transboundary Basin of Mekrou; these water resources management structures should be guided by the consideration that the national sub-basin of the Mekrou is part of a transboundary basin shared by three states.

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2.3 MISCELLANEOUS AND FINAL PROVISIONS

The Framework Agreement provides a dispute settlement mechanism between the states of the Transboundary Basin of Mekrou. It also provides conflicts resolution mechanism between national and local stakeholders.

The Cooperation Framework Agreement for the promotion of the political dialogue in the Transboundary Basin of Mekrou is attached in appendix.

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Preamble

Republic of Benin,

Burkina Faso,

Republic of Niger,

Considering the UN Convention of May 21, 1997 on the Law of International Water courses for purposes other than navigation;

Considering the Additional Act; A/SA. 5/12/08 of December 19, 2008 adopting the West Africa Water Resources Policy and the Additional Act; A/SA. 4/12/8 of December 19, 2008 adopting the ECOWAS Environmental Policy;

Considering the Niamey Act of October 26, 1963 regarding navigation and economic cooperation between the Niger Basin member states;

Considering the Agreement of November 25, 1964 on the Niger River Commission, Navigation and Transports on the Niger River;

Considering the Convention of November 21, 1980 establishing the Niger Basin Authority, revised on October 29, 1987 in N'djamena;

Considering the Water Charter of the Niger Basin of April 30, 2008 and its appendices;

Considering the Agreement of July 12, 1984 to fight against poaching between the Peoples' Republic of Benin, Republic of Upper Volta and the Republic of Niger, extended to Niger on July 4, 1986;

Considering the Tripartite Agreement on the management of transhumance in the Reserve area of the Transboundary biosphere of the W-Park;

Considering the Agreement of February 11, 2008 on the joint management of the Transboundary biosphere Reserve of the W-Park;

In line with the Paris Declaration of April 26, 2004 on the principles of management and good governance for a sustainable and shared development of the Niger Basin and in the shared Vision of the Niger Basin of 2005;

Aware of the importance of the Transboundary Basin of Mekrou for the states and local communities both socially, economically and environmentally;

Highly concerned about the challenges in terms of water and environment management that hinder sustainable development of the Transboundary Basin of Mekrou, including the adverse effects of climate change and the persistence of poverty;

Mindful of the need to strengthen the implementation of an integrated, joint and united management of water resources and environment of the Transboundary Basin of Mekrou, based on a participatory approach involving local communities;

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Conscious of the need to abide by the general principles of the law on international watercourses;

Determined to strengthen cooperation between states; but also between the states of the Transboundary Basin of Mekrou, in accordance with the UN Charter and Declaration on the principles of the international law on friendly relations and cooperation among states;

Eager to support green growth and poverty reduction in the Transboundary Basin of Mekrou by promoting food security, proper urban and rural development, conservation and sustainable use of the environment and investments in the water sector;

Determined to take concrete sustainable development actions through joint programmes and projects, for the improvement of the living conditions of local communities of the Transboundary Basin of Mekrou;

Firmly subscribing within the framework of the Niger Basin Authority action, namely international instruments and tools developed for the sustainable management of the Niger Basin, including the Action Plan of the Niger Basin sustainable development (PADD) and investment programme;

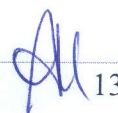
Taking into account the experiences of sub-regional cooperation in the management of natural resources shared by the three states in the joint management of international waters;

Noting positively the efforts by key stakeholders across multiples initiatives to ensure the sustainable management of the Transboundary Basin of Mekrou;

Determined to create a cooperation framework that is sustainable, flexible and scalable to support the community of interests binding the three states of the Transboundary Basin of Mekrou in the perspective of an integrated water resources management;

Convinced of the need to promote a continuing advocacy for the Transboundary Basin of Mekrou; to ensure it greater visibility in the sub-regional initiatives of water management;

Are agreed to adopt this Cooperation Framework Agreement, to promote political dialogue in the Transboundary Basin of Mekrou; hereafter referred to as the "Cooperation Framework Agreement".

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CHAPTER 1. GENERAL PROVISIONS

Article 1. Use of Terms

For purposes of this Cooperation Framework Agreement, unless otherwise stated, the following terms mean:

- NBA : Niger Basin Authority;
- Sustainable Development : development that meets the needs of current generations without compromising those of future generations, by reconciling the requirements of economic development, environmental protection and social development;
- Green Economy: Economy that results in improved human well-being and social equity while significantly reducing environmental risks and resources shortage,
- Integrated Water Resources Management: planning and management of land and water resources which include social, economic and environmental factors that cover surface water, groundwater and ecosystems through which these waters pass;
- Sub-regional organisations: west African inter-governmental organisations, namely the Economic Community of West African States (ECOWAS), the West African Economic and Monetary Union (UEMOA); the Permanent Inter-States Committee for Drought Control in the Sahel (CILSS); the Integrated Development Authority of Liptako-Gourma, (ALG) ;
- Transboundary Basin of Mekrou : international or shared basin of Mekrou shared by the three states;
- National sub-basin of Mekrou: national portion of the Transboundary Basin of Mekrou located in the territory of one of the three states;

Article 2. General Objective

The general objective of this Cooperation Framework Agreement is to promote political dialogue and sustainable development of the three states, to promote good governance in the planning and the integrated and sustainable management of the natural resources of the Transboundary Basin of Mekrou, through a green growth, taking into account socio-economic needs, food security, poverty reduction through the preservation, the conservation of ecosystems and the improvement of the living conditions of local communities.



Article 3. Specific Objectives

The Cooperation Framework Agreement aims specifically to:

- Create the conditions of joint, balanced and sustainable management of water resources;
- Create the conditions for an inclusive dialogue around the water and environment issue in the Transboundary Basin of Mekrou at all levels of management;
- Create the conditions of an economic growth that is socially adapted and respectful to the environment at all levels of management;
- Promote a short term, midterm and long term planning process;
- Undertake concrete development actions for the improvement of the living conditions of local communities;
- Take into account climate change in water resources management;
- Take into account specific concerns related to gender, health, governance, transparency, human rights and prevention of conflicts.

Article 4. Scope

This Cooperation Framework Agreement applies to all initiatives undertaken by all the stakeholders in the Transboundary Basin of Mekrou in the management of shared water resources and the environment.

The Transboundary Basin of Mekrou is the area bounded by map 2 in the Mekrou Project Document entitled; "Water for Growth and Poverty Reduction in the in the Transboundary Basin of Mekrou" of May 2013.

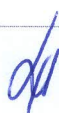
Article 5. Principles

In the implementation of this Cooperation Framework Agreement, the states of the Transboundary Basin of Mekrou comply with the following basic principles:

- a) The principle of good environmental governance according to which, the exercise of political, economic and administrative authority for the sustainable management of the basin should take into account the legal and legitimate concerns of communities at all levels;
- b) The principle of complementarity under which, complementarities and synergies between the activities of the different stakeholders in the Transboundary Basin of Mekrou should be sought after in order to optimize them;



- c) The principle of cooperation under which it is necessary to develop relationships between sub-regional economic organisations, basin organisations and states in order to ensure an integrated and peaceful management of water resources and the environment of the Transboundary Basin of Mekrou;
- d) The principle of equity under which states manage shared natural resources taking into account the legitimate needs of all states of the basin and all the communities concerned;
- e) The principle of hydrographical basin management under which, hydrographical basin is the most appropriate geographic area for the implementation of water and environment management initiatives at the local level;
- f) The gender principle under which the interests and contribution of women, youth and vulnerable groups in the society, are taken into account in the formulation, the execution and monitoring of programmes and projects of water resources management; and protection of the environment of the Transboundary Basin of Mekrou;
- g) The principle of information and participation under which the public has a right to access information held by public authorities, so that it can effectively participate in decision making process on the Transboundary Basin of Mekrou;
- h) The principle of partnership under which, the stakeholders establish a permanent dialogue for the realization of the joint initiative of sustainable management of the Transboundary Basin of Mekrou;
- i) The principle of prevention under which, it is necessary to analyze and assess the adverse effects that a proposed project may have on the environment and human health in the Transboundary Basin of Mekrou; and devise appropriate measures to eliminate or mitigate the adverse effects forecast;
- j) The principle of sampler-pays under which water uses require a payment of a fee to help fund the management of water resources and the environment in the Transboundary Basin of Mekrou;
- k) The principle of polluter-pays under which, the costs of preventive, control and pollution reduction measures in the Transboundary Basin of Mekrou are borne by the polluter;
- l) The principle of costs and benefits sharing under which all states should contribute and fairly benefit from transboundary initiatives of the sustainable management of the Transboundary Basin of Mekrou;
- m) The precautionary principle under which the absence of scientific certainty should not be an excuse for postponing the adoption of measures to ensure quantitative and qualitative protection of water resources and the environment in the Transboundary Basin of Mekrou;



- n) The principle of accountability under which, each stakeholder should report, to the appropriate levels or bodies, of his/her participation in the implementation of the Cooperation Framework Agreement;
- o) The principle of responsibility according to which states undertake to implement in good faith and in accordance with the international law, the commitments made through this Cooperation Framework Agreement;
- p) The principle of solidarity whereby inter-state sub-regional cooperation for sustainable management of water resources and collaboration between the other stakeholders should be based on the idea that the Transboundary Basin of Mekrou is a common heritage that the states undertake to preserve in their collective interest;
- q) The principle of subsidiarity under which, the activities of the stakeholders in the Transboundary Basin of Mekrou should be at the level deemed most appropriate;
- r) The principle of transparency under which the decision making and their implementation take place in the proper sharing of information among the stakeholders in terms of decision-making.

Article 6. Cooperation, Consultation and Negotiation

States shall prefer cooperation, consultation and negotiation for all issues of common interests for the sustainable management of the Transboundary Basin of Mekrou.

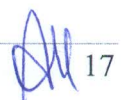
They shall foster cooperation on all matters of common interests and at all levels, so as to avoid any undue delay or blockage in the implementation of programmes or projects of conservation, development and sustainable use of water resources and the environment that could be undertaken individually or jointly.

For a better optimization of the basin water resources and environment management, states shall foster transboundary consultation on the one hand, and between transboundary administrative authorities and boundary local communities on the other.

The boundary administrative authorities, local communities and non-governmental organisations should be encouraged to create, at the transboundary level, appropriate collaboration structures or mechanisms, through agreements, protocols or collaboration memoranda.

Article 7. Relationships with Political and Conventional Instruments of the Niger Basin Authority

This Cooperation Framework Agreement is in line with the dynamic of political and conventional instruments of the Niger Basin Authority which it contributes to the implementation.

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CHAPTER 2. STAKEHOLDERS OF SUSTAINABLE MANAGEMENT OF THE TRANSBOUNDARY BASIN OF MEKROU

Article 8. States

States shall have the primary responsibility of the sustainable management of water resources and the environment of the Transboundary Basin of Mekrou.

They shall create enabling conditions to the joint intervention of the other stakeholders and coordinate their actions.

They shall particularly favour the decentralized management of water resources and the environment, by recognizing the vital role of local authorities and structures of water resources management by hydrographical basin or sub-basin, in the design, implementation and monitoring of policies, programmes or projects of sustainable development of the Transboundary Basin of Mekrou.

Article 9. Local Authorities

Local authorities shall contribute with the states to sustainable water and environment management in the Transboundary Basin of Mekrou.

They shall register their actions in the framework of national and sub-regional instruments of sustainable management of the Transboundary Basin of Mekrou; and they encourage local initiatives of sustainable management in the national portions of the Transboundary Basin of Mekrou.

They shall exercise in their respective territory their regulatory prerogatives in accordance with policies, strategies and legislation in force. .

They shall encourage transboundary cooperation between boundary local authorities located in the Transboundary Basin of Mekrou.



Article 10. Water Resources Management Structures by National Hydrographical Basin

Water resources management structures by hydrographical basin or sub-basin created within states, are intended to enhance the said hydrographical basins or sub-basins that constitute appropriate frameworks of knowledge, planning and water resources management.

They shall ensure the coordination of related actions through consultation to prepare and implement in optimal conditions of rationality, guidance and decisions in the water sector.

Article 11. Water Users

The water users shall record their actions in the sustainable management of water resources of the national sub-basins of the Mekrou and their environment.

They shall favour water and environment management good practices, including those based on local practices and know-how in compliance with the IWRM principles and legal texts in force.

Article 12. Private Sector

The private sector shall record its activities in the sustainable development of the Transboundary Basin of Mekrou; namely through the promotion of sustainable consumption and production methods and green economy.

It shall promote corporate social responsibility.

It shall register its activities as part of the IWRM principles and legal texts in force.

Article 13. Civil Society Organisations

Civil society organisations shall contribute to the strengthening of interactions between local communities and the other stakeholders, the consolidation of technical and financial support to community-based initiatives and the promotion of environmental education.

They shall ensure observation and advocacy in terms of sustainable management of water and environment, sanitation, health, governance, transparency and prevention of conflicts.

They shall contribute to the protection and conservation of water resources and the environment and the awareness raising, information and training of local stakeholders as well.

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Article 14. Niger Basin Authority

The Niger Basin Authority is responsible for the planning and the management of transboundary water resources of the entire Niger Basin, which includes the Transboundary Basin of Mekrou.

It shall encourage initiatives to promote the management of natural resources of the Transboundary Basin of Mekrou against the specific challenges it faces.

It shall foster the development, the implementation and monitoring of the international sub-basin waters Development and Management Master Plans of Niger River, particularly Mekrou.

Article 15. Sub-regional Organisations

West African sub-regional organisations shall provide support to sustainable development initiatives of the transboundary basin of Mekrou; in accordance with sub-regional policies of water and environment management.

Article 16. Technical and Financial Partners

The technical and financial partners shall bring their contributions to the activities undertaken by the stakeholders in the Transboundary basin of Mekrou.



CHAPTER 3. OBJECTIVES, COOPERATION AREAS AND CONDITIONS

Section 1. Use and Protection of Water resources and the Environment

Article 17. Integrated Water Resources Management Strategy

The states in consultation with the other stakeholders shall develop and implement a water resources management strategy for green growth in the context of the green economy in the Transboundary Basin of Mekrou.

This strategy shall aim at promoting food security, urban and rural development, the conservation of the environment and promotion of investments in the water sector.

Article 18. Equitable and Reasonable use of Water Resources

The states shall use the shared water resources of the Transboundary Basin of Mekrou equitably and reasonably taking into account the legitimate needs of each state in the objective of conflict prevention and the promotion of good governance.

Article 19. No-harmful use of the National Territory

The states shall make sure that their territory is not used for purposes which are harmful to the other states of the Transboundary Basin of Mekrou;

Article 20. Pollution Prevention and Control

The states shall cooperate closely for the prevention, control and reduction of pollution in the Transboundary Basin of Mekrou.

They shall in particular take the necessary steps to inform as soon as possible, the other basin states of possible accidental pollution and/or any changes in the physico-chemical or biological characteristics of the Transboundary Basin of Mekrou, or surface or groundwater of its hydrological basin located in their national territory, which have already occurred, are occurring or may occur, as a result of natural or human induced-phenomena.



Article 21. Quantitative and Qualitative Monitoring of Water Resources

States shall take the necessary measures to ensure both quantitative and qualitative protection of water resources in the Transboundary Basin of Mekrou.

They shall regularly send available information on the quantitative and qualitative aspects of water.

Article 22. Fight against Harmful Situations

States shall take the necessary measures and cooperate to prevent and fight against situations that are harmful to water resources and the ecosystems of the Transboundary Basin of Mekrou, such as siltation, erosion, lands and banks degradation, floods, drought, desertification or deforestation.

Article 23. Fight against Invasive Aquatic Species

States shall in a coordinated and joint manner, take all the necessary measures to fight against invasive aquatic species of wildlife and flora in the Transboundary Basin of Mekrou and the control the introduction of alien or new invasive aquatic species likely to negatively affect the ecosystems of the Transboundary Basin of Mekrou.

Article 24. Conservation of the Wildlife

States shall cooperate in the sustainable management of wildlife resources in the Transboundary Basin of Mekrou.

They shall pay a particular attention to wildlife species threatened with extinction.

They shall take necessary measures to prevent and repress poaching.

They shall promote the harmonization of policies and legislations on transhumance

Article 25. Sustainable Transhumance

States shall cooperate to promote a sustainable and peaceful transhumance in the Transboundary Basin of Mekrou in accordance with sub-regional conventions to which they are parties

They shall promote the harmonization of national policies and legislations on transhumance

They shall organise in a concerted and joint manner, the development and the management of the transhumance routes and areas in the Transboundary Basin of Mekrou.



Article 26. Management of Emergency Situations

In case of emergency situation that may suddenly cause adverse effects to shared water resources of the Transboundary Basin of Mekrou, states shall inform themselves as quickly as possible.

They shall develop, implement and jointly apply early warning systems and contingency plans to deal with unexpected situation that may cause damage to communities, the environment and water resources of the Transboundary Basin of Mekrou.

They shall these contingency plans keep functional and train the communities to implement them.

They shall strive to assist each other in case of emergency.

Article 27. Prevention and Fight against Waterborne Diseases

States, in collaboration with the other stakeholders, shall be resolutely in line with prevention and fight against water borne diseases in the basin.

To that end, they shall undertake programmes and projects equipped with adequate resources to eradicate these diseases, so as to make the Transboundary Basin of Mekrou an area free of waterborne diseases.

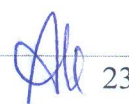
Article 28. Fight against Climate Change Adverse Effects

States, in consultation with the other stakeholders, shall take appropriate measures to mitigate the adverse effects of climate change and to reduce the vulnerability of the Transboundary Basin of Mekrou.

They shall apply national climate change mitigation and adaptation programmes, projects or plans.

Article 29. Conservation and Sustainable use of Biological Diversity

States shall undertake the necessary efforts to identify, to take stock and to regularly monitor biological diversity of the Transboundary Basin of Mekrou and they shall take appropriate measures for their conservation, with particular attention to the endangered species and those which offer the greatest opportunity for sustainable use.

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Article 30. Sustainable Management of Lands and Waters

States shall undertake defense actions and soils restoration as well as the conservation of water and soils for a sustainable use of lands, waters and the environment of the Transboundary Basin of Mekrou.

Article 31. Water related Policies and Legislation

States shall endeavour to effectively adopt and implement policies, integrated strategies and effective national legislation for the use and protection of water resources, as well as the conservation and sustainable use of biological diversity of the Transboundary Basin of Mekrou.

They shall, for this purpose, harmonize their policies, strategies and legislative framework in relevant areas of sustainable management of water resources and environment.

Article 32. Promoting Good Practices

States shall encourage good environmental and water management practices, including positive traditional practices and endogenous know-how for the conservation, the sustainable use and protection of water resources and biological diversity in the Transboundary Basin of Mekrou.

Article 33. Promoting Environmental Assessment

States shall encourage the systematic use of environmental assessment for the prevention and management of development activities harmful effects on the environment, human and animal health, namely strategic environmental assessments, environmental and social impact studies and environmental audits.

They shall provide environmental monitoring in the light of the special nature of the ecosystem of the Transboundary Basin of Mekrou.

Article 34. Exchanges of Data and Information

States shall collect and regularly exchange data and information necessary to a better use and quantitative and qualitative protection of water resources and the environment of the Transboundary Basin of Mekrou.

They shall adopt for this purpose, a protocol of data collection and processing in order to facilitate their use by the other states.



Section 2. Water and Environment Management Tools

Article 35. Water Development Schemes

States shall favour the development and the implementation, with the participation of all the stakeholders of the Transboundary Basin of Mekrou; water development and management Master Plan, which is part of the regional tool of the Niger Basin Authority water management, in order to provide a coherent framework for stakeholder interventions.

Each of them shall develop each, a scheme of water development and management for each national portion of the Transboundary Basin of Mekrou.

Article 36. Investment Plan

States shall develop a joint investment plan for the Transboundary Basin of Mekrou, so as to support national or regional growth and sustainable development efforts.

To that effect, they shall undertake a dialogue, particularly with the technical and financial partners, regional economic integration organisations, as well as sub-regional international organisations to mobilize appropriate international financial resources to support the sustainable development of the Transboundary Basin of Mekrou.

The investment plan for the sustainable funding of the Transboundary Basin of Mekrou is part of the Investment Programme of the Niger Basin Authority.

Article 37. Sustainable Development Joint Programmes and Projects

States shall confer on sustainable development programmes and projects under implementation in each national portion of the Transboundary Basin of Mekrou.

They shall encourage investments in the development of joint programmes and projects in the Transboundary Basin of Mekrou.



Article 38. Promoting Local Water Management Bodies

States shall encourage the creation of local water management bodies in the national portions of the Transboundary Basin of Mekrou where they do not exist; and strengthen the existing ones as multi-stakeholders consultation framework for the sustainable management of the Transboundary Basin of Mekrou.

They shall support them in their activities.

Water local committees or any other local water management body created in the national portions of the Transboundary Basin of Mekrou; shall collaborate in the transboundary level in the sustainable management of water resources and the environment.



CHAPTER 4. PROMOTING ACTIVITIES

Article 39. Support to Civil Society Organisations

States shall bring their technical, financial and material support to civil society organisations and existing community-based organisations in the field of the basin sustainable management.

They shall provide a particular support to National Associations of Niger Basin Water Users and the Regional Coordination of Niger River Natural Resources Users,

They shall favour the Associations and Regional Coordination of Niger River Natural Resource Users in the development and implementation of sustainable development actions of the Transboundary Basin of Mekrou.

Article 40. Stakeholders Capacity Building

States shall develop and implement programmes to build the capacities of the stakeholders involved in the sustainable management of shared water resources and the environment in the Transboundary Basin of Mekrou.

They shall pay, in the context of capacity building activities, a particular attention to women, youth, civil society organisations as well as community-based organisations.

Article 41. Scientific Research

States shall encourage scientific research to improve knowledge on water resources for their rational use and a better protection of water and environment.

To this end, they shall invite national and international research institutions and organisations, to initiate joint research programmes and projects on the use and protection of water resources and ecosystems.

Scientific research in the Transboundary Basin of Mekrou shall take into account traditional knowledge and endogenous know-how for a complementarity between researchers and custodians of traditional knowledge.



Article 42. Communication

States shall in collaboration with the other stakeholders, develop and implement communication strategies and plans on the IWRM in the Transboundary Basin of Mekrou.

Communication strategies and plans shall pay a particular attention to women and youth and all the vulnerable groups as well.

Local languages communication tools are privileged to reach local communities in terms of regulation of the use and protection of water resources according to IWRM principles.

Article 43. Funding

States shall take necessary measures to ensure the funding, by own financial resources, activities undertaken in the implementation of this Cooperation Framework Agreement.

They shall mobilise, on a complementary basis, international additional financial resources, as part of multilateral and bilateral cooperation, to support sustainable development activities in the Transboundary Basin of Mekrou.

Article 44. Promoting Network

The stakeholders involved in the Transboundary Basin of Mekrou are encouraged to create and develop national and transboundary networks to promote the exchanges of experiences, information and data for the sustainable management of lands, waters and the environment of the Transboundary Basin of Mekrou.

Article 45. Promoting Forums or Committees of Local Water

Stakeholders


Water local stakeholders favour the establishment in each state, of forum or committee of local water stakeholders in the national portion of the Transboundary Basin of Mekrou; in close collaboration with water resources management structures existing at the national level and which scope of competence covers the national portion of Mekrou.

Water national forums or committees of Mekrou are organised, at the regional level in a transboundary forum or Committee of water local stakeholders in the Transboundary Basin of Mekrou.



Article 46. Local Communities Education and Awareness Raising

States shall promote and facilitate awareness raising of the local communities in order to empower and increase their awareness for a better participation in the integrated and sustainable management of water resources; and the environment of the Transboundary Basin of Mekrou.

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CHAPTER 5. RIGHT OF THE LOCAL COMMUNITIES OF THE TRANSBOUNDARY BASIN OF MEKROU

Article 47. Right to Water and Sanitation

States shall recognize the right to water, sanitation and hygiene of the local communities of the Transboundary Basin of Mekrou as a fundamental right of human being and necessary for his/her dignity.

They shall take legislative, institutional and operational measures necessary to ensure the effective implementation of this right.

Article 48. Public Information and Participation

States shall ensure that information on the state of water resources, the environment and the measures taken or planned by the states in the Transboundary Basin of Mekrou are accessible to communities, so that they can participate effectively to consultations organised by the public authorities as part of the decision-making process, the development and implementation of programmes and projects in the field of land and water resources management and the protection of the environment.

They shall ensure an effective access to administrative and judicial remedies for the implementation of this right.

Article 49. Special Consideration of Gender

States shall ensure the promotion of gender in the Transboundary Basin of Mekrou by paying a particular attention to the needs of women, youth and other vulnerable groups in the decision-making process, the development and the implementation of sustainable development programmes and projects in the Transboundary Basin of Mekrou.




Article 50. Recognition and Protection of Traditional or Endogenous Knowledge and Know-how

States shall recognize the importance of local traditional techniques and know-how of environment protection compatible with a sustainable management of natural resources of the Transboundary Basin of Mekrou; and the role of traditional and customary authorities in the protection of environment and water resources.

They shall take the necessary measure to ensure the protection of local knowledge and a better involvement of customary and traditional authorities in the management of water and the environment and the prevention and the settlement of water related conflicts.

Article 51. Sharing the Benefits arising from the Use of Genetic Resources

State shall recognize and guarantee the right of the local communities to be consulted on the access to national genetic resources and to participate in the fair sharing of benefits arising namely from their commercial and industrial exploitation in accordance with international conventions.



CHAPTER 6. BODIES

Section 1. Bodies at the Regional Level

§1. Advisory Committee of the Transboundary Basin of Mekrou

Article 52. Creation and Power

There shall be an Advisory Committee of the Transboundary Basin of Mekrou whose mission is to guide, supervise and coordinate the implementation of this Cooperation Framework Agreement.

Article 53. Composition

The Advisory Committee shall be composed of ministers in charge of water of the Transboundary Basin of Mekrou states.

The ministers in charge of water can, if necessary, invite to the meetings of the Advisory Committee, any other minister of a state of the Transboundary Basin of Mekrou or any minister of the Niger Basin Authority member state.

The Executive Secretariat of the Niger Basin Authority is represented in the meetings of the Advisory Committee.

Article 54. Functioning

The Advisory Committee meets once a year, on the sidelines of the NBA Council of Ministers.

It is chaired according to a rota, by one of the ministers in charge of water of the Transboundary Basin of Mekrou states.

It shall take its decision by consensus.

The secretariat of the Advisory Committee is ensured the Executive Secretariat of the NBA.



§2. Technical Committee of Experts

Article 55. Creation and Mission

A Technical Committee of Experts of the Transboundary Basin of Mekrou is created and it is responsible for the implementation of the deliberations of the Advisory Committee.

Article 56. Composition

The Technical Committee of Experts of the Transboundary Basin of Mekrou is composed of representatives of national authorities responsible for water resources and the environment management and representatives of the Niger Basin Authority Executive Secretariat.

Article 57. Functioning

The Technical Committee of Experts of the Transboundary Basin of Mekrou meets once a year, on the sidelines of the Statutory Meetings of the NBA Technical Committee of Experts.

It may invite to its meetings, representatives of other stakeholders of the Transboundary Basin of Mekrou.

It shall take its decisions by consensus.

Section 2. Bodies at the National and Local Levels

Article 58. National Local Structures

The NBA national focal structures are national focal points for all the sustainable management issues of the Transboundary Basin of Mekrou.

They shall participate in consultations organised at the local level and report regularly to the Technical Committee of Experts of the Transboundary Basin of Mekrou and the NBA.

States shall support the national focal structures of the NBA to strengthen the intervention capacities in the Transboundary Basin of Mekrou.



Article 59. Water Resources Management Structures by hydrographical Basin or Sub-Basin

Water resources management structures in the states whose scope of competence covers the national portions of the Transboundary Basin of Mekrou shall organise the consultations of local water stakeholders of the national basin of Mekrou, through local stakeholder meetings or forums of the Transboundary Basin of Mekrou.

The water resources management structures whose scope of competence covers the national portions of the Transboundary Basin of Mekrou may consist, according to the states, Water Agencies, Basin Committees, Local Water Committees or any other local management structure by hydrographical Basin.

These water resources management structures by basin duly take into account in their initiatives, the affiliation of the national portion of the Mekrou of the Transboundary Basin of Mekrou which is subject to an international tripartite management.

They shall register their actions in the context of the Transboundary Basin of Mekrou water development and management Master Plan.



CHAPTER 7. MISCELLANEOUS AND FINAL PROVISIONS

Article 60. Settlement of Disputes Between States

States shall agree to settle peacefully any dispute arising from the application or the interpretation of this Cooperation Framework Agreement, in accordance with the UN-Charter, the Constitutive Act of the African Union and the Declaration on the principles of the International Law concerning friendly Relations and Cooperation among States.

If any dispute arises between States on the application or the interpretation of this Cooperation Framework Agreement; the states concerned look for a solution by direct negotiations. The negotiations should be conducted in good faith with the will to reach an agreement.

If the dispute is not settled by negotiation between states of the Transboundary Basin of Mekrou; they resort to dispute resolution mechanisms within the framework of the Niger Basin Authority.

Article 61. Settlement of Conflicts among Local Stakeholders

Sustainable development local stakeholders of the national sub-basin of Mekrou shall agree to resort to alternative mechanisms of conflict settlement including those provided in the national legislations and international instruments governing the Niger Basin.

They shall promote the use social intermediation tools, instruments or mechanisms, including traditional, customary and religious authorities for the amicable settlement of disputes.

Article 62. Amendments

The Cooperation Framework Agreement may be amended at the request of a state.

The amendment request is made in writing to the other states.

The Advisory Committee shall review the request for amendment at its next session and decides by consensus.

The Cooperation Framework Agreement amended shall enter into force on the same terms as the initial Cooperation Framework Agreement.



Article 63. Assessment

States, with all the stakeholders shall conduct periodic assessments of the implementation of this Cooperation Framework Agreement.

The periodic assessments of the Cooperation Framework Agreement are conducted every three years.

The assessment reports are disseminated to all the stakeholders.

Article 64. Date of Effect

This Cooperation Framework Agreement for the promotion of the political dialogue in the Transboundary Basin of Mekrou shall take effect upon signature by the Ministers in charge of water of the Transboundary Basin of Mekrou states.

Done in Cotonou, 21st December 2015

Have signed:



For the Republic of BENIN

Mrs. Christine A. GBEDJI VYAHOU

For BURKINA FASO

The Minister P/O

Mr. Aly TRAORE

(Secretary General)



For the Republic of NIGER

The Minister P/O

Mr. Atahirou KARBO

(Secretary General)

