The Niger Basin Authority

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1. Origin and Background

The Niger River is the third largest in Africa after the Nile and the Congo. It is 4,200 km long and has a basin area of 1,500,000 square kilometres. There are more than 150 million people in the basin, about one third of which living in urban areas. Nine countries are found in the active basin: Guinea, Cote d’Ivoire, Mali, Niger, Burkina Faso, Benin, Cameroon, Chad, and Nigeria.

In terms of water uses, agriculture: recession farming systems are widely practiced in the Inner Delta in Mali and along the river banks of the middle valley. Irrigation is highly developed in the Malian and Nigerian parts of the basin: the total area developed for irrigation is estimated at more than 1.8 million hectares. Basin waters are also used for hydropower: the total installed capacity (through dams like Kainji and Jebba) is estimated at 1,500 kilowatts.

As is the case for other Sahelian river systems, the flow regime and general hydro-climatic conditions in Niger River basin have been severely affected by climate variability in the last few decades. It is estimated that since the early 1970s, the average river discharge has declined by more than 40 percent in the middle valley of the Niger River.

Despite a serious of changes in its mandate, the Niger Basin Authority (NBA) was in a state of lethargy for many years. However, in the past ten and especially since 2000, NBA has gained vitality and has become more credible in the eyes of member states. Efforts toward promoting transboundary cooperation were constrained for several decades by factors such as the size of the basin, the high number of basin countries, and divergent interests among basin countries, and financial issues.

Efforts toward basin-level cooperation in the Niger Basin started with the 1963 Niamey Agreement (Act de Niamey) which defined the conditions of navigation on the Niger River. The Agreement also called for economic cooperation between basin States. A year later, the Niger River Commission (NRC- or Commission du Fleuve Niger/CFN) was established with to promote and coordinate studies of the Niger River resources in view of their future development. In 1980, the Niger Basin Authority was created with the mandate of speeding up interstate cooperation in the development of the basin resources. The mandate embraced water development, energy, transport/navigation, agriculture, fisheries, livestock production, forestry, and industry. Faced with a situation of lethargy and unable to move forward its ambitious mandate, the NBA saw its convention revised in 1968, 1978, 1979, 1980, and 1987.

With the 1987 revision, NBA’s mandate became to harmonise national policies to ensure equitable sharing of the Niger Basin waters, and to formulate and implement an Integrated Basin Management Plan, taking in account the need for investments on common water infrastructures. Despite these changes, NBA remained lethargic marked by allegations of financial mismanagement, low payment of membership dues by States, low level of donor support, and irregular meetings of the Council of Ministers and of the Summit of Heads of States.

Since 1998, NBA is being revitalised. Through strong commitment by the political leadership of member countries, the payment of membership dues has improved; the Secretariat has been strengthened through recruitment of top managers and technical experts and through more regular meetings of Ministers and Heads of States. These positive signals have brought an increase in donor support.
2. Legal Frameworks for Trans-boundary Management

The scope of the 1953 Niamey Agreement (*Act de Niamey*) is to ensure equitable sharing of the Niger Basin waters, and to formulate and implement an Integrated Basin Management Plan, taking in account the need for investments on common water infrastructures. It defined the conditions of navigation on the Niger River and called for economic cooperation between basin States. A year later, the Niger River Commission (NRC- or *Commission du Fleuve Niger*/CFN) was established to promote and coordinate studies of the Niger River resources in view of their future development.

The Niger Basin Authority was created in 1987 to speed development plans and its mission revised several times. In the 1987 revision, NBA's mandate became to harmonise national policies to ensure equitable sharing of the Niger Basin waters, and to formulate and implement an Integrated Basin Management Plan, taking in account the need for investments on common water infrastructures.

In the NBA basin, there are also numerous agreements between two or more States in sub-sections of the basin. Examples include:

(a) The 1990 Agreement between Nigeria and Niger on the equitable sharing, conservation and development of their common water resources;

(b) The 1998 agreement between Niger and Mali relating to cooperation in the use of water resources of the Niger;

(c) The hydroecological management project of the Upper Niger between Guinea and Mali;

(d) The 2000 Nigeria-Cameroon Protocol Agreement aimed at coordinating the releases of water from dams.

These agreements came after the establishment of the Niger Basin organization. They highlight the relevance of the subsidiarity principle more than they challenge that of basin organizations. Furthermore, it is important to emphasize that in at least one case (Nigeria-Cameroon Agreement), it is the basin organization (NBA) that facilitated discussions between the two countries concerned.

4.1 Dispute Resolution

NBA is commissioning legal studies that will lead to a Water Charter — following the OMVS model — and provide for mechanisms for conflict management.

3. Institutions for Trans-boundary Management

The NBA 1987 mandate provides it with a mission of promoting coordination among member states, and where warranted to bring forward the views of other basin countries. This current mandate is broad enough to allow NBA to promote the actual development of the basin through regional integration.

The Shared Vision process currently underway provides an opportunity to for the nine member countries to reaffirm at the highest level of authority their willingness to collaborate and also to place a higher emphasis on new values such as equitable access, sustainable development, and public participation. These values will be reflected in the Sustainable Development Action Plan that will be one of the major outcomes of the Shared Vision process.

With the support of donor partners, NBA subjected itself to an institutional and organizational audit, leading to a revision of its programme and the definition of the expertise needed for each of the key positions. Massive retrenchment and hiring of new staff followed this process which was initiated in 2004.
In the NBA institutional set up, the highest management body is the Summit of Heads of State and Government. This body deals with the broad political issues, as well as key issues pertaining to inter-State cooperation and strategic development choices. The Council of Ministers exercises oversight roles and can be seen as the steering committee of the programme. The Councils of Ministers is composed of one Minister (generally in charge of water management) from each of the member states. It is assisted by a Committee of Experts which meets prior the Councils of Ministers. The Executive Secretariat is responsible for the implementation of decisions made by the Council of Ministers. The Executive Secretariat is currently composed of 55 staff members including 24 professional staff.

The NBA has a focal point in each of its member countries. These focal points are generally senior government staff, often the Director of Water Resources and/or Hydraulics. Following the OMVS model, these focal points are being replaced by national focal structures composed each of a team of experts.

4. Trans-boundary Management Interventions

NBA’s current major projects are the following:

- FFEM (French GEF programme) support to the Observatory of the Environment: USD 1.3 million
- GEF-Niger Basin Project: USD 13 million
- AfDB Project for combating Siltation (focusing on Niger, Burkina and Mali): USD 40 million
- World Bank Niger Basin water Resources Development and Sustainable Ecosystem Management: USD 203 million

Niger Basin countries also have they their own water infrastructure projects. It is estimated that there are currently not less than 20 projects for large dams in the basin. Among the most advanced in terms of planning are Fomi (Guinea), Tossaye (Mali) and Kandadji (Niger). For all these projects, mobilisation of required funding remains a major obstacle.

5. Mobilizing Funding for Trans-boundary Water Management

NBA financial resources are mainly composed of annual from member states and resources from donor partners. Member states’ contributions finance the operational costs of the institution. The total contributions expected each year are of the amount of FCFA 500 million or about USD$1 million. Of this amount, 30 percent is expected from Nigeria, 20 percent from Mali, 18 percent from Niger, 10 percent from Guinea, 7 percent from Cameroon, 5 percent from Cote d’Ivoire and from Benin, 4 percent from Burkina and 1 percent from Chad. This sharing arrangement was adopted at the 2000 Summit of Heads of States of NBA. Before that all contributions were equal.

Despite efforts in recent years, there are still problems with the payments of contributions by member states. Currently, the total arrears amount to FCFA 785,000,000 or USD 1.5 million.

Investment costs are entirely covered by donor loans or grants. NBA only signs grants while loans and payment agreements are only signed by States. In the current budget of FCFA 11 billion (or about USD 22 million) per year, investments represents 95 percent with only 5 percent for the operational budget.
6. Lessons Learned

The major lessons that NBA senior management see as relevant to all basin organizations are the following:

- Clear arrears and ensure more regular payments of contributions by member States.
- Maintain highest level political support (NBA needs to keep the momentum created since the 2000 Summit, and the Paris Declaration). Strong political will by all member countries is a prerequisite to approaching donors.
- Ensure that projects being implemented succeed so as to ensure longer term commitment by member States, donor partners, and the basin population.
- It helps to have a champion. For NBA this critical role is currently being played by the Niger Head of State (Niger is the Host country of NBA).
- Create a decision-making body at the highest possible level (Heads of States). NBA experience shows that even at the Ministerial level some of the complex problems may not easily find solutions.