Understanding the Niger Basin Authority (NBA/ABN)

Reconciling upstream and downstream interests on the Niger River

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This background paper is part of a series on the Political Economy Dynamics of Regional Organisations (PEDRO). It was prepared in March 2017. In line with ECDPM's mission to inform and facilitate EU-Africa policy dialogue, and financed by the Federal Ministry for Economic Cooperation and Development, BMZ, the studies analyse key policy areas of seventeen regional organisations in Sub-Saharan Africa. In doing so they address three broad questions: What is the political traction of the organisations around different policy areas? What are the key member state interests in the regional agenda? What are the areas with most future traction for regional organisations to promote cooperation and integration around specific areas? The studies aim to advance thinking on how regional policies play out in practice, and ways to promote politically feasible and adaptive approaches to regional cooperation and integration. Further information can be found at www.ecdpm.org/pedro.

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List of Acronyms

ACP	African Caribbean and Pacific Group of States
AfD	Agence française de développement
AfDB	African Development Bank
AUC	African Union Commission
CEEAC	Communauté Économique des États de l' Afrique Centrale
CIP	Climate Investment Plan (PIC)
CIWA	Cooperation in International Waters in Africa (World Bank)
CNU	Coordination Nationale des Usagers
COP21	2015 United Nations Climate Change Conference
CRU	Coordination Régionale des Usagers
ECOWAS	Economic Community of West African States
ES	Executive Secretary
EU	European Union
GIZ	Deutsche Gesellschaft für Internationale Zusammenarbeit
GWI	Global Water Initiative
HCAVN	Haut Commissariat à l'Aménagement de la Vallée du Niger
IDB	Islamic Development Bank
IUCN	International Union for Conservation of Nature (NGO)
IWRM	Integrated Water Resource Management
KfW	German Development Bank
NBA	Niger Basin Authority
NEPAD	New Partnership for Africa's Development (AU)
NFS/SFN	National Focal Structure/Structure focale nationale
NRC	Niger River Commissions
OIEeau	Office Internationale de l'eau
OMVS	Organisation pour la mise en valeur du fleuve Sénégal
OP	Operational Plan (PO)
PADD	Plan d'action pour le développement durable (Sustainable development action plan)
PIDA	Programme for Infrastructure Development in Africa (AU-NEPAD)
PPP	Public Private Partnership
RBO	River Basin Organisation
REC	Regional Economic Community
SVP	Shared Vision Process
TA	Technical Assistance
UNDP	United Nations Development Programme
WADB	West African Development Bank
WB	World Bank

1. Introduction

This report presents a political economy overview of regional cooperation in water resource management in the Niger basin in West Africa. It focuses in particular on the evolving role of the Niger Basin Authority (NBA), a River Basin Organisation set up between nine countries that make up the Niger Basin: Guinea, Mali, Niger, Côte d'Ivoire, Burkina Faso, Benin, Nigeria, Chad and Cameroon.

In its current form, the NBA aims to harmonise and coordinate national water resource development initiatives around an integrated development plan for the basin, as well as facilitate and broker water and energy infrastructure development as part of an agreed scenario. Over the years, the NBA has seen various cycles of organisational decline and revival, and during one of the most critical periods for the Sahel (1970s - early 1990s) it had largely failed to achieve its ambitions as a river basin authority, leading to further loss of credibility and member state and donor confidence in the organisation.

Since the 2000s, the momentum has picked up again, and as member states dusted off their plans for large multipurpose dams (energy, irrigation, flow regulation), the need to coordinate the downstream effects of these projects resurfaced. Supported by external assistance, and operating in a more conducive global environment for cooperation on a basin scale, the NBA and its member states managed to break through the longstanding upstream-downstream opposition that had long paralysed the organisation and contributed to the underdeveloped and under-regulated upstream section of the basin.

Part of this evolution relates to changing agendas and interests in a region dense with regional and bilateral partnerships, including on energy and natural resources, part of it is the result of a changing external funding environment, increased attention for River Basin Organisations as vectors of sustainable development and a renewed enthusiasm for major infrastructure development in Africa. Donor support has been crucial to the revival of the project, not only in terms of technical assistance, but also by incentivising regional cooperation.

Today, the NBA has managed to achieve some successes, particularly as a knowledge brokerage organisation and a means to channel regional funding for water resource management and more recently also climate finance. However it continues to face difficulties in achieving its mandate as an authority and to establish itself in a volatile region and an environment dominated by national interests and agendas.

This study addresses the following three questions: i) What is the political traction of the NBA and its related agreements in driving a basin-wide approach to water resource management? ii) What are the interests of member states for strengthening the NBA's regional mandate and for using the organisation to address concrete issues in relation to infrastructure development but also and climate change mitigation and adaptation? and iii) Which are the specific areas or sectors with most potential for NBA to convene member states around a common agenda and solidify its regional mandate?

The report is based on a literature analysis and a selection of interviews with NBA stakeholders in Niamey, Niger.

2. Assessing the political traction of the NBA

2.1. Structural and institutional drivers and obstacles

The Niger River basin

The Niger basin is a vital and complex hydrological asset for West and part of Central Africa (Andersen et al., 2005). With its 4,200 km, the Niger River is the continent's third longest river. It traverses no less than nine countries, and touches the life of around 100 million people that live in the basin. The Niger River's headwaters are in Guinea from which it flows away from the sea and crosses into Mali and Niger (which shares a small section with Benin), and into Nigeria, where it is joined by its main tributary river the Benue, coming from Cameroon and Chad before forming the Niger delta which flows into the Gulf of Guinea. The Basin's total surface is shared unevenly by nine countries according to the following approximate percentages: Benin: 2.5%, Burkina Faso: 3.9%, Cameroon: 4.4%, Chad: 1.0%, Côte d'Ivoire: 1.2%, Guinea: 4.6%, Mali: 30.3%, Niger: 23.8%, Nigeria: 28.3%.

Guinea is by far the largest water producer. Benin to some extent contributes to the flow of the main artery, and Cameroon houses the headwaters of the Benue. Mali and Niger are the main water consumers, while Nigeria is both producer and consumer, controlling the Niger Delta and a significant portion the Benue. Cameroon, Chad, Burkina Faso and Côte d'Ivoire are the least affected by the use and management of the river, having no access to the main riverbed, while Guinea, Mali, Niger and Nigeria have the strongest stake in the basin in terms of their economic and ecological dependence on the Niger River's main artery. Four of the nine countries are also part of the Lake Chad basin. For Chad, this is where the focus of its water related interests are.

Figure 1: The Niger River Basin. Source: Anderson et al.

History of cooperation in the Niger basin

The Niger Basin Authority builds on a long history of cooperation in the Basin. The first agreements on the use of international waters in Africa date back to colonisation in the late 19th century. At the Berlin conference in 1885, the three major colonial powers (France, Great Britain and Germany)[1] declared full freedom of navigation on the Congo and Niger Rivers and tributaries. In 1919, following the defeat of Germany, Cameroon was transferred under the control of France and Great Britain, and the provisions regarding navigation on the Niger and Benue Rivers were renewed. The 1904 'entente cordiale' between France and Great Britain had paved the way to a stable territorial division in West and Central Africa and allowed for effective use of the navigable waterways between the two main powers (Andersen et al., 2005).

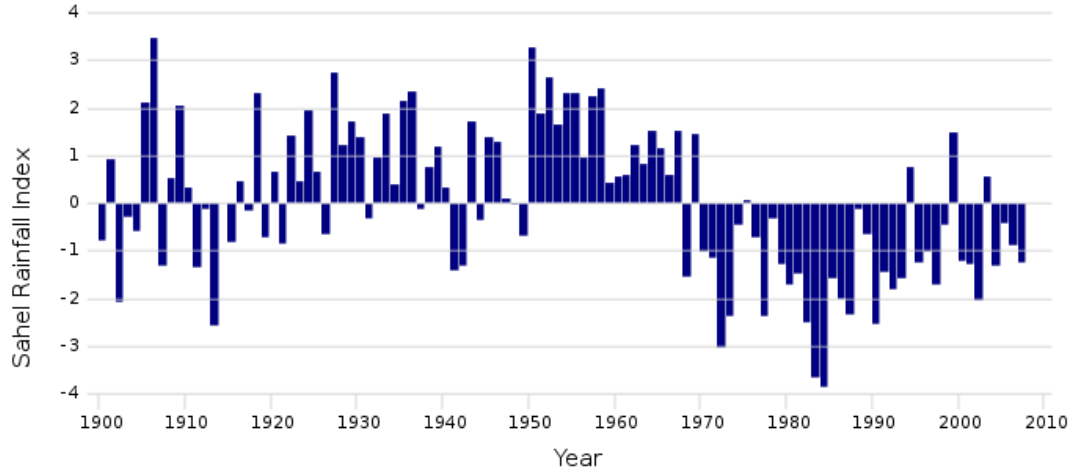
The first steps towards greater cooperation between the newly independent states were taken in the early 1960s through a series of conferences on the Niger River Basin to which all nine basin countries participated. This resulted in a first act regarding the navigation and economic co-operation between the States of the River Niger in 1963[2], followed by the establishment of the Niger River Commission (NRC) the following year[3]. Although there were plans to increase the navigability of the Middle Niger between Mali and Nigeria, as needs and road infrastructure evolved, the emphasis gradually shifted towards other uses of water resources, including energy and agricultural development.

In the 1960s and 70s little advances were made in terms of developing the river's resources, and a **change in rainfall in the entire upper Niger Basin since 1968** had dramatic effects on the duration

[1] The 1885 Berlin Conference which was crucial step towards a territorial division between colonial powers.
[2] Act regarding the navigation and economic co-operation between the States of the River Niger Basin.
[3] Agreement concerning the River Niger commission and the navigation and transport on the River Niger. Done at Niamey, on 25 November 1964. The agreement was amended in 1968 and 1973.

and intensity of low water periods, particularly in Niamey (Bechler et al., 1997). The Sahel faced serious droughts and food security crises in the 1970s and 80s and the water levels of the Niger River reached a record low in 1985, when the flow stopped completely at Niamey (Olivry, 2002).

Figure 2: Sahel Rainfall index, showing a critical reduction starting in 1969.



Source: Wikipedia

Box 1: The 'Organisation pour la mise en valeur du Fleuve Sénégal' - a source of inspiration for river basin cooperation in West Africa

The OMVS is a unique RBO in that it has joint ownership of key hydrological infrastructure and a guaranteed equitable distribution of costs and benefits between the participating member states. This has made it a key model for transboundary RBO development across the continent and even worldwide (Bernard & Brachet, 2014). Its proximity and overlapping membership with the NBA made the OMVS' experience a source of inspiration and in some ways a model for the NBA.

The OMVS was established in 1973 by Senegal, Mali and Mauritania, replacing an earlier regional body including Guinea, which had failed to yield results due to tensions between Guinea and Senegal. In the first years of the Sahel drought, the three founding members declared the Senegal river and its tributaries an international waterway on the territories of the participating states and moved to develop a jointly owned infrastructure plan (1974) to regulate its flow, and agreed on the principle of joint ownership of infrastructure of 'common interest'.

The first two structures were inaugurated in 1986 (Manantali, Mali[4]) and 1988 (Diama, Sénégal and Mauritania[5]). These dams allowed the OMVS countries to partly regulate the seasonal fluctuations of the river, well ahead of their regional peers. In the following years, the OMVS consolidated its position and structures and developed a stronger environmental protection mandate. In 2006, Guinea acceded to the organisation and several projects are being developed to further harness the basin's potential[6].

[4] Manatali is a large multipurpose dam on the Senegal River in Mali. In 1997, Manantali was complemented with a 200 MW hydroelectric power plant. The dam has been working at full capacity since May 2003 providing each of the basin countries with electricity based on the amount the invested in the dam project (Newton 2007).
[5] Diama is an anti-silting construction in the Senegal Delta shared between Sénégal and Mauritania, it prevents backflow of salt-water into the basin.
[6] In 2014, the Félou dam in Mali was finalised. Several other projects are being developed or under construction.

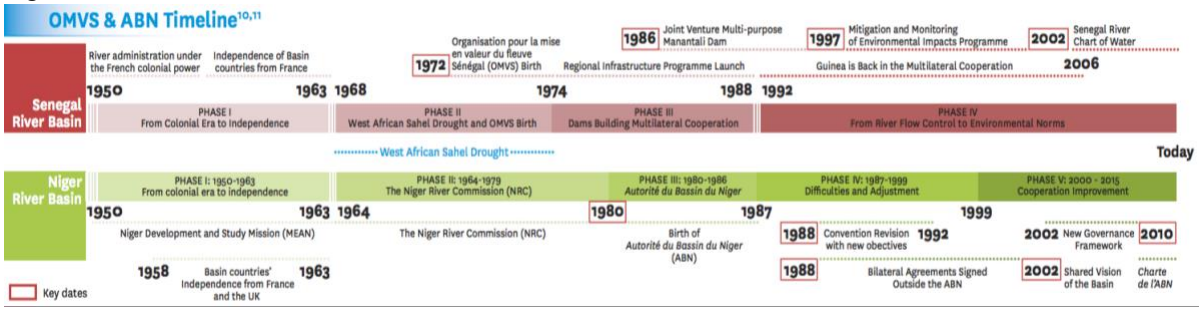
The early success of the OMVS, particularly in a context of severe environmental pressure is considered a regional success and the organisation is seen as a driver for regional stability and enhanced cooperation. The unique model of joint ownership and cost-and-benefit sharing has been an important source of inspiration for the NBA (see section 2.3). The limited scale and particular historical ties of the Senegal basin countries, however allows for a much faster decision-making process than in many other transnational basins. The OMVS was originally set up between only three countries with strong and relatively stable political and economic ties, and under the leadership of Senegal, which acted as a "benevolent hegemon" (Bolognesi and Bréthaut, 2016). The OMVS was also able to benefit from important (early) external financing for developing its regulating infrastructure.

The context of the establishment of the NBA in 1980 was very different from when the NRC was set up in 1964. As the Sahel drought was raging, the OMVS (see box 1), which was set up in 1972, was taking strides towards rapidly developing flow regulating dams on the basis of an intergovernmental masterplan. The 1980 convention sought to revive the NRC project, strengthen the institutional and operational effectiveness by turning it into an authority with a mandate to harmonise and coordinate national water resource development initiatives and to ensure integrated development in all areas related to the river.

The change of commission to authority was intended to raise the profile of the organisation among member states, yet seems to have reflected ambition more than the reality. The original 1980 convention indeed had very ambitious objectives, including "developing and executing an integrated development plan, taking action in the development and construction of all-purpose water infrastructure, regulation of the flow of the river through drainage and other infrastructure works", etc.[7]. In 1987, in view of persistent inactivity the convention was revised[8] and the ambitions of the NBA to lead in the development of river infrastructure were somewhat scaled back and emphasis was put on the coordination and fundraising mandate of the organisation.

Continued lack of financial commitment by member states, however, led to a further loss of credibility of the organisation and eventually also the loss of development partner support. The financial crisis of the 1980s resulted in a near full paralysis of the organisation in the early 1990s, as debt and arrears meant that salaries could no longer be paid out, and continued until late 1998 when the member states called for a revitalisation of the NBA, discussed below.

Figure 3: OMVS and NBA historical timeline



(Geneva Water Hub 2016b).

Historical plans for infrastructure development in the basin

Big infrastructure in the form of hydroelectric and multipurpose dams have always been a key

[7] Convention portant création de l'Autorité du Bassin du Niger. Acted du sommet des chefs d'états et de gouvernement. Fait à Faranah, Guinée, le 21 Novembre 1980.
[8] Convention révisée portant création de l'Autorité du bassin du Niger. Fait à Ndjamena, Tchad, le 29 octobre 1987.

domestic priority for the Niger Basin countries. In the 1960s-1980s Nigeria developed two key hydroelectric dams to harness the lower Niger River's energy potential, Kainji (1968) and Jebba (1984), which continue to provide electricity to the country[9]. Cameroon finalised its first hydroelectric power station on the Benue River, the Lagdo Dam in 1982. In Mali the first dams upstream from the inner delta were built under French rule. The Markala Dam (1947), initially built to support irrigated cotton, rice and sugarcane production continues to supply the Office du Niger, one of the largest national irrigation schemes in Africa. In 1982, Mali finalised the Sélingué multipurpose dam was finalised, which provides Bamako and a number of other localities with electricity.

Table 1: Main existing dams in the Niger basin. Source: Adapted from Marie 2009

Country	Site	River	Date of delivery	Electricity production (GwH per year)	Main Purpose(s)
Mali	Markala	Niger	1947	39	Irrigated agriculture
Mali	Sélingué	Sankari	1982	170	Energy, flow regulation and irrigated agriculture
Nigeria	Kainji	Niger	1966	2000	Energy
Nigeria	Jebba	Niger	1984	1650	Energy
Nigeria	Shiroro	Kaduna	1990	2000	Energy
Cameroon	Lagdo	Benue	1985	320	Energy

With the exception of Mali's historical irrigation investments, infrastructure development has been concentrated in downstream countries. Many upstream projects remained on the drawing board for decades, due to technical difficulties, political and economic instability, an unfavourable external funding environment for large dam construction, and even pressure from downstream countries, particularly Nigeria (Marie 2009). Initial plans for the construction of new dams in Guinea, Mali and Niger - national flagship projects which are now under active development - far predate the NBA and even NBC's creation. The first studies on the Fomi and Tossaye (Taoussa) sites' potential, for example date back to the early 1950s[10], and in the 1960s and 70s, Mali and Niger actively fundraised for the Kandadji[11] and Taoussa[12] projects[13], however these projects were put on the backburner for several decades (Marie, 2009, p. 87).

In the late 1990s, these national flagship projects picked up momentum again, as their funding prospects improved. With this the need reappeared for a regional forum in which the basin countries could negotiate and agree on acceptable transboundary effects of these projects, so as to avoid opposition and potential diplomatic fallout of national projects (see section 2.2 below).

[9] A third hydroelectric plant (Shihoro) on a tributary of the Niger River was finalised in 1990.
[10] See OMVS. Centre de Documentation et des Archives (CDA); GWP.
[11] Kandadji in Niger is situated upstream from Niamey and is conceived as a flow-regulating dam that would ensure Niamey's supply in drinking water all year round, improve navigability and generate electricity.
[12] The Taoussa site in Mali is situated between Tombouctou and Goa and the construction of the dam was a one of the conditions in the peace agreement between the Tuareg rebels and the Malian government, for its development potential in the drought-ridden northern art of the basin (Marie, 2009, p. 88).
[13] At the height of the Cold War, for example, Niger sought to mobilise its Uranium revenue to pay for the Kandadji project. As early as 1975, it would have secured a loan from Saudi Arabia to build the dam. See: https://wikileaks.org/plusd/cables/1975NIAMEY00513_b.html and https://wikileaks.org/plusd/cables/1978STATE147646_d.html.

Institutions and governance

The NBA's governance model follows a typical multilevel structure, common for thematic intergovernmental organisations. The detailed provisions and organogram have changed a number of times since 1980; however, the basic elements have remained the same.

Box 2: Statutory bodies of the NBA

- **The Summit of Heads of State and Government** is the supreme body for orientation and decision-making. It meets once every two years for an ordinary session, sets out the general direction, and decides on major changes (e.g. adoption of key strategic documents such as the water charter, financing, changes to the mandate, etc.). The NBA has held 11 summits since 1980.

- **The Council of Ministers** is the NBA's supervising body, responsible for monitoring the activities of the Executive Secretariat and reports to the Summit. It meets once a year for an ordinary session. The NBA has held 34 such sessions since 1980. Extraordinary council of minister sessions are held regularly to validate new initiatives (e.g. CIP in 2015), and fundraising strategies and discuss the management and financing of the NBA institution.

- **The Technical Committee of Experts** prepares the sessions of the Council of Ministers and is composed of representatives of the different member states.

- The **Executive Secretariat** is the NBA's executive body. It is headed by an Executive Secretary, who is nominated by the Summit of Heads of State and Government. For a period of four years (renewable once), this nomination is made following a proposal from the Council of Ministers. The Secretariat's management is not formally linked to the member states (e.g. through secondment), but stakeholders report that there is an understanding of the need for a certain balance in the representation. Until 2016, the ES has always come from Nigeria, for example, in recognition of Nigeria's position as a regional hegemon and the largest contributor to the NBA's operating budget according to the allocation key. Member state representatives will use these informal links to advocate for their position[14].

The political level has is reported to function well. Sessions take place very regularly, and participation at both summit and CoM level is strong, indicating that member states see an interest in maintaining and using the NBA as an intergovernmental forum. The history of the NBA is also one of questionable governance and underfinancing of the Executive branch of the organisation. In the 1990s operations almost came to a complete stop due to member state arrears. An organisational renewal process was launched in the 2000s (see section 2.2), which involved important organisational changes in view of increasing the productivity of the organisation as well as restoring member states' and development partners' trust in the Executive Secretariat. Following the recommendation of an institutional audit (2003), the organisational structure[15] was reviewed and several senior managers were recruited[16]. **National Focal Structures (NFS)** were established in each member state, in order to reinforce the administrative link between the NBA and the competent ministries[17].

[14] Some interlocutors reported that Nigeria's control over the post of Executive Secretary was long a way for the country to defend its defensive interest through the administration itself, and that member state influence (or interference) contributed to the decline of the organisation since 1980.
[15] With a staff of around 50 civil servants (excluding support staff), the NBA is still a relatively small regional organisation, comparable to LCBC (87 in total in 2015), and considerably more that CICOS (12 permanent staff). The current organogram.
[16] Only one senior and seven managers were kept in the restructuring of the secretariat, and from 2005-7, 22 new senior managers were recruited (Brachet & Dessouassi 2008).
[17] NFSs are led by coordinators and act as an interface between regional level (Executive Secretariat) and national level. Depending on the country, this structure comes under the ministry in charge of water, environment, agriculture or land planning. The functioning of NFS tends to vary quite a lot, and communication can be difficult, but they perform a vital role of interface between the NBA and the political level in member state governments.

The Shared Vision Process (SVP) discussed below restored some level of member state and donor trust in the NBA, allowing it to reboot the organisation as a knowledge institute and negotiating platform; however, trust in the organisational and administrative capacity remains fragile. In 2010, the momentum of the SVP started to deflate somewhat, and another cycle of questionable management ensued[18].

Structural drivers and obstacles for cooperation

In sum, the first two decades of the NBA saw very few advances in terms of collective action towards the development of the basin. The ***main structural drivers***, for cooperation in the basin, however remained largely unchanged and continue to shape NBA policy to this day:

1) ***The need to manage the Niger River's water flow and avoid negative effects*** such as floods, droughts, silting and more recently climate change. The Sahel drought in the 1970s-1990s, coupled with rapid population increase and man-made environmental degradation made this even more urgent;
2) ***The need to agree at regional level on a balanced and equitable scenario of infrastructure works*** for harnessing the Niger River's resources and with minimal negative effects on downstream riparian states;
3) ***The need to attract the necessary external financing to realise these major projects***

All this implied a need to overcome downstream apprehension for upstream investments (see below), which was complicated by a number of regional factors. Nigeria as the regional hegemon invested heavily in its own hydrological infrastructure in the 1960s-1980s, well ahead of the other basin states. Its downstream position and control over the Benue tributary river made Nigeria's position a systematically defensive one, intent on ensuring adequate water intake at the border crossing with Niger. At the same time, Mali and Niger have a more proactive position, calling for resource mobilisation for irrigation and energy, yet long failed to accelerate plans for their own investments. Niger in particular is to this date heavily dependent on Nigerian energy imports.

The diversity of the Niger basin countries constitutes a key structural obstacle to cooperation. The nine NBA countries vary considerably in terms of economic development, population, political stability and governance. At the same time their stake in the river basin ranges from highly dependent to marginal. This makes for a situation that does not easily lend itself to a joint management formula where countries from Guinea to Cameroon prioritise common interests over those that they can achieve unilaterally or in smaller, bilateral arrangements (Niasse, 2004).

Other, more technical or political obstacles of the first decades of NBA history (discussed below) include:

1) **Limited shared understanding of the Niger River's hydrology** and regional impact of planned national infrastructure works prevented a converging of interests between neighbouring states downstream and upstream;
2) **Limited member state trust in the NBA** and **limited political will to empower the organisation** conform its original mandate as a "regional authority"; and
3) **Cycles of poor management and loss of development partners' trust** in the NBA's ability to produce results.

[18] Several interviewees reported, that the leadership of the previous Nigerian Executive Secretary who held the post from 2010-2015 much reduced confidence in the NBA as a regional organisation. Some interlocutors mentioned that management quality in this period reached such low levels that there were suspicions of a deliberate policy to sabotage the NBA following the Shared Vision Process, reflecting Nigeria's historically defensive national agenda.

2.2. Expanding agenda and implementation challenges: the Shared Vision Process for the Niger Basin (2002-2008)

Through its history, the NRC/NBA in its various forms has had various attempts at energising cooperation in the basin. The first major revival of the project in the 1980s set the ambitions very high, yet failed to generate the necessary political momentum in the basin. In the 2000s, the NBA countries decided to re-launch the River Basin project through an extensive reform and consensus building process. This took place in a very different global environment. The 1990s and beginning of the 2000s saw the emergence of a strong sustainable development narrative (e.g. 1992 Rio Earth Summit), and the rapid adoption of the principles of Integrated Water Resource Management, which put basin organisations in the spotlight of the international community.

At the sixth (2000, Bamako) and seventh summit (2002, Abuja), member states requested the *"development of a clear and shared vision between member states"*. This Shared Vision was elaborated between 2002 and 2008 through an inclusive consultation process supported by development partners, chief among which the World Bank, Canada, the EU and France (which also provided critical technical assistance through AfD).

The Shared Vision Process (SVP) was structured around a series of national multi-sectoral consultations and resulted in a number of key technical instruments and commitments to facilitate decision-making down the line. The Sustainable Development Action Plan (PADD) sets out the main priorities for the NBA countries until 2025, including the economic and environmental modelling of the preferred scenario of infrastructure works that was confirmed and adopted by the council of ministers in 2007. An investment plan was also agreed, which serves as a budget for the PADD.

An organisational audit carried out by the Paris-based Office International de l'Eau (OIEau) in 2003 resulted in important organisational changes meant to increase the efficiency of the executive secretariat (see section 2.1.3). Multi-stakeholder consultations also led to the establishment – with significant delays – of a system of national and regional resource users committees regrouping civil society and community representatives.

At the eighth summit in April 2008, the member states adopted the Water Charter as the legal framework for cooperation on sustainable water resource development. The charter complements the 1980/87 convention and sets out the principles and terms for cooperation between the NBA countries. Annexes to the charter outline detail provisions on (1) environmental protection, (2) coordinated management of major water infrastructure, and (3) a notification system with a threshold for national infrastructure works. A fourth annex will concern cost-and-benefit sharing of infrastructure works, and more may be considered as the need arises. The same summit adopted a 2008-2027 investment plan.

Fundraising was a crucial component of the SVP and a key consideration at every stage. Ahead of the process, an invitation was sent to the World Bank to finance the SVP, and each phase/component was taken up by one or more development partners. In 2004 a major conference in Paris yielded a cooperation framework signed by 22 development partners, and the SPV came to an end with a Donor's Roundtable in June 2008 to secure funding for the first five-year implementation plan.

Unlocking downstream objections to upstream development

Throughout the SVP, the position of Nigeria reportedly gradually opened up to infrastructure development in upstream countries. The country never showed strong leadership despite being the

regional hegemon and has in fact a long track record of uncooperative behaviour and defensive positioning.

Historically, Nigeria's main objection to upstream infrastructure works was linked to its own downstream infrastructure, which it developed in the 1970s and 1980s, and in particular the Kainji dam. Nigeria needs a steady minimum intake at the border with Niger to ensure proper functioning of its own hydroelectric and agricultural systems, and the Kainji dam in particular. The development of the Kandadji and Taoussa dams in Niger and Mali (plans and studies for which have existed since the 1960s) was therefore a particularly sore point. With regard to Kandadji, it managed to partly offset the effects of its opposition to the project by providing affordable electricity (from Kainji) to Niamey, however as needs increased and the funding environment for large upstream infrastructure works became more favourable in the late 1990s, tensions resurfaced.

At the start of the process, during the seventh NBA summit in 2002, President Obasanjo had called on his peers to *"suspend all planned capital projects so as to allow studies to be conducted"*[19]. Later that same year, Nigeria reportedly demanded that a minimum guaranteed intake of 90% of the current intake would be observed at the border with Niger (Auclair & Lasserre, 2013). Today, Nigeria has agreed to the development of three major multipurpose dams upstream, and a gradual – if hesitant – empowerment of the NBA in a number of areas. Key elements in the change of positioning that are mentioned by interlocutors include:

1) Pressure and mediation from core countries and other regional organisations. The SVP was a major investment of political capital, and was perhaps in some way too big to fail. Mali and Niger, with Burkina Faso as a sub-basin coalition[20] are reported to have played a certain mediating role, as is ECOWAS through its Water Resources Coordination Centre (WRCC)[21] which is a key regional advocate for IWRM in West Africa and hosts multi stakeholder dialogue on dams in West Africa.

2) Direct negotiations between Nigeria, Niger and Mali. Throughout the process, concessions were made and the foreseen dimensions of the project were adapted. The initial plans for Kandadji for example were to retain 6 billion m^3. Current plans are reported to be for 1.5 billion instead. The Fomi dam also saw a reduction in foreseen capacity from 6 to 3 billion m^3 (Marie, 2009, p. 86-88).

3) Increased confidence in the knowledge and information function of the NBA. The SVP was structured around a series of large-scale multi-sectoral studies and detailed hydrological and economic models were developed with support from technical partners. The importance of reliable scientific information and projections cannot be underestimated, and the SVP started filling this gap. Today, the NBA secretariat takes up the role of knowledge broker, both formally and informally, to help member states make sense of the mountain of technical information on

[19] allAfrica. 17 February 2002. West Africa: Stop constructing dams, Obasanjo appeals to Niger Basin Authority Countries. allafrica.com/stories/200202170006.html.

[20] Mali Niger and Burkina Faso are regrouped in the Liptako-Gourma Authority (ALT), which a subregional intergovernmental organisation created in 1970 to jointly develop the border regions of the three countries in the areas of mining, water, energy and agro-pastoralist resources. As a subregional entity, the ALT plays a role in developing joint positions between neighbouring countries with common interests.

[21] In 2004, ECOWAS set up a permanent framework for the coordination and management (PFCM) of Integrated Water Resource Management (IWRM) in West Africa and established the WRCC. the two strategic themes for ECOWAS' involvement are (1) support to cross-border basin organisations and assistance with IWRM process in different basins; and (2) advancing regional integration in the water sector (ECOWAS-WRCC 2012). The ECOWAS area contains a variety of transboundary river basin organisations, including the NBA, the OMVS, The OMVG, and the VBA. Its members also participate in the LCBC and CICOS. With the support from IUCN, WRCC promotes multi-stakeholder dialogue on dams in West Africa in view of supporting priority projects, mitigating possible negative effects and risks of conflict.

the Niger river basin that is currently available[22].

The April 2004 conference of Heads of State and government is reported to have been a crucial moment. A strong attendance of seven out of nine heads of state allowed the process to move ahead, creating further momentum towards the adoption of the PADD and water charter in 2007 and 2008.

Stakeholder participation remains limited

The Shared Vision Process sought to develop and Integrated Water Resource Management approach for the Niger basin. The participatory process therefore resulted in the establishment of a system of National Resources User Coordination (CNU) regrouped under a Regional umbrella (CRU) based in Burkina Faso. *The operationalisation of these structures has lagged behind* and the CNUs are chronically underfunded. While the CNUs are to play a critical role of oversight and form an interface with local resource users, their visibility is limited.

In Niamey for example, the CNU has one permanent staff member working funded by IUCN in an office on loan from the *Association des Chefs Traditionnels* du Niger, some of whose members are part of the CNU. The national chapter has played an important role, working with the HCAVN in charge of the Kandadji site on achieving a more equitable compensation scheme for displaced communities affected by the Dam. This was made possible with external funding alone, and as IUCN support (part of the Global Water Initiative) will come to an end in 2017 future operations are not assured.

In the countries most affected by the current infrastructure scenario (Guinea, Mali and Niger) civil society is chronically weak and governments do not tend to adhere to a strong participatory model. *Empowering the CNU/CRU as a strong and credible interlocutor seems to be rather low on the NBA agenda*. As the work advances, and communities will need to be displaced as is the case in Kandadji and soon also Fomi, it will become more important to have a strong and credible interlocutor, if only to avoid conflict.

2.3. Current reforms and challenges

The SVP was a period of heightened activity and coordination around the NBA's core mandate. In the years following the 2008 summit, the pace appears to have slowed down again; however in general, most interlocutors consider the process to have been successful in *breaking through the cycle of political disempowerment and organisational decline of the 1980s-1990s*. The proof of the pudding remains in the eating, as much of the ambitious programme the NBA countries agreed on in the 2000s is yet to be implemented.

Hydrological infrastructure: moving from scenario to reality

One of the merits of the SVP is that member states agreed on a scenario for dam development, based on a detailed calculation of the environmental, economic and hydrological impact of a variety of combinations. With the PADD, member states agreed on a scenario involving the construction of multipurpose dams in Guinea close to the Malian border (Fomi), in Mali, upstream from Gao (Taoussa), and in Niger, just downstream from the Malian Border (Kandadji). The scenario also includes the rehabilitation of three hydroelectric dams in Nigeria: Kainji (1968) Jebba (1984) and

[22] The NBA Secretariat's function is in the first place to prepare the ground for political decisions, however it can also take an active role in reassuring governments of the need for continued action. It does so in the form of information (notes), missions and meetings. In 2016, for example, the secretariat hosted a delegation from Nigeria for several days to bring the newly appointed minister up to speed.

Lagdo (1982)[23]. The Kandadji project (NE) is under construction since 2011[24], and Taoussa (ML) since 2010. Kandadji suffered delays due to the bankruptcy of the main foreign contractor and preparatory work at Taoussa was ceased due to security threats in 2012 and restarted in 2016. Fomi (GN) is at the stage of updating and reviewing the feasibility/environmental impact assessments. Table 2 below gives an overview of the three main projects.

Figure 2: The Niger River Basin with existing and planned dams.

Source: NBA

The role of the NBA as a knowledge broker has been key in bringing the discussions to a concrete level with detailed projections of guaranteed low water period discharge, profitability and environmental impact. Contentious topics include the reduction of the Inner Niger Delta in Mali, which is projected at an "acceptable" 11% under the current scenario, and the average and minimal downstream discharge and how this will affect water intake at the borders between Guinea, Mali, Niger and Nigeria. Not all dams are considered to be equally beneficial, Taoussa, for example has received significant criticism for its environmental impact and lower projected profitability[25].

Only one project however can really be considered to be of a transboundary nature. The planned Fomi Dam, on Guinean territory is a crucial project for both Guinea and Mali. In 2014, the two countries signed an agreement for the creation of a "Comité interministériel de concertation" to develop the Fomi project. While this is a bilateral engagement the Fomi project has the potential to

[23] Extraordinary Session of the NBA Council of Ministers, 26th July, 2007, Resolution 3.
[24] The project was launched in 2008, but construction started in May 2011. Completion was initially planned for 2015. See: http://www.lemonde.fr/afrique/article/2012/05/09/au-niger-un-barrage-pour- reguler-le-debit-declinant-du-fleuve_1698478_3212.html.
[25] Some experts consider Taoussa to be economically unviable, yet it was reportedly pushed through as a key condition from the previous Malian administration.

become an “ouvrage d’intérêt commun” in the future, which would be especially relevant given the upstream location of Fomi, however this depends on the concerned countries willingness to involve the NBA in a more structural manner (see section 2.3.2.).

Table 2: Dams in the PADD. Various sources

Project	Purpose	Dimensions and potential	Key national interests	Leading institution	State of the project	Concerns and controversy
Fomi	Multi-purpose dam for energy creation, flow regulation and irrigation	Electricity: 90 MW Irrigation: 2,200 ha (Guinea); 100.000 ha (Mali)	Guinea: energy creation Mali: state run irrigation scheme of the "office du Niger" Downstream countries: regulate low-water periods by stocking water upstream	Comité Interministeriel de Concertation (CIC) between Guinea and Mali	Updating impact studies	Water retention, particularly for irrigation will result in a reduction of the Niger river's inner delta displacement of ca. 48.000 people
Taoussa	Multi-purpose dam for energy creation, flow regulation and irrigation	Electricity: 25 MW Irrigation: 139.000 ha (long term potential)	Mali: energy and irrigation; regional development through improving road infrastructure	Autorité pour l'Aménagement de Taoussa, depending from the Energy and Water Ministry	Construction started in 2011, but due to the security crisis in 2012; restarted in 2016	Possible low profitability due to evaporation; displacement of over 50.000 people
Kandadji	Multipurpose dam for energy creation, flow regulation, irrigation and drinking water supply	Electricity: 130 MW Irrigation: up to 45.000 ha (long term potential)	Niger: Energy independence from Nigeria; water retention for agricultural purposes, supplying Niamey, and combating further desertification	Haut Commissariat pour l'aménagement de la vallée du Niger, depends directly on the Presidency	Project launched in 2008, construction started in 2011, important delays due to problems with the main contractor	Possible lower water levels flowing into Nigeria, risk of lower production at the downstream hydro-electric plants of Kainji and Jebba Ongoing displacement of ca. 38.000 people

Contracting authority and asset management

Major infrastructure works tend to be high on the political agenda of consecutive administrations[26]. The construction and completion of a dam can be considered to be a strong political legacy and infrastructure works at that scale also present important financing opportunities both for dedicated state-run agencies and the private sector.

Control over Niger River projects and investments listed in the NBA’s operational documents remains firmly in the hands of member states. Multi-annual operational planning[27] starts at member state level, and the National Focal Structures (NFS) coordinate internally to send in their list of projects (small and big) that are in the pipeline, which is then collectively compiled at a regional meeting. The NBA has little power to select and prioritise without unanimous member state consent.

The water charter opens the door to shared management of major infrastructure works. Unlike the OMVS, which operates on the basis of jointly owned infrastructure, the NBA employs two categories of shared infrastructure (NBA Water Charter):

1. *"**Common facility** (« ouvrage commun»): a facility the Member States of the Niger Basin Authority have decided by a legal instrument to be their common and indivisible ownership”*; and

[26] Fundraising for these projects also takes place at the highest level. In the case of Kandadji, for example, successive presidencies have made the project a priority since the 1970s, and the contracting authority in charge of its construction (HCAVN) is directly attached to the presidency.
[27] Investment Plan and Operational Plan.

2. *"**Facility of common interest** (« ouvrage d'intérêt commun»): a facility in which two or several Niger Basin Authority Member States have an interest and which coordinated management has been decided by mutual agreement between the NBA Member States".*

Joint and indivisible ownership and operation (through the NBA) is only foreseen in the case of 'common facilities'. In the case of 'facilities of common interest', asset management held by more than one member state can be delegated to the NBA (Tignino & Sangbana, 2016). In order to assign the status of common facility of facility of common interest, a declaration needs to be made at the NBA by the country or countries in question.

With the adoption of the current scenario, the NBA member states agreed on the principle of moving towards a deeper level of cooperation, including *"the sharing of the costs and benefits associated with the construction and management of infrastructure of common interest **and / or of trans-boundary nature**[28]"*. The Fomi, Taoussa and Kandadji dams are considered to be structuring infrastructure works with clear transboundary implications; however, at this point they are not declared to be 'common facilities' or 'facilities of common interest'.

Asset management and contracting authority *(maîtrise d'ouvrage)* therefore remains a national prerogative, and for major infrastructure projects this is taken on by specialised agencies. The Kandadji project, for example is run by the *Haut Commissariat à l'Aménagement de la Vallée du Niger*[29], a public agency directly attached to the presidency. Taoussa is housed under a similar construction: The *Autorité de l'aménagement du barrage de Taoussa*. These agencies operate as specialised procurement agencies and rely on the political level for fundraising. Each of the big national projects are financed by a unique mix of donor agencies and national contributions.

The proximity and interaction with the OMVS, with its unique governance model of joint ownership of large infrastructure and guaranteed benefits sharing seems to inspire the work of the NBA to some extent, with some interlocutors identifying it as a potential future model. In the short term, member states remain reluctant to commit to the agreed principles in practice.

In the meantime, the NBA continues to prepare the ground by further developing the legal framework for cooperation in annexes to the Water charter. A fourth annex to the water charter is being developed with close support from GIZ to detail provisions for this to take place. The next step on the agenda would be to develop provisions for joint management of 'common facilities' and 'facilities of common interest'. Having a conceptual and legal framework in place can greatly facilitate further integration, but only if member states also decide to apply this in practice.

Taoussa and Kandadji offer little potential to expand the NBA's position and role in the near future. Fomi is a different case. The project, due to its irrigation potential is of as much value to Mali than it is to Guinea. Since Guinea joined the OMVS in 2006, both countries are already cooperating on common infrastructure in another shared river basin. As bilateral cooperation accelerated since 2014[30], the NBA secretariat has recommended that Fomi be the first project to attain the status of "facility of common interests", and has advocated for strengthening its involvement in the development of the project[31].

[28] Council of ministers. Niamey, 26 July 2007. Resolution N°3 : Relating to the Development of the Socio-economic infrastructure for the implementation of the Sustainable Development Action Plan (SDAP).
[29] The HCAVN was preceded by the Autorité du barrage Kandadji, set up in 1980, as the work advances it will evolve into the Agence du barrage Kandadji that will oversee the dam as a semi-independent agency.
[30] In March 2014, Guinea and Mali signed an agreement to create a Comité Interministeriel de Concertation to jointly implement the project
[31] NBA Internal note.

A first important step was the transfer of contracting authority for environmental and social impact assessments to the regional level in 2010[32], allowing the NBA a higher degree of ownership and control over the process and access to information regarding potential negative impacts for other river basin countries. Since the PADD scenario was agreed on a regional level, member states see this as an acceptable loss of sovereignty, and have a direct interest in empowering the NBA's knowledge functions as this improves the fundraising prospects for on-going and future investments.

Sustainable financing and institutional capacity

The Executive Secretariat is funded by member state contributions based on an allocation key that has been revised on several occasions. Table 2 presents the current allocation key, which was set in May 2016[33]. The actual disbursement of these contributions however is often irregular and unpredictable, leading to arrears and debt for the organisation. Council of Ministers and Summit meetings systematically call for respecting member state commitments.

Various possibilities have been discussed for the NBA to attain some level of financial autonomy in the long run, and at summit level states have committed to explore a set options including a polluter pays scheme targeting mines and industry, charging for NBA assistance to contracting authorities, setting up an endowment fund[34], linking contributions to the community tax of RECs (ECOWAS and CEEAC), and the option of PPPs. To date, no real advances have been made beyond the level of studies and analysis.

Table 2: Current allocation key for member state contributions[35]

Country	**Allocation key**
Benin	8.5%
Burkina Faso	8.9%
Cameroon	9.7%
Côte d'Ivoire	8.7%
Guinea	8.4%
Mali	14.7%
Niger	12.2%
Nigeria	21.2%
Chad	7.7%
Total	**100%**

While the SVP restored some trust in the NBA and created momentum for the process, Member state representatives openly question the NBA's organisational capacity, and will likely continue to do so in the near future in the absence of concrete valorisation of the outcome of the SVP. At the same time, there is a constant reluctance on their part to empower the NBA with adequate and

[32] Ninth summit of the heads of state, 16 September 2010, decision nr. 1.
[33] Extraordinary council of ministers, Abuja, May 2016, resolution nr. 2.
[34] "Fonds de capitalisation sur financement des Etats membres et des Bailleurs".
[35] Extraordinary Council of Ministers meeting, Abuja, May 2016, resolution nr. 2.

timely financial contributions and an expansion of the organisation's mandate putting the NBA in a difficult "catch 22".

New horizons? Climate change mitigation and financing

Climate change mitigation and adaptation, especially in the Sahel is at the centre of attention for the international community. The risk of water conflict and the need to mitigate competing claims to limited and threatened water resources has put River and Lake basin organisations in the spotlight as they are seen to be preferred partners and drivers for regional cooperation on climate change.

The NBA along with a variety of other RBOs and their member state representatives was present and actively lobbied for commitments at COP21 in Paris and more recently COP22 in Marrakesh (see also the CICOS study in this series). Ahead of the Paris conference, the NBA even prepared a specific Climate Investment Plan, in which it reframed 246 different (national) actions from its operational plan that fit under a resilience and climate adaptation narrative. These include critical infrastructure and agricultural development (adaptation) initiatives, and a wide range of accompanying measures. Several heads of state and government representatives also participated to these conferences in an effort to raise funds bilaterally, and have taken the opportunity to advocate for (GCF) support to renewable energy, and particularly hydroelectric power[36].

In recent years, the NBA appears to also become a channel of climate finance for its member states. The World Bank and the AfDB, and in particular support climate change adaptation initiatives, building i.a. on earlier support to combating desertification in the basin.

2.4. External drivers and blockers

Donor funding and technical assistance

As most river basin organisations, the ***NBA is highly dependent on external financing and technical assistance provided by donor agencies***. External financing drives the NBA process on two levels: the NBA's functioning, projects and programmes at the regional level, and national projects (with a regional component) at the national level. The World Bank is the "chef de file" of the NBA's donors and has been crucial in their support of the SVP along with France (AfD), the EU and CIDA. The bank is also a leading donor of the NBA's umbrella projects for agricultural adaptation and combating desertification in a subgroup of NBA countries.

The rapid rise of IWRM in the 1990s and 2000s increased donor attention to River Basins and their organisations. Donor agencies are also under pressure to disburse on a critical scale and are looking for partners that can manage and absorb significant envelopes. The SVP involved a significant fundraising component and important commitments were made along the way in 2004 (Paris conference) and 2008 (donor roundtable). Individual dams are financed at the national level. Kandadji in Niger has 11 donors, chief among which the World Bank, AfDB, AfD and various Arab funds. Taoussa relies on IDB, the WADB and a selection of Arab funds.

The NBA and OMVS are often cited as models of transboundary basin cooperation (Tignino and Bréthaut, 2016; OIEeau, AfD and ANBO, 2014). In most cases, however, analysis tends to focus on the progressive integrative governance model, moving towards equitable cost and benefit sharing, and eventually even joint ownership, much less on the possible drivers and constraints that define

[36] Niger's president Mahamadou Issoufou for example called on the international community to support renewable and in particular hydrological energy creation in West Africa. See: http://www.francetvinfo.fr/monde/environnement/cop21-le-president-du-niger-demande-de-l-aide-pour-developper-les-energies-propres_1715661.html.

whether or not this next step is feasible. Its current profile however gives the NBA a fairly strong profile towards foreign donor agencies.

Being a regional organisation, the majority of its agreements are also with donor agencies in their capitals. The World Bank account for example is mainly managed from Washington (CIWA), AfD from Paris, AfDB form Abidjan, etc. EU funding had a stronger involvement of the EU Delegation[37]. .

The SVP had generated a lot of momentum in the donor community and the core group of donor agencies at the time coordinated their support to the organisation closely. Following the SVP this synergy reportedly reduced significantly, particularly under the leadership of the previous Executive Secretary. Some interviewees mentioned that this situation benefited the NBA, because it allowed them to shop around and play one out against the other. All this is common in regional organisations, which tend to have a variety of financial partners, both based in the host country and abroad, and signals coordination issues on both sides.

Technical Assistance (TA) is another key external driver for the NBA, and decision-making in the Shared-Vision process has benefited significantly from TA provided by AfD and more recently GIZ. Studies, preparatory work for NBA policy documents are generally externally funded and in-house TA provides capacity development (for new functions such as managing environmental impact assessments), and implementation assistance (e.g. for setting up new structures such as the SFN.

Regional financing and endorsement of national projects

The external financing environment of the NBA also constitutes an important pull factor for regional cooperation. The NBA operates on a regional level and therefore offers new fundraising opportunities for member states and their water management investments. The NBA's multiannual investment/operational planning consists to a large extent of nationally identified projects and programmes that are compiled at the regional level. Fundraising takes place at both levels.

For Member states, the NBA level increases their fundraising profile by providing access to regional funding for activities and programmes in the Niger basin and recently also climate finance. ***The NBA's various multi-annual investment plans tend to overlap quite a bit***. Ahead of the NBA's delegation to COP21 in Paris for example the NBA member states agreed on a Climate Investment Plan (CIP)[38] comprising 246 actions[39], many of which also feature in the initial investment plan. In 2016, the NBA set out its Operational Plan (OP) with 350 actions. The OP integrates the full extent of the CIP, which counts for 70% of the OP. These actions include major investments in water infrastructure, irrigation, as well as complementary actions in terms of agricultural transformation, climate adaptation, environmental conservation, and developing the capacity and tools of national and regional institutions. The OP includes national, regional as well as sub-regional actions.

The above documents are based on extensive consultation and depend on Member states to send in their selection of pipeline projects. Member states see the NBA level as a form of accreditation. Having a national project feature in an NBA plan or programme helps with fundraising, which is especially relevant since the majority of these investments are externally funded. Several interlocutors mentioned that this gives member states a clear ***political incentive to deepen cooperation at the political level*** at the NBA.

[37] EU funding to the ABN is currently frozen due to an inadmissible costs procedure, there is desire to restart cooperation but this is procedurally difficult.
[38] The CIP also integrates the actions of a previous AfDB financed programme Programme Intégré de Développement et d'Adaptation au Changement Climatique (PIDACC).
[39] http://www.abn.ne/index.php?option=com_content&view=category&layout=blog&id=39&Itemid= 35&lang=fr.

Similarly, the strong attention for Regional infrastructure coming from the AU level and ECOWAS constitutes an added endorsement of individual projects. This is the case for example with the Fomi Dam, which has been selected as a priority transboundary water infrastructure project by the AUC-NEPAD-AfDB Programme for Infrastructure Development in Africa (PIDA) as well as the ECOWAS Regional Dialogue on large water infrastructures in West Africa[40]. Recognition as a priority "backbone" infrastructure project increases the profile (legitimacy) and funding prospects of the project. The NBA's direct involvement however remains fairly limited at this stage.

Regional security environment and instability leads to delays and loss of momentum

The most important external blocker is the regional security situation. This plays out in several ways, first it shifts the attention away from other key areas of national interest and has put a major strain on the already very limited means of crucial NBA states, particularly Niger and Mali. Second, political instability severely affects long-term action on a regional level by reducing the predictability and capacity of member state administrations. Finally in the case of Mali, the Taoussa project has suffered delays of several years due to the security situation. A deterioration of the security situation can therefore fundamentally affect the success of the NBA, which to a large extent depends on the successful completion of this infrastructure scenario.

3. Assessing the political interests of member states

3.1. Structural factors and historical positions

Core, intermediary, and peripheral countries

Member state interests in the NBA are in the first place informed by their geographic location in relation to the Niger River. Guinea, Mali, Niger and Nigeria have the strongest stake in the river, which has informed their position in the NBA from the very beginning. The same four countries are also the ones with dam construction and renovation works in the pipeline under the current NBA scenario.

Nigeria is by far the biggest economy in the region (and in Africa). As the regional hegemon situated downstream from the other core countries, Nigeria has traditionally held a defensive position, trying to block major upstream investments that could affect intake at the crossing from Niger into Nigeria. With access to a navigable section of the Niger River, the Benue tributary river, and being a major water producer itself it never had a very strong interest in mitigating upstream fluctuations unless their seasonal intake would be significantly affected by for example the Kandadji project in Niger. Nigeria has independently built up its own hydroelectric infrastructure starting in the 1960s, and could easily continue to do so outside the NBA. Historically it has also provided Niger with affordable electricity, contributing to upstream demand and offsetting dam construction. The position of executive secretary of the NBA has until recently always been held by a Nigerian (former) politician (see section 2.1.X). Also being the only English-speaking country in the basin (counting Cameroon as a bilingual member state), Nigeria is isolated in a number of ways[41].

The republic of Niger is in the most vulnerable situation, being among the poorest countries of the

[40] CEDEAO Centre de coordination des ressources en eau. 2011. Concertation sur les grands projets d'infrastructures dans le secteur de l'eau de l'espace CEDEAO: Evaluation et mise en débat des projets d'ouvrages prioritaires. Phase 2 – application des critères priorisation des projets d'ouvrages.

[41] The NBA is a bilingual organization, however the informal working language in the Niamey Secretariat is French, the need for translation tends to frustrate Francophone member states, and can complicate informal negotiations at CoM and/or technical level.

region and under constant threat of droughts and desertification. Niamey hosts the executive secretariat of the organisation since the Niger River Commission in 1968 and holds a special place in the basin due to its very high dependence on upstream intake of water. It's also a long-term ally of Nigeria and highly dependent on the country for energy imports. Both countries shares a 1500 km border, which cuts through the centre of Hausaland[42].

After Nigeria, ***Mali*** carries the most weight in the NBA due to its size and geographic location in the basin. The country also manages one of the largest irrigation schemes in the region through a semi-independent agency the "Office du Niger", which oversees the Selingue and Markala dams upstream from the inner Delta. Mali and Niger also cooperate as part of the Liptako Gourma Authority (ALG), along with Burkina Faso.

Guinea generates a significant portion of the flow of the Niger river, and its geography is most conducive for major dam sites (including Fomi). Downstream core countries therefore have a key stake in adequate flow management coming from the Guinea highlands and working through NBA to achieve this. In 2006, Guinea also (re-)acceded to the OMVS - of which Mali is a key member - and major works are also planned for the headwaters of the Senegal River.

The four core countries of the Niger Basin show a strong interdependence in terms of water resources, but also culturally, economically and in terms of security cooperation.

Burkina Faso, Benin and Cameroon have a more reduced interest in the Niger River Basin Management, Burkina Faso is not on the main artery, but controls right bank tributaries, Benin shares only a small part of the main stream with Niger and Cameroon's upstream position on the Benue means that its regional interests are closer related to Central Africa and Chad than the West African countries of the Basin. ***Côte d'Ivoire and Chad,*** finally, are only minimally concerned and can be considered to have a peripheral interest in the basin.

Bilateral and sub-basin dynamics

The NBA as a regional organisation has only limited authority over member state operations. The Water Charter is developed in such a way that it opens up the possibility for gradual integration of the Niger Basin management through a transfer of competence to the regional organisation. Recent examples are the negotiation and development of a notification system, based on a calculated threshold of hydrological initiatives that could have an impact on other member states, and more recently the transfer of contracting authority for environmental impact assessments. These decisions empower the NBA in its role as a knowledge and information hub and give it some level of control over the implementation of future infrastructure works.

That said, the principle of subsidiarity is a key feature of NBA operations which is plays out in a number of ways:

1) ***Initiative lies with the NBA member states.*** Actions under the NBA's Operational Plan are identified at the national level, with support from the NBA secretariat and Technical Assistance from donor agencies. Prioritisation takes place at the regional level in workshops, yet given that these are often priorities identified at the political level there is ***only very limited room for triage.***

2) ***Infrastructure is nationally owned and operated.*** Actions are implemented at the national

[42] The shared Hausa language – even if not an official NBA language – is reported to facilitate informal discussions and negotiations on member state positions, and to some extent mitigates the Anglo-francophone divide in the NBA.

level (through national procurement services) and once built their operation is a national prerogative, unless the member state(s) decide otherwise. Stakeholders report that the NBA is not directly concerned with the major projects such as Kandadji and Taoussa. In the case of Fomi, the NBA was only associated to the process when Guinea and Mali were taking steps bilaterally to implement the project. ***Member states therefore do not show strong political will to empower the NBA beyond its current functions***

3) ***Sub-basin arrangements and bilateral cooperation are encouraged.*** The water charter (2008) foresees the creation of sub-basin commission. To date, these are yet to become fully functional. At the bilateral level, at least 6 bilateral agreements were made between NBA member states since 1980 pertaining to cooperation on water resources or water infrastructure development. The latest example is the creation of a *"Comité Interministériel de Concertation"* between Guinea and Mali on the implantation of the Fomi multipurpose dam. ***The NBA however does not (yet) directly facilitate these arrangements.***

Leadership from the core countries Mali, Niger and to some extent Guinea is reported to have played a key role throughout the SVP. While we cannot speak of an actual coalition, these three countries tend to share similar interests in regional cooperation and developing the Niger basin.

3.2. Shared member state interests in the NBA

The shared vision process created a lot of momentum, and came at a time that the regional cooperation almost came to a complete standstill. The political capital that was invested throughout the process meant that in some ways the process became too big to fail. Today member states are still hesitant to transfer competences to the NBA's regional level, but can be said to share a set of interest in maintaining the NBA as a regional intermediary:

1) The NBA has ***established itself as an information and knowledge hub*** and its added value is increasingly recognised by member states, particularly for analytical tools (modelling, observatory), information sharing and coordinating possible corrective measures. The knowledge function has also been key in breaking through the historical climate of mistrust surrounding member states' infrastructure plans.

2) The NBA is a ***regional frame of reference that facilitates fundraising*** for member state projects such as infrastructure studies, construction and/or rehabilitation. Having a form of regional accreditation is seen to inspire confidence in the financial partners and investors. Once funding is secured, however, countries have much less of an incentive to involve the NBA in the further development.

3) The NBA is an ***established forum for member state coordination.*** The political level meets regularly and real coordination takes place since the SVP, creating a certain level of political momentum. One indicator is that the political meetings of the NBA take place independently from donor support and TA, and are generally funded by the member states themselves.

4. Areas with particular 'traction' for regional cooperation

The NBA has lived through various cycles of decline and revitalisation. As infrastructure development and climate finance in the basin is picking up momentum, the stakes for regional

cooperation have become higher.

As a river basin organisation, it has been designed with a gradual empowerment of the regional level in mind. The OMVS, which operates with a unique level of authority for a RBO, with cost and benefit sharing and joint asset management has been a source of inspiration and to some extent a model, yet in a setting with 9 highly diverse member states this it is one that is difficult to attain. While the name NBA implies this gradual development into a transnational authority, in reality, the NBA is yet to assume this role. It can only do if member states are willing to actually empower the organisation. In 2004, the NBA member states decided to maintain asset management as a national prerogative, and to move towards a transfer of competence at an undefined “opportune time”.

As the NBA countries are moving towards implementation of the PADD scenario (with major delays), it seems unlikely that a greater transfer of competence will take place in the near future. The Following the completion of the SVP, the NBA finds itself at a new turning point. Since 2008, the political momentum has diminished somewhat, but significant advances were made in the development of various annexes to the water charter, the latest being annex 4 on cost and benefit sharing. While the technical work is being done, and (after significant delays) several of the member states are entering the construction phase, it remains unclear to which extent member states see a direct interest in empowering the NBA as a transnational body.

Areas with potential for deepening integration:

1) ***Bilateral and/or sub-basin cooperation on infrastructure development.*** As the Water Charter’s different components are being further detailed, what is lacking is a concrete case for applying a regional approach, for annex I (environmental protection) or annex II (coordinated management) and eventually annex IV (cost and benefit sharing) of the Water Charter. The Fomi project is the subject of a bilateral agreement between Guinea and Mali, and many report that Fomi could be a testing ground in the future for NBA facilitated cost and benefit sharing. This would allow the NBA to advance to facilitate real-life cross-border cooperation on a specific and high-profile case. The degree of NBA involvement, however, depends on the willingness of member states to involve the regional organisation in more than an advisory capacity.

2) ***Climate change mitigation and external financing.*** Many NBA countries share a particular vulnerability for the effects of climate change, and as the negative effects on the Niger basin persist this may call for a deeper level of cooperation. The NBA’s COP21 participation and its CIP are a first step towards a stronger NBA position on Climate Change. Member states could move to (further) enhance the NBA’s role as a regional player in the area of green infrastructure, common climate adaptation solutions, etc., and may see an interest in a strong regional institution to facilitate future work.

3) ***Organisational development.*** Member state trust in the regional level depends on the effective functioning of the NBA executive Secretariat. Throughout the SVP organisational reform has taken place and in 2017 the new Executive Secretary stands before the challenge of implementing the recommendations of an extensive organisational audit. The challenge of the NBA is to move from a project-based approach, where structures are often set up in function of a particular donor-funded project, to a programme or objective driven approach where the NBA is better equipped to also manage regional programmes with its existing (permanent) structures. Doing so may instil greater trust from the member states in the NBA’s capacity. While this is less relevant for the core objective of infrastructure development and management, it may facilitate upcoming work on thematic priorities such as climate change mitigation and adaptation strategies.

The size and diversity of the NBA remains a key structural constraint for the NBA. Convening nine very disparate positions and interests will not become easier in the near future, and as member states tend to insist on regional validation, the size and diversity of the NBA slow things down and increase transaction costs compared to smaller organisations.

Subsidiarity is a tricky concept in the area of resource management, energy and economic development. Member states remain reluctant to transfer competencies to the regional level. The official "narrative" may be that the NBA is lacking in institutional capacity; the underlying consideration is also that major infrastructure investments are in the first place seen as a national prerogative or flagship project of governments and heads of state. As the NBA model remains relatively non-committal in practice, the risk of a virtual or paper form of regionalisation in the Niger Basin remains very real.

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