



## REGIONAL CONFERENCE

### IMPLEMENTING THE ECOWAS RECOMMENDATIONS ON LARGE WATER INFRASTRUCTURE IN WEST AFRICA: SOCIAL DIMENSIONS

**Ouagadougou, Burkina Faso, 21-23 January 2013**

## Communiqué final

The conference was organised by the Water Resources Coordination Centre of ECOWAS (WRCC) and the “Global Water Initiative” (GWI) implemented by the International Institute for Environment and Development (IIED) and the International Union for the Conservation of Nature (IUCN). The conference brought together around 50 participants from West Africa representing the different actors and stakeholders involved in the development and construction of large dams: civil society groups, representatives of river users, technical services, dam construction and management organisations, basin organisations, researchers, legal experts and international and regional organisations.

The ECOWAS technical committee of water experts adopted guidelines on large water infrastructure in West Africa based on the work of a panel of independent experts and consultative workshops in the river basins and at regional level involving governments, basin organizations and civil society. This dialogue was led by WRCC with support from the Poverty Reduction and Environmental Management Initiative (PREMI) and GWI. These guidelines comprise six priorities (Axes), 25 recommendations and 77 measures presented in the form of principles or products, but with little indication of who is to be responsible for defining them in detail or implementing them and in what way.

This conference is a contribution to operationalizing Priorities 2 and 5 of these recommendations. These require developers to consider project affected people as actors partners and beneficiaries of the project (Priority 2), and to capitalize and share experience in the ECOWAS area to take more account of the environmental, economic and social issues surrounding the development and operation of infrastructure projects in the water sector (Priority 5). This is the background against which the conference was held, following on from the workshop in September 2011 organized by the ECOWAS/GWI/IUCN/IIED partnership (see [www.iucn.org/gwidams](http://www.iucn.org/gwidams)).

Some of the measures proposed can be considered simply as good practice, already implemented in some cases in West Africa. Others are regulatory or methodological proposals which require further work on definition and implementation, particularly to specify the tasks, responsibilities and resources needed for their adoption by the Member States, developers and institutions involved in the environmental and social issues raised by major hydraulic infrastructure projects.

The overall objective of this conference is to share West African experiences of displacement/resettlement and benefit-sharing with local communities, in order to develop consensual tools and approaches for implementing the ECOWAS recommendations. The realities of each country were analysed specifically in relation to the above-mentioned recommendations and measures and the workshop sought to identify and capitalize good practice in the form of advice for the future.

The workshop was facilitated by Serge Alfred Sedogo, an independent consultant and included the following sessions:

1. The opening ceremony
2. Presentations
3. Small working groups followed by feedback and discussion in plenary sessions
4. A summary of key messages including practical measures to support good practice.

## 1- The Opening Ceremony

This consisted of three interventions: a welcome from M. Nouradine Touré, President of the Regional Coordination Unit of Niger River Basin Users ; a speech from Prof Awaiss Aboubacar, Coordinator of the Regional Water and Wetlands Programme of IUCN (PACO), and the opening speech of M. Innocent Ouédraogo, Acting Director of the Water Resources Coordination Unit of ECOWAS.

## 2. The Presentations

Presentations were made in plenary, between sessions of working groups. They helped participants to understand the experiences of different countries and basins:

- *The regional ECOWAS consultation process on large water infrastructure projects and next steps. Mahamane Touré, Programme Officer, WRCC.*
- *The Global Water Initiative. Jérôme Koundouno, Regional GWI coordinator IUCN-PACO.*
- *Requirements for the successful consideration of social dimensions in large dam projects- experience from Kandadji. Aladoua Saadou, Ex Magistrate for expropriations at Tillabéri (2010-2012), Niger.*
- *Perspectives from the International Commission on Large dams. Adama Nombre, President ICOLD.*
- *Lessons learned from the reestablishment of livelihoods at Bui dam, Ghana, Richard Twum Koranteng, Ghana Dams Dialogue.*
- *Access to irrigated plots for affected communities at Niandouba, Senegal. Oumar Ly, Chef Division Appui Development Rural SODAGRI.*
- *Direct benefits for affected people at Kandadji Dam, Niger – Idrissa Diaouga, Director of the Department of Social and Economic Affairs High Commission for the Development of the Niger Valley, HCAVN, Niger.*
- *Establishment of a local development fund at Kandadji (FIDEL/K). Issa Boukary, consultant, Niger.*
- *The allocation of plots to affected people at Taoussa dam – legal status and future orientations for the local development plan. Mahambé Sylla, Rural Development Expert, Mali.*
- *Allocation of plots to affected people at Bagré dam – criteria and decision making processes. Etienne Kaboré, Bagrépole, Burkina.*
- *Considerations in identifying legitimate representatives – example of Fomi and others Habib Ahmed Djiga, Lecturer in Law, University of Ouagadougou, Burkina.*
- *The resettlement approach adopted at Kandadji Mourtala Sani Bako, Head of Resettlement and Local Development Unit, High Commission for the Development of the Niger Valley, HCAVN, Niger.*
- *Legitimate representatives and the contract developed at Taoussa , Mali . Abdoulaye Cissé, Legal expert, GERSDA, Bamako University, Mali.*
- *Experience from Togo (Adjarala) and Benin (Nangbéto) – Séna Alouka Executive Director, Young Volunteers for the Environment (JVE), Togo.*

Plenary discussion included clarifications to better understand the experiences presented and interventions from the floor allowed challenges and lessons to be identified and understood.

## 3. Working groups

Four working groups were established and each addressed the four ECOWAS recommendations/measures below over the three days of the meeting. The results of each group were presented in plenary and areas of agreement and disagreement were noted.

The exchanges identified the lessons and challenges listed below that can guide delivery of ECOWAS recommendations in the countries of the region and through WRCC.

**Recommendation 2.1 Integrate the affected communities as partners and ensure that they benefit directly from the dam throughout its lifetime**

**Measure 2.1.1 Grant the affected communities direct benefits generated by the dam (farmland, electricity, drinking water, grazing, fisheries, etc.)**

*The exercise identified good practice and successful measures that allow local people to access the benefits of dams, especially irrigated land and electricity, and identify challenges and gaps to be addressed.*

Successful resettlement requires livelihoods of affected people to be re-established and improved, offering financing, infrastructure and opportunities for sustainable local development. This means ensuring that PAPs receive correct compensation for their lost assets but also that they can thereafter access resources (eg irrigated land) to support their production systems and commercial activities. The conference is unanimous that the principles of solidarity, equity and social justice should underpin the way in which these issues are addressed. The conference focussed especially on land and electricity and identified the following lessons and challenges :

**A) Access to land**

*Lessons*

- Deliver clear property deeds to resettled people that articulate the land tenure status and the conditions attached.
- Property deeds should offer secure rights at least equivalent to those enjoyed for traditional lands.
- Take account of different kinds of stakeholder (landowner, renter, user, worker, vulnerable groups etc) and clearly distinguish their different rights.
- Provision of technical support to assist in learning new skills and growing new crops is essential to succeed in transformation.
- Legal support and training to allow PAPs to understand the compensation provisions and their rights.
- Involve local government in decisions around land allocations.

*Challenges*

- Irrigated plots allow improved yields. There are several methodologies to decide the ratio of traditional land to irrigated land offered as compensation that would benefit from harmonisation; this also depends on land quality.
- The cultivation obligations and conditionalities for PAPs should be clarified, notably how non cultivation of plots in irrigation schemes will be handled and how to access appropriate technical advice and support.
- How can the diversity of crops be maintained for PAPs, in the face of climate change, especially for women who often have diverse small scale farming enterprises (eg market gardens, household fields, handicrafts etc) ?
- How should household size be addressed in allocating plots and in compensation ratios (traditional/irrigated lands) ?

**B) Access to electricity**

*Lessons*

- Local communities (affected and non affected) should benefit from electricity with installation of meters (free connections, but paying for consumption) in their houses in order to benefit from local development opportunities and reduce jealousies, frustration and conflicts between villages.
- A percentage of electricity revenues should be allocated to affected communities
- Challenges
- Should local communities benefit from special low tariffs -if so, for how long ?
- What percentage of revenues should be allocated to local communities (2%, 5%, 15%) ?

**Measure 2.1.5 Take account of intangible/cultural assets within resettlement programmes, acknowledging rights of access to land and making sure that communities are compensated for the loss of traditional uses**

Working groups made an inventory of traditional uses (eg. agriculture, livestock raising, handicrafts, timber and non-timber forest products, fisheries, bushmeat etc) and intangible and cultural assets (eg. sacred places, cemeteries, tenure rights, use rights, attachment to land etc) concerned by the process of displacement/reinstallation. The conference recognised the necessity to compensate for these uses while recognising the challenges in doing so.

**Lessons**

- Agree in a consensual manner how to continue the practicing of traditional rites, financing the ceremonies, offerings and celebrations needed to leave one area and settle in another.
- Take account of all traditional resource use, particularly grazing areas (corridors, pastures, pastoral wells etc), in the planning process from the outset of the project
- Allow PAPs to choose their resettlement sites and provide support to reduce the effects of disorientation and sense of disconnect from their traditional lands.

**Challenges**

- How to create new villages with the affinities and social links that maintain a sense of security and solidarity?
- How to accompany the PAPs as they make the transition from traditional production systems to modern ones?

**Recommendation 2.2 Ensure that communities' living conditions improve after dam construction in relation to their previous situation**

**Measure 2.2.2 Identify legitimate representatives of the communities who are able to conduct negotiations and sign the agreements**

The conference recognised that the ideal situation would be to have representatives of PAPs that combined legality, legitimacy and the capacity to both negotiate and to sign agreements. Particular stress was put on the fact that it is up to the PAPs to decide who should negotiate and who should sign on their behalf, formalising decisions in a legal document (contract, minutes of meetings, MoUs etc). The designates are required to provide feedback and to be accountable to the PAPs. Several agreements may be required, covering, for example, private assets, collective assets, and the support the State will offer to re-establish the livelihoods and promote sustainable development of PAPs.

One of the challenges is to plan, from the outset, the information needed, the organisation and training of local people to designate their representatives or the assistance required from experts, while ensuring that all professional and social categories (women, youth, nomads, minorities etc) are included.

**Measure 2.2.4 Establish contracts for the plans through "demonstrable" agreements (between the project developer and representatives of the affected communities), possibly with recourse to a "moral" guarantor for their implementation (e.g. former judges, religious or customary personalities, ombudsman, etc.) and identification of the jurisdiction competent to deal with any conflicts**

**Lessons**

- Distinguish private assets (agreement between State and affected individuals) from collective assets and development plans (between State and local government : delivery of environmental and social plans).

- Ensure that all environmental and social impact studies are accompanied by an environmental permit prior to construction.
- Legal processes can be very long and expensive so the role of an independent mediator/ombudsman/arbitration committee is critical for timely redress. It should be created specifically for the project at local level.
- Legal acts that create dam development agencies should empower their Directors to address all social issues, and sign the necessary agreements.
- Expropriation laws and compensation provisions across ECOWAS should be updated and standardised.

### *Challenges*

- What specific legal provisions should be included in legal Acts creating dam construction agencies?
- Is there a role for the ECOWAS community court when national processes do not respect rights?
- How can Ministries of Finance or River Basin Agencies be involved in signing agreements?
- Is it feasible to create a local association that can defend affected people's rights and assist them in cases requiring mediation or recourse?

The conference participants requested WRCC and its partners to disseminate the guidelines and the results of this meeting to all the relevant actors in the ECOWAS region and ensure their effective implementation in each country.

Ouagadougou 23 January 2013

The conference participants