



NIGER BASIN AUTHORITY

THE WATER CONVENTION: CONTRIBUTION TO A BETTER MANAGEMENT OF NIGER RIVER

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1. CONTEXT

The principles of cooperation and management of Niger River, enshrined in the first instruments for managing Niger River (Niger Act dated 1963, Agreement on the Niger River Commission and Navigation and Transportation on Niger River signed in 1964), have changed a lot, especially with:

- The establishment of the Niger Basin Authority (1980);
- The adoption of the Niger Basin Water Charter (30 April, 2008);
- The Paris Declaration on the "Management and Good Governance Principles for the Sustainable and Shared Development of Niger Basin" (2004) for a better controlled and concerted management of Niger Basin;
- The "Shared Vision for Niger Basin's Development by 2025 (2005), which sets out the principle of transboundary cooperation;
- **The Water Charter which, in its Preamble, refers to the Water Convention and was inspired by it, though the Convention was not at that time open to other UN Member Countries.**

2. Water Convention: Support to a better management of Niger Basin

The objectives of the Water Convention are, among others:

To promote **cooperation among riparian Parties on an equalitarian and reciprocity basis, especially through bilateral and multilateral agreements;**

To develop **harmonized policies, programmes and strategies applicable to all or some basins ;**

To protect the environment of transboundary water resources or the environment on which those water resources have some influence.

The objectives of the Water Convention are, among others:

To favor **cooperation based on solidarity and reciprocity for a sustainable, equitable and coordinated use of water resources;**

To promote the **harmonization and monitoring of national policies for conserving and protecting basins;**

To determine **rules on the preservation/protection of the environment**, in line with **sustainable development objectives** (Art. 2).

Article 2 of the Convention obliges country:

To take all appropriate measures to prevent, control and reduce water pollution and to see to it that transboundary water resources are used to ensure a rational management of water that is environment-friendly.

The Niger Basin Water Charter, in its Article 10, obliges countries to maintain water resources quantity and quality to highest possible levels.

The Water Convention, in its Article 2, sets out general principles for the international environment law, including:

- a) The precautionary principle;
- b) The polluter-pays principle;
- c) The sustainable development principle;
- d) The cooperation principle, especially through bilateral and multilateral agreements.

The Niger Basin Water Charter in its Articles 4 to 9 and 12, sets out the following general principles:

- Equitable and reasonable participation and use;
- The precautionary principle;
- The prevention principle;
- The Polluter-pays principle;
- The User-pays principle;
- The protection and prevention of the environment.

The Water Convention aims **at protecting and ensuring the quantity, quality and sustainable use of transboundary water resources by favoring and promoting cooperation among countries.**

It ensures reasonable and equitable use (Art. 2)

Article 10 of the Niger Basin Water Charter **obliges countries to manage Niger Basin's water resources in a way to maintain the quantity and quality of those resources to the highest possible levels.**

The Water Charter establishes the **principle of equitable participation and use (Art. 4).**

Articles 13 to 15 of the Water Convention oblige countries:

- To consult each other;
- To exchange available information and data, especially on the environmental status of transboundary water resources;
- To establish coordinated or joint communication, alert and assistance systems.

The Water Charter (Art. 19, 20, 25) obliges countries:

- To notify planned measures;
- To exchange information and data;
- To have joint consultations;
- To negotiate on possible effects of planned measures.

The 1999 London Protocol to the Water Convention on *Water and Health* aims at:

promoting the protection of human health and well-being by improving water management (Art. 1) and by ensuring access of all to drinking water and sanitation (Art. 6)

The Niger Basin Water Charter, in its Preamble, considers that access to water is a “fundamental right for each person”, before enshrining **“water needs for human consumption as a priority, as essential human needs” (Art. 14).**

Conclusion

To conclude, we recommend that NBA Member Countries adhere to the **Helsinki Convention of 17 March 1992** on the Protection and Use of Transboundary Watercourses and International Lakes, **which was already referred to by the Niger Basin Water Charter.**

Accordingly, with the Niger Basin Water Charter and its Annexes, three (3) of which are already available out of the five (5) planned, NBA Member Countries will have an **exhaustive Code for sustainably managing and protecting Niger Basin's transboundary water resources.**

The process for the development of the other two (2) remaining annexes is ongoing, including **Annex No.5 to the Niger Basin Water Charter on the Status and Legal Scheme of Common Infrastructure and Common Interest Infrastructure.**



Thank You for Your Kind Attention!