



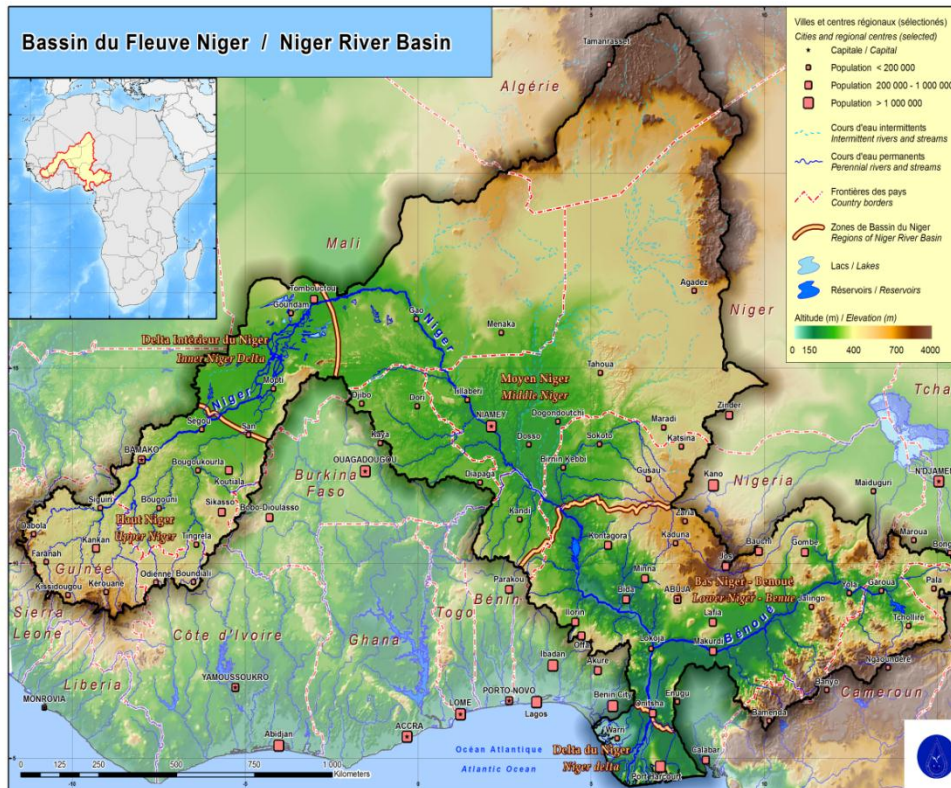
# **Good Practices with Legal Frameworks: Niger River Basin**

**His Excellency Major General Collins R.U.IHEKIRE**

**Rtd**

**The Executive Secretary of NBA**

# 1 - GENERAL CONTEXT OF THE NIGER BASSIN



➡ The River Niger is the 3rd longest river in Africa and 9th in the world, with a length of 4200 kms and its tributaries include the river Benue (1200 kms).

➡ The active part of the basin covers an area of 1.5 million square kilometers and has a population of about 130 million inhabitants (2012 estimate).

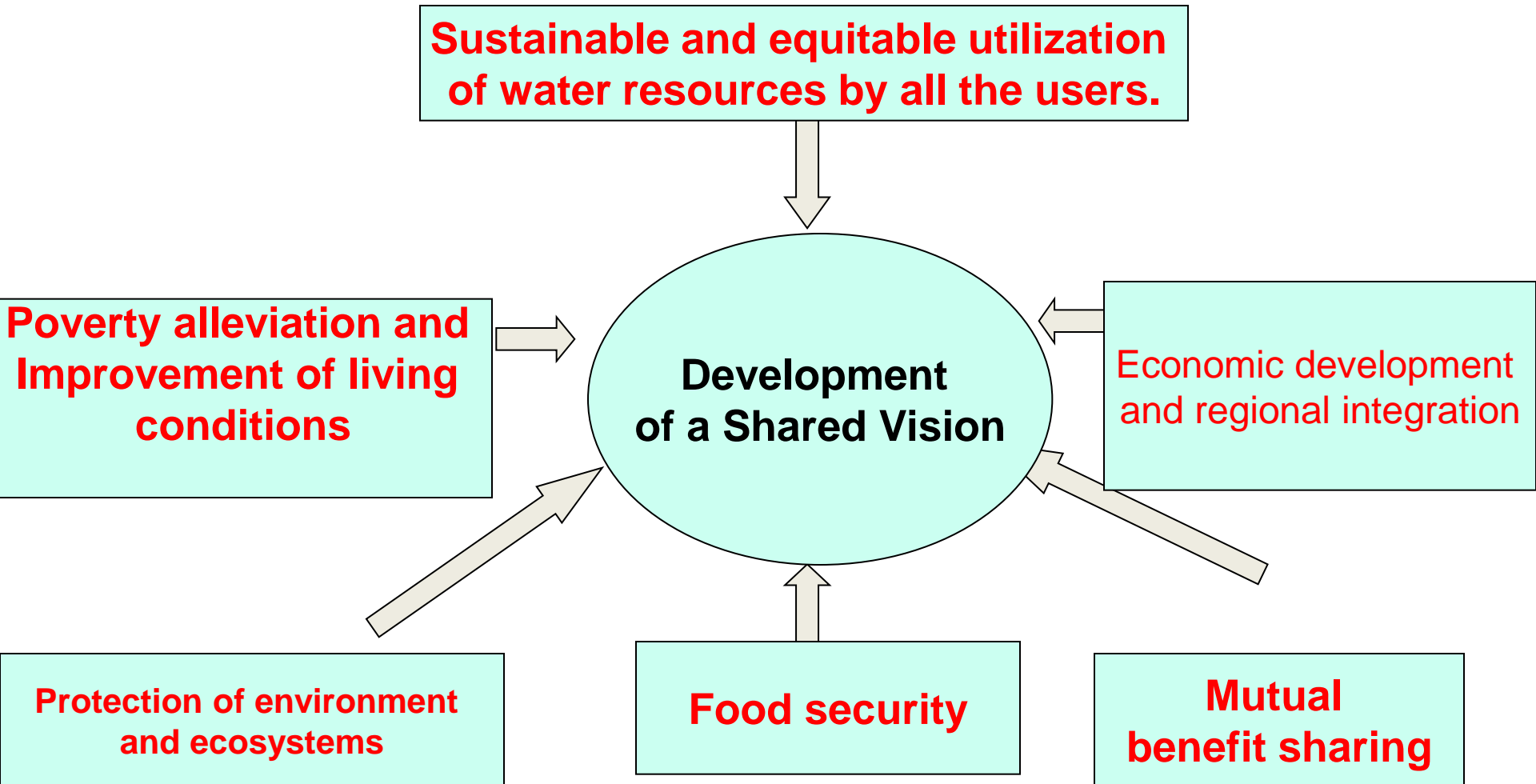
➡ The organization started as River Niger Commission which was created on 25<sup>th</sup> November 1964 and renamed the Niger Basin Authority on 21st November 1980 by countries who share the basin : [Benin](#), [Burkina Faso](#), [Cameroun](#), [Cote d'Ivoire](#), [Guinea](#), [Mali](#), [Niger](#), [Nigeria](#) and [Chad](#).

**NBA Mission** : To promote cooperation among the member countries and ensure the integrated development of the basin especially in the areas of hydraulics, energy, agriculture, animal rearing, fishing and fish farming, and forest exploitation, industry, transportation, mining and communications.

## **Problems and challenges in the Niger Basin.**

- 1 – Reduced water flow (20 to 45%).
- 2 – Severe low water due to lack of control
- 3 – Erosion and Siltation leading to reduction of soil fertility for agriculture
- 4- Increase in population Growth
- 5- Pollution of water resources
- 6- Climate Change

# WHAT CHALLENGES ?



## 2. LEGAL AND INSTITUTIONAL FRAMEWORK OF NBA

Legal and institutional frameworks of NBA were improved during the Shared Vision Process started since 2002.

This Shared Vision objectives are **(i)** to strengthen the existing legal and institutional frameworks, **(ii)** to develop water resources in sustainable and equitable manner with a view to promoting prosperity, security and peace in the basin, **(iii)** to develop and implement a strategic framework of the basin development (a Sustainable Development action Plan).



# Main results of the Shared Vision process



After six (06) years of (i) many studies: Transboundary Diagnostic Analyses, and Analysis of the legal framework for environmental protection in the NBA Member States, and (ii) dialogue, consultation and negotiation between the Member Countries, technical and financial partners and civil society, the process of shared vision led to the following main results :

## 👉 Legal Framework for water resources management

1. Adoption in April 2004, of **The Paris Declaration** by the Heads of State and Government defining Management Principles and Good Governance for a sustainable development of the Niger Basin
2. Adoption in April 2004, of a **Cooperation Framework** by the Niger Basin Authority Partners to support the Paris Declaration
3. Adoption in April 2008 of the **Niger Basin Water Charter** by the Heads of State and Government of the NBA. The Charter aims to promote cooperation based on solidarity and reciprocity for sustainable, equitable and coordinated water resources management of the Niger Basin. It entered into force on 19 July 2010.



The Paris Declaration and the Niger Basin Water Charter enable (i) fair and reasonable allocation of water resources between Member Countries on the one hand, and between different uses on the other hand, (ii) consultation between the member countries in the planning of projects likely to have significant negative impacts on water resources, and (iii) the prevention and resolution of conflicts related to use of the resource.

## **The Legal Framework for environment protection**

4. The annexes of the Charter, including those relating to environmental protection (adopted on 1st October 2011 by the Council of Ministers) and the coordinated management of structural dams will empower users on the principles of "polluter pays and user pays "to reconcile the imperatives of economic and social development and to determine the rules and procedures of coordination of structural dams in the light of other uses of the water resources of the basin.

## Institutional Framework

Institutions of water management are provided by the water Charter to conduct or supervise consultations and negotiations necessary for consensual Planning of the basin development. These include **(i) the Technical Standing Committee** responsible for monitoring the sound management of the waters of the Niger basin, **(ii) the Regional Advisory Group** to establish consensus on the design and implementation of structuring development in the basin, **(iii) The Expert Panel** to provide advice and guidance on specific technical issues related to infrastructure development in the basin, and **(iv) Sub-basin commissions** responsible for proposing how to use water resources in each sub-watershed.

## ☞ Water resources management tools

To assist in decisions - making on development planning and management of extreme hydrological events in the basin, models of water allocation and management , and hydrological forecasts model have been developed.

These models allow: **(i)** to optimize the management of water resources, **(ii)** to analyze the impacts of projected water facilities, **(iii)** to coordinate the management of dams and **(iv)** to alert people in case of emergency.

## Water resources development

1. Adoption of the Sustainable Development Action Plan (SDAP) of the basin by the Council of Ministers of the NBA in July 2007;
2. Adoption of the Investment Programme (2008 - 2027) associated with the SDAP by the Heads of State and Government of the NBA in April 2008.
3. Adoption in September 2010 of the **Strategic Action Plan (SAP)** developed in the GEF-Project by the Council of Minister. This SAP was integrated into the SDAP and the Investment programme of NBA.

## Challenges that GEF IW Projects face to ensure that institutional, legal and policy reforms occur and are effective?

1. One of the SAP's major challenges is to contribute to the operationalization of the Water Charter to ensure that its most relevant provisions in terms of environmental protection are effectively applied.
2. The other challenge of the SAP will be to mitigate the potential constraint that could arise from the fact that the texts on environmental protection are highly heterogeneous and in general rarely applied.
3. Finally, the SAP will provide an opportunity for the Member States to complete their legal arsenal in the environmental field.

## How can GEF IW Projects enhance the expected role of legal frameworks after project closure?

After the development phase of a SAP, GEF IW Projects have to continue a second phase to implement the priority actions related to the institutional and legal reforms needed and Stakeholder capacity-building

## NBA GOOD PRACTICE LESSONS LEARNED

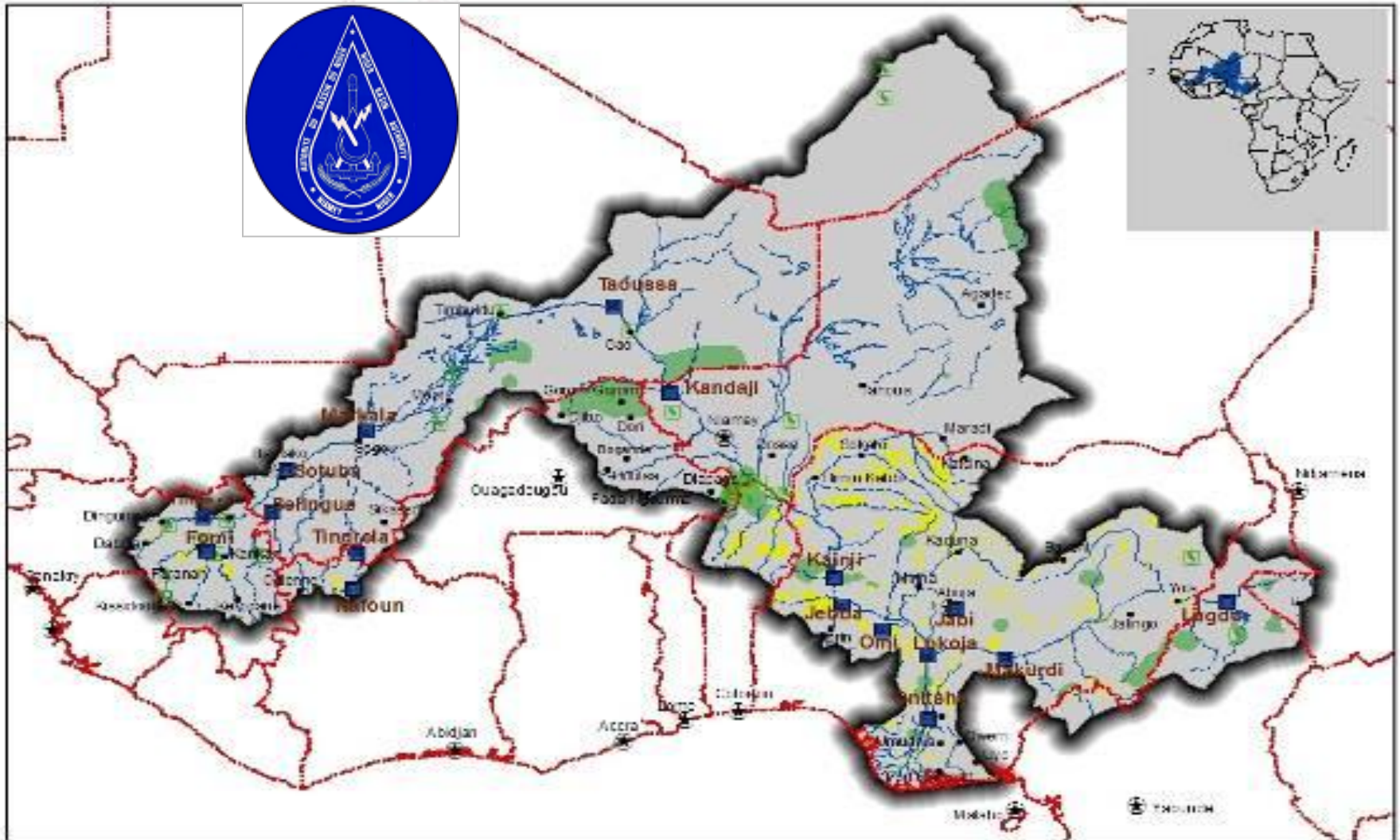
1. The share vision was a participative approach with the total agreement of all the countries.
2. Consultations of all the stakeholders is a very important on a share process the civil society have an important role.
3. The donors support and involvement in the process was also very useful.



## 4- CONCLUSION

1. How the legal frameworks can contribute to a sustainable funding of water governance in the river basins?
2. How the Private sector can be use as Champion in protection of environment in the river basins?

# THANK YOU FOR LISTENING



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