Understanding the International Congo-Ubangui-Sangha Commission (CICOS)

Going with the flow: from navigation to climate finance in less than 20 years?

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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

AfD	French Development Agency
AMCOW	African Ministers Council on Water
ANBO	African Network for Basin Organizations
AU	African Union
BMZ	German Development Ministry
CAR	Central African Republic
CCNR	Central Commission for Navigation on the Rhine
CEMAC	Communauté Économique et Monétaire des Etats de l'Afrique Centrale
CICOS	Commission Internationale du Bassin Congo-Oubangui-Sangha
CIT	Community Integration Tax
CIWA	Cooperation in International Waters in Africa (World Bank Programme)
Congo-HYCOS	Congo Hydrological Cycle Observing System (WHYCOS basin level project)
COP21	2015 United Nations Climate Change Conference
COP22	2016 United Nations Climate Change Conference
COS	Congo-Oubangui-Sangha
DRC	Democratic Republic of the Congo
ECCAS	Economic Community of Central African States
EIA	Environmental Impact Assessment
EU	European Union
GETRACO	Gestion transfrontalière de l'eau dans le bassin du Congo (GIZ programme)
GIZ	German Development Agency
GWP	Global Water Partnership
ICGLR	International Conference of the Great Lakes Region
INBO	International Network for Basin Organisations
IWRM	Integrated Water Resource Management
LCBC	Lake Chad Basin Commission (CBLT in French)
LTA	Lake Tanganyika Authority
MESA	Monitoring for Environment and Security in Africa (continental earth observation programme)
NBA	Niger Basin Authority (ABN in French)
NEPAD	New Economic Partnership for African Development (AU)
OIEau	Office international de l'eau (French international water office)
OMVS	Organisation pour la mise en valeur du fleuve Sénégal
PAS-GIRE	Programme d'action stratégique – gestion intégrée des ressources en eau
PIDA	Programme for Infrastructure Development in Africa (AUC, NEPAD, AfDB)
RBO	River Basin Organisation
SADC	Southern African Development Community
SDAGE	Schéma directeur d'aménagement et de gestion des eaux
SITWA	Strengthening the Institutions for Transboundary Water Management in Africa
SVP	Shared Vision Process
TBWRM	Transboundary Water Resource Management
UDEAC	Union Douanière et Économique de l'Afrique Centrale
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNEP	United Nations Environmental Programme
WWC	World Water Council

1. Introduction

This report gives a political economy overview of regional cooperation in water resource management in Central Africa. It focuses in particular on the evolving role of the International Congo-Ubangu-Sangha Commission (CICOS), a River Basin Commission set up in 1999 as a specialised agency of the Central African and Monetary Economic Community (CEMAC), including non-CEMAC members DRC and Angola, to facilitate navigation on the shared sections of the Congo-Ubangui-Sanga basin.

In less than 20 years CICOS has evolved from a specialised agency with a narrow focus on navigation to a river basin organisation (RBO) with a wide mandate to coordinate and facilitate an integrated water resource management approach in the Congo basin. In doing so CICOS has followed a globally promoted model of RBOs, thereby exposing itself to many of the same challenges.

Central Africa is a highly complex region and the Congo River and its tributaries have always been a source of political tension between the riparian states. CICOS has been able to overcome some of the tensions which stem from specific historical relationships and competing claims on the international character of the Congo River.

Today, the challenges facing the Congo-Ubangui-Sangha basin, however, stretch far beyond the basin itself. Demand for the vast untapped potential of the basin is rising as individual member states seek to mobilise resources to develop their hydrological and agricultural infrastructure. The basin is also a key focus of the international community for conservation and climate change adaptation. In the next few years, infrastructure development and climate finance will further raise the stakes in the basin to a new level, while competing interests and demands, for example on the proposed inter-basin water transfer to refill Lake Chad, could revive historic tensions in the basin. All of this takes place among states experiencing severe political and security challenges. The need for a trusted and credible regional player is therefore greater than ever, while the challenges of collective action are also higher.

This report addresses the following three questions: i) what is the political traction of CICOS and its related agreements in driving a basin-wide approach to water resource management; ii) what are the interests of member states for widening CICOS' regional mandate and using the organisation to address concrete issues in relation to navigation, integrated water resource management (including infrastructure development) and climate change adaptation; and iii) which are the specific areas or sectors with most potential for CICOS to convene member states around a common agenda and to implement its rapidly expanding mandate.

This is a desk-based report, drawing on a limited number of interviews.

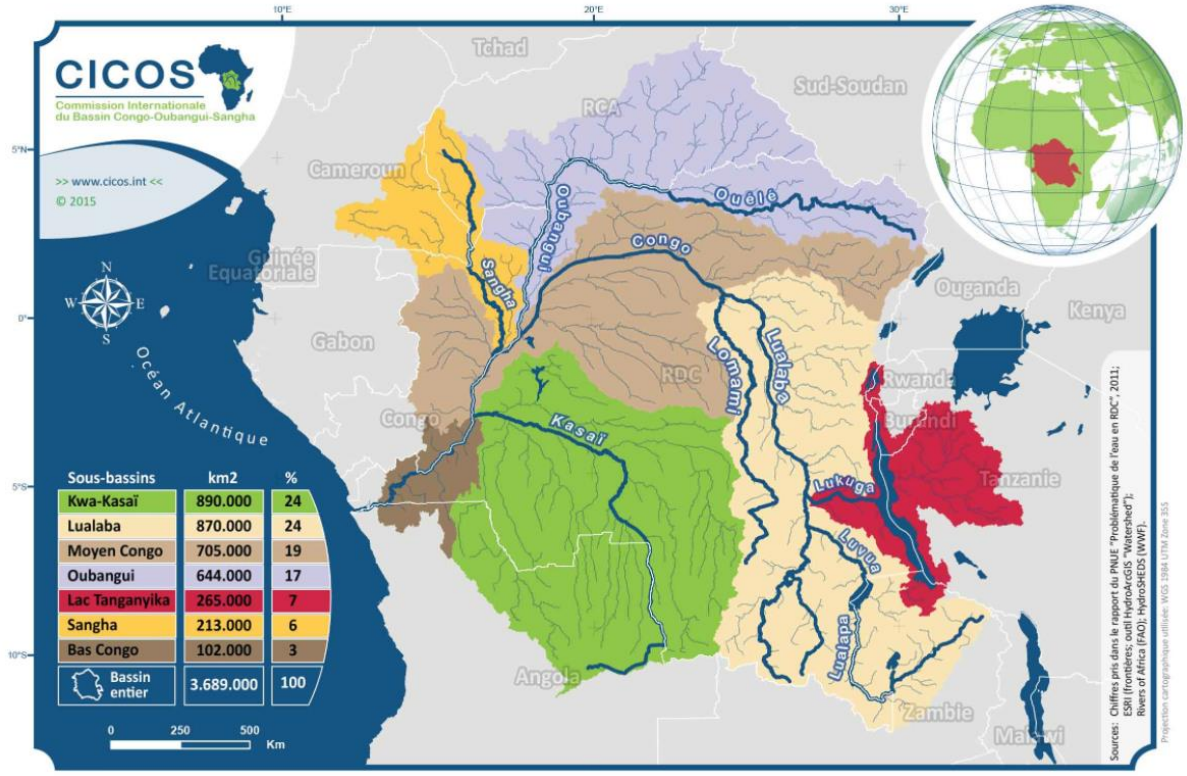
2. Assessing the political traction of CICOS

2.1. Structural and foundational factors

The Congo-Ubangui-Sangha Basin

The Congo basin is the second largest river basin worldwide, stretching across ten countries and approximately 3.8 million km^2. It has an average flow of 41.000m^3 per second (at Kinshasa), representing more than one third of the freshwater resources on the continent. The Congo river is the hydrological and geographical backbone of the basin, lending its name to two of the riparian countries. Its main tributary rivers, the Ubangui, Sangha and Kwa-Kasaï join the Middle Congo River upstream from Kinshasa/Brazzaville; downstream the lower Congo consists of a series of large waterfalls and rapids before forming an 80 km long delta stretching to the Atlantic Port Banana.

Figure 1: The Congo river basin and sub-basins.



Source: CICOS

No less than 62% of the basin lies in DRC, followed by 11% in CAR which also shares a significant section of the Ubangui river with DRC, 8% in Angola where the Kwa-Kasaï river originates, and 7% in Congo Brazzaville through which the Sangha river and part of the Ubangui tributaries connect.

Table 1: The Congo River Basin countries.

Country	Surface of the Congo River Basin (in km2)	Share in the Congo River Basin (in %)
Angola	305.760	8%
Burundi & Rwanda	18.728	0,49%
Cameroon	85.300	2%
C.A.R.	402.000	11%
Congo	248.400	7%
DRC	2.307.800	62%
Tanzania	166.800	4%
Zambia	176.600	5%
Gabon	1.146	0,03%

Source: CICOS

There are at least 17,000 km of navigable waterways in the basin, the majority of which are connected to the middle Congo (1.740km) and located in DRC and Congo Brazzaville. Navigation was historically very important in the basin but commercial transport on the three main axes has diminished over the years due to low water levels linked to climate variability north of the Equator (Ubangui and Sangha rivers), but also due to infrastructure problems and lack of maintenance.

The Lower Congo has a particular potential for hydroelectric power. At the Inga falls (DRC, 225 km downstream from Kinshasa), two hydroelectric power stations were built in 1972 and 1982, producing

a mere 1.774 MW or 4% of the estimated potential (Frix 2016)[1]. A third dam (Inga III - 4.800 MW) is being developed by the DRC government (with the support of the World Bank, among others), and is hoped to connect to the Southern African Power Pool through a 3.800km line from DRC to South Africa[2]. Further expansion is planned with several new plants to form the Grand Inga dam, a mega-project to harness a critical portion of the site's potential. The Grand Inga dam will produce 40.000 MW and is identified as a key priority project by the AU-NEPAD under its PIDA programme, as well as SADC and several other African Development Organisations.[3]

The Congo basin is also a high profile area for climate change in Africa. The forests of the Congo basin are a key focus for reducing greenhouse gas emissions through conservation. In 2017, the peatlands of the 'cuvette centrale' (inner delta) of the Congo River were identified as holding some of the world's largest historical underground carbon storages. This area of only 4% of the Congo basin is now estimated to hold 30 billion tonnes of carbon (nearly 30% of the world's tropical peatland carbon), an amount that equals about 20 years of US fossil fuel emissions (Radford 2017). This makes conservation and sustainable management of the basin's hydro-forestry complex a matter of global concern, thereby adding both to the complexity of the CICOS mandate, but also the stakes at play.

Legal ambiguity and the decline of commercial transport

International legislation on navigating the Congo river and its tributaries goes back to the late 19th century. The Congo river was of such importance to Central Africa colonisation that a specific fluvial regime was adopted at the Berlin Conference in 1884-85,[4] declaring the river an international zone under the management of the King of Belgium to ensure free access and navigation (Mubiala, 1995).

Decolonisation left a legal vacuum in which it was unclear whether or not the inherited colonial arrangements applied or not (Mubiala, 1995) and saw the international character of the river put to the test due to tensions between Zaïre and Congo. Despite representing a physical frontier between Zaire and Congo Brazzaville, in 1971, Zaïre argued in front of the UN General Assembly that the river was legally an internal stream, a position that would be reiterated regularly in the following decades. Until the 1990s, few specific agreements were made between riparian states, most of which concerned the maintenance of navigable sections and the use of rivers forming natural borders. With no arrangement between Congo/Zaire and Congo until the late 1970s, in practice, freedom of navigation persisted under generic international law, with only minor international incidents.

Table 2: Postcolonial agreements on the Congo river basin preceding the CEMAC/RDC navigation code and CICOS agreement.

Date	Objet de l'accord	Parties
1970	aménagement du fleuve	RCA et Congo
1976	intégration économique	Burundi, Rwanda et Zaïre
1978	aménagement du fleuve	Zaïre et Angola
1978	aménagement du fleuve	RCA, Congo et Zaïre
1986	barrage hydroélectrique	Zaïre et RCA

Source: Pilarski 2009.

In 1978, some of these tensions were overcome with the creation of a tripartite commission between Congo, CAR, and Zaïre. This tripartite commission requested UNECA to carry out a global study

[1] Frix, P. 2016. Inga : atout majeur pour le développement économique de la RDC et l'intégration régionale en Afrique. CBL-ACP Perspectives. Avril-Juin 2016.
[2] http://www.au-pida.org/central-african-power-interconnection.
[3] DRC is also a member of SADC.
[4] The regime was later revised at Saint-Germain-en-Laye in 1919. For a full analysis of the colonial legislation, see Mubiala 1995.

(1983-4) on the development of the entire basin, including its current international statute. This was the start of an intergovernmental consultation process on the development of a common fluvial regime under the auspices of the ECA, with participation of the UDEAC (pre-CEMAC), the recently established ECCAS, UNDP and various technical bodies.

The Tripartite Commission resulted in four specific technical agreements ("protocoles d'accord") on: i) mutual assistance of floating units on the Congo and Ubangui rivers, ii) maintenance of waterways, iii) the development of common fluvial legislation, and iv) a specialised 'conciliation commission' to act as a dispute settlement mechanism. However, these commitments failed to see the light of day. Despite insistence from CAR, no further meetings were held after 1978 (Ngoma Khuabi, 2014; Pilarski, 2009).

Between-country tensions and the continued rejection of the international character of the river by DRC perpetuated the situation of legal ambiguity until the late 1990s. Two factors led to a further deterioration of commercial transport in the basin, both important structural drivers for overcoming the historically difficult relations within the basin:

1) **Increasing physical obstructions to navigation.** This is most apparent in the Ubangui river, which saw a dramatic increase in the duration of low-water periods over past decades, halting navigation for over 200 days per year since 2002 (Gulemvuga, 2010). Declining water levels are due to climate variability and erosion, as well as a general lack of river maintenance (dredging): The Congo basin's waterways suffer from silting processes in various locations and abundant presence of shipwrecks that complicate harbour access and navigation in general (Ndala, 2009).

2) **Prevailing corruption and harassment[5].** Some of the most problematic obstructions to (inter-state) navigation are man-made. Lack of security and increasing harassment of international transport discouraged companies from investing in long-distance water transport. Civil wars in DRC and Congo in the 1990s further contributed to the decline of security on the river and a general absence of infrastructure and coherent regulation. In 1998 corruption and harassment, particularly in DRC, was raised by CAR in the tripartite commission meeting, ahead of the creation of CICOS.

CEMAC-DRC: a 'forced marriage', officiated by UNECA?

To remedy the continued legal ambiguity and absence of a clear fluvial regime for the basin, in 1996 CEMAC again requested the support of UNECA to finance a study on the development of an internal navigation code for the CEMAC countries (among which DRC does not figure). UNECA agreed to this on the condition that DRC would be part of the process, considering its dominant share in the basin. This resulted in the adoption of the 'CEMAC/DRC internal navigation code' in April 1999, establishing common rules and standards for navigation in and between DRC, Cameroon, CAR, Gabon, Equatorial Guinea and Chad.

In parallel, following the advice and with support from UNECA, the members of the Tripartite Commission and Cameroon[6] proceeded to the establishment of a specialised agency mandated to deal with the persistent absence of regulation of navigation. On 6 November 1999 in Brazzaville, only months after the adoption of the CEMAC-Navigation code, the heads of state of Cameroon, CAR, Congo and DRC signed the 'Accord instituant un regime fluvial uniforme et créant la Commission

[5] To illustrate, a study from 2004, showed that in DRC, transport between the Equateur Province and Kinshasa would on average have to face 24 'government services' seeking illegal rents called "formalité d'usage" (Brown et. al. 2004). These forms of low-level administrative and police corruption are an important nuisance to the sector, and in its 2007 navigation action plan, CICOS estimated that illegal control posts and harassment could double the six days needed for the trip between Bangui and Kinshasa.

[6] Cameroon holds a particular geopolitical position in that it falls between three main hydrological subregions: the Congo basin in the South-East of the country, and the Niger and Lake Chad basins in the North. In each of these basins, it holds a peripheral position yet it is a founding member of the Niger Basin Authority, the Lake Chad Basin Commission, as well as CICOS and the Gulf of Guinea Commission. The ensemble of these peripheral sections however constitutes a significant portion of the country's resources. See (Ebogo 2015) for a detailed analysis of Cameroon's hydro-political relations with its various neighbours.

Internationale du Bassin Congo-Oubangui-Sangha' - an agreement institutionalising a uniform river agreement and the CICOS. Importantly, the *'Brazzaville agreement'* only applied to the navigable waters of the basin in the four signatory states. The 1999 Agreement in fact lists a number of immediate concrete roles, which include:

- To assist member states with surveying the entire 'fleet' operating in the basin
- To control the application of the CEMAC/DRC navigation code
- To define and apply measures to reduce traffic incidents and
- To facilitate revision of the tripartite protocol (Congo/CAR/DRC) regarding the maintenance of the navigable waterways in the central part of the basin.

The Brazzaville agreement proclaims freedom of navigation for all participating states (Art. 4.1), but leaves ample room to those states to control access to internal navigable stretches of the basin, to be governed by bilateral agreements between participating states (Art. 4.2). Similarly, while no tax is allowed under the agreement, states have the possibility to charge for services rendered to the users, in the form of fees and levies. While the 1999 agreement and navigation code reflect the doctrine of international water law, in practice, it also allows for selective and often contradictory application.

The bilateral and trilateral agreements that preceded CICOS' creation were expressions of a purely inter-state dynamic through which neighbouring countries sought to facilitate interaction on the basis of national, sovereign interests and priorities. The Brazzaville agreement and the creation of CICOS - at least in principle - constitute a recognition of a basin-wide "community of interests", and that both downstream and upstream countries have legitimate and defensible interests in the basin. This more inclusive concept of basin coordination opens cooperation to countries with varying stakes in the basin, and can help explain the early participation of Cameroon, and later accession of Gabon and Angola to the Commission.

CEMAC and its predecessor UDEAC were important regional drivers for the establishment of the CEMAC/RDC navigation code and CICOS. One of CEMAC's stated roles is to harmonise legislation and facilitate transport and regional trade among its members, making it a natural advocate for regional collective action on river transport and navigation. Since DRC controls and shares the largest portion of the Congo basin, it was dragged into what Nghoma Khuabi calls a forced marriage (2014). This awkward sub-regional dynamic continues to shape DRCs position, which to this day seems to favour bi and trilateral arrangements over regional ones when it comes to navigation and development of river infrastructure (see section 2.3).

Even if DRC is a full member and signatory of the Brazzaville agreement, the country's government and officials continue to see CICOS and the CEMAC-DRC navigation code as (foreign policy) instruments of CEMAC, a subregion of which it is not a member. The Brazzaville agreement did not resolve this situation, and DRC was the last country to ratify the Brazzaville agreement in 2003. To date it is yet to ratify the CEMAC-DRC navigation code.

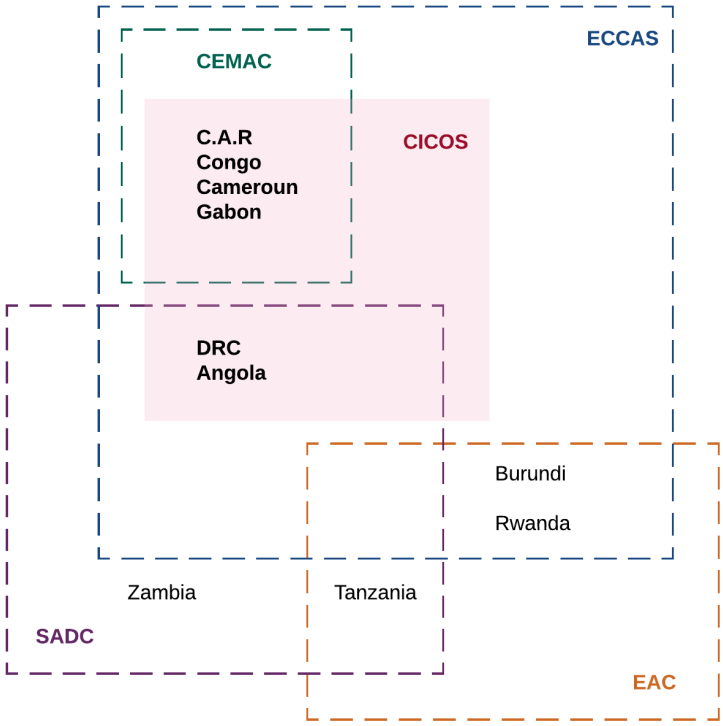
The status of CICOS as a specialised agency of CEMAC has been questioned on several occasions. While CEMAC was the driving force behind the establishment of CICOS, all current member states are members of the broader ECCAS. In 2009, the CoM validated the terms of reference for an institutional audit to review the possibility of integrating CICOS in ECCAS in light of the key role of DRC, as well the adhesion of Angola and possible other countries in the future (OIEeau, 2010). The CEMAC-DRC *chapeau* is therefore not cast in stone, even if it is linked to the financing of the organisation (see section 2.3), while CEMAC and ECCAS are under pressure from international partners and some Heads of State to rationalise and potentially merge (see separate study).

The CEMAC-DRC arrangement of CICOS is not only a difficult construction, from a basin perspective it is also incomplete. Unlike most other RBOs, CICOS does not include all upstream countries. The absence of Burundi, Rwanda and Tanzania and Zambia makes sense in terms of a navigation

partnership, but from an inclusive perspective that takes account of integrated water resource management (IWRM) this becomes more problematic. The Great Lakes countries are part of other sub-regional groupings, notably the Communauté Economique des Pays des Grands Lacs (CEPGL - DRC, Rwanda and Burundi), the Lake Tanganyika Authority (LTA), which was set up between DRC, Tanzania, Zambia and Burundi in 2006, and the Nile Basin Initiative which includes DRC, Burundi and Rwanda[7]. Further 'expansion' could be foreseen at a later stage, and Zambia and Tanzania are reported to have expressed an interest in potentially joining CICOS.

Figure 2 below illustrates the complex regional arrangement in which the CICOS countries are part of historically overlapping regional blocs. This has formed a long-time structural obstacle to cooperation, particularly through the tense relationship between CEMAC and DRC.

Figure 2: The COS river basin countries and regional economic communities



Institutions and governance

Institutionally, CICOS follows the now standard model[8] for a River Basin Commission with a **three-level structure comprising a decisional body, advisory body and executive agency**. Unlike the Niger Basin Authority (NBA) and Senegal RIver Organisation (OMVS), there is no heads of state summit level, suggesting a lower degree of political investment. On rare occasions, the ECCAS summit has stepped in, for example when it mandated CICOS in 2005 to liaise with LCBC on the possibility of an inter-basin water transfer to refill Lake Chad (see section 2.3 below). The Council of Ministers is the main decisional body, convening the Ministers of Transport and Water[9] of member states and observers[10]. It sets out the broad lines and policy direction of the organisation and convenes in an ordinary session once per year and in extraordinary sessions for major changes to the organisation's agenda. The steering committee ('comité de direction') prepares the ministers' meetings and is made up by national experts (three per country) from the ministry and administration.

[7] Most Congo basin countries are also members of the more security-focused International Conference of the Great Lakes Region (ICGLR) which includes Angola, Burundi, Central African Republic Republic of the Congo, Democratic Republic of the Congo, Rwanda, Tanzania and Zambia, as well as Kenya, Sudan South Sudan and Uganda

[8] For a discussion on RBO institutional governance, see: Schmeier 2014.

[9] The precise title depends on the relevant portfolios in member state governments. In many cases water and energy fall under the same ministry.

[10] Gabon and Angola before acceding in 2012 and 2015 respectively.

The general secretariat is the executive agency of CICOS under the leadership of a secretary general appointed by the Council of Ministers. The Secretariat is in charge of the various activities of CICOS, and has recently also established coordination structures ('structures de relais') in the member state ministries to form an interface with the regional organisation.

The institutional structure has been reviewed several times, but the basic setup has remained the same and resembles many other RBOs in Africa, apart from the absence of Heads of State summits. In 2010, the council of ministers requested an institutional audit to be carried out by the French specialised agency OIEau in order to examine the causes of institutional difficulties, scenarios for the links with CEMAC, the possibility for integration into ECCAS, potential sustainable financing mechanisms, and to facilitate the implementation of IWRM and stakeholder involvement (OIEau, AfD & ANBO, 2014). This seems to suggest that the regional arrangement of CICOS continues to sit uncomfortably between the CEMAC and ECCAS spheres, themselves now acknowledged as overlapping in many areas.

While the political level seems to function relatively smoothly - meetings are take place regularly and are well attended - the executive agency has suffered from financial difficulties and staffing problems. In 2013 for example, only one in three manager functions were filled. The Council of ministers also repeatedly requested an acceleration of the institutional audit. The precise reason for the delays is unclear.

2.2. Expanding agenda and implementation challenges

From a narrow navigation agenda to Integrated Water Resource Management (IWRM)

By the early 2000s, most (European) donor agencies had adopted Integrated Water Resource Management (IWRM) as the guiding narrative and policy framework for their water-related work. Piloted by the Global Water Partnership (GWP) and the World Water Council (WWC) since the 1990s (Mehta et al. 2016), IWRM-inspired policies and funding streams also tend to emphasize river basin organizations as the preferred management units for water governance. This dramatically **altered the global incentive environment for the CICOS** countries that had just launched the Commission as a dedicated technical body for dealing with navigation.

In 2005, therefore, the nascent organisation made the jump from navigation to IWRM and with support from UNEP's Collaborating Centre on Water and Environment started developing an annex to the 1999 agreement to expand its mission (Pilarski 2009).

Two years later in 2007, the steering committee meeting (Comité de direction) adopted a resolution to upgrade the status of the organisation from a Commission to an Authority.[11] The proposal was not fully retained, however, the CICOS mandate was successfully amended with a protocol to the 1999 agreement which essentially adds a second mandate of IWRM to the existing navigation mandate. The protocol expands the scope of the agreement to all parts of the basin on member states' territory, however it remains relatively vague on how IWRM should be implemented between the contracting parties. It largely limits itself to listing the principles and objectives of an integrated approach.

One new article that merits some attention is Article 19, which sets out the "*Modalités d'examen et d'approbation des grands projets*". This notification system obliges member states to submit large river projects in three categories for approval by their peers. This is key in view of the large infrastructure works planned by DRC (see below) and the possibility for bilateral or inter-basin water transfer projects that are under discussion.

Since 1999, CICOS therefore effectively evolved from a pure river navigation organisation into a dual

[11] allAfrica. 2007. Cameroon: Congo Basin Under Mutation. 13 December 2007. http://allafrica.com/stories/200712130843.html.

mandate organisation to support navigation and promote IWRM in the Congo Basin. This process was accompanied by extensive donor support and technical assistance provided by GIZ in particular. In 2011 an IWRM Action plan was developed (PAS-GIRE) covering a grand total of 141 (national) initiatives in four thematic areas and estimated at EUR 14 billion[12]. In the following years this allowed CICOS to mobilise funds and commitments from several donor agencies, including AfD and the EU.

Shared Vision Process and Programme of Measures

More recently, with the initial support of the EU-ACP water facility and further financed by the German GETRACO[13] project, CICOS embarked on an extensive consultation process to develop a "schéma directeur d'aménagement et de gestion des eaux" (SDAGE) - a kind of water management master plan. The process to develop this SDAGE echoes the experience of many river basin organisations in Africa following the 'model' of shared vision planning[14]. The best known recent example is the widely published Niger River Shared Vision Process, a process that took several years to build trust and agreement on the use and exploitation of the Niger river's hydrological resources.

The development of the SDAGE builds on the abovementioned IWRM master plan (PAS-GIRE) and follows a three-step logic; starting with (1) **an updated state of play** to develop a shared understanding between all stakeholders on the physical, environmental, economic and social state of the basin (2015); followed by (2) **the definition of a shared vision** for the development of the basin by 2035; and (3) **a programme of measures** to be implemented in the period 2016-2020.

In line with the principles of IWRM and the African Union's Water Vision 2025, the SDAGE process was structured around multi-stakeholder and multi-sector meetings, with a clear focus on sustainable development. The resulting vision is summarized in one sentence, which covers the various dimensions:

> The Congo basin in 2035, a space of regional integration where emerging nations work in solidarity to build their capacities to make water a driver of economic growth and a source of well-being, while preserving eco-systems, adapting water-use to climate change and favouring the sharing of costs and benefits (CICOS 2016b).

This shared vision underpins nine areas of intervention and a corresponding programme of measures, all of which are structured around three axes (Governance, management and infrastructure) and three strategic objectives (economic development, social inclusion, and environmental preservation). The 2016-2020 programme covers a total of 30 measures, which are budgeted for a total amount of just under USD 40 million, covering institutional development (e.g. water charter, country structures) as well as programme and project activities (e.g. monitoring, data).

Many of these measures, particularly under the infrastructure axis are at the very early stages of development. The programme therefore sets out broad directions for identifying and conceiving possible measures in areas such as irrigation and (micro) energy infrastructure (see annex 1). The rather detailed budget breakdown for (presently) non-existent actions suggests that one of the main motivations of the SDAGE at this stage is to raise external funding.

[12] CICOS. 2011. Bulletin d'information de la CICOS No. 01. Juillet-septembre 2011.; allAfrica. 2011. Congo-Kinshasa: Protection du Bassin du Congo – CICOS mobilise les bailleurs de fonds. 21 juin 2011. fr.allafrica.com/stories/201106210252.html.

[13] Gestion Transfrontalière de l'Eau dans le bassin du Congo (GETRACO).

[14] The idea of developing an inter-state, model-driven shared vision was first piloted in the US in the 1990s and has been applied in transboundary river basin contexts in Europe and around the world. Key African examples include the Niger River Basin SVP, leading to a Water charter and a series of common investment plans for the basin, the Nile basin shared vision programme.

Figure 3: SDAGE strategic objectives and axes (CICOS 2016b)

Champs d'intervention du Programme de Mesures 2016 – 2020 du SDAGE CICOS		AXES STRATÉGIQUES		
		1. GOUVERNANCE	2. GESTION	3. INFRASTRUCTURES
OBJECTIFS STRATÉGIQUES	DÉVELOPPEMENT ÉCONOMIQUE (créer de la richesse)	**1.1 COORDINATION** Objectif spécifique : des mécanismes de coordination inter États et inter bailleurs sont identifiés et mis en œuvre par une CICOS élargie à tous les États concernés par la gestion du bassin du Congo.	**1.2 ALLOCATION** Objectif spécifique : la connaissance, le suivi et la modélisation des eaux à l'échelle du bassin permettent l'allocation régionale et concertée des ressources, un arbitrage des usages, la fonctionnalité d'un système d'alerte et l'identification des mesures d'adaptation au changement climatique.	**1.3 PLANIFICATION** Objectif spécifique : une capacité de planification régionale des grands aménagements est opérationnelle, appuyée par une base de données des infrastructures dans le bassin.
	ÉQUITÉ SOCIALE (satisfaire les besoins de base)	**2.1 PARTICIPATION** Objectif spécifique : l'ensemble des acteurs participe de façon active aux prises de décision relatives à la satisfaction des besoins de base de la population.	**2.2 ACCESSIBILITÉ** Objectif spécifique : les conditions techniques et économiques de satisfaction des besoins de base des populations sont réunies.	**2.3 CONSULTATION** Objectif spécifique : des projets pilotes aux niveaux locaux sont identifiés et leur mise en œuvre est promue.
	PRÉSERVATION ENVIRONNEMENTALE (préserver les ressources)	**3.1 SENSIBILISATION** Objectif spécifique : les acteurs de la gestion de l'eau et les populations sont informés sur les enjeux de la préservation environnementale et sont placés dans un cadre réglementaire unifié en la matière.	**3.2 SYSTÈME D'INFORMATION** Objectif spécifique : des instruments de connaissance environnementale et d'analyse de données sont fonctionnels à l'échelle du bassin et opérationnels en routine.	**3.3 ÉVALUATION** Objectif spécifique : les études d'évaluation environnementale sont systématiquement réalisées selon des normes standardisées dans le bassin, les plans de gestion sont mis en oeuvre et un mécanisme de suivi de leurs recommandations est opérationnel.

A more detailed reading of the SDAGE documents reveals that while member states appear to signal agreement on the principles of IWRM and the expansion of CICOS' mandate, they oppose awarding the organisation a form of transnational authority. The outcome document of the shared vision process **explicitly limits the role of CICOS as a regional organisation** to coordinate and mediate the use of water in relation to the SDAGE:

> *It is thus excluded that CICOS would substitute the member states or private entities to take up a role of contracting authority ["maître d'œuvre"] or asset management ["maîtrise d'ouvrage"], be it for the economic use of water resources or environmental preservation purposes (CICOS 2016a).*

It also notes that the first axis, governance, was considered less a priority by the majority of participants, and that member states asked that the emphasis be on management and infrastructure components. The document further stresses that it remains a national prerogative to design and implement investment in water resource management and mobilisation, and that the majority of (future) measures foreseen under the SDAGE will be implemented at member state level. The role of CICOS is defined and limited to ensuring proper coordination and facilitation of the regional process.

Interestingly, the shared vision and SDAGE processes do not concern the core navigation mandate of the organisation; instead, reference is made to the existing strategic action plan for navigation, which in line with the initial 1999 Brazzaville agreement. The SDAGE and programme of measures are seen to relate only to the 2007 IWRM addendum of the Brazzaville agreement:

> *The programme of measures does not include measures relating to navigation. CICOS has developed another programming document, the Strategic Action Plan for Internal Navigation in the basin. This document mainly stems from the mandate given to CICOS by the 1999 agreement, while the programme of measures relates to the 2007 annex (CICOS 2016b).*

CICOS went from a narrow and focused agenda on facilitating international navigation to a broad and multi-sectoral mandate in only a few years' time. In this move, it follows the external funding environment, which had adopted the principles of IWRM as a guiding framework (see section 2.4). The process of agenda expansion also illustrates that the consensus-building process cannot be disconnected from the funding drive that it underpins.

2.3 Current reforms and challenges

Financing

Financing difficulties are a recurrent issue for most regional organisations, and the way in which member state contributions take place epitomises the particular sub-regional setup in which CICOS operates. Contributions are set on the basis of proportionality (in terms of share in the basin), but also solidarity (CICOS 2013). In 2013, contributions were set at 30% of the CICOS operational budget for DRC, CAR and Congo, and 10% for Cameroon. CEMAC contributions are taken from the CEMAC Community Integration Tax, a set levy of 1% on imports from outside the CEMAC zone, not all of which are regularly transferred to CEMAC (see CEMAC/ECCAS study in this series). DRC's contributions are meant to be transferred directly from the treasury.

The DRC has a very poor track record in transferring funds and following its initial contribution to the launch of CICOS in 2004, it accumulated arrears during the full first eight years, which it started settling only in 2013[15]. While the CEMAC community tax provided some guarantee of continuity, these contributions are also subject to fluctuations as they depend on member states ability and discipline in applying and transferring the proceeds of the community tax.

CICOS has a fairly low operating budget (2.27m in 2014), intended to cover a small number of staff (12 experts + administrative staff) and overhead. However, sustainable financing therefore remains a challenge, and arrears (particularly from DRC) have led to positions not being filled. In 2013, only one in three manager positions were filled (BMZ, 2015).

Navigation and transport: reluctant regionalisation and sub-basin dynamics

Navigation remains a core agenda for CICOS, and an area in which numerous concrete and tangible advances have been made since 2004. At the same time, the navigation dossier illustrates the diverging national interests that block development of a joint approach between basin countries.

CICOS' navigation mandate is to **coordinate and assist member states** with a wide variety of tasks, including surveying and regulating river transport, coordinating maintenance works (e.g. beaconing and dredging), and overseeing the application of the CEMAC-DRC navigation code. With the support of Germany, CICOS has developed a comprehensive Strategic Action Plan for Navigation (2007), which forms the basis of CICOS' engagement on the topic. Key objectives emanating from the context analysis include the promotion of legal harmonisation and the effective application of the CEMAC-

[15] AllAfrica. 2013. Congo-Kinshasa: Simon Sakibede – "Les difficultés sont résorbées". 1 février 2013. http://fr.allafrica.com/stories/201302020298.html.

DRC navigation code, combating harassment and illegal taxation of river transport, maintenance and training of navigating personnel.

Examples of key CICOS-led developments since 2004 include the development of a regional centre for vocational training, which issues captain's and other licenses, set up in 2009[16], and more recently the adoption of regulations (standards) for the construction of vessels for internal navigation (2013) in an effort to reduce the prevalence of accidents and shipwrecking.

In theory, the CEMAC-DRC navigation code forms the basis on which the signatories regulate navigation on the different waterways, particularly also with regard to beaconing, and maintenance of the navigable stretches in the basin. In practice, harmonisation is proving difficult, particularly in the case of DRC, which as yet has not ratified the navigation code. An appropriation workshop in 2008 organised by CICOS, identified the scope of the navigation code as a particular problem for the DRC authorities, leading to a declaration interpreting *"les eaux sous jurisdiction des Etats CEMAC/RDC"* as the *"tronçon commun des voies navigables"*.[17] This 'clarification' that the Navigation Code does not open up all DRC waterways to international transport is **illustrative of the DRC position on the international character of the basin and its preference to deal with matters on a national or bilateral basis.**

The 1999 Brazzaville agreement, which created CICOS in fact gives member states the possibility to engage in special agreements for parts of their waterways (Ngoma Khuabi, 2014, pp. 374-5). In that spirit, DRC has moved to update its existing bilateral and trilateral arrangements with Congo and CAR under the auspices of CICOS.

- **Malebo (Stanley) pool between DRC and Congo:** In 2005, DRC and Congo signed a "Convention d'exploitation du Pool Malebo", which reviews a previous agreement from 1995 that regulates transport and shipping between Kinshasa and Brazzaville. Concrete changes involve scrapping the CFA 5.000 tax for passengers going from one side to the other and the separation of passenger and goods transport infrastructure.

- **Maintenance of shared waterways between DRC, Congo and C.A.R:** Similarly, in 2008 the 1978 "accord tripartite relatif à l'entretien des voies navigables d'intérêt commun" was renewed, setting out the responsibilities for beaconing and maintenance of the shared navigable waterways of the Congo river.

Both these arrangements refer to the CEMAC-DRC navigation code. The Malebo Pool convention does so in detail as it sets minimum standards for vessels that can operate between Brazzaville and Kinshasa. Both sub-regional arrangements are hosted and/or facilitated by CICOS.

CICOS' role in the area of navigation is therefore a dual one. It acts as an **institutional driver for improving navigation** in line with the commitments made by member states (capacity development, regulation, etc.), and it **enables and facilitates member state cooperation on a bilateral and/or sub-regional level**.

Inter-basin transfer projects: old ideas and new tensions

The abundant waters of the Congo basin have always been a source of ambitious dreams of engineers, and DRC has been courted by countries as far away as the Middle east and Libya for exporting their freshwater resources. Many of these plans, such as exporting water from the basin to feed Libya's enormous national irrigation system, never reached a concrete state, and are unlikely to be re-launched in the near future. But the possibility of an inter-basin transfer from the Congo or Ubangui river to fill the disappearing Lake Chad is different, and remains the subject of much debate

[16] Centre Régional de Formation en Navigation intérieure (CRFNI).
[17] AllAfrica. 2008. Congo-Kinshasa: Code de navigation intérieure – Les experts recommandent à l'état Congolais la ratification. 5 juillet 2008. fr.allafrica.com/stories/200807070829.html.

and (inter-) regional political pressure.

The project was first conceived in the 1980s as an ambitious "idea for the Sahel", and pushed by the Italian civil engineering company Bonifaca. The initial project, known as *Transaqua*, involved a 2.400 km navigable canal from Eastern DRC to the Chari, one of the main tributary rivers of Lake Chad to transfer up to 10% of the Congo basin's water to the lake. This plan was until recently advocated as a major solution for development and security in the Sahel by personalities such as Romano Prodi, former president of the European Commission and UN special envoy for the Sahel[18]. Another plan *(Ubangui transfer)* that is currently being discussed involves a slightly less ambitious transfer from the Ubangui river by a combination of pumping water from the planned Palambo dam (70km upstream from Bangui) and a canal redirecting part of the Koto river, a tributary river of the Ubangui in CAR.

The inter-basin transfer project picked up momentum with the accession of the CAR to the Lake Chad Basin Commission (LCBC) in 1995, as the Central African Republic President Félix Patassé sought to relaunch the construction of the Palambo dam, and accepted the possibility of transferring a portion of the water it retained to Lake Chad (CICOS, 2015). At the request of other affected countries, notably Congo, which is not a member of the LCBC[19], the matter was put on the agenda of CEMAC, which in turn transferred the discussion to the heads of state of ECCAS meeting in Brazzaville in 2005. The ECCAS SG then mandated CICOS to liaise with LCBC in view of defending the interests of the Congo basin countries in the dossier[20]. A memorandum of understanding was signed in 2006 and a joint steering committee was set up in 2010 to liaise on the feasibility studies on the project.

The prospective transfer is a key priority for the LCBC's "schema directeur"[21] and is particularly pushed by Chad[22]. The LCBC carried out a feasibility study on the Ubangui transfer between 2009 and 2012, which confirmed the feasibility of the project described above. Representing Congo river beneficiaries, CICOS, however found the study to be lacking for not covering the socio-economic and environmental impact on the COS basin and the "cuvette centrale" in particular, and has requested an additional EIA for the Congo basin (CICOS, 2015).

The possibility of an inter-basin transfer has met with strong criticism from the environmental community for its potentially catastrophic effect on the respective ecosystems of the basin and the risk of further low-water levels of the Ubangui river. Opponents warn about the potential negative effects on the inflow at the Inga, the site of the planned Grand Inga Dam. Donor agencies have also criticised the transfer plan. In 2013, EC Development Commissioner Andris Piebalgs signalled the environmental risks of the scheme[23], and it seems unlikely that major European public investment would be made available in case the project moves ahead.

In late 2016, the LCBC took steps to revive the initial Transaqua transfer plan involving a series of dams along a canal from DRC to CAR and signed an agreement with the Chinese state-owned company PowerChina to update the feasibility studies of the project. The company is committing both technical and financial assistance to the tune of USD 1.8 million[24].

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[18] Prodi, R. 2014. Sauvetage du lac Tchad, un espoir de paix. Le Monde Diplomatique, Juillet 2014. http://www.monde-diplomatique.fr/2014/07/PRODI/50616.

[19] Congo along with DRC has observer status in the LCBC.

[20] CICOS. 2011. CICOS Info. Bulletin d'information sur le CICOS. No 02.

[21] http://www.cblt.org/fr/projets/projet-de-transfert-deau-interbassin.

[22] The Chadian president Idriss Deby, for example, addressing the French President François Hollande in the margins of COP21 emphasized that the Ubangui transfer project is ready, and simply needs the funds. He also warned that further deterioration may result in mass displacement from the Sahel towards the COS basin. See: http://geopolis.francetvinfo.fr/rehabilitation-du-lac-tchad-le-coup-de-gueule-du-president-deby-a-la-cop21-87689.

[23] European Parliament. 16 août 2013. Questions parlementaires. Réponse donnée par M. Piebalgs au nom de la Commission P-008774/2013: http://www.europarl.europa.eu/sides/getAllAnswers.do?reference=P-2013-008774& language=FR.

[24] http://www.cblt.org/fr/actualites/projet-de-transfert-des-eaux-inter-bassins-signature-dun-protocole-daccord-entre-la-cblt.

While seed funding appears to be available, DRC, and to a lesser extent Congo have historically been reluctant to move ahead, even if contacts and preliminary agreements were reportedly made in the early 2000s between president Joseph Kabila, and the previous CAR president François Bozizé (Simy-Towa 2014). In 2014, a high-level donors' round table in Bologna where LCBC heads of state – in the absence of DRC – actively fundraised for the Ubangui transfer project (CBLT 2014; Tshibwabwa 2015), sparked strong opposition in the DRC National Assembly, which called for parliamentary monitoring unit (cellule d'éveil) to be set up on the project[25].

CAR, which under French rule was known as Oubangui-Chari, is the key between the two basins and has split interests. On one side the Palambo dam is a key project, and could provide much needed flow regulation. That said, relocation to accommodate the Palambo infrastructure and a reduction of the Ubangui river flow could affect stability in the south. Northern CAR in turn would stand to benefit from an increase in water resources in the Chari sub-basin. Since 2013, CAR is going through a new cycle of instability and weak governance, which are hardly fertile grounds for a potentially polarising investment. The opposition remains firmly opposed on environmental grounds, and warns against moving forward with minimal consultation (Boute-Mbamba, 2009, 2014).

Future negotiations on a project of this scale would take place at the heads of state level. While the LCBC countries[26] appear to be united in their plea for a water transfer, CICOS countries are not. Until now the role of the Commission has been largely technical, based on the mandate from ECCAS to safeguard the basin countries' interests. In case the project reaches a more concrete state, CICOS may have a stronger role to play, both as a knowledge broker (e.g. evaluating upcoming feasibility and impact assessments) and as a (technical) negotiating forum between the main interested and affected parties of the basin: DRC, CAR and Congo.

2.4. External drivers and blockers

Applying the Rhine Model in the Congo Basin

The design of many African RBOs is inspired by European models of transnational river basin cooperation. **In the case of CICOS, the Central Commission for Navigation on the Rhine (CCNR) was more than a source of inspiration**, and formed the model for the Brazzaville agreement and CICOS in 1999 (CICOS, 2015b). In fact, the UNECA consultant charged with the study and draft agreement was an expert from the CCNR (Bour, 2015); the basic principles (e.g. freedom of navigation), the institutional (three-level) construction and mandate are a transposition of the Rhine model.[27]

The relationship between CCNR and CICOS did not end with the Brazzaville agreement. CICOS has received regular technical support from CCNR since 2013 (Enaw, 2016). In 2015, for example, CICOS' legal staff received technical support through exchanges with CCNR on dispute settlement (CICOS, 2015b).

The CCNR connection is no exception in the area of transboundary river basin governance, and illustrates the important role of a global technical expert community of in the promotion of the political and institutional RBO model in Africa yet it also raises questions on the relevance of European ideal-type models in light of the regional integration context of Central Africa.

[25] http://www.radiookapi.net/actualite/2014/04/17/rdc-des-deputes-opposes-au-transferement-des-eaux-de-la-riviere-ubangi-vers-le-lac-tchad.
[26] Cameroon, Chad, Niger, Nigeria, Algeria, the Central African Republic, Libya, and Sudan.
[27] "The Brazzaville agreement is the most complete and modern extension of of the Rhine model provision to the COS basin, but adapted to the regional characteristics and local needs: A regional legal architecture and an example of the harmonisation of African river and lake transport law, the COS regime is not the only African regime based on a model (…)" (Bour, 2015).

External financing, IWRM, and climate change

Similarly, the external funding environment has had a profound effect on the development of RBOs in Africa and the adoption of a broad IWRM agenda by most of these organisations since the early 2000s. CICOS is a very good example of this process, as it had started out as a dedicated technical body before expanding into IWRM, only three years after its launch. In doing so it responded to a changing incentive environment for RBOs.

In Africa, IWRM is endorsed and promoted both by the international community and African Regional Institutions. The Africa Water Vision 2025[28] calls for "*Regional and national strategies (…) to implement water policies based on integrated water resources management principles"* and *"Adopting the river basin as the unit for water-resources management"* (African Union, 2000). The African Ministers' Council on Water (AMCOW) in turn has the mandate to provide the necessary political leadership and oversee the process. The African Network of River Basin Organisations (ANBO)[29], supported by i.a. the EU SITWA project[30], promotes IWRM principles and supports RBOs to enhance transboundary water resources management.

Key donors pushing for an IWRM approach at basin level include the EU (including through the ACP-EU water facility), Germany (BMZ and GIZ), France (AfD), the World Bank (through its CIWA project), and the AfDB. All of these currently finance or have financed CICOS in the past, along with several other RBOs in Africa. The IWRM narrative and principles are further heavily promoted by global and international institutions including UNWater[31], the Global Water Partnership, the French Office International de l'Eau (OIEau), which is very active in West and Central Africa, and the International NGO IUCN with its Global Water Programme.

The process in which CICOS developed its first Strategic Action Plan for IWRM and more recently its SDAGE resonates with the experience of other RBOs such as the NBA and illustrates the leading role of external financing in the development of African RBOs. The first PAS-GIRE (2011) resulted in a fundable menu of 141 projects for an estimated cost of EUR14b for 20 years, more than 10 times the total amount of programmed aid to DRC in 2015[32]. The SDAGE (2016-2020) is a slightly more modest shopping list of 30 financeable actions estimated at a total amount of EUR40m. At this point it is too soon to judge the feasibility of these plans.

If IWRM was the global buzzword of the 2000s, climate adaptation is the leading model of the 2010s.[33] The risk of water conflict (for example in relation to the dramatic but potentially cyclical reduction of Lake Chad) put the issue of water diplomacy high on the international community's agenda, and an ecosystems approach makes transboundary river basins a key unit to drive the resilience and adaptation agenda (Adelphi, 2016). Several RBOs were present at COP21 and COP22, and used the occasion to secure funding commitments of donor agencies. CICOS was no exception and ahead of the global conference in Paris, it secured a renewal of its financing agreement with AfD to strengthen IWRM "in a context of climate change"[34]. In 2016 in Marrakech, it signed a joint declaration with the French minister charged with international climate relations Segolène Royal, and AfD to strengthen

[28] Adopted by the AU in 2000.

[29] ANBO is part of the Global 'International Network of River Basin Organizations (INBO) and has been made a sub-committee of AMCOW in matters relating to Transboundary Water Resources Management (TWRM) in 2007.

[30] The EU funded SITWA project (Strengthening the Institutions for Transboundary Water Management in Africa) is implemented by the Global Water Partnership Organization (GWPO) in partnership with the ANBO Technical Secretariat, currently hosted by the Organization for the Development of the Senegal River (Organization pour la Mise en Valeur du Fleuve Sénégal – OMVS).

[31] The United Nations inter-agency coordination mechanism for all freshwater related issues for example regularly publishes a status report on the application of IWRM.

[32] OECD country Programmable aid, figure for 2015.

[33] See for example a recent study on water and climate diplomacy in Transboundary river basins.

[34] CICOS. 2015. COP 21 : La CICOS signe une Convention avec l'AFD pour le projet de renforcement de la gestion intégrée des ressources en eau dans le bassin du Congo dans le cadre du changement climatique. CICOS Info 13-14. Decembre 2015.

CICOS's information systems to support climate change adaptation[35].

COP22 and the Blue fund for the Congo basin

At COP22 in Marrakesh late November 2016, the Congolese president Denis Sassou-Nguesso announced plans for a Blue fund for the Congo basin. The fund is being set up in cooperation with the recently launched Brazzaville Foundation[36] and **will be launched in March 2017** by 12 African countries (including all CICOS member states): Angola, Burundi, Cameroon, Gabon, Equatorial Guinea, CAR, Congo, DRC, Tanzania, Chad, Rwanda and Zambia[37]. The fund will seek to promote regional transformation towards a blue economy and targets i.a. (Fondation Brazzaville 2017):

- The improvement of navigation and transport through the construction of small ports, infrastructure and maintenance works (dredging)
- Small hydro-electric infrastructure and dams
- Strengthening irrigation in view of modernisation and increased productivity
- Sustainable fisheries, pisciculture and aquaculture development
- Water treatment and reuse and
- The development of ecotourism.

It seeks contributions of EUR 100m for the first year and will focus on facilitating investment by providing guarantees, paying interest rates and other costs on private loans (Fondation Brazzaville, 2017). These funds would not be an additional form of climate finance, as the Blue Fund hopes to draw on the UNFCCC managed Green Climate Fund. All the above mentioned areas fall under the expanded mandate of CICOS, and while CICOS has been associated or at least consulted in the process, it remains unclear how this will take shape in practice[38].
The Blue Fund in the first place illustrates that CICOS operates in a high-profile environment, which is driven by big ambitions and increasingly large envelopes. When it comes to external commitments and investments, the process tends to be driven by member states at the heads of state level rather than regional organisations. In the case of the prospective Bleu Fund, it remains to be seen whether CICOS will be awarded a more prominent role, or whether it will take a more advisory position.

Stakeholder participation

On the basis of scant evidence, it is difficult to assess the participation of local civil society and private sector in the operations of CICOS. The shared vision process involved a multi-stakeholder consultation process at regional and country level, and true to the model, CICOS has started setting up national dialogue structures or "plateformes nationales de concertation (PNC)", which convene public services, civil society organisations, iNGOs, water users and universities. As in many other regional organisations, the challenge remains operationalizing and incentivizing those participation structures[39].

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[35] Déclaration d'intention entre La Commission Internationale du Bassin Congo – Oubangui – Sangha, le Ministère de l'Environnement, de l'Energie et de la Mer et l'Agence Française de Développement pour l'élaboration de Systèmes d'information sur l'eau pour l'adaptation aux changements climatiquesdans le bassin du Congo. http://www.developpement-durable.gouv.fr/sites/default/files/2016-11-11_L_eau_victime_Chgt_climatique.pdf.

[36] The UK based Brazzaville foundation was launched by the French businessman and 'parallel diplomat' Jean-Yves Ollivier at the occasion of the 25th anniversary of the 1988 Brazzaville Protocol, and is a private foundation to promote peace and conservation through mediation and confidence building.

[37] http://www.laotravoz.info/12-pays-africains-s-engagent-pour-la-creation-d-un-fonds-bleu-pour- le-bassin-du-Congo_a2239.html.

[38] In the words of the Sir David Richmond, former UK ambassador and Director General of the Brazzaville Foundation: [Des organisations régionales] peuvent jouer un rôle important dans cette initiative mais, d'une certaine manière, il revient aux pays du Bassin du Congo de définir eux-mêmes le rôle exact des organisations existantes. Avec plusieurs possibilités. Par exemple, une organisation doit diriger le Fonds bleu. Qui le fera? Une organisation existante? Faudra-t-il en créer une nouvelle? Aucune décision n'a encore été prise sur ce point. Source: http://www.adiac-congo.com/content/sir-david-richmond-les-peuples-du-bassin-du-congo-ont- le-droit-dacceder- une-meilleure.

[39] http://www.adiac-congo.com/content/bassin-congo-oubangui-sangha-la-cicos-actualise-ses-strategies-de-travail-58011.

3. On the political interests of member states

Evidence on the interests and positions of member states is scarce, and at times, member state interests are ambiguous and contradictory, for example with regard to the (future) development of major infrastructure works. As in most river basin organisations, not all CICOS countries have a similar stake in the basin or the organisation.

Three countries make up the core group of the basin: DRC which controls 62% of the basin and houses the majority of navigable rivers, Congo, which houses only 7% of the basin, but shares 1.000s of kilometres of the Ubangui and Congo rivers with DRC, as well as the Malebo Pool between the twin cities of Kinshasa and Brazzaville; and the Central African Republic, which has 11% of the basin and shares a large part of the Ubangui river with DRC. All three countries' capital cities are located on the Congo and Ubangui rivers.

Cameroon as a founding member has a less pronounced stake in the basin but has the headwaters of the Sangha River. It is also a leading player in CEMAC, which was at the basis of CICOS and the CEMAC-DRC navigation code. Cameroon is located between three different hydrological basins: the COS, Lake Chad and Niger basins, it has a relatively peripheral stake in each of those basins, however, combined these make up a significant portion of Cameroon's territory, which may help explain why the country is a founding member active participant in all three RBOs[40]. **Gabon and Angola,** both of which joined at a later stage also have a more peripheral stake in the basin. Angola however borders the lower Congo delta and has the headwaters of the Kasaï river. It acceded to CICOS in 2015 but has been an observer since 2007[41]. Angola's accession further shifts the emphasis away from CEMAC towards ECCAS, an institutional relationship that has been questioned continuously since the establishment of CICOS (see section 2.1).

The role of DRC in CICOS has always been ambiguous. As the geographic hegemon (in terms of its control over the basin, it has always been reluctant to accept interventions of neighbouring countries in the way that it manages the river. Kinshasa houses the CICOS secretariat and training centre in recognition of DRC's position in the basin, but between 2004 and 2013 DRC had not contributed one CFA Franc to the operating budget of the organisation. It was only under pressure from neighbouring countries, and reportedly under threat of sanctions and relocation, that the country settled its accounts. In the area of navigation, DRC did not ratify the CEMAC-DRC navigation code, which CICOS is mandated to promote and implement, yet it has been very active in using the CICOS structure to (re-)negotiate bilateral arrangements with Congo and CAR.

Congo is seen as a stronger driver of CICOS and cross-border cooperation, due to its strong dependence on the shared waterways stretching over more than 70% of its southern border. President Sassou N'guesso's appeal at COP22 for the Blue Fund for the Congo Basin shows the government's commitment, but the choice to do so outside CICOS (unlike NBA at COP21 for example) may also reveal the limits of the regional intergovernmental project.

CAR in turn is split between two basins with possibly very diverging interests. The most populous, northern region of the country is at risk due to the gradual disappearance of the Chari-Lake Chad basin, while its capital lies at the Ubangui river. In the South it has a key interest in developing the Palambo dam, yet it is also under pressure from its LCBC peers to push for the Ubangui transfer project. The cycle of instability it has suffered since 2013, however, largely prevents the country from playing a strong and active role in either basin.

4. Areas with most traction for regional cooperation

[40] For a detailed overview of Cameroon's different national and regional water interests, see: Ebogo 2015.

[41] In 2015 Angola and DRC strengthened their bilateral cooperation in the area of transport; it also has a key stake in the future development of the Grand Inga dam and the power line to South Africa.

Though preceded by numerous (subregional) agreements, CICOS is a young organisation. In the period leading up its creation there was little political support to develop a joint, cross-border approach to managing the basin's resources. In fact, the international character of the Congo River and its tributaries was openly questioned, and bi and tri-lateral initiatives in the basin did little to stave of the gradual deterioration of transport and resource management in the basin.

In the space of less than 20 years, the CICOS member states have been able overcome many of these historic tensions and integrate the competing interests in the river in an international framework. One of the keys to overcoming the competing models of national and international resource management was CICOS' strong focus on subsidiarity, and the promotion of bilateral and trilateral agreements, facilitated by CICOS.

CICOS recently evolved into a dual-mandate organisation, likely in response to external demand and in pursuit of financing opportunities. The adoption of IWRM is in line with the expectations of the international community, and to some extent, can be seen as the regional organisation going with the tide. The participatory consultation process through which the CICOS 'community' developed a shared vision and programme of measures for the basin, if anything, illustrates the extent of outside support to the river basin and ecosystem development paradigm. International support to River Basin Development strongly adheres to the assumption that specialised basin institutions are a preferred management entity to tackle environmental, rural and agricultural development and climate adaptation challenges.

This is the context in which CICOS was set up, and helps explain how the institutional design follows a typical model of a River Basin Commission. Initially inspired on the CCNR, and later adapted to include a wider IWRM mandate, CICOS has been put together with values, principles, policies and institutions that reflect contemporary thinking on river basin management, yet are not necessarily fully attuned to the Central African context. The RBO model that is commonly promoted in African contexts is based on the ideal of benefit sharing between riparian countries with a gradual evolution towards sharing the costs related to harnessing water resources in a beneficial and sustainable way, for example through infrastructure development and or agricultural transformation.

A closer reading of the inter-state dynamics and political interests in the COS basin illustrates that the linear and progressive model of river basin management may be at odds with the national political interests of certain CICOS member states. At this stage, member states seem to show little to no interest in empowering the regional/basin level any more than is necessary to 'draw between the lines'. Member states are adamant in rejecting any form of transnational authority, which would give CICOS more than a coordinating or facilitating mandate, especially with regard to more sensitive matters of contracting authority and infrastructure development.

That said, in the 2000s, the CICOS countries went through a remarkable evolution from opposition and decline towards greater cooperation. In the area of navigation in particular, important steps have been taken towards reforming the sector, combatting obstructions to navigation and promoting cross-border cooperation through bilateral and trilateral arrangements. Moving forward, concrete advances made to facilitate commercial navigation could anchor the position of CICOS as a regional regulatory actor and strengthen member state confidence in its facilitation and coordination function.

Lack of evidence makes it difficult to assess the current level of political traction of CICOS' IWRM mandate, and the challenges the SDAGE implementation will bring in terms of bridging member state agendas and coordination. A key precondition for CICOS to playing this brokerage role in the COS basin is further strengthening its knowledge and analytical functions. A number of key initiatives were taken in that area (Congo HYCOS, AMESD), and in 2015, an integrated hydrological modelling tool was developed to aid with decision-making, facilitate planning of large infrastructure and evaluate impact at the basin level. As infrastructure and possible basin transfer plans become more concrete, demand for credible and reliable data and analysis increases considerably.

The international community watches the Congo basin closely since it is at the heart of planetary concerns of climate change, biodiversity and conservation. It is the second largest river basin in the world, yet has only developed a fraction of its hydroelectric and economic potential. Major plans are being developed at national and interregional level (e.g. Grand Inga dam, Palambo, Inter-basin transfer). Some are more concrete than others, and some are highly contentious and conflict-prone and require regional coordination or even inter-basin mediation. Those highly political processes will be the testing ground of CICOS as a dual mandate organisation.

At the same time, the basin is one of the centres of gravity in the African climate finance landscape. Alongside COMIFAC[42], CICOS has been identified as a key actor to drive climate change adaptation initiatives, and has developed its shared vision and programme of measures accordingly. The 'cuvette centrale' was recently discovered to contain some of the world's largest underground carbon storages, making the close monitoring and preservation of the basin's hydrology an even more urgent concern for climate change. Funding is being made available (i.e. from the French); however, it remains unclear how strong the profile of the RO can be in facilitating climate finance in the basin, as the number of agencies and players active in the basin is extremely high (see COMIFAC study in this series) and continues to increase (e.g. Blue Fund).

[42] COMIFAC's 2013 state of the Forest Report calls for strengthening the links between forestry and hydrology and the regional structures on climate change adaptation initiatives (de Wasseige et al., 2013).

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Annexes

Annex 1: Programme of measures by strategic objectives and axes

Programme de Mesures, 2016 – 2020 du SDAGE CICOS Mesures proposées

AXES STRATÉGIQUES

OBJECTIFS STRATÉGIQUES	1. GOUVERNANCE	2. GESTION	3. INFRASTRUCTURES
DÉVELOPPEMENT ÉCONOMIQUE (créer de la richesse en valorisant l'eau)	**1.1 COORDINATION** Objectif spécifique : Des mécanismes de coordination inter États et inter bailleurs sont identifiés et mis en œuvre par une CICOS élargie à tous les États concernés par la gestion du bassin du Congo. **4 MESURES :** **1.1.1 MP** : Élaborer la CHARTE DE L'EAU de la CICOS, y compris ses annexes et les procédures. **1.1.2 MP** : Définir et mettre en œuvre un mécanisme de prévention et de GESTION DES CONFLITS d'usage des eaux partagées. **1.1.3 MA** : Identifier les opportunités de PARTENARIATS PUBLIC-PRIVÉ et en faire la promotion. **1.1.4 MP** : Adapter L'ORGANISATION INSTITUTIONNELLE, LE FONCTIONNEMENT ET LE FINANCEMENT DE LA CICOS à ses missions et à l'adhésion de nouveaux membres.	**1.2 ALLOCATION** Objectif spécifique : La connaissance, le suivi et la modélisation des eaux à l'échelle du bassin permettent l'allocation régionale et concertée des ressources, un arbitrage des usages, la fonctionnalité d'un système d'alerte et l'identification des mesures d'adaptation au changement climatique. **7 MESURES :** **1.2.1 MP** : Poursuivre le projet HYCOS et renforcer les bases de données hydrométéorologiques. **1.2.2 MP** : Poursuivre le développement et l'exploitation du Système d'Information du Bassin du Congo (SIBCO). **1.2.3 MA** : Poursuivre la conception et la mise en œuvre de L'OUTIL D'ALLOCATION des ressources en eau entre les États. **1.2.4 MA** : Définir le champ d'application et étudier les modalités du PARTAGE DES COÛTS ET BÉNÉFICES entre les États membres de la CICOS. **1.2.5 MA** : Réaliser une ETUDE SOCIOECONOMIQUE régionale sur les activités liées aux usages de l'eau. **1.2.6 MA** : Identifier et diffuser des méthodes D'ADAPTATION AUX CHANGEMENTS CLIMATIQUES pour les différents usages. **1.2.7 MA** : Concevoir et mettre en œuvre une mécanisme de PRÉVENTION DES RISQUES ET D'ALERTE lié aux effets néfastes de l'eau et au transport et stockage des substances dangereuses.	**1.3 PLANIFICATION** Objectif spécifique : Une capacité de planification régionale des grands aménagements est opérationnelle, appuyée par une base de données des infrastructures dans le bassin. **3 MESURES :** **1.3.1 MA** : Apporter aux États la contribution de la CICOS pour la PROGRAMMATION DES INVESTISSEMENTS d'intérêt commun et la mobilisation de leur financement. **1.3.2 MP** : Identifier les potentialités techniques et économiques pour développer L'IRRIGATION dans le bassin et en faire la promotion. **1.3.3 MA** : Concevoir et mettre en place un mécanisme d'instruction et de transmission des avis motivés pour les EIES.
ÉQUITÉ SOCIALE (satisfaire les besoins de base)	**2.1 PARTICIPATION** Objectif spécifique: L'ensemble des acteurs participe de façon active aux prises de décision relatives à la satisfaction des besoins de base de la population. **4 MESURES :** **2.1.1 MP** : Poursuivre la création des PCN ET PCR (statuts, relations avec la CICOS, etc) et appuyer leur fonctionnement. **2.1.2 MA** : Mettre en place un COMITÉ INTERBAILLEURS pour le secteur de l'eau et des ressources naturelles connexes. **2.1.3 MP** : Approfondir le DIALOGUE entre la CICOS, les CER et les autres OBV (relations hiérarchiques et fonctionnelles). **2.1.4 MP** : Promouvoir des filières et des programmes de FORMATION liés a la gestion des ressources du bassin.	**2.2 ACCESSIBILITÉ** Objectif spécifique : Les conditions techniques et économiques de satisfaction des besoins de base des populations sont réunies. **2 MESURES :** **2.2.1 MA** : Réaliser un ÉTAT DES LIEUX SUR L'ACCÈS AUX SERVICES SOCIAUX DE BASE liés à l'eau (eau potable, assainissement et énergie domestique), incluant un état des lieux des infrastructures concernées. **2.2.2 MP** : Mettre en place un système de gestion durable pour l'exploitation des RESSOURCES HALIEUTIQUES.	**2.3 CONSULTATION** Objectif spécifique : Des projets pilotes aux niveaux locaux sont identifiés et leur mise en œuvre est promue. **3 MESURES :** **2.3.1 MP :** Concevoir et réaliser des projets pilotes de MICRO ET PICO HYDROÉLECTRICITÉ associés à la production d'eau potable. **2.3.2 MP :** Concevoir et réaliser des projets pilote de LUTTE CONTRE LES ESPÈCES AQUATIQUES ENVAHISSANTES et en faire la promotion. **2.3.3 MP :** Identifier, valoriser et promouvoir le POTENTIEL ECOTOURISTIQUE du bassin du Congo.
PRÉSERVATION ENVIRONNEMENTALE (préserver les ressources)	**3.1 SENSIBILISATION** Objectif spécifique : Les acteurs de la gestion de l'eau et les populations sont informés sur les enjeux de la préservation environnementale et sont placés dans un cadre réglementaire unifié en la matière. **1 MESURE :** **3.1.2 MP** : Concevoir et mettre en œuvre une campagne D'ÉDUCATION ENVIRONNEMENTALE.	**3.2 SYSTÈME D'INFORMATION** Objectif spécifique : Des instruments de connaissance environnementale et d'analyse de données sont fonctionnels à l'échelle du bassin et opérationnels en routine. **4 MESURES :** **3.2.1 MP** : Poursuivre le projet MESA. **3.2.2 MP** : Identifier et promouvoir les mesures de contrôle des eaux naturelles et des rejets polluants et de PRÉSERVATION DE LA QUALITÉ DES EAUX **3.2 3 MP** : Réaliser des études de la BIODIVERSITÉ des zones humides et des milieux aquatiques. **3.2.4 MP** : CARTOGRAPHIER LES ZONES HUMIDES d'importance nationale et sous régionale et formuler des plans pour leur gestion durable.	**3.3 ÉVALUATION** Objectif spécifique : Les études d'évaluation environnementale sont systématiquement réalisées selon des normes standardisées dans le bassin, les plans de gestion sont mis en oeuvre et un mécanisme de suivi de leurs recommandations est opérationnel. **2 MESURES :** **3.3.1 MA** : Faciliter l'adoption d'une réglementation commune et l'application de méthodes et de PROCÉDURES COMMUNES POUR LES ÉTUDES D'IMPACT ENVIRONNEMENTAL ET SOCIAL. **3.3.2 MA** : Proposer et appuyer la mise en application d'une méthodologie commune du SUIVI ET DE L'ÉVALUATION DES PLANS DE GESTION des grandes infrastructures à effet transfrontalier.