

# GW I IN WEST AFRICA

## CAPITALISING ON THE LESSONS OF 10 YEARS OF INTERVENTIONS IN THE GOVERNANCE OF LARGE WATER INFRASTRUCTURE SCHEMES: A REVIEW OF EXPERIENCE

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**Global Water Initiative (GWI)** – The Global Water Initiative in West Africa is part of a global action-research and advocacy programme funded by the Howard G. Buffett Foundation. It is implemented by the International Institute for Environment and Development (IIED) and the International Union for Conservation of Nature (IUCN) in Mali, Guinea, Niger, Burkina Faso and Senegal. We focus on agricultural production linked to large scale irrigation schemes and dams, from local to regional level. Our multi-stakeholder approach seeks to empower smallholder farmers – both men and women – to put them at the centre of policies for efficient water management, food security and secure livelihoods.

**IIED** – The International Institute for Environment and Development is a policy and action research organisation. We promote sustainable development to improve livelihoods and protect the environments on which these livelihoods are built. We specialise in linking local priorities to global challenges. IIED is based in London and works in Africa, Asia, Latin America, the Middle East and the Pacific, with some of the world’s most vulnerable people. We work with them to strengthen their voice in the decision-making arenas that affect them – from village councils to international conventions.

**IUCN** – The International Union for Conservation of Nature, helps the world find pragmatic solutions to our most pressing environment and development challenges. IUCN’s work focuses on valuing and conserving nature, ensuring effective and equitable governance of its use, and deploying nature-based solutions to global challenges in climate, food and development. IUCN supports scientific research, manages field projects all over the world, and brings governments, NGOs, the UN and companies together to develop policy, laws and best practice.

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## LIST OF ACRONYMS

2iS	Sahel Irrigation Initiative Programme
ADB	African Development Bank
AFD	<i>Association Française de Développement</i> (French Development Agency)
AGRA	Alliance for a Green Revolution in Africa
CARP	Challenges, Actions, Results, Perspectives
CARPL	Model « Challenges, Actions, Results, Perspectives, Lessons »
CIRAD	<i>Centre de coopération internationale en recherche agronomique pour le développement</i> International Cooperation Centre for Agronomic Research for Development
CNU	<i>Coordination Nationale des Usagers et Usagères des Ressources Naturelles du Bassin du fleuve Niger</i> National Coordination of Users of the Niger Basin
COSTEA	<i>Comité Scientifique et Technique Eau Agricole</i> (France) Agricultural Water Scientific and Technical Committee
CRU	<i>Coordination Régionale des Usagers et Usagères des Ressources Naturelles du Bassin du fleuve Niger</i> Regional Coordinaton of Users of the Niger Basin
CTFD	<i>Comité Technique Foncier et Développement</i> Technical Committee on Land Tenure and Development (France)
DFID	Department for International Development (UK)
ECOWAS	Economic Community of West African States
ESIA	Environmental and Social Impact Assessment
FAO	UN Food and Agriculture Organisation
FIDEL/K	<i>Fonds d'Investissement pour le Développement Local de la zone affectée par le barrage de Kandadji</i> Investment Fund for Local Development of the area affected by the Kandadji Dam, Niger
FO	Farmer Organisation
FPIC	Free Prior and Informed Consent
GWI-WA	Global Water Initiative – West Africa
GWP	Global Water Partnership
HGBF	Howard G Buffet Foundation
IEA	International Energy Agency
IFC	International Finance Corporation
IIED	International Institute for Environment and Development
IOWater	International Office for Water
IRAM	<i>Institut de Recherches et d'Applications des Méthodes de Développement</i> Institute for Research and Applied Methodologies (France)
IUCN	International Union for the Conservation of Nature
IWRN	Integrated Water Resources Management

MEH	<i>Ministère de l’Energie et de l’Hydraulique</i> Ministry of Energy and Hydraulics (Guinea)
NBA	Niger Basin Authority
NGO	Non-Governmental Organisation
ODRS	<i>Office du Développement rural de Sélingué (Mali)</i> Bureau for Regional Development (Sélingué, Mali)
ONAHA	<i>Office National des Aménagements Hydro-agricoles (Niger)</i> National Bureau for Irrigation Schemes (Niger)
PAGE	<i>Partenariat pour l’Amélioration de la Gouvernance Environnementale</i> Partnership for Environmental Governance in West Africa (IUCN – West Africa Programme)
PAP	Project-Affected People
PREMI	Poverty Reduction and Environmental Management Initiative (IUCN – West Africa programme 2009-13)
PRESA	<i>Projet de Renforcement de la Sécurité Alimentaire (Mali)</i> Strengthening food security project (Mali)
SIDA	Swedish International Development Agency
SNVACA	<i>Système National de Vulgarisation et d’appui Conseil Agricoles (Burkina Faso)</i> National Department for Training and Agricultural Advisory Services
TEC	Technical Committee (GWP)
ToR	Terms of Reference
WANI	Water and Nature Initiative (IUCN global programme)
WCD	World Commission on Dams
WRCC	Water Resources Coordination Centre

## EXECUTIVE SUMMARY

The Global Water Initiative (GWI-WA) programme, supported by the Howard G. Buffet Foundation and implemented by IIED and IUCN, has been active in West Africa since 2007. The objective of the programme is to strengthen the governance of large water management infrastructures (dams and irrigation schemes). The programme gives special attention to the local people who feel the impact of these projects most directly: the communities affected by the building of the infrastructure, and the existing family smallholders in the irrigation schemes.

This lesson-learning document supplements the external review of the programme carried out in 2016<sup>1</sup>, which evaluated the performance of GWI-WA in the light of the objectives it was assigned. It looks back at the ten years of GWI-WA's work. The report selects the ten main successes achieved by GWI-WA and analyses them in terms of : (a) the relevance and added value of these advances in the light of the questions and challenges at the national, regional and international level) ; (b) the nature of the action carried out and solutions applied ; (c) the results achieved ; (d) the scale of the results, the sustainability of these solutions and how easy they are to replicate; (e) the lessons of each achievement.

The ten major successes covered by this lesson-learning exercise are as follows: (a) adoption by the ECOWAS Council of Ministers of the Directive on Hydraulic Infrastructure Development in West Africa – a process which has benefitted from crucial, long term support by GWI-WA ; (b) provision of high quality information on the soundness of the economics and the financial viability of existing large water infrastructure, and on the production systems of family small holdings involved in irrigated cultivation; (c) general acceptance by stakeholders of the principle of sharing the benefits yielded by dams and providing practical tools to put this principle into practice; (d) support for drawing up a Manual in Guinea, through an inter-ministerial process, on how to equitably conduct land expropriation in the public interest , bearing in mind emerging international standards on governance of land tenure; (e) proposal of leases in perpetuity as a compromise formula for compensating customary landowners, and securing land rights, on a land-for-land basis in Niger; (f) wide consensus on an agreed occupancy contract for irrigation schemes in Niger which offers greater legal security of tenure to non-land-owning farmers; (g) Acceptance of the principle of registering large public irrigation schemes in the name of the State, and testing this approach; (h) adoption of an agreed action plan on agricultural advisory services in three of GWI's areas of operation in Burkina Faso, Mali and Senegal; (i) re-invigorating civil society water users' organisations in the Niger basin; (j) development and capacity building of tens of national experts in various emerging areas linked to analysis of financial viability and general management of water power and irrigation infrastructure.

Significant, and sometimes remarkable, advances have been made in these fields. They relate to different stages of the project cycle, from planning to implementation and consolidation of achievements. They can take the form of fresh insights which expand horizons in new or under-explored fields (e.g. economics and ex post analysis of financial viability of dams, analysis of livelihoods and local production systems and their impact on poverty, or research into the status of land and land tenure dynamics in the irrigation schemes). These advances may consist of the development of tools to implement agreed proposals (e.g. security of land tenure in irrigation schemes, the formula of leasing as compensation for expropriated communities or occupancy

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<sup>1</sup> Niasse, M. 2016. External independent review of Global Water Initiative (West Africa) results and approaches. GWI West Africa.

contracts for non-land-owning farmers) or aspects of the law which have not been applied properly or at all (e.g. Manual on application of expropriation in the public interest in Guinea). Frequently, GWI's contribution has been to find points of entry and establish channels of communication where discussions are compartmentalised (e.g. between departments in charge of managing the large State-owned irrigation schemes and the people farming these areas; or between sectoral Ministries dealing with land tenure issues, such as in Guinea .

Explanations for the degree of success achieved by GWI in spite of the relatively modest means at its disposal are: (a) the time span of the programme— it has now been in operation for around ten years—which has given it time to adapt to the pattern of political change, which is normally a long drawn out process (e.g. adoption of the ECOWAS directive which took ten years from the time the Dams Dialogue was set up) ; (b) the immense flexibility that the donor (Howard G. Buffet Foundation) has given the programme, making it possible to adjust to changes in the field and, above all, seize opportunities as they arose; (c) the 'opportunistic' strategy (closely linked to the flexibility of the programme) which allows GWI to shift from one subject to another, or even to change subject, place and scale of intervention as well as key partners, and thereby pick the low hanging fruit wherever they appear; (d) the challenge of harnessing expertise available at the national and regional levels – and by combining everything at the same time, boosting political dialogue (as these experts can open doors and facilitate contacts) and providing a way of ensuring achievements are sustained.

After running the programme for ten years, GWI has developed major recommendations on the various stages of the project cycle, as well as tools for their implementation. Looking to the future, the immediate need is to implement the package of GWI recommendations, first in a pilot phase and then on a large scale, to help improve the lives of several tens of thousands of people living in areas which either already have or are due to have water management and irrigation infrastructure programmes, in West Africa and beyond.

## INTRODUCTION

In 2016, an independent external review was carried out of GWI which analysed the results of the programme in terms of its influence on policy. It was designed to evaluate the performance of GWI-WA in relation to the objectives set in the Programme.

This document follows on from the 2016 external review and completes it. It looks at the lessons learned by GWI/West Africa (GWI-WA). The aim of the exercise is to explain the significance of the results achieved by GWI-WA, by viewing them in the context of the development issues and dilemmas facing the countries where they are involved, the sub region and the world as a whole. This report analyses the choices made and approaches taken by GWI which led to these results, and draws lessons for the future, emphasising the issue of sustainability and replication.

This review of GWI's ten years of activity is designed to provide stakeholders in the water and land management sectors, in West Africa and globally, with a succinct reference document to help in decision-making, especially in the drawing up development projects and programmes as well as policies on the governance of water and land, including large water infrastructure.

The document is divided into four sections: the first section sets out the challenges in managing water and land resources in West Africa, especially food security in the sub-region and at the international level. The second section looks back at the vision and objectives of GWI and how this programme – through its theory of change- expected to respond to the challenges of water and land management in West Africa. The third section is devoted to an analysis of examples drawn from GWI's experience in West Africa over the last ten years. The last section reflects on the scope of the main results achieved by GWI, their sustainability and the chief lessons which can be drawn from them.



# 1 THE CHALLENGES OF WATER AND LAND MANAGEMENT IN WEST AFRICA IN THE CONTEXT OF LARGE SCALE WATER PROJECTS

GWl's objectives and approach, as well as the significance of the results obtained by this programme, need to be viewed in the context of the development challenge in West Africa, especially in agricultural development and management of water and land.

## 1.1 Renewed interest in large dams in West Africa

In common with most of the African continent, West Africa has enormous freshwater potential: surface water, groundwater and rainwater. Paradoxically, the countries of the region are amongst those that suffer the most from water scarcity and insecurity. This is not a physical scarcity so much as a technical one, reflecting weak water management in the region. The surface area of West Africa (about 9 million km<sup>2</sup>), is comparable to that of China and three times that of India yet it only has about 150 large dams whereas the Asian giants have 22,000 and over 6,000 large dams respectively, out of the world total of almost 50,000.

It comes as no small surprise therefore that West Africa, the rest of the continent and the world's other developing regions, are witnessing a new boom in the building of large water projects, and particularly dams. Four years ago, Brachet *et al* (2013)<sup>2</sup> calculated that, not counting the dams which were then in the process of being built, there were at least forty odd large dam projects at different stages of the planning process in West Africa. Today, around twenty large dams are in the pipeline for the Niger basin (most of which will be in Nigeria), and around ten for the Senegal and Gambia river basins.

There are a combination of factors behind this resurgence of interest in large dams. The energy crisis of 2007-2008, which saw oil prices rocket, as well as the general trend toward international mobilisation and commitment to action on climate change, have together served to make hydroelectricity more attractive. Alongside this, the food crisis (reflected in soaring prices for staple grains) had sounded the alarm over unresolved issues for food security in years to come and the consequent need to increase investment in water management for irrigated farming in West Africa.

## 1.2 The important role of family smallholdings

Africa is often considered as one of the world's last frontiers, having at its disposal the largest reserves of unexploited, or barely exploited, fertile land and freshwater in the world. The scramble for the agricultural lands of the South – a phenomenon sometimes referred to as « land grab » – is largely focussed on sub-Saharan Africa. Faced with this growing interest in land and water, which have become strategic resources and the subject of intense international competition, African countries have considered welcoming the agri-food companies and foreign private and state-owned investment funds crowding at their gates, and handing over their land and resources.

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<sup>2</sup> Brachet, C. ; H. Léвите; A. Tengnas; I. Ouedraogo. 2013. [Prioritizing large dams in West Africa](#). In *Hydropower and Dams*. Issue No. 2. This publication is based on a 2011 WRCC report on evaluation and discussion of priority infrastructure projects. International Office for Water (IOWater) and WRCC. August.

There is uncertainty and disagreement over the potential implications of foreign and national investors obtaining control of African land, particularly in relation to the impact of these investments (or speculative land purchases) on domestic food security, job creation and the fight against poverty, as well as the sustainable management of land and water.

But African states also have the option of developing family farming, which was severely hit by the policies of liberalisation and state disengagement set in motion from the 1980s onwards. This means relying on what the World Development Report on agriculture calls a large scale, sustainable ‘productivity revolution’, based on family smallholdings (World Bank, 2007)<sup>3</sup>.

The 2014 report on the State of Food and Agriculture estimates that the world’s 500 million family farms produce the majority of the world’s food (FAO, 2014)<sup>4</sup>. This means they play a central role in world food security– a role which is even more important in Africa, where the large agro-industrial estates are largely absent from the countryside. The same report says that, as a general rule, yields (productivity per surface unit) are higher in family farms than major agro-industrial schemes – a highly significant factor given that arable land is progressively shrinking .

But the productivity revolution, based on family farms (as advocated by the above-mentioned World Bank Report) is hard to envisage without the political will and an enabling environment backed by clear strategic guidelines on the part of States and their technical and financial partners. Alongside the modernisation of agricultural infrastructure and market access, three other factors could play a decisive role in boosting family farming: (a) land tenure security for farmers; (b) support for production (through easier access to credit, equipment, markets, etc.); (c) the existence of Farmer Organisations (FOs) with strong, representative governance structures.

The rationale and approach of GWI’s involvement are based not only on strengthening the governance of water infrastructure and ensuring the areas of impact are sustainably and equitably developed but also on re-invigorating and stepping up support for family farms.

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<sup>3</sup> World Bank. 2007. [Agriculture for Development. World Development Report 2008](#). The World Bank. Washington D.C.

<sup>4</sup> FAO, 2014. [State of Food and Agriculture. Innovation in Family Farming](#). FAO. Rome (Italy),

## 2 RATIONALE AND STRATEGY BEHIND GWI'S INVOLVEMENT

GWI's vision is that **the fair and efficient use of water and the adoption of sustainable systems of production will allow family smallholders to improve food security for themselves, but also for their communities and the wider world.**

Its three guiding principles are:

- Maintaining and improving water quality while conserving the resource
- Developing and promoting sustainable systems of farming, improving skills and knowledge and the social learning process
- Empowering men and women, improving human wellbeing and supporting sustainable livelihoods.

GWI's approach consists of developing robust national, regional and international strategies, sharing the resources and flexibility offered by the Programme donor (HGBF) and the help mobilised by other partners (finance, technical expertise and networks of influence), in order to create a significant change through advocacy and support for policy change initiatives. This approach emphasises:

- Encouraging more efficient governance and policies
- Improving the quality of information and enhancing practice
- Ensuring investment is more closely targeted at solutions.

To make a practical contribution to the long term achievement of this objective, GWI focusses on four fields of action:

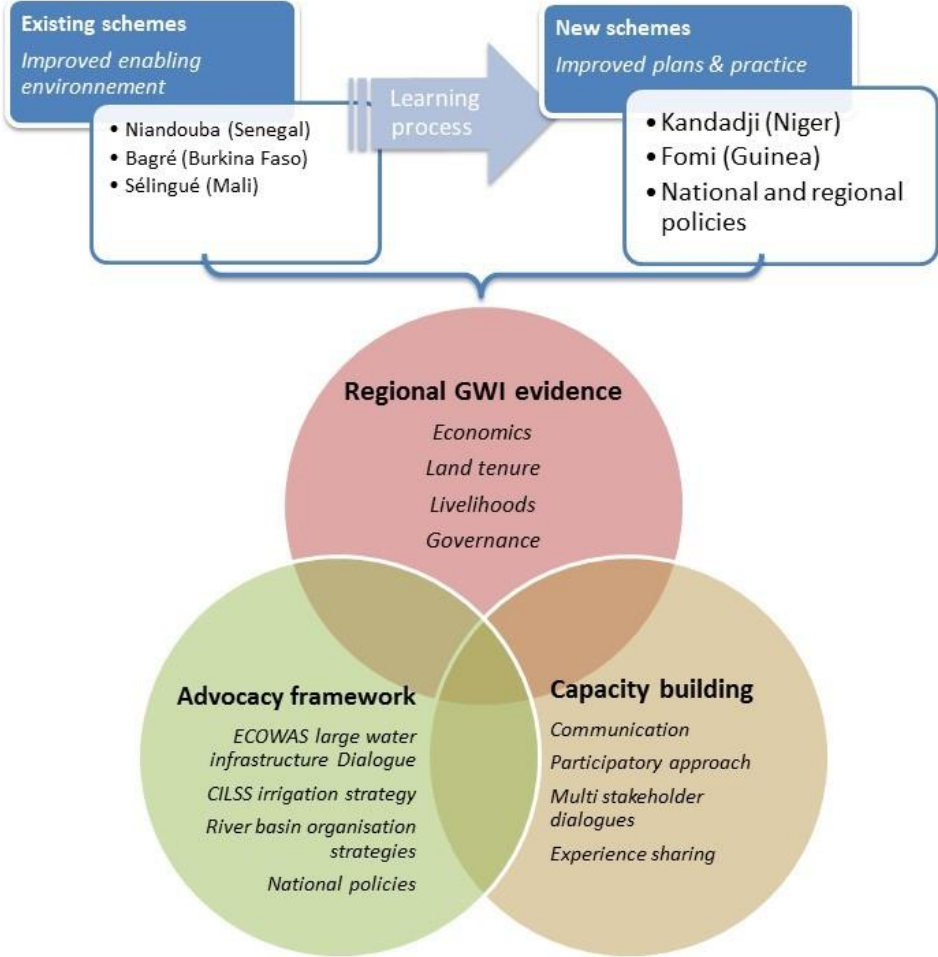
- 1) Ensure that investment decisions aimed at food security are based on full knowledge of the **advantages and drawbacks, (the economic and agronomic strengths and weaknesses) of large hydraulic and agricultural infrastructure** (particularly large dams and irrigation schemes)
- 2) Support the creation of an enabling environment for **innovation and harnessing knowledge and technologies by and for family farmers in large irrigation schemes**. The Programme identifies and helps strengthen factors such as land tenure security. This encourages innovation and the adoption of technologies and practices which boost agricultural productivity and sustainable use of water, while promoting social equity, including equity between men and women, in terms of access to productive resources.
- 3) Help to improve **governance of existing and planned large water and irrigation infrastructure**. This involves the adoption and effective implementation of emerging standards such as the fair compensation of affected people and sharing of benefits generated by the infrastructure
- 4) Support **the capacity building of stakeholders in the region through the learning process and communication** in order to influence policies and strategies for developing water resources and irrigation.

By exerting a direct influence on the policies, approach and practice of managing water and irrigated land in the 4 areas set out above (strategic objectives 1 to 4) in the countries where it is active (Burkina Faso, Guinea Conakry, Mali, Niger and Senegal) and at the regional level, GWI indirectly encourages the emergence of an environment which promotes inclusive and informed decision-making on investment in water infrastructure. The Programme also contributes indirectly to ensuring that the facilities built or planned serve to diversify and enhance opportunities for the people

affected by projects at the local level. GWI also promotes development choices which offer the same degree of support at the local, community, level as they do for national development.

Figure 1 provides a simplified schematic version of GWI’s Theory of Change

Figure 1 : Rationale and strategy behind GWI’s involvement



### 3 REVIEW OF A SELECTION OF GWI'S EXPERIENCES

Over the last ten years, GWI-WA has been active in a range of fields and countries. The external independent review (2016), mentioned above, listed 35 infrastructure activities which were part of GWI's portfolio between 2008 and 2016. A selection of these are covered in this lesson-learning review.

The activities were chosen according to the following criteria:

- Innovative nature of the intervention, in terms of approach or niche;
- Scale of challenges thrown up (either because of the risks taken or the sensitive or taboo nature of the questions dealt with);
- Significance of results obtained, in terms of policy change or immediate or potential impact on local people's livelihoods;
- Scope for replication or scaling up;
- Potential lessons for the future.

Each of the experiences covered in this document is analysed from the following perspectives: the **Challenge** (nature of the problem and challenges to be solved at the outset); the **Action** undertaken by GWI to solve the problem raised; the **Results** obtained (in terms of changes in policy or practice); the **Perspectives** (possible developments after GWI withdraws, that is the sustainability of the changes and outcomes of the intervention) and **Lessons**. This C.A.R.P.L. analytical structure is based on the Workforweb CARP Model

The chosen examples are set out under the key stages of the project cycle. The first example (**#1**) relates to the normative framework for governance, planning and implementation of investment in large water infrastructure in the 15-country ECOWAS area. The second example (**#2**) concerns research into financial viability and the analysis (at macro and micro level) of the socio-economic soundness of individual infrastructure projects. These analyses should guide and clarify investment decisions. The third example (**#3**) relates to the options and mechanisms for sharing the benefits of infrastructure projects still in the pipeline, and is therefore part of, and completes, the feasibility analyses. The fourth example (**#4**) deals with the acquisition of land rights (in this case in the public interest), which is an important stage for projects with considerable land footprints and tenure implications such as dams and irrigation schemes. The next examples (**#5**, **#6** and **#7**) deal with the management of land tenure issues arising in lands acquired by an investor (the State in the cases discussed): land tenure issues are addressed in terms of compensation for expropriated communities (example **#5**), security of tenure for all farmers in the irrigation schemes (**#6**), and the legal status of these irrigation areas in general (**#7**). The next example (**#8**) relates to one of the factors which plays a significant role in getting the most out of infrastructure and, in particular, the irrigated land: the quality of agricultural advisory services. Lastly, there is the role of civil society, specifically in the basin of the river Niger (example **#9**) and the harnessing and strengthening of national and regional expertise (example **#10**) which are cross disciplinary issues and important at every stage of the project cycle.

## 3.1 Strengthening of the regional normative framework for water governance

### Example #1. ECOWAS Directive on Hydraulic Infrastructure Development in West Africa

#### Problem/challenges

A large part of West Africa is in the arid Sahara-Sahel zone, and as a whole it is very vulnerable to climate variability and change. The region is one of the poorest in the world, and is constantly threatened by food crises, closely linked to climate vulnerability and the shortage of irrigation schemes. Sub-Saharan Africa faces significant energy needs due to population growth, urbanisation and economic development. The Africa Energy Outlook report estimates that two thirds of the region's 620 million inhabitants do not have access to electricity, and that 4/5 of these people live in rural areas (IEA, 2014). This report calculates that electricity demand in Africa went up by 35% between 2000 and 2012. However, in today's terms demand only comes to 70% of that of South Korea, whose population is only 5% of that of sub-Saharan Africa (IEA, 2014). It is therefore only logical that African countries—and particularly those of West Africa—should step up investment in dams to generate hydro-electricity, for irrigation (see below) but also for purposes of navigation, industry and supply of freshwater for human and animal consumption, and to prevent the risk of flooding.

Dams are a major source of controversy and impassioned debate between advocates and opponents of these huge schemes. After a detailed review of global experience, from the point of view of equity, efficiency, decision-making mechanisms, environmental sustainability and accountability, the World Commission on Dams (WCD) acknowledges the considerable advantages of these schemes and the importance of their contribution to human development. But the WCD also highlights the high socio-economic and environmental costs that these dams can bring with them (WCD, 2000)<sup>5</sup>. To make the most of the advantages of these and other major investments in infrastructure while keeping the downside to a minimum, the WCD and the main development donors as well as the International hydropower Association (IHA) have drawn up policies and procedures with stringent socio-environmental norms and standards.

In West Africa, where large dams are arousing growing interest on the part of governments (as shown by the numerous projects under way or in the pipeline), the emerging socio-environmental standards are little known and rarely applied. This means that building the numerous dams planned presents serious risks, not only to the environment and the local communities affected but even to the financial viability of the schemes themselves.

GWl's role in West Africa has been to help stakeholders in the sector to develop a better understanding of the issue of dams, by promoting an inclusive dialogue based on concrete experiences. It also assisted the Water Resources Coordination Centre of ECOWAS in the drawing up of agreed standards on dams and other large water infrastructure in the ECOWAS area.

#### GWl response

The GWl-West Africa programme began activities in 2008 when the ECOWAS Water Resources Coordination Centre (WRCC) launched the Dams Dialogue, with the support of IUCN, through the Water and Nature Initiative. Jamie Skinner, Director of GWl-AO and formerly adviser to the World

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<sup>5</sup> WCD. 2000. *Dams and Development. A New Framework for Decision-Making. The Report of the World Commission on Dams*. Earthscan. London.

Commission on Dams was co-opted onto the 7- member Panel of independent experts that had been set up by WRCC to draft guiding principles and assist the Dialogue. The main activities of the Dialogue included the following:

- The Independent Panel of Experts, analysed the decision-making process for selected dam projects in the region: Manantali dam already built in the Senegal river basin; Bui dam then under construction in the Volta basin; Kandadji dam planned for the Niger basin. These analyses contributed to the Panel's recommendations, formulated in April 2010. Coordinated by WRCC.
- Organisation of an e-forum (2009-2010), hosted by IUCN, based on a distribution list of 700 contacts ([Dialoguebarrages@lists.dialoguebarrages.net](mailto:Dialoguebarrages@lists.dialoguebarrages.net), which now has around 2,000 registered names). The synthesis and recommendations of the e-forum were taken into account in finalising the recommendations of the Independent Panel.
- Organisation of forums for civil society stakeholders in the Senegal and Niger basins to take on board and discuss the panel's recommendations (May/June 2010); coordinated by IUCN.
- Organisation of regional multi-stakeholder workshops (basin associations, governments, civil society) in the major river basins (Niger, Senegal/Gambia, Volta) to discuss and firm up the Panel's recommendations (January 2011); coordinated by WRCC.
- Holding of a regional seminar to validate and finalise the Panel's recommendations, with participation by government representatives, basin organisations and civil society (July 2011, WRCC)
- Holding of a meeting of the Technical Committee of Experts and WRCC stakeholders to approve the guidelines ([Dec 2012, WRCC](#))
- Drawing up and validation of a draft Directive by the Technical Committee of Experts (March/April 2014, WRCC)
- Session of the Ministerial Monitoring Committee of the Integrated Water Resources Management (IWRM) initiative in the ECOWAS area and approval of the draft Directive (November 2015; WRCC, GWI)
- [Adoption of the ECOWAS directive by the ECOWAS council of ministers \(June 2017\)](#)

It should be added that IUCN and IIED also mobilised SIDA and DIFID funds to support these activities, to complement GWI's resources and offer a package of both technical and financial support to WRCC.



## Results

Thanks to the direct and indirect support of GWI to WRCC, the discussions on dams and the process of improving the normative framework for planning and constructing large water infrastructure in West Africa, resulted in two major achievements reflected in the following (technical and political) key documents :

- Guidelines for the development of water infrastructure in West Africa (2011)
- Directive on Hydraulic Infrastructure Development in West Africa, adopted by the 78<sup>th</sup> session of the ECOWAS Council of Ministers (June 2017)

GWI participated throughout the process, as a member of the Panel of independent experts (Director of GWI-West Africa), by helping facilitate the Dams Dialogue and by disseminating and promoting the guidelines, and then converting them into a Directive. This technical and financial contribution took many forms and was crucial, even though it is difficult to attribute any part of the results obtained exclusively to this input. The feedback by the WRCC Management, reproduced in the 2016 GWI external independent review, puts it clearly: *'The intensive work needed for the Dialogue and the drafting of guidelines for the Directive could not have happened without the support given by GWI. For us GWI is a major partner... they gave us essential support both in technical and logistical terms ... They put their shoulders to the wheel.'*

## Perspectives and lessons

The adoption of the Directive on water infrastructure by the ECOWAS Council of Ministers is a major achievement. Given ECOWAS's supranational legal mandate, the newly adopted Directive applies to all member states, without them needing to go through the ratification stage at the national level. The 15 ECOWAS member states have in effect adopted a law reinforcing the governance of water infrastructure at the national level.

However, past experience of the effectiveness of national legislation in Africa, and especially West Africa, shows that much remains to be done before the Directive is implemented in practice. An information and awareness raising campaign needs to be organised at every level. The member states have to draw up secondary legislation which sets out the practical steps through which the Directive will be applied. Last but not least, civil society must serve as an active advocate of this Directive to ensure the governments and bodies involved in the basin comply with the commitments undertaken at the regional level within the ECOWAS framework. In September 2017, GWI backed the setting up of national civil society workshops, which launched this process.

The following are some of the lessons which can be drawn from this experience:

- The results of the Dams Dialogue in West Africa show that a participatory process open to all stakeholders and based on a pooling of well-established knowledge and lessons drawn from past experience can pave the way for consensus on the most sensitive and divisive of development issues.
- It takes time to introduce changes in policy and legislation. Ten years were needed to bring about tangible reform at the legal and policy level. Before the change achieved can have a real impact at the economic, social and environmental level the standards adopted under this Directive have to be fully complied with in the planning and construction of dams. This will also take time but the advantage is that these measures will apply to all dams, irrespective of the donor.
- Projects and programmes which support development usually have a short life span (4-5 years and sometimes less) and this is a major constraint when it comes to achieving results in



the form of changes in policy and legislation. The flexibility of GWI and the timespan of the programme (with activities spread out over a ten year period) has ensured continuity and coherence in the WRCC support process, despite the fact that different technical assistance projects replaced each other over time, and sometimes overlapped. These were chiefly the following IUCN programmes: WANI-phase 2: 2009-2013, PREMI: 2010-2012, then PAGE: 2014-2018.

As the process developed from a regional integration arrangement (ECOWAS) and adopted its inter-state decision-making processes, there was every chance that the lessons drawn from experience and the recommendations arising from the multi-stakeholder dialogue would result in formal commitments by governments at the highest level.

#### Box 1. Extracts from the Directive

Article 10. The States shall establish ***mechanisms for equitable sharing of costs and benefits*** amongst the States in order to ensure development of the economic potential of the basin in a non-confrontational atmosphere.

Article 17. ***During the lifetime of the project***, basin organisations and States ***shall grant to the populations affected as part of the project the direct benefits generated by the dam*** including agricultural land, electricity, drinking water, pasture and fisheries in order to minimise reluctance to the project or avoid feelings of dependence vis-a- vis basin organisations and States that can affect several generations of affected populations

Article 22. The Contracting Authorities ***shall effectively take into account***, in resettlement programmes for the affected populations, for compensation, ***the traditional use of land and natural resources as well as all properties affected by involuntary displacements including of intangible and/or cultural properties that nevertheless represent a real value for the populations***

Article 28. The Contracting Authorities and affected communities ***shall contractualise their relationships regarding implementation of the resettlement plans***, through agreements in order to give them a legal value

Article 45. The Contracting Authorities shall impose, in the terms of reference for the technical and economic feasibility studies, ***a requirement of financial profitability*** in order to encourage the consultants to propose several variants and innovative solutions based on the criterion of profitability.

## 3.2 Generation and pooling of knowledge to guide decision-making on public investment in large water infrastructure

**Example #2.** Ex post analysis of the financial viability of dams and research into the production systems of family farms and irrigation schemes (Burkina Faso, Mali, Senegal)

### Problem/ challenges

The public resources available for investment in general and investment in water power and irrigation in particular are limited. As a result, countries in Africa find it difficult to meet their commitment to devote 10% of their national budget to the agricultural sector (Maputo Declaration,

2003). Only one of the five countries to meet this objective in the period 2008-2014, is in West Africa: Burkina Faso (AGRA, 2016)<sup>6</sup>. It is therefore important that investment decisions are well targeted, justified and backed by the best information available, even if it is often political opportunity rather than any economic and social merits which dictate governmental choices.

GWI's efforts to generate information to help decision making on investment in large water infrastructure should be viewed in this context. Its intervention on this theme is also consistent with the ECOWAS guidelines—particularly the provisions on the evaluation and optimisation of the financial viability of large water schemes. This requires rigorous economic evaluations, as part of project feasibility studies, but also means lessons must be drawn from existing schemes, few of which have been assessed ex post in the region.

### **GWI response**

GWI was involved at two levels: (1) analysis of the economic and financial performance of existing large dams; (2) investigation of the mix and yield of the production systems of those farming the irrigated land. In both cases, GWI has focussed on the Bagré (Burkina Faso) Sélingué (Mali) and Niandouba/Confluent (Senegal) dams, in order to gain a better perspective on the results obtained at macro levels (for the Government) and micro levels (for households).

The main activities undertaken from 2013 onwards can be summarised as follows:

- Ex-post cost-benefit analysis and evaluation of the economic and financial viability of the following water schemes: Niandouba/Confluent (Sénégal); Bagré (Burkina Faso); Sélingué (Mali)<sup>7</sup>.
- Investigation into improving the production systems and living conditions of the local people who farm the land irrigated by dams (focused on the areas associated with the following dams : Sélingué in Mali, Bagré in Burkina and Niandouba/Confluent in Senegal) (Bazin, 2017a)<sup>8</sup>.
- These six studies were then synthesised into a single report (Bazin *et al.*, 2017)<sup>9</sup>.

### **Results**

The results and impact of GWI's work on economic analyses can be looked at from two perspectives: firstly, from the point of view of the scientific knowledge and decision – support generated; secondly, in terms of influence and use made of this knowledge.

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<sup>6</sup> AGRA. 2016. *Africa Agriculture Status Report: Progress toward Agriculture Transformation in Sub-Saharan Africa*. Alliance for a Green Revolution in Africa (AGRA). Nairobi.

<sup>7</sup> GWI. 2017. *Etude comparative de la valeur actuelle du barrage de Sélingué et de la situation du bilan financier de l'Etat*. (Comparative analysis of the current value of the Sélingué dam and the State's financial position) Global Water Initiative West Africa. June

<sup>8</sup> Bazin, F. 2017: *Analyse des systèmes de production du périmètre irrigué de Niandouba (Sénégal) – Rapport final*. (Analysis of the production systems in the Niandouba irrigated area in Senegal – final report) GWI West Africa, July.

<sup>9</sup> Bazin F., Hathie I., Skinner J. and Koundouno J. (Ed.) 2017: *Irrigation, food security and poverty – Lessons from three large dams in West Africa*. IIED/GWI. London

### *Contribution in terms of knowledge:*

The studies carried out by GWI on the economic performance and financial viability of large water infrastructure and local production systems have helped expand our knowledge, for example by drawing attention to the following points:

- Decisions to invest in dams are often based on over-optimistic feasibility studies and projected results, especially in relation to the time required to implement schemes, the rate at which irrigation projects (and particularly their irrigated areas) can be built, and forecast crop yields.
- Large dams are expensive and rarely fulfil their promise in terms of financial viability. In the case of multi-purpose dams (Sélingué and Bagré), electricity generation plays the major part in economic results while agriculture often accounts for very little, and comes in below the projections: the electricity generated by the Sélingué dam, accounts for over 2/3 of the added value of the investment while irrigated farming only accounts for less than 10%.
- To improve the economic viability of dams we need to improve conditions for the development and practice of irrigated farming by family smallholders.
- Special attention should be given to the size of the plots allocated to households. In irrigated farming, households cultivating small areas– less than a hectare and often under 0.3 ha– are trapped in a vicious circle of poverty and food insecurity: 70% of family farmers at Sélingué live below the poverty threshold
- The commercial agricultural surpluses are produced by households with larger holdings of farm land (over a hectare in irrigated land and more than 2 in rain- fed land). In addition to growing for their own consumption, these households contribute towards national food security, and have a foot on the ladder out of poverty. The households that generate high farming incomes (because their plots are sufficiently large) are also those with the highest non-agricultural incomes.
- Apart from the size of area cultivated, land tenure security, improvement of agricultural equipment (animal traction, tilling machines etc.) and agricultural advisory services (see below) are important factors contributing to land productivity and general agricultural performance. Because of the small size of the plots, family farms do not produce enough to support the costs involved in working and maintaining irrigated land and their equipment, which consequently tend to deteriorate: this is how these small-scale family farmers get caught in a vicious circle of poverty.

### *Contribution in terms of influence:*

The knowledge generated and shared during the course of the investigations and economic analyses on water infrastructure has influenced the attitudes and behaviour of stakeholders and the process of policy formulation at different levels.

In terms of the dams and irrigated areas under discussion, the Director of the Office for Rural Development in Sélingué (ODRS) expressed a preference for a size of between 2 and 3 hectares (as opposed to the current size of 0.25 ha.) for the new plots of irrigated land that will be allocated to farmers in future.<sup>10</sup>

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<sup>10</sup> Source: Skinner, J. 2017. GWI March Interim Report. IIED. London.

At the regional level, there has clearly been a two-way flow of influence between the findings of the economic studies and the production systems used in family farming on the one hand and the process of drawing up ECOWAS's guidelines on ECOWAS water infrastructure on the other. The guidelines, which reflect the results and lessons of the economic analyses, include the following: (a) guideline 4.2 - Optimise the economic profitability of existing or planned developments by making them more multi-purpose; (b) guideline 4.4 – Refine the financial and economic analysis of projects.

### **Perspectives and lessons**

The GWI studies on the economic soundness and financial viability of large water schemes and the livelihoods of farmers (poverty and food security) draw conclusions and raise fundamental questions which serve to broaden the debate on new issues: optimising the irrigation aspect of dams; need to allocate larger plots to farmers as part of the strategy on local and national food security and the fight against poverty; involvement of a range of different types of family farms (by category of farm) in project selection and decisions ; strengthening of institutional components and of the governance dimension of projects (local governance, support of farmers, etc.).

Although they may be theoretically justified, some of the new recommendations derived from the economic analyses are difficult to implement. For example, these analyses show the need to increase the area of farmland (rain-fed or irrigated) held by households to enable them to boost their performance in terms of productivity and contribution to local and national food security. But given the high cost of preparing land for irrigation – over 15 000 euros / ha in the large schemes where water is fully controlled— it is often politically difficult for governments to allocate extensive plots to a small number of households when demand is so high.

## **3.3 Sharing the benefits generated by hydro-electric dams with the local communities affected**

**Example # 3. Proposals for mechanisms to share the benefits of the proposed Kandadji (Niger) and Fomi (Guinea) dams, to support long term local development**

### **Problem/challenges**

Dams and their associated infrastructure are designed to fight poverty, boost resilience (for example, to climate variability), support economic growth, improve living conditions of rural and urban communities (by creating jobs and improving access to drinking water, electricity, irrigation etc.). But dams also entail considerable costs, including the financial outlay at the national level as well as social and environmental costs which often fall disproportionately on the people who live in and around the site of the dam or along the rivers in question. Up to 150,000 people are expected to be moved by dams on the Niger river alone. The experience of forced displacement and resettlement shows that as a general rule displaced people end up becoming impoverished a few years after being resettled and compensated (Scudder, 2006)<sup>11</sup>. The principle of benefit sharing is based on the need for a fairer and more sustainable distribution of the costs and, above all, advantages generated by investment schemes like dams.

In its involvement in West Africa, GWI has sought to promote equitable sharing of the benefits generated by dams with the people most negatively affected by them. In general, the principle of

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<sup>11</sup> Scudder, T. 2006. *The Future of Large Dams: Dealing with Social, Environmental, Institutional and Political Costs*. Earthscan, London.

benefit sharing stems from the need to offer compensation for the harm suffered by these people and the need to promote local development at the same time as national development. The benefits to be shared can take the form of resources, services and non-monetary advantages (access to drinking water, electricity, fish stocks, irrigated plots, etc.) or can be monetary (such as a share of the income from the sale of the electricity generated by the dams). This last aspect, the sharing of the revenue from the sale of electricity to support sustainable local development, has been the most innovative part of GWI's work on revenue sharing in West Africa.

## **GWI response**

### *Existing dams:*

- Publication entitled "Sharing the benefits of large dams in West Africa" (2009) was a general review of regional experience, based on the literature. (This has been downloaded 7800 times in English and 4400 times in French)
- Sharing of lessons across the region through baseline studies on the multiple uses of and benefit sharing at six older dams, still in operation: Bagré, Kompienga and Moussodougou in Burkina Faso; Niandouba and Confluent in Senegal, and Sélingué in Mali
- Regional synthesis of these baseline studies. [This document](#) (2011) has become a key reference in GWI's contribution to the debate on benefit sharing (in the wider sense) in West Africa and to the ECOWAS dialogue in general (4,000 ENG downloads; 1800 FR).

Policy briefs prepared for use in advocacy in each of the countries covered by the baseline studies: Burkina Faso, Mali and Senegal. <sup>12</sup>

### *New dam projects:*

Promotion of benefit sharing in Niger (Kandadji dam project) and Guinea (Fomi dam project and at the national level):

- [Study](#) (2011) that analyses and advocates for the sharing of benefits derived from the sale of the electricity to be generated by the Kandadji dam (legal, financial and institutional review).
- [Proposal](#) (2012) that introduced a mechanism for using the revenue from sales of electricity allocated to local development: this study proposes setting up an Investment Fund for Local Development of the area affected by the Kandadji dam (FIDEL/K).
- [Analysis](#) (2013) on the pooling of benefits at Fomi which recommends sharing the revenue derived from the sale of electricity generated by this dam to guarantee sustainable financing for local development
- National review and policy proposal into the sharing of benefits at the national level in Guinea, undertaken at the request of the Minister, which proposes various possible financial mechanisms for supporting local development in the long term (CEMED and Mott MacDonald, 2017).<sup>13</sup>
- Intensive campaigns to provide information and increase awareness through validation workshops at the local and national levels, discussions with local people, briefing meetings

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<sup>12</sup> See: <https://www.gwiwestafrica.org/fr/bibliotheque>

<sup>13</sup> CEMED and Mott Macdonald. 2017. *Réflexion stratégique sur la contribution des projets hydroélectriques au développement local durable des zones affectées par les barrages en Guinée.* (Strategic reflection on the contribution of hydroelectric projects to the sustainable local development of areas affected by the dams in Guinea) IIED/GWI. July

with local authorities (regional administration, local communities, traditional leaders) and civil society.

## Results

- Firm commitment by local people and authorities (regional administrative authority, mayors, traditional leaders, NGOs) to the principles and mechanisms proposed for pooling benefits, in the case of both Kandadji and Fomi.
- In the case of Kandadji: provision of tools for implementing benefit sharing (operational details of the local development fund; draft decree on establishment of fund, etc.).
- Inclusion in the formal Terms of Reference (ToR) of the World Bank study on the management structure of the Kandadji power station (example of the possibility of setting up a local development fund).
- The principle and modalities of implementing benefit sharing, as promoted by GWI is included in the ToR for updating the feasibility and impact studies of the Fomi dam project (Guinea)<sup>14</sup>. One of the main tasks for the World Bank Consultant was to: ‘investigate a system of benefit sharing based on the long term payment of user fees to the communities relocated for the project, in order to ensure that measures of economic and social support can be sustainably financed ...’. In addition, an Annexe to the ToR sets out a list of GWI preparatory work such as the report on sharing the revenue from the sale of electricity with local communities.
- Openness and positive approach of the Guinean Ministry of Energy and Hydraulics on this sensitive subject. At the regional level, one of the striking results which can be at least partially attributed to GWI, is that one of the articles of the ECOWAS Directive on water infrastructure states that: *‘Benefit sharing shall also be ensured to the local communities affected by hydraulic infrastructures, in particular in terms of access to electricity, irrigated agriculture or fishing’* (Article 11. See also Box 1).

## Perspectives and lessons

Niger is now ready for the adoption and practical implementation of a mechanism for the sharing of benefits from the future Kandadji dam (local people and leaders are committed and the operational tools are in place alongside the local expertise that GWI has helped to develop). But even the most optimistic scenarios suggest the dam will not come into operation until around 2023.

In Guinea, it is expected that the Fomi dam scheme will take into account the sharing of benefits, through the Environmental and Social Management Plan which will seek solutions to the issues identified in the ESIA.

GWI’s work on the sharing of benefits in Guinea may even have a wider impact at the national level. GWI has just completed a report requested by the Guinean Ministry for Energy and Water, on the improvement of the socio-economic conditions of people affected by hydro-electric projects (CEMED & Mott MacDonald. *op. cit.* 2017). This study analyses how feasible it is for financial, legal and institutional mechanisms (including those that cover benefit sharing) to improve the socio-economic conditions of affected people in the long term. The study focuses on the pilot examples of the Kaléta and Garafiri dams and the Souapiti and Fomi schemes.

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<sup>14</sup> World Bank. 2017. *Termes de Référence pour l’Actualisation de l’Etude d’Impact Environnemental et Social du Barrage à Buts Multiples de Fomi en Guinée* (Terms of reference for updating the environmental and social impact study on the multi-purpose dam at Fomi in Guinea.) World Bank, February.

In terms of lessons, this example (GWI's work on the sharing of benefits) provokes the following thoughts:

- The sharing of benefits was one of the subjects on which GWI received the highest and widest degree of commitment– not just from the point of view of the affected people, but from those in charge of the dams in question, the administrative, municipal and local traditional leaders, as well as civil society. This is because the principle of benefit sharing is difficult to refute in terms of law (and natural justice) or indeed in terms of its social and economic merits.
- The principle of benefit sharing would receive even more support if it had been implemented in a practical way in at least one of the sites in which GWI was involved. The impact on the beneficiary areas and populations can be huge. To give an example, the study on the sharing of benefits from the future Kandadji dam in Niger estimates that with 3% of the revenue from the sale of the electricity which will be generated by the dam, an annual sum of 200 to 300 million FCFA (\$350,000 - \$520,000) could be put towards the local development of the areas affected by the project.
- The fact that the implementation of GWI proposals on benefit sharing can only be envisaged in the medium or long term creates uncertainty about institutionalising the achievements. The most passionate supporters and advocates of benefit sharing (such as dam managers, administrative authorities, local representatives etc.) can change over time and incomers may not be sensitive to the issue. However, these shifts can also be positive: in Niger, following a ministerial reshuffle (at the end of 2016), a Minister for Energy who was more open to the sharing of benefits (and to the proposed local development fund) replaced another who was against it.

### 3.4 Providing tools to implement the governance framework on land tenure

**Example #4.** Support for the development of a Manual on the compensation of land expropriated in the public interest in Guinea

#### **Problem/ challenges**

In Africa there is a significant gap between the normative, legal and regulatory framework – which can sometimes be very sophisticated - and practice in the field. This discrepancy between the legal position and reality on the ground is illustrated by the case of Guinea's *Code Foncier et Domaniale* (1992). Although it is not stated explicitly, the Code includes as land owners people who have occupied the land continuously (Art 39), which applies to most of the people threatened with displacement by dams. According to the same Code, the owners of the land can only be expropriated for public benefit (Article 55), because of rural and urban development or when public interest requires a revision of property rights. From these specific standpoints, Guinea's *Code Foncier et domaniale* is largely in keeping with emerging international standards (such as : Voluntary Guidelines on the Responsible Governance of Tenure FAO 2012; African Union Framework and Guidelines on Land Policy in Africa,2009).

But looked at from another angle, as is pointed out by the GWI study on securing land tenure in the context of the Fomi dam project (GUIDE SA & Hochet, 2015), the *Code Foncier et Domaniale* gives no details as to the practical mechanisms for expropriation in the public interest and compensation for expropriated people. Nor is there any secondary legislation to fill this gap. This means the provisions of the *Code Foncier et Domaniale* on expropriation cannot be implemented correctly. As a result, the



expropriation of local people in the context of large schemes involving land rights is carried out in an ad hoc manner, case by case. These kinds of practice expose people to the risk of abusive expropriation and/or unfair compensation which disregards their rights. The most vulnerable people are the communities which are marginalised at the national level, and therefore lack the necessary access to decision-making circles at the national level, and households which enjoy customary ownership rights or worse, only have use rights.

### **GWl response**

GWl's involvement consisted of helping implement and apply the provisions of the *Code Foncier et Domanial* on expropriation for public benefit, by clarifying and pointing the way for those responsible for delivering schemes involving land rights.

GWl's study on enhancing security of tenure in the lands farmed by people affected by the Fomi dam has thrown light on the legal vacuum or lack of clarity over the process of expropriation and compensation of these people by the Government. The workshop to endorse this study (March 2015) was co-sponsored by the Ministry of Energy and Water (the regulatory authority for the Fomi project), the Ministry of Urban and Territorial Planning (responsible for coordinating and implementing the *Code Foncier et Domanial*) and the Ministry of Agriculture (with specific authority for rural land tenure), which represented a unique opportunity to reach an inter-ministerial consensus on this issue.

The main activities carried out by GWl to aid the drawing up of a Manual on expropriation for public benefit can be summarised as follows:

- Organisation and facilitation of a meeting, held in the wings of the workshop to endorse the study on land rights at Fomi, of the Secretary Generals of the Ministries of Energy and Water and Agriculture and Urban Planning. As land tenure is a cross cutting issue, often split between different sectoral Ministries, each jealously guarding their own 'patch', or share of land tenure management, the meeting took some effort to organise. It did, however, take place and prepared the ground for inter-ministerial collaboration to fill some of the gaps in the governance framework noted during the workshop, particularly in relation to the compensation for farmland expropriated in the public interest.
- Establishment, following a decree from the Ministry for Urban Planning, of an Inter-ministerial Commission in charge of drawing up a Manual on the implementation of expropriation for public benefit (December 2015). The following were represented on the Commission: the Ministries of Urban and Territorial Planning, Energy and Water, Territorial Administration and Decentralisation, Agriculture, Justice, Mines, Economy and Finance, Environment, and Public Works. GWl's role in the work of the Commission was to draft technical analyses and propose improvements to national policies, quality assurance and ensuring international standards were followed.
- The Inter-ministerial Commission met four times to review analyses and proposals from the GWl consultants, approving the Manual and a draft presidential decree on its adoption;
- The Council of Ministers undertook a first reading of the Manual and the draft decree in January 2017. The Council of Ministers decided to resubmit the draft Decree on its second reading, after incorporating observations made by ministers.



- Further meeting of the Inter-ministerial Commission (July 2017), at request of the Prime Minister, to revise and finalise the decree and the Manual, in the presence of representatives of the Ministries of National Unity and Citizenship, and Industry.

## Results

One of the major outcomes of the process has been to make government authorities responsible for land tenure aware of some of the major gaps and weaknesses in the governance of land in Guinea, including the Government approach to expropriation of communities in the public interest. What started out as an analysis of one specific dam project (Fomi), then broadened out to consider all the land tenure projects in the country as a whole (mines, roads, railways , etc.)

Another achievement is that the key Ministries involved in the drawing up and implementation of policies and laws on land tenure in Guinea began to work together within the framework of the Inter-ministerial Commission on the development of a Manual on expropriation for public benefit.

This Manual also provides for ensuring the security of expropriated people on new land when they have been offered land- for- land compensation. Land is the main form of property owned by rural populations, the source of food and income. Recognition of the right to proper, guaranteed compensation is a prerequisite for the success of any resettlement programme.

The meetings and discussions which took place within the Inter-ministerial Commission produced an interim compromise between Ministries on a draft Manual and a draft Decree on the adoption of this Manual. Given the complexity of the subject and the different interests and points of view of the various Ministries, this was a considerable achievement.

## Perspectives and lessons

Barring unforeseen circumstances, the decree adopting of the Manual on expropriation in the public interest will be approved by the government of Guinea.

Once Guinea has adopted this Manual, the challenge will be to ensure it is disseminated and that the conditions are right for it to be put into practice by the various projects. Civil society has a major role to play alongside local people in ensuring that the Manual is correctly interpreted and implemented to serve the interests of local communities.

Once the Guinean government has adopted it, the Manual could potentially have a huge impact. In addition to the tens of thousands of people who will be displaced by the planned Fomi and Souapiti dams, the effective implementation of the Manual could benefit those displaced in the future by the numerous other dams on the drawing board in Guinea such as Boureya, Balassa and Koukoutamba on the Bafing, as well as the farmers displaced from mining areas and other infrastructure schemes with major implications for land tenure (roads, railways etc.).

The following lessons can be derived from this experience:

- GWI understands and makes good use of 'points of entry' to take on wider issues or more diversified partnerships. For example, GWI moved on from the land tenure issue in the context of the Fomi dam, to look into the issue of what adjustments and improvements would be needed in terms of governance at the national level. Another instance is when GWI used the research on land rights at dam sites and, in particular, the validation workshop on this study to expand its partnership network beyond the Ministry of Energy and Water to include other Ministries (Urban Planning, Agriculture, etc.)
- The choice of consultants to assist the Inter-ministerial Commission was also judicious. Their knowledge of international standards and good practice, personal connections in the

Ministries involved and close professional relationships with members of the Commission go a long way to explaining the results obtained. The rapid pace of the process, which took less than two years (early 2015 to the end of 2017), is in part due to their experience of working in country and their technical credibility.

- The Manual and its contents are impressive, not least because it reaffirms the need to take into account the whole range of customary and/or informal rights, whether they are rights of ownership or rights of usage, and it sets out tools and approaches to do this.
- More could have been done on some issues to take into account the position of affected populations. This may or may not reflect the lack of representation of Guinean NGOs in the Inter-ministerial Commission. The principle of the Free, Prior and Informed Consent (FPIC) of affected populations could have been included in a more explicit fashion in the Manual. This principle is now an accepted part of emerging standards, particularly in relation to indigenous people: see the Voluntary Guidelines on the Responsible Governance of Tenure (FAO, 2012); environmental and social due diligence of IFC and the World Bank.
- If civil society had been fully represented in all its diversity (including NGOs working on human and women's rights) this would certainly have lent more weight to the participation and involvement of the people affected and raised standards to some degree on including their points of view.

### 3.5 Governance of land tenure in large irrigation schemes

Many pieces of research and evaluation agree on the positive correlation between security of land tenure and productivity in farmed land. Secure land rights encourage long term investment in improving the productivity of land, in water infrastructure and in agricultural equipment. This security eases access to agricultural investment credit (where there are titles which could serve as a bank guarantee). Current concern over world food security provides a sharp reminder of the need to raise the productivity of farm land in a sustainable fashion. This is the background to the renewed debate on agrarian reform, security of land tenure and governance of land tenure in general. This debate is highly political and often difficult but is now fairly widespread. At the global level there are the Voluntary Guidelines on Responsible Governance of Tenure (2012), at the African level there is the African Union Framework and Guidelines on Land Policy in Africa and at the national level there is the revision of existing laws on land tenure (e.g. Agricultural Land Tenure Law in Mali).

Although irrigation is one of the keys to present and future food security, the issue of land tenure in irrigation schemes has rarely been seen as a source of serious concern. However, the whole question of land tenure in irrigated land raises complex dilemmas which are of great significance for the performance and long term viability of irrigated agriculture. The land allocated for irrigation represents a water infrastructure with a significant land tenure dimension— particularly in the case of large scale public and private developments. This therefore requires a process of land tenure acquisition predicated on the expropriation of the owners of the land in question. Once developed, the irrigated plots are allocated amongst users whose land rights will vary according to the context. The preparation required for irrigated land is expensive (currently 15,000-20,000 euros/ha) and means that competition is intense, leading to a dynamic land tenure market where transactions are often informal and illegal.

How should we approach the purchase or expropriation of land rights and the compensation of the owners and land users who are to occupy the irrigated land? What is or should be the legal status in terms of land tenure of the irrigated areas? What opportunities and obstacles stand in the way of attempts to take social equity and the gender dimension into account in the allocation of irrigated land? How can we secure the land rights of those who farm the irrigated land, in a situation when

maintenance of people's land rights is subject to compliance with collective contract specifications and payment of the water user charge? These are some of the burning questions which often evade satisfactory answers.

GWI's West Africa Programme has been facing some of these issues head on in the field, at both the theoretical and the practical level.

GWI is currently heavily involved in the general issue of land tenure and more specifically land tenure in irrigated areas as the result of a shift over time from the Programme's work on the compensation of displaced people and the sharing of the benefits generated by large dams to promote local development. The Kandadji dam project was one of GWI's main focuses in terms of these themes (2011-2014) and therefore served as a laboratory for many of the ideas GWI later promoted for other sites (particularly in Mali and Guinea, 2015-2017).

GWI worked on three aspects of irrigated land tenure: (1) fair and equitable compensation, land-for-land, for expropriated communities in order to build dams and/or associated infrastructure such as reservoirs and irrigated land (Kandadji in Niger); (2) securing the land rights of those farming the irrigated land (Niger and Mali); (3) Securing land tenure in irrigation schemes (with the examples of Namardé Goungou scheme in Niger and the Sélingué area in Mali).

### 3.5.1 Fair and equitable compensation for land owners affected by large dams

#### Example #5. Proposal to issue leases in perpetuity in the Kandadji project irrigation scheme as a way of providing fair compensation for customary land owners

##### **Problem/challenges**

The plans for the Kandadji dam in Niger – one of the very first sites of GWI involvement—have considerable implications for land tenure. The project initially entailed the expropriation, displacement, resettlement and compensation of a community estimated in 2006 at 38,000 people, living around the site of the Kandadji dam and reservoir and on the land destined for the irrigation scheme associated with the project (45,000 ha). This process, which is already under way with an initial wave of nearly 5,500 people displaced and resettled, raises numerous issues such as: how can we decide the issue of just and equitable compensation for landowners affected by the scheme? What is the status of the land within irrigation schemes offered as compensations? What rights of tenure should be given to the former customary landowners in irrigation schemes? What land rights should other farmers enjoy?

It is thought that a large proportion (40 %) of the people who have already been, or are due to be, displaced by the project cultivate land of which they are the customary owners. Nigerien law recognises that customary ownership confers full and complete ownership rights.

These customary owners benefit from additional legal protection. Under the constitution of Niger (strengthened by the 2008 law on expropriation), people can only be deprived of ownership in the public interest, and provided there has been prior and fair compensation. This means that both common sense and Nigerien law would require that people, whose customary land has been expropriated, be compensated (at least partially) in the form of land with equivalent rights (meaning full ownership) in the new areas adapted as part of the Kandadji project. However, according to Nigerien law, the land made ready by the Government (including therefore that to be prepared under the Kandadji Programme) is part of the public domain and therefore cannot be sold, transferred, given or taken away.

When it first became involved in Niger, a large part of GWI's work was devoted to attempts to find a solution to this dilemma.

### **GWI response**

The following are a selection of the key initiatives carried out by GWI:

- **GWI study :*Le statut des terres aménagées dans la zone du barrage de Kandadji* (The legal status of public land in irrigation schemes in Kandadji)** (2012). This study threw light on the considerable vagueness and incoherence in land tenure law and practices in the context of Niger's irrigation schemes.
- **GWI study on long-term leases** (2013) as an option for fair compensation for expropriated communities. The study sets out the legal and practical arguments for the long term (50 years) lease formula as a form of compromise: leases in perpetuity give rights which are almost equivalent to full ownership, except that the period of validity of the lease is limited in time. Leases also have the advantage of not requiring the developed land to be declassified before it can be transferred from the public domain to the private domain of the State.
- Holding of a national forum (in Konni) in May 2014 on securing irrigated land tenure in Niger: many stakeholders consider this meeting as a turning point in the debate on irrigated land tenure in Niger. Its recommendations guided national policy on the topic until 2017.
- Organisation of briefings and discussions on leases: public information sessions in 32 villages, question and answer programmes on rural radio networks etc.

### **Results**

- Endorsement of the principle of leases by the Ministerial Steering Committee of the Kandadji Programme, chaired by the Prime Minister (October 2015).
- Adoption of the principle of leases by the Council of Ministers of Niger Government (November 2015)
- After initial reservations, the World Bank, one of Niger's main technical and financial partners in the Kandadji Programme, finally (November 2016), came round to the lease formula, thanks to some minor adjustments still in the process of being finalised.
- Formal adoption of the lease text by decree (Nov 2017)

The idea of the lease in perpetuity ( which was the end product of a searching investigation, framed in closely argued legal terms, and extended discussions held with the support of GWI) finally won the day, over the proposal of a private title advocated by the World Bank. It represented the compromise option for land-for-land compensation of landowners expropriated in the process of creating the Kandadji dam and its associated infrastructure (reservoir and irrigation schemes).

### **Perspectives and lessons**

Almost 15, 200 people – 40 % of the people due to be displaced– are customary landowners who will therefore benefit from land-for-land compensation in the form of plots with rights amounting to almost full ownership in the irrigation schemes of the Programme.

The Kandadji dam project served as a point of entry for GWI to propose progressive moves in the land tenure governance of irrigated areas in Niger. The question remains as to whether customary landowners who are expropriated under future public schemes in Niger will benefit from similar treatment. In other words, will they receive leasehold plots in the irrigation schemes?

This experience of compensating land owners (whether customary or benefitting from formal land ownership titles) is bound to have a ripple effect in many other African countries with similar legal contexts, in terms of the strength and recognition of customary rights as well as of the legal status of public land development schemes.

### 3.5.2 Improvement of land tenure security for non-land-owning farmers in public irrigation schemes

**Example #6. Proposal to issue improved use agreements (occupancy contracts) as a formula to secure land tenure for farmers in irrigation schemes (Niger)**

#### **Problem /challenges**

Most of the people affected by the Kandadji dam and its associated infrastructure are not land owners, they cultivate land that has been lent to them, often over generations, by the customary owners. In order for them to be fairly compensated for the rights they enjoyed over the land they were farming before the dam was built, they require new rights to the plots of irrigated land that are less precarious than the usual practice in the public irrigation schemes managed by ONAHA. The “use agreement” in force is concluded (often without a piece of paper to attest to it) between the farmer and the cooperative he or she belongs to. The cooperative itself benefits from a framework use agreement signed with ONAHA (the National irrigation Office). It was, therefore, necessary to find a formula which offered farmers more security, not least because insecurity discourages sustainable investment in irrigated land and its maintenance. In addition, it fosters an informal land tenure market where transactions take place in a disorderly fashion, without written records. GWI’s role in Niger also involved finding a solution to this question.

#### **GWI response**

- **GWI proposed a form of use agreement** (2014), as a solution to fair and equitable compensation of rights for non-owning customary land users affected by the Kandadji land development. The formula offers greater security of tenure to the beneficiaries and was designed to be made available to other non-owning farmers of plots in the State’s large irrigation schemes. This ‘improved’ contract - improved in relation to those already in force in Niger’s irrigated land schemes (see box below) - would become known as an ‘occupancy contract’.
- Organisation of a forum in Konni (August 2015) to endorse a draft standard ‘improved’ contract, for farmers in the private irrigated areas (Konni, August 2015).
- Drafting of a *Guide de sécurisation foncière sur les aménagements hydro-agricoles au Niger* (Guide to making tenure of irrigated land schemes more secure in Niger ) (2017). This Guide became a national policy framework for ensuring that land rights were respected, and where necessary codified, when allocating land to farmers in new irrigation schemes. The rights of customary land owners, vs customary users are distinguished. It tightens security of tenure in existing and future schemes (by registering them on behalf of the Government) as well as by granting stronger land tenure rights for the users of these lands (through leases in perpetuity for former land owners and occupancy contracts for other farmers).

#### **Results**

A Ministerial Decree (January 2016) on the approval of the standard occupancy contract for plots of the irrigated land developed by the Government or local communities. This decree adopts a recommendation made by GWI in the above-mentioned study on the compensation of farmers who only hold customary use rights on land that has been developed for irrigation. The recommendation

resulted from numerous discussions on the ways, as well as the possible advantages and disadvantages, of providing greater security of tenure to farmers in the irrigated lands.

Box 2 summarises the main improvements in terms of security of tenure introduced by the (new) occupancy contract in comparison with the existing use agreement.

### Box 2. From use agreement to occupancy contract: the improvements

- An occupancy contract is signed between the user/farmer and ONAHA (whereas a use agreement is between the user and the cooperative, with the latter having a framework contract with ONAHA).
- In the occupancy contract, the user has a piece of paper (the contract) whereas the 'use agreement' did not always involve a written form of entitlement (the user simply appeared on a list held by the cooperative of those granted user rights)
- An occupancy contract is signed to cover a period of ten years (automatically renewable).
- The occupancy contract forms part of the State's title of ownership of the irrigation scheme land (included at the same time as the land is registered in the name of the State)
- The occupancy contract may be inherited under certain conditions
- The holder of an occupancy contract cannot be expropriated except by decision of a commission, and not solely by the cooperative. Appropriate warnings must have been given, and eviction can be contested in court.

### Perspectives and lessons

Over 23,000 people (belonging to non-land-owning families) can benefit from the new occupancy contract in the irrigated plots of the Kandadji project.

Security of tenure in areas farmed by tens of thousands of households in the 75 other irrigated schemes managed by ONAHA could also improve considerably. ONAHA committed in July 2017 to improving tenure in 37 sites under construction or rehabilitation.

As happens whenever security of land tenure is improved, the widespread introduction of the improved use agreement (occupancy contract) in Niger's irrigation schemes should lead to a marked increase in agricultural productivity (yields) and more sustainable management of land and water resources, provided that support measures are in place (developed land is well maintained, agricultural advisory services are efficient and there is access to fertilisers, agricultural equipment, markets, etc.).

### 3.5.3 Improving security of tenure in large public irrigation schemes

**Example #7. Pilot project on registering irrigated land in the name of the State and enhancing legal security for farmers in Namardé Goungou in Niger**

#### Problem/challenges

The study on leases (2013) had shown that before leases could be issued in the irrigation schemes, land tenure in these schemes had to be clarified. Although they were said to belong to the State, the areas in the scheme had typically never been legally assigned, or registered in the name of the State. This legal problem therefore needed to be resolved and it had to be dealt with at the national level,

as the legal status of the Kandadji scheme would have to be the same as that of the country's other irrigation schemes. Tribunals were awarding contested cases to the customary land owner, not the state in cases of conflict over land use.

It was therefore inevitable that GWI's focus on the issue of land tenure in Niger should shift from the site itself and impact zone of the Kandadji dam to the national level.

### **GWI response**

To tackle the status of irrigated land, GWI undertook the following activities:

- Contacts and engagement of the GWI team with ONAHA, which is responsible for managing the 75 public irrigation schemes, including the developments planned as part of the Kandadji Project.
- Holding of a national forum on land tenure in Konni in May 2014 (see above). This was well attended by Niger's land tenure stakeholders, including ONAHA and the Code Rural organisation.
- Since the end of 2014, GWI has provided support to ONAHA for a pilot project to improve land tenure in an irrigated area (Namardé Goungou), which included registering the land in the name of the State, increasing land tenure security for farmers in the area (see above), and producing a Guide for potential use in the 75 other irrigation schemes managed by ONAHA.
- National validation workshop (June 2017) for the Guide on strengthening tenure in irrigated areas in Niger (Konni, June 2017).

### **Results**

- Realisation by stakeholders, and particularly ONAHA leaders, that the regime governing land tenure in Niger's irrigated areas is vague and incoherent.
- Provision of a Guide to making land tenure more secure in irrigated areas in Niger, which was validated in June 2017. Desire expressed by ONAHA to clarify the legal status of land in all irrigation schemes, use the Guide drawn up with help from GWI to ultimately register in the name of the State the 75 irrigated areas managed by ONAHA at the national level, and issue contracts to all farmers occupying them.
- The experience of collaborating with ONAHA, particularly in the pilot site of Namardé Goungou, is beginning to set a precedent. In Mali, with the support of GWI, ODRS is trying a similar experiment and registering the Sélingué irrigated lands in the name of the State.

### **Perspectives**

It is anticipated that the 45,000 ha of irrigable land which are to be part of the Kandadji project will be registered as state owned, if only to enable the granting of leases as compensation to people whose land has been expropriated.

ONAHA has incorporated this process of securing land tenure rights in 37 planned building/rehabilitation schemes in land allocated for irrigation in Niger. It has also established a land tenure unit and included a budget line in 2017 to specifically address land tenure issues. This augurs well for the scaling up of this principle developed by ONAHA with GWI support.



### 3.5.4 Lessons from GWI's involvement in improving land tenure security in large scale irrigation schemes

GWI's approach to the land tenure system in Niger can be described as 'opportunistic'. It moves progressively from one problem to the next and, as it does so, changes the scale of its involvement as well as its strategic partners. The advantage of this strategy is that it allows for adjustment to the entwinement and close interdependence of development issues. It is the Howard G. Buffet Foundation that has allowed this great flexibility in GWI's interventions, enabling it to adopt this ad hoc strategy over a period of 10 years.

Under this 'opportunistic' approach, GWI's role has developed from that of a water resource programme, firmly rooted in dam governance, to involvement in the field of land tenure, specifically in the irrigated areas. The important part played by land tenure in GWI's activities on irrigated land can be seen in the following areas of work:

- a) Proposing a compromise formula (leases in perpetuity) for fair compensation of rights, land-for-land, of customary owners whose land includes the future irrigation schemes;
- b) Proposing a formula to allocate irrigated plots to farmers who are not customary owners, with land tenure rights (occupancy contract), which are much more secure than the customary rights of usage that they had enjoyed. As this improved land tenure right becomes more widespread, the irrigation schemes are going to become a real platform for the emancipation (*'lieux d'émancipation'*) of marginalised populations, in comparison with their customary lands (Boutillier, 1989)<sup>15</sup>
- c) Raising the question of the need to clarify land tenure in public irrigated lands and offering a solution which is to register it in the name of the State.
- d) At a broader level, placing farmers' rights at the centre of the debate (dams and irrigation policy)

The potential impact of these avenues opened up by GWI is enormous. The first to benefit will be those who farm Niger's 15,000 ha of irrigated land, as well as those who will be cultivating the 45,000 irrigated hectares planned for the Kandadji project. If this were to be replicated elsewhere in the sub-region, the formula for strengthening land tenure advocated by GWI will also have a positive impact on those farming the 400,000 ha of irrigated land in the Sahel –an area which the \$173 million 2iS initiative is planning to expand to over 1.2 million hectares in the near future (see [presentation of 2iS](#)).

It would not be surprising if the questions raised—many of which were hitherto taboo – and the solutions identified by GWI to the governance of irrigated land tenure, became a major topic at the international level, as part of discussions on ways of improving agricultural productivity, applying the [Directives on the governance of land tenure](#), and reflecting the emerging theme of integrated land and water governance (Niasse, 2017<sup>16</sup>).

This experience is also being discussed at the regional and global level. At the regional level, GWI's experience in Niger has been shared during talks held within the framework of the Sahel Irrigation Initiative (*I'Irrigation au Sahel*) (2iS). GWI played a leading role in hosting the thematic group on land tenure of the 2iS High Level Task Force. As a result, the 2iS Strategic Framework and Action Plan

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<sup>15</sup> Boutillier, J.-L. 1989. *Irrigation et problématique foncière dans la vallée du Sénégal*. (Irrigation and land tenure issues in the Senegal valley) In *Cahier des Sciences Humaines*. Vol. 25: No. 4. Pp. 469-488

<sup>16</sup> Niasse, M. 2017. Coordinating Land and Water Governance for Food Security and Gender Equality. GWP/Technical Committee (TEC) Background Papers. No. 24. Stockholm. November.



gives particular emphasis to irrigated land tenure and the optimum size for plots. GWI's role in terms of influence and support over land tenure was recognised by the 2iS programme coordinator: 'GWI's presence and involvement enabled the Task Force to have productive outcomes on land tenure' (feedback included in the GWI external independent review, 2016).

At the global level, GWI's experience on land tenure was presented at the CTFD/COSTEA/Pôle foncier meeting (May 2017) which is a programme financed by the French Development Agency. The COSTEA-CTFD project on irrigated land tenure, which is based on the conclusions of the May 2017 meeting, represents an opportunity to put into action some of GWI's proposals on irrigated land tenure<sup>17</sup>.

### 3.6 Strengthening of participatory governance in large irrigation schemes

#### Example # 8. Development of a strategy for effective agricultural advisory services in the irrigation schemes at Bagré (Burkina Faso), Sélingué (Mali) and Anambé (Senegal)

##### Problem/challenges

Three GWI studies carried out from 2012 onwards on the aspirations, strategies and constraints of farmers in the Bagré (Burkina Faso), Sélingué (Mali) and Niandouba/Confluent (Senegal) areas, together with the regional synthesis of these (2015) bring out the following: low agricultural yields called for more effort at intensification and greater productivity of family smallholdings. The institutions and Farmers' Organisations (FO) were marginalised and had no platform to voice their concerns within the irrigation schemes, which were under top down control. Where it existed, the agricultural advisory service was weak and fragmented, as it failed to take into account either the diversity of household production system or the needs of producers. Agricultural advisory services in the irrigation schemes and areas of rain-fed cultivation were poorly coordinated and even contradictory in terms of the messages they sent to family farmers.

As a result, the GWI studies concluded that it was necessary to re-think the agricultural advisory service, emphasising three closely interlinked aspects: (a) the need to strengthen participatory governance in the management of irrigated land; (b) the need to strengthen local organisations and institutions (particularly FOs) to make them more representative, legitimate and credible; (c) the need to take into account the diversity of needs, in terms of agricultural advice, for family smallholdings. GWI's support role in these different domains has focussed on advocacy, based on the results of research and diagnostic studies as well as multi-stakeholder consultations.

##### GWI response

- Studies carried out in 2014 into the agricultural advisory services at the sites of Bagré (Burkina Faso), Sélingué (Mali) and Niandouba/Confluent (Senegal), with the specific aim of exploring ways of aligning demand and supply of these services;
- Separate workshops at each site, with different groups of stakeholders, to identify their specific needs

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<sup>17</sup>This is the COSTEA-CTFD project 'Programme pour générer des outils d'aide à la décision pour une meilleure prise en compte du foncier dans le montage de projets d'aménagements hydroagricole'. (Programme to develop decision-support tools to take better account of land tenure issues in setting up irrigation schemes). This programme, which is aiming to target 6 Sahelian countries (Senegal, Burkina Faso, Niger, Chad, Mali, Mauritania), is scheduled to run for 4 years.

- Formulation of draft action plans on agricultural advisory services for each of the three areas of activity (Bagré in Burkina Faso, Niandouba/Confluent in Senegal, Sélingué in Mali), adopted by all stakeholders
- General synthesis of the approach and initial results of GWI's work on agricultural advisory services (2016)
- Diagnostic study of Farmers' Organisations (Sélingué area). This recent (2017) study confirms the scale of the governance problems experienced by Farmers' Organisations: statutory meetings not held regularly, internal leadership conflicts, financial mismanagement and wrongdoing, illiteracy, intrusion of power politics, etc.
- Modernised staff profiles and job specifications for agricultural advisers to meet the needs identified in the diagnostic studies and action plans (Bagré area)<sup>18</sup>.

## Results

- Creation of opportunities and spaces for dialogue between farmers (including some involvement of young people and women)
- Enabling dialogue between departments (managing the irrigation schemes) and the Farmers' Organisations ; creation of trust and good working relations between stakeholders who mistrusted each other before GWI came on the scene
- Greater knowledge of, and in certain cases, respect for contract specifications on the part of farmers
- State of the art diagnoses and identification of priority needs in terms of agricultural advice and agreed operational action plans to resolve the problems identified
- A start on implementing and institutionalising action plans (financed by other donors)

## Perspectives and lessons

An important step in cementing these achievements is working to ensure the action plans are institutionalised, that is that they are integrated in the national agricultural advisory services and in the work under way in development projects and programmes at the local and national level

Another key factor is capacity building and strengthening the governance of Farmers' Organisations so they can advocate effectively on behalf of their constituency. Much remains to be done in this sphere because the task is complex and open ended.

In terms of lessons, the following is worth noting:

- GWI's work on agricultural advisory services has had significant results: participatory analyses in the 3 areas of intervention, definition of priorities, creation of a space for dialogue (horizontal as well as vertical), development and endorsement of action plans, etc.
- A start has been made on institutionalising action plans, but considerable efforts are still needed, (particularly in terms of mobilising the finance needed) before the plans can be fully implemented. GWI will not have time to finish this work.
- Another field where GWI's action on agricultural advisory services is not yet complete is in capacity building and strengthening the governance of Farmers' Organisations.

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<sup>18</sup> Sedogo, S. A. 2017. *Élaboration du profil et du dispositif de conseil et des conseillers agricoles pour la plaine aménagée de Bagré* Drawing up the person specifications and arrangements for agricultural advice and advisors for the Bagré developed area (provisional version). IIED/GWI. London. April

- In these two areas, support for the implementation of action plans and capacity building in FOs, GWI's strategy for intervention is limited. GWI plays an active role in influencing policy and strategy up to and including the level of formulation and adoption. But the practical implementation of these policies, strategies and action plans is beyond GWI's remit. Having said this, GWI has been successful at creating links with other initiatives and projects which could take on responsibility for practical implementation, at least partially, of the agricultural advisory services' action plans. This is what happened for example over the *Tiers Sud* project in Anambé (Senegal), with the support of AFD, the SNVACA National Strategy in Burkina Faso and the PRESA project in Mali.

### 3.7 Mobilisation and engagement of local people and civil society in the management of natural resources at the river basin scale

**Example #9.** Support for the coordination of users of natural resources (CRU and CNU), with a view to developing the participatory governance of hydropower and irrigation projects in the Niger basin

#### **Problem/challenges**

Full involvement of the public at every stage of development interventions is an important way of ensuring stakeholders are engaged in identifying the solutions and then take ownership of them. The commitment of stakeholders is often a prerequisite for the interventions being sustained. But there are numerous constraints to the involvement of stakeholders, particularly when it comes to grassroots communities: low degree of organisation, issues over representation and legitimacy of leaders, lack of credibility vis-à-vis political decision-makers, etc.

In the Niger basin, which accounts for four of GWI's main areas of activity, namely the sites of the Fomi, Sélingué, Taoussa and Kandadji dams, the Niger Basin Authority (NBA) has organised the population of the basin to play a part in managing its resources. Thus, in 2007 the official National Coordinating Bodies of Natural Resource Users of the Niger River Basin (*Coordination Nationale des Usagers et usagères de Ressources Naturelles* (CNU) were set up in each of the NBA member states, supplemented at the basin level by a body for the Regional Coordination of Users (*Coordination Regionale des Usagers*) (CRU). The CNU and the CRU were designed to enable local people to enter the dialogue and consultations, and participate in steering the process of development of the basin. However, the CRU and CNU soon lost their edge, due to problems of corruption, lack of finance, lack of legitimacy and/or weak leadership, despite the numerous large scale interventions (large dams and major public and private irrigation schemes) under way or planned in the Niger basin.

Since 2010, GWI has been helping to breathe new life into and mobilise the CRU and CNU of the three countries where the Programme is focussed in the Niger basin (Guinea, Mali and Niger), because of their legitimacy and with a view to ensuring they play a full role in the process of planning and implementing the major water projects under way or anticipated in the basin.

#### **GWI response**

GWI's activities to support the CRU and CNU in the Niger basin fall into three categories:

- Exchange visits: GWI has supported many learning visits by representatives of communities affected by dams in the pipeline, to sites and areas of influence adjacent to existing dams such as: Fomi to Garafiri (Guinea); Taoussa to Sélingué (Mali); Fomi (Guinea) to Sélingué (Mali); Fomi (Guinea), Taoussa (Mali) and Kandadji (Niger) to Sélingué (Mali). Meetings have also been organised on three occasions (in Sélingué, Kandadji and Ouagadougou) between

mayors from communities affected by the dams being planned or built in the Niger basin (Fomi, Taoussa and Kandadji) so they can coordinate and learn.

- Support for awareness-raising missions and involvement in political dialogue: this includes GWI's support for an information and awareness-raising mission to Conakry on the Fomi dam by a delegation of representatives of CRU and CNU-Guinea; another example is the support for the awareness-raising missions of the CRU and CNU-Niger and of the CRU and CNU-Guinea, respectively, at the sites of the Kandadji and Fomi dams.
- Strengthening the internal governance of CRU and CNU: mention should be made of GWI's support for the self-evaluation and organisational audit of CNUs in Niger, Mali and Guinea, and the financing by GWI of 'technical assistants' to support the CRU and CNU agencies in Niger and Guinea.

## Results

It is worth repeating here the four main results mentioned in the GWI external independent review:

- Strengthening of the governance of CNUs, and working to make them more representative and legitimate, particularly through tripartite agreements (CNU-NBA-State). This result is illustrated by the feedback of an NBA staff member in 2016 who felt that: *With GWI support an audit was organised and the CNU management was revitalised ... Today the CNUs are indispensable actors and are involved in everything [through the NBA].*<sup>19</sup>
- Strengthening of the technical competence of the leaders and members of CNUs: better understanding of the issues involved in dams, and in particular, the social and environmental aspects, which served to enhance their position as spokespeople for the local people affected by the dams;
- Access for CRUs and CNUs to the spheres of influence and decision-making from which they were previously excluded: CNU-Niger, for example, is a member of the Technical Coordination Committee of the Kandadji Programme and has also been drawn into the World Bank civil society programme.
- Constructive commitment and often total support by local people for the dam projects, largely because of the information and awareness-raising missions of the CNU (sometimes with the support of the CRU), including exchange visits.

## Perspectives and lessons

Thanks to GWI's support over the last 5-7 years, the CRU and CNU of the Niger basin (in particular those of Niger, Mali and Guinea) are now better known, influential and active in the field (*vis-à-vis* local communities affected by the planned dams) and in the NBA meetings.

But there is uncertainty about the future of the CRU and CNU after GWI withdraws. On the plus side, two of the three CNUs supported by GWI (those in Mali and Niger) have had the benefit of extra funding from projects supported by Germany and the Netherlands. However, the core support provided by NBA to the CNUs which it was responsible for setting up, is suboptimal. These parties must respect the agreements signed with the CNU to support them in the long run.

In some countries, governmental authorities responsible for managing dam projects express mixed feelings about the role of the CNUs. Having come under pressure from the highest state authorities to move the dams forward, those responsible for managing these projects appreciate the

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<sup>19</sup> Statement recorded in the context of the GWI external independent review

information and awareness-raising role the CNU's play vis-à-vis local people but they also suspect them of being activists who help to delay the execution of the planned work. From this point of view, it is true to say that the CRU and CNU's have not been very lucky because the dams on which they have focussed their efforts—Fomi, Touassa and Kandadji—have all, by co-incidence, experienced very significant delays in execution. On the other hand, the delays in question have also perhaps offered opportunities for the CNU's to organise themselves and carry out more effective awareness-raising campaigns.

### 3.8 Strengthening of national and regional expertise

**Example #10. Mobilisation and capacity building of national experts on emerging themes linked to the social and economic aspects of large hydropower and irrigation infrastructure**

#### **Problem/challenges**

West Africa does not have a huge amount of experience in the planning, building and evaluation of large dams, partly because there are only a small number (about 150) in the region. The same goes for large irrigation schemes. In addition, GWI is introducing new or emerging topics to the whole issue of governance of large hydropower and irrigation schemes in West Africa: for example, the ex post economic evaluation of investment, benefit sharing, improving security of tenure in the irrigation schemes, agricultural advisory services based on Farmers' Organisations, etc. Given the region's shortage of recognised experts in these areas and in general on dams, normal practice for development projects would be to turn to international expertise. This has the disadvantage of tending to perpetuate the region's dependence on external expertise when the main challenge is often how best to make adjustments to the solutions being implemented.

#### **GWI response**

The response has been to take up the challenge of harnessing national expertise, which has often required rigorous training and mentoring of these experts and/or strengthening their network, for example by systematically inviting them to national and regional workshops organised by GWI on subjects which come under their fields of specialisation and interest.

In areas where it has proved difficult to find recognised experts who are available, GWI has had to seek out foreign experts, especially French speakers (for example from CIRAD on strengthening security of tenure in Mali's irrigation schemes or IRAM on financial evaluation of dams and irrigation schemes and on the analysis of the production systems of family smallholdings). In these cases, the international experts were paired with national ones to encourage mutual learning. The national experts recruited by GWI are generally local specialists, often part of research agencies and consultancy companies which are influential at the national level. They are selected both for their expertise and their ability to take GWI learning into other networks they are part of.

The following examples illustrate some of the ways GWI mobilises national and international expertise:

- Harnessing of national expertise to carry out studies on the multiple uses and sharing of benefits of the 6 existing dams in Burkina Faso, Mali and Senegal
- Making use of international expertise to review a sector (eg benefit sharing publication of 2011), synthesise the 6 studies and produce a report which will then become a widely used reference document

- Using national expertise (consultancy firm with input from a national expert on land tenure) to produce a study on land tenure in Guinea, and then international expert support to summarise and communicate the study
- Mobilisation of national expertise to produce reports on local livelihoods and systems of production in three of GWI's countries (Burkina, Mali and Senegal), followed by input from international expertise to put together a regional synthesis
- Study on the sharing of benefits and the local development fund (Niger, using national experts, one of whom became a Minister)
- Study on land tenure (status of irrigated land and leases in perpetuity) in Niger undertaken by national experts
- Compilation of a Manual on compulsory purchase in the public interest in Guinea by a team composed of a national and an international expert
- Development of a land tenure guide in Niger, involving two staff members from ONAHA who would ultimately have responsibility for its implementation
- Diagnostic studies and development of action plans for agricultural advisory services in GWI's areas of involvement in Burkina Faso, Mali and Senegal, by national experts.

## Results

- The competence of national experts was enhanced;
- National experts had greater national and international exposure : presentations to workshops and conferences at the national, regional and international levels;
- Linking up through national and regional expert networks and making connections with international expertise;
- Ensuring good quality expertise is ready at the national level when needed to update completed studies or provide new input;

The following two statements (taken from the External Review of 2016), one by the director of a consultancy firm and the other by a freelance consultant, illustrate the nature and importance of GWI's contribution in building up national and West African expertise on the socio- economic aspects of planning and implementation of large hydropower and irrigation infrastructure schemes.

**Feedback from M. Barry, Director General, GUIDE-SA, Guinea, Consultant, Land tenure study:** *'Most donors request a study, which you then draft and submit; sometimes you receive comments, sometimes not. With GWI, the contact with the client is direct and ongoing so that the result is of the best possible quality. This experience has improved our knowledge of land tenure and prepared us to respond better to future consultancy opportunities in this sector. The lesson learned for us was that we were not working just for business but to share experience '.*

**Feedback from E. Kaboré, Consultant, Economic Study of Bagré, dam, Burkina Faso:** *'Normally, donors draft a ToR and invite you to submit a tender with a methodology, and then give you time to draft the study and submit the final report. There is little supervision. With GWI the issues are identified together with a group of experts [The technical Steering group put in place by GWI to accompany each important study]. And the methodology is agreed between the consultant and the steering group. During the study itself, the consultant is closely monitored by the steering group with which there are continual exchanges. By the end of the process the report is a collective product and we all learn in the process.'*

## **Perspectives and lessons**

As a country takes ownership of the research projects carried out and the resulting recommendations, we also see an increase in national expertise.

The existence of high quality national and regional expertise helps to institutionalise achievements as these experts become a resource which can be drawn upon for building on results after GWI withdraws

The most sustainable achievement that GWI will bequeath to West Africa will undoubtedly be the expertise and networks it has helped create and/or reinforce in the region. This expertise will become particularly valuable if the numerous plans for large dams and their associated irrigation programmes (e.g. in the context of 2iS), get under way in the next few years.



## 4 REFLECTIONS ON THE SIGNIFICANCE OF THE RESULTS AND LESSONS LEARNED FROM GWI'S TEN YEARS IN WEST AFRICA

Over the ten years of its involvement in West Africa, GWI (Water for Agriculture) has achieved major results. Some of the most significant of these have been analysed in this lesson-learning exercise and are summarised below:

- Adoption by the ECOWAS Council of Ministers of the Directive on Hydraulic Infrastructure Development in West Africa;
- General acceptance of the principle of sharing the benefits generated by dams and, in particular, of the mechanisms of financing development through a share of the revenue from sales of electricity generated by the dams (Kandadji, Niger and, to a lesser extent, Fomi in Guinea ;
- Acceptance of the principle of leasing in the irrigated sectors, as a formula for compensating customary land owners on a land-for-land basis;
- Acceptance of a model improved use agreement (known as an occupancy contract) to provide greater security of tenure to those farming the public irrigated schemes (in Niger) ;
- Acceptance of the principle of registering large public irrigation schemes in the name of the State, and testing this approach;
- Using an inter-ministerial process to draw up a Manual on compulsory purchase in the public interest, which is awaiting adoption by presidential decree in Guinea;
- Adoption of an agreed action plan on agricultural advisory services in three of GWI's areas of operation: Bagré in Burkina Faso; Sélingué in Mali ; Niandouba/Confluent in Senegal ;
- Reorganisation and re-invigoration of water user organisations in the Niger basin;
- Development and/or capacity building of tens of national experts in various emerging areas linked to analysis of financial viability and general governance of water and irrigation infrastructure

Each of these results could have necessitated the establishment of a specific project or strict conditions being attached to financial arrangements worth several tens of millions of US dollars.

The question that arises, therefore, is how GWI managed to achieve such results with very modest human and financial resources.

The first thing that stands out is that GWI's results are not confined to a narrow topic area: they relate to dam governance in the strictest sense (with compensation and benefit sharing), as well as land tenure in the irrigated areas and at the national level, and agricultural advisory services, etc. In other words, GWI's work has not followed a fixed trajectory. Although GWI has remained within the general subject area of governance of hydropower and irrigation infrastructure, ten years ago, when it started, it would have been difficult to predict that GWI would end up where it is today (in terms of the range of topics covered).

The advantage of casting the net far and wide, as GWI has done, is that if progress is slow or there are blockages in some areas, rapid breakthroughs can be achieved elsewhere. While work on the social contract between the Government and local people affected by the projects (a subject which



has not been dealt with in this document) was making slow progress at the Taoussa site, matters were moving more swiftly on the issue of compensation and, in particular, leasing in Kandadji.

GWI's approach can also be described as opportunistic. Investigation of one problem area opens up doorways to other areas, and so on. To give an example, the work on ways of ensuring fair compensation (land-for-land) for the local expropriated people of Kandadji led to a detailed analysis of the status of land, on the basis of which the lease formula was proposed. To implement leasing required clarification of the legal status of irrigated areas. This led to the conclusion that the rights of the State over irrigated land needed to be formalised, which meant they had to be registered in the name of the State. The improvement of security of tenure in the plots allocated to farmers who are not customary land owners was also an issue. And this is how the trajectory has shifted from dams to irrigated sectors, from governance of water to governance of land, from the local (the dam) to the national level.

This consciously ad hoc strategy has many advantages. Opportunities can be seized as they present themselves, in other words, the 'low hanging fruit' can be picked. It also makes it possible to be demand-driven and respond to the demand of state actors and local populations with greater flexibility. This approach offers more opportunities for innovation, for exploring new areas, propelling debate forward while avoiding the strait jacket of a framework which is often too rigid and unchanging.

However, there are some drawbacks to this flexible strategy. Firstly, it gives the impression of being disjointed and improvised. It also brings the risk of taking the work into areas and topics for which GWI may not always be quite ready: the initial agricultural advisory service interventions felt like this.

But the significant results achieved by GWI with modest resources indicate that at the end of the day this 'opportunistic' strategy has paid off. However, the approach is difficult to replicate within the context of a classic project with limited flexibility.

GWI's results would have been even more significant had the Programme been designed to go beyond its aims to influence policy change and also support implementation. GWI's objectives in terms of change are restricted to the development and adoption of policies, normative frameworks, laws and secondary legislation (decrees and rulings), or the design of tools (manuals and local development funds), development of strategies and action plans (as in the case of the agricultural advisory services), etc. As has already been underlined, these changes are important, and the results achieved by GWI in this field have been remarkable considering the limited resources available.

If it had gone further, beyond the formulation and adoption of policies and into the practical implementation of these policies, GWI's approach could have had more impact on local peoples' livelihoods. If GWI were involved in supporting the concrete implementation of the laws, manuals, strategies and action plans which it helped draw up, it might be able to identify and help correct the imperfections which may emerge in future.

Real time testing in the rural world of the package of recommendations arising from GWI's work might have produced numerous lessons. The recommendations include: the allocation of suitably sized plots, supply of adapted agricultural machinery, improvement of security of tenure for irrigated plots, introduction of effective agricultural advisory services, strengthening of the governance of Farmers' Organisations, establishment of a local development fund fed by a share of the revenue derived from the sale of the electricity generated by the local dam. The Kandadji area (and to a lesser extent the Fomi area) offer good conditions for testing this package of recommendations. The numerous other schemes for large hydropower plants (at least forty of which are at a more or less

advanced stage of planning), as well as the projects on development of irrigated land, provide opportunities for future large scale replication of GWI recommendations.

GWI's work and recommendations cover different stages of the planning and implementation cycle for hydropower and irrigation infrastructure projects. These recommendations are innovative and of great relevance at the policy level. Practical implementation of these recommendations could throw into sharper relief the significance of GWI's ten years of activity, in terms of the productivity revolution based on family smallholdings, referred to in the introduction to this document. This means the next step needed to complete GWI's work is to create the right conditions for implementing the solutions advocated by the GWI Programme.