

POLICY N°3

Strengthening policy, institutional and legal frameworks for groundwater: a compelling need to prevent conflicts in West Africa



1. BACKGROUND

Policy, Legal and Institutional Arrangement are core of a comprehensive trans-boundary aquifer management and groundwater resources sustainability.

A consultative dialogue has been conducted in West Africa under the facilitation of GWP/WA and the African Center for Policies on Climate (ACPC) for supporting a comprehensive trans-boundary aquifer management, in which institutional and legal arrangements and policies can play a central role for preventing conflicts, promoting growth and ensuring the groundwater resources sustainability. Groundwater is the most important water resource and the most heavily used by West African populations. One of the core topics for improving groundwater management through the regional dialogue was focused on the institutional, legal and policy framework. The objective of the dialogue was to effectively take groundwater into account in the national and regional water management policies within the States, regional integration organizations, basin management organizations, with particular attention given to cross-border aquifers in the context of current and future climate challenge. The dialogue came up with orientations and roadmap that will enable the development and implementation of the actionable interventions at the national, regional and trans-boundary aquifer levels. It should also serve as a consultation framework in the field of groundwater for the enforcement of agreements, strategies and policies regarding water resource development and management. This policy brief presents the main recommendations for strengthening political, institutional and legal frameworks for groundwater as a compelling need to prevent conflicts in West Africa countries sharing the common resources.

Dialogue on groundwater is not only as a political and legal cooperation element, but also an integration and development tool, as well as a path to climate resilience

The dialogue is a requirement between stakeholders at the same level (horizontal and inter-sector dialogue), and between stakeholders within the community, the region, the basin and at the national level (vertical dialogue). This consultation was deemed necessary and has gathered together various organizations and national institutions that have strong political and leadership in order to strengthen the legal and institutional framework for groundwater development and management in West Africa. In addition, The dialogue was extended to the key players and stakeholders, including researchers, engineers, users, financial officers, policy makers to tackle the groundwater development challenges.

The forum has identified a roadmap to improve the policy, legal and institutional framework in the context of West Africa. "The issue of groundwater is a very important one for West Africa, notably for the Sahel countries, and because of the poor knowledge of its quantity and quality. Such a regional dialogue can only contribute to their better management." The sub-region has ten cross-border aquifers covering several countries providing a vital water resource that must be efficiently managed under strong political, legal and institutional arrangement. In the context of climate change, countries sharing the aquifers should start without delay a dialogue in order to prevent overexploitation or a bad governance of these resources. West African groundwater resources are an important element of the adaptation strategies to climate changes. Indeed, they constitute the most important reserves. Indeed, cross border aquifers seem to be the main causes of serious potential conflicts in the region; they are overused and exposed to toxic wastes. Improving the political, institutional, and legal frameworks for groundwater will pave the way for climate resilience coping mechanism in West Africa. The sector-sector dialogue (agriculture, potable water, environment, etc.) and between stakeholders and administrators is therefore necessary to reach profitable and common agreements. Bringing all these actors together has opened up new management perspective with fruitful consultation between groups from various sectors, organizations and traditions, and having divergent interests for preventing conflicts.

2. Shared aquifers: vulnerability and relevance of institutional and legal frameworks

Many aquifers of the shared groundwater resources in the region are more vulnerable to climate and anthropogenic pressures. This vulnerability should be well taken into account in the institutional and legal frameworks. The principal physical and chemical characteristics of the different aquifers are related to climate disturbance and also to certain contamination, either by nitrates and faecal contamination or by salt intrusions. In West Africa, most of the trans-boundary aquifers are vulnerable to climate change and human pressure. For instance in Niger, the aquifers are exploited notably for agricultural production. More often than not, discharges containing pesticide and fertilizer wastes find their way into the surface and groundwater flow. The institutions in charge of the water resources studies and management are numerous, and this creates conflicts and confusion, which in turn undermines competence.





There is very weak coordination, because the multiplicity of stakeholders does not allow the existing structures to ensure its good functioning. Fundamentally, institution and legal framework that goes beyond one country is a key for overcoming global groundwater challenges in the sub-region of West Africa. No State can singlehandedly undertake trans-boundary aquifers research, planning and management. The coverage of cross border aquifers' goes beyond the ECOWAS space. For instance, the whole of West Mauritanian basin called Trarza which hosts more than the half of the population including the people of Nouakchott (800 000) is an integrating part of the Senegalo-Mauritanian basin. The basin of Taoudéni spreads up to Mauritania and Algeria and the Chad aquifer basin covers Chad which is not part of ECOWAS. Several institutions should be concerned with the groundwater resource issue, since water is both a limiting and militating factor of socio-economic development. In most of the programmes, relevant groundwater aquifers should not simply be included as an appendix but at the heart of the project around which all the other projects should be built.

Summary of Recommendations

- The following should be pursued vigorously:
Setting up strong institutions and legal framework; and providing them with adequate means to implement and support the necessary actions toward sustainable aquifer system management;
- Creation/reinforcement of consultation frameworks and inventory of existing sub regional consultation frameworks (ECOWAS/WRCC, CILSS, ANBO and basin organizations, GWP/WA, among others);
- Strong sensitization of governing people and creation of a dynamics for involving various Actors, and encourage Exploitation on the basis of a joint management;
- Advocacy for the integration of strategies for adapting to climate changes in decision making in terms of national and local investment plans

Box 1. Key Messages:

1. Lack of consideration for groundwater in the water management policies, efforts (knowledge and management) remain focused on surface water only,
2. Consultation and political willingness must imperiously be established on the management of both small aquifers as well as our cross-border ones.
3. Cross border aquifers are core reasons of serious conflicts in the region particularly when the resource is limited, and they are overused and expose to toxic wastes;
4. Improving the political, institutional and legal frameworks for groundwater will pave the way for climate resilience coping mechanism.
5. No single State can carry out alone trans-boundary aquifers research, planning and management.

- Promotion of dialogue between States at the regional level and take groundwater issue into account in inter-States committees

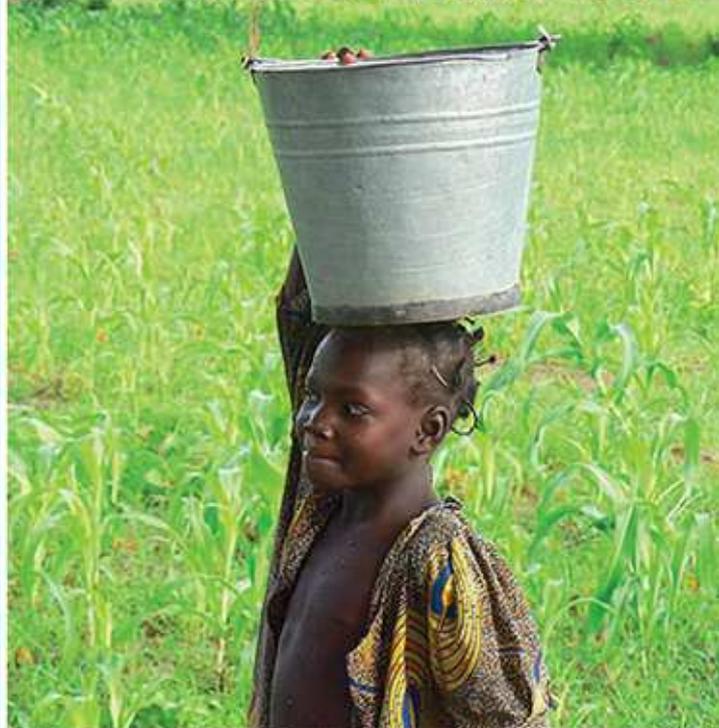
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RECOMMENDED FURTHER READING

- GWP/WA 2011. *Diagnosis Study report on the Dialogue waters in West Africa*, 53p.
- GWP/WA. 2011. *Dialogue on concerted management of underground waters in West Africa: Climate change consequences on underground water in West Africa*
- GWP/WA 2011. *Diagnosis Study report on the Dialogue on concerted management of underground waters in West Africa: Appendix 6.1.2: Mali Report*, 21p.
- GWP/WA 2011. *Diagnosis Study report on the Dialog on concerted management of underground waters in West Africa: Annex 6.1.3: Niger Report*, 31p.
- GWP/WA 2011. *Diagnosis Study report on the Dialogue on concerted management of underground waters in West Africa: Annex 6.1.1: Senega Report*, 27p.





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