



Implementing the ECOWAS recommendations on large water infrastructure in West Africa: social dimensions

Regional Conference

Ouagadougou, Burkina Faso - 21, 22 and 23 January 2013

TECHNICAL REPORT





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).

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

Contents

INTRODUCTION.....	9
I. WORKSHOP PROCEEDINGS.....	10
1.1. Opening ceremony	10
1.2. Presentations.....	10
1.3. Working groups, presentations and plenary debates	13
II. KEY POINTS FROM THE WORKSHOP	13
CONCLUSION	16
ANNEXES.....	17
Annex 1 : Workshop agenda	18
Annex 2: Presentations	21
Annex 3 : List of participants	28
Annex 4: Conclusions from working groups.....	33
Annex 5: Conference evaluation	48

Acronyms

CIPA	Inter-community committee for project-affected populations (Kandadji)
CRUBN	Regional Coordination Unit of Niger River Basin Users
FIDEL/K	Kandadji Local Development Fund
GWI-WA	Global Water Initiative - West Africa
HCAVN	High Commission for the Development of the Niger Valley
ICOLD	International Commission on Large Dams
IIED	International Institute for Environment and Development
IUCN	International Union for the Conservation of Nature
IWRM	Integrated Water Resources Management
LDP	Local Development Plan
ONEA	National Office for Water and Sanitation (Burkina Faso)
PACO	Central and West Africa Regional Programme (IUCN)
PAP	Project-affected person
PV	Minutes of meetings
SAGSD	Strategy for Accelerated Growth and Sustainable Development
SONABEL	Société Nationale Burkinabè d'Electricité
SOSUCO	Société Sucrière de la Comoé
WRCC	Water Resources Coordination Centre (ECOWAS)

INTRODUCTION

On 21-23 January 2013 a regional conference was held in Ouagadougou, Burkina Faso, on the **Social dimensions of implementing the ECOWAS recommendations on large water infrastructure in West Africa**. It was organised by the ECOWAS Water Resources Coordination Centre (WRCC) and the Global Water Initiative (GWI), which is implemented by the International Institute for Environment and Development (IIED) and the International Union for the Conservation of Nature (IUCN).

This conference built on the regional dialogue on large water infrastructure in West Africa initiated by ECOWAS in 2009 in close collaboration with the IUCN Poverty Reduction and Environmental Management Initiative (PREMI) and GWI activities. In December 2011 the ECOWAS technical committee of water experts adopted guidelines on large water infrastructure development in West Africa, which were developed on the basis of work done by a panel of independent experts and river basin- and regional-level consultation workshops with States, basin organisations and civil society groups. These guidelines include six priorities (Axes), 25 recommendations and 77 measures, presented in the form of principles or products (see ECOWAS publication, October 2012). They will serve as a reference for a future framework directive for the West Africa region. At the moment, however, they give little indication of who is to be responsible for further defining them in detail, who will implement them and how this will be done.

The purpose of the conference was to help determine how Priority 2 of the guidelines can be put into practice. This priority requires project developers to implement processes that involve affected populations as actors, partners and project beneficiaries. The conference was also a practical contribution to Priority 5 of the guidelines (capitalise and share experiences in the ECOWAS area to take more account of the environmental, economic and social issues surrounding the development and operation of water infrastructure projects), following on from the workshop organised by the ECOWAS/GWI/IUCN/IIED partnership in September 2011 (see www.iucn.org/gwidams).

The objective of this regional conference was for West African actors to share their experiences with displacement/resettlement and sharing the benefits of projects with local people, in order to document the lessons learned and address the challenges involved in implementing selected recommendations and measures in Priority 2, namely:

- **2.1 Involve the affected populations as partners and ensure that they benefit directly from the dam throughout its life cycle**
 - 2.1.1 Assign the direct benefits generated by the dam (agricultural land, electricity, drinking water, grazing areas, fisheries, etc.).*
 - 2.1.5 Resettlement programmes should take account of intangible/cultural assets by recognising rights of access to land and ensuring that people are compensated in cash or kind for the loss of traditional land use.*
- **2.2 Ensure that communities' living conditions are better than they were before the dam was constructed**
 - 2.2.2 Identify legitimate community representatives who are capable of leading negotiations and signing agreements.*
 - 2.2.4 Contractualise plans through 'demonstrable' agreements between the project developer and representatives of affected communities, with possible recourse to a 'moral' guarantor (retired judge, religious or customary dignitary, State ombudsman, etc.) to execute them and identify the competent court to resolve any conflict that may arise*

The aim was to analyse the realities in each country specifically in relation to these recommendations and measures, and to identify and build on good practices by providing advice for the future.

The conference was attended by about 50 participants representing the diverse actors involved in West African dam projects: civil society organisations, representatives of river users, state technical services, dam construction and management organisations, basin organisations, researchers, legal experts and regional and international organisations (see list in Annex 3).

I. WORKSHOP PROCEEDINGS

1.1. Opening ceremony

The opening ceremony consisted of three presentations (see Annex 2). Mr Nouradine Touré, President of the Regional Coordination Unit of Niger River Basin Users (CRUBN), focused on the importance of taking the concerns and interests of affected populations into account, and the need for ECOWAS to facilitate community mediation. Professor Awaiss Aboubacar, Coordinator of the IUCN Central and West Africa Regional Water and Wetlands Programme (PACO), emphasised the need to ensure that local communities share in the benefits generated by dams, by investing in the environmental and social dimensions of dam construction projects. He also noted that IUCN is engaged in several projects that work with ECOWAS to support a regional dialogue with river basin organisations and civil society. Mr Innocent Ouedraogo, Acting Director of the ECOWAS Water Resources Coordination Centre (WRCC), welcomed participants to the conference and reminded them that their aim was to help formulate recommendations, prepare the ground for a White Paper on water infrastructure in West Africa to raise awareness among heads of state, and ultimately establish the future framework directive.

1.2. Presentations

Following the agenda agreed by participants (see Annex 1), presentations were given in plenary sessions, interspersed with working groups, to help participants understand and respond to experiences in different countries and river basins across the region (available online at www.iucn.org/gwidams):

- **Overview of the consultation on large water infrastructure projects in West Africa.**

Mr Mahamane Touré, Programme Officer at the Water Resources Coordination Centre (WRCC/ECOWAS), described the hydrological and hydrographic context in the ECOWAS area, which covers 6 million km² of land, contains over 1000 billion m³ of water and supports some 300 million inhabitants. He also outlined the main priorities of the regional policy, whose central focus is 'promoting investment in the water sector'. He specified that the overall objective of the regional consultation is to 'contribute to the harmonious development of member States and regional integration through dialogue on infrastructure in the water sector', noting that investment is stagnating despite the need for massive investments in energy and food security in order to respond to high levels of demographic growth.

- **The Global Water Initiative (GWI) programme.**

Mr Jérôme Koundouno, regional coordinator of GWI, described the evolution of the regional initiative piloted by the IUCN/IIED consortium between 2009 and 2012. This focused on good governance of dam reservoirs in West Africa in order to enable local communities to use water resources for various purposes and enjoy a fair share of the benefits generated by dams. He also outlined the new orientation for the 2012-2017 phase of the project, which will focus on agriculture and using large irrigated areas around dam reservoirs to increase food security in West Africa, improve producers' access to water, and enhance the management and use of water for sustainable agricultural production.

- **Conditions for successful consideration of the social dimensions of large dam projects – lessons learned from Kandadji dam in Niger.**

Mr Aladoua Saadou, a former magistrate who dealt with expropriations in Tillabéri for the Kandadji programme (2010-2012) in Niger, set out certain legal standards, the issues raised by popular participation in large dam projects, respect for people's rights to self-determination and respect for subjective rights.

- **Views of the International Commission on Large Dams (ICOLD) on the social dimensions of large dam projects.**

Mr Adama Nombre, President of the ICOLD Burkina committee and current President of ICOLD at the international level, described his organisation, its vision for promoting environmentally friendly technology for large dam construction, and its views on social support. He explained how ICOLD has built on its experience and developed a system for sharing information through publications and annual seminars.

- **Initial assessment and lessons learned from re-establishing livelihoods around Bui dam in Ghana.**

Mr Richard Twum Koranteng, a representative from the Ghana Dams Dialogue, recounted recent experiences with the Bui dam development programme, the principles that need to be taken into account when displacing and resettling communities (consulting actors, building houses, securing the community, providing compensation and support), and the challenges involved in such a project (land tenure and rights, compensation for intangible assets, etc.).

- **Access to irrigated land for affected communities in Niandouba, Senegal.**

Mr Oumar Ly, head of the Rural Development Support Unit (SODAGRI), described the context of land management in the irrigated area around the Niandouba and Confluent dams, where there are no formal rules for managing the area, producers are reluctant to invest their own resources in the land, production is insecure, the future of farming uncertain, and there are recurrent conflicts between farmers and herders. He also outlined the strategies developed by SODAGRI and its partners to address the challenges associated with land management: organising a forum on land to discuss regulations to follow up the National Land Law, initiating a workable process for allocating/withdrawing/reallocating plots, progressively rehabilitating the developed area, regularly monitoring land occupancy, and updating and implementing land use plans.

- **Direct benefits for affected populations in Kandadji, Niger.**

Mr Idrissa Diaouga, Director of social and economic affairs at the High Commission for the Development of the Niger Valley (HCAVN), focused on compensating people affected by the construction of Kandadji dam (assistance with house building, improving living conditions, food aid, basic social infrastructure, technical assistance, rehabilitating irrigated areas, compensation for loss of production) and the estimated cost of the resettlement Action Plan.

- **Establishing a local development fund in Kandadji, Niger (FIDEL/K).**

Mr Issa Boukary, an independent consultant, presented the results of a study on establishing a local development fund for the Kandadji area (FIDEL/K) undertaken for the GWI. This helped determine what % of sales of electricity could be raised from the future power station, outlined mechanisms for using this money, supervising its management and institutionalising the fund, and provided a flow chart of funding bodies, fundraising opportunities and channels for funding micro-projects.

- **The process for allocating plots to communities affected by the future dam in Taoussa, Mali, their legal status and next steps for the Local Development Plan (LDP).**

Mr Mahambé Sylla, a rural development expert, covered the legislative aspects, modes of access to land recognised by the Land Code of 1 August 1986 (customary and modern rights), compensation for customary rights and modes of land allocation. Land in the Taoussa area will be allocated in three major growing areas that take account of the different socio-professional groups in the vicinity (Sonrhäi, Tamasheq and Fulani).

- **Allocating plots to populations affected by Bagré dam in Burkina Faso – criteria and decision-making process.**

Mr Etienne Kaboré, head of social affairs and land management at Bagrépôle, described the context of land management and land-related decrees and laws in the Bagré area. Bagrépôle is campaigning for proper compensation for project-affected communities (PAPs) in Bagré, as the original development did not include an appropriate compensation policy. Mr Kaboré suggested that this could be done by allocating conditional land titles.

- **Points to bear in mind when identifying legitimate representatives – the example of Fomi dam in Guinea and other cases.**

Mr Habib Ahmed Djiga, a legal expert, lecturer and researcher at the Université de Ouagadougou, outlined the criteria for identifying legitimate representatives of affected communities to sign agreements with the State. He concluded that the ideal candidate would be a legal person or institution with the legitimacy and capacity to undertake this task.

- **The resettlement approach adopted in Kandadji, Niger.**

Mr Mourtala Sani Bako, head of the HCAVN Resettlement and Local Development Unit (UEP-KRESMIN), emphasised the importance of identifying legitimate representatives of affected communities in Kandadji and ensuring that they participated in the process. Local people were informed about the role of the body that would be put in place to represent them, and its members were selected at a village meeting and endorsed in the presence of the administrative and customary

authorities. After putting in place different representative structures, the conciliation committee led amicable negotiations whose minutes were approved by the expropriations magistrate before payments were made.

- **Legitimate representatives and the agreement developed in Taoussa, Mali.**

Mr Abdoulaye Cissé, a lawyer and member of GERSDA, used a study undertaken as part of the GWI in Taoussa to show that resettlement plans can only be implemented effectively if there is an agreement in place between the affected communities and the project developer, establishing each party's willingness and commitment to address particular issues. This agreement should be rooted in the current legal framework, and complement rather than contradict legal texts.

- **Experiences in Togo (Adjarala dam) and Benin (Nangbéto dam).**

Mr Séna Alouka, Executive Director of JVE Togo (Jeunes Volontaires pour l'environnement) described his NGO's mission to develop leadership and eco-citizenship among young people in order to involve them in promoting sustainable development in their communities. He noted various shortcomings in the way that the social and environmental dimensions of the dam programmes in Nangbeto and d'Adjarala have been managed, and the lack of public participation in these initiatives.

1.3. Working groups, presentations and plenary debates

Participants were divided into four working groups, each of which discussed one of the four ECOWAS measures selected for the conference. They then presented the results of their work in plenary sessions, noting and discussing the points on which they had agreed and disagreed.

This procedure enabled numerous contributors to explain and clarify various issues, challenges and lessons learned, giving participants a better understanding of the experiences and cases presented during the conference.

The lessons and challenges identified in these discussions are listed in the final conference communiqué which can be used as a guide when implementing the ECOWAS recommendations and delivering planned or ongoing dam projects in different countries across the region.

II. KEY POINTS FROM THE WORKSHOP

2.1 Regarding the principles, rules and criteria for sharing the direct benefits of dams with affected households

Several messages emerged from the working groups and plenary sessions. Firstly, that texts regulating the legal tenure status of developed land need to be formulated and adopted in order to promote social peace and sustainable development. Secondly, that the distribution of parcels should obey the principles of equity and social justice by taking account of landless farmers and vulnerable groups such as youth, women and the disabled. Participants

at the conference also emphasised the need to issue land ownership documents. The growth pole in Bagré attracted a good deal of attention, as the Burkinabé government not only plans to compensate PAPs, but also to issue them land titles according to the holder full and definitive ownership of the parcel they have been allocated. This raised the question of whether these land titles would be compatible with the terms and conditions that will apply to the developed area.

It was also felt that PAPs should be regarded as partners who play an active role in decision making throughout the entire process of project design and execution. They should be duly compensated (with care taken to ensure that funds allocated for compensation are not used for other purposes by PAPs) and supported throughout the resettlement process.

Legal and judicial assistance is essential to enable PAPs to understand their rights and know what recourse is available to enable them to claim these rights. Technical assistance is also important to ensure that traditional knowledge is used, and to increase productivity and access to markets.

The key requirements for successful development are consultation, negotiation with the main stakeholders concerned (the State, the operating agency, households and other actors), enabling affected communities to access electricity and ensuring that they receive some of the revenue it generates. While recognising the need to charge PAPs for the electricity that they consume, proposals were made to connect them free of charge and offer preferential tariffs for a limited period to allow households to increase their income before they are charged the full rate. Local development funds could be established to enable affected communities to access the cash flow generated by selling electricity, as with the FIDEL/K local development fund for communities affected by Kandadji dam in Niger. Recent research inspired by the Mining Act in Niger, which divides the revenue generated by mining resources between the State and the local governments concerned (85 per cent to the State and 15 per cent to local government), suggests that the legislation covering the electricity code could be modified to incorporate an annual levy formally agreed by the State, with a 3 per cent tax on sales. This would be transferred through a National Treasury bank account into a regional account managed by the project developer (affected communities), in this case the inter-community council for affected populations (CIPA).

2.2 Regarding traditional uses and intangible and cultural assets

The policies on expropriation in the public interest, displacement and compensation in the context of large dam projects cover private assets and farmland, but do not always recognise or systematically cover all traditional non-agricultural land uses (grazing, corridors, medicinal plants, timber, fisheries, non-timber forest products, etc.) or all the intangible, cultural and religious assets concerned (mosques, churches and other places of worship, sacred places such as forests, hills or backwaters; cemeteries, land rights, rights of use, attachment to land, religious and customary ceremonies, festivals, etc.). Participants were unanimous in supporting the ECOWAS recommendation that large dam construction projects should identify and plan compensation for intangible assets (religious and sacred places, archaeological sites) and traditional non-agricultural uses (livestock rearing, crafts, traditional medicine, woodcutting and gathering, fishing and traditional hunting). They listed the different

non-agricultural uses and proposed measures for compensation and compensation in cash and in kind (see Annex 4); advocating that the design and planning of large dam projects should include all traditional uses and ensure that procedures for compensation and indemnification enable communities to continue to practice customary rites by covering the cost of the ceremonies, offerings and celebrations required to leave one place and settle in another. The resettlement process should also take account of social affinities and links established before the project through proximity or distance, in order to maintain feelings of security and solidarity between displaced communities.

2.3 Regarding the procedures for appointing legitimate representatives

PAPs should be free to choose their own representatives to negotiate and sign agreements with project managers on their behalf. Ideally, these representatives should be legal, legitimate and capable of fulfilling their tasks, as indicated by the lawyer who gave a presentation on this topic. Participants recommended that it should be up to the affected communities to decide who negotiates, signs and formalises decisions in legal documents (minutes, contracts, agreements, etc.) on their behalf as every case is unique. There could be several types of agreement and representative, depending on the nature of the assets: for private goods such as houses, orchards or fields, the owner is the only person competent to represent him- or herself or appoint a representative through a legal document; for collective assets such as pastures, schools or cemeteries, all PAPs should be responsible for appointing their representative(s).

One of the challenges in this respect is planning from the outset how to inform, organise and train affected communities to appoint their representatives or obtain assistance from experts to ensure that their decisions take account of all social and professional categories (including women, youth, nomadic groups and minorities). Those who are mandated to represent PAPs should clearly explain all the transactions that take place in order to avoid any surprises or challenges further down the line.

2.4 Regarding the ways and means of ensuring that States honour their commitments

States make various pledges and undertakings to ensure that displacement and resettlement processes will improve the living conditions of affected communities (promising to build schools, recreation grounds, sacred places and health centres, and provide access to new water and electricity services, etc.). However, these commitments are not always honoured. There have also been cases where PAPs say that they will respect plans for protected areas, leave a site, give up certain rights, etc., and then withdraw their agreement. Participants at the conference advocated formalising these commitments through contracts or agreements that establish the rights and responsibilities of both parties on a legal basis. For private assets this could be done through an agreement/contract between the State (represented by the agency responsible for implementing the project) and the affected individual. For collective assets there could be an agreement/contract between the State and the local government to implement environmental and social plans.

Specific measures should be taken to strengthen these agreements: for example, by ensuring that all environmental and social impact assessments are accompanied by an environmental permit established prior to construction; by giving dam development agencies the power to respond to all social concerns and sign the necessary agreements/contracts; by involving River Basin Agencies in signing agreements; and by putting in place local mediation/arbitration committees to settle disputes as quickly as possible. In addition to this, it is important to explore the possibility of recourse to the ECOWAS community court of justice in cases where national processes contravene current national laws.

Participants noted that the person who signs in the name of the State (Prime Minister, minister, head of agency, etc.) will vary according to the country concerned. It is important that this signatory is legally mandated to engage the State in each area of concern to local people, in order to avoid establishing separate agreements on different issues signed by different people (land, compensation, local development plans, local services, etc.).

CONCLUSION

The conference on implementing the ECOWAS recommendations on large water infrastructure projects in West Africa achieved its objectives in terms of demonstrating the relevance of the proposed themes through useful and productive discussions.

Experiences were shared through 15 presentations and discussed in four working groups. This helped identify the key lessons learned and the challenges to be addressed in conjunction with different actors, particularly policy makers. The results of the conference evaluation confirm the relevance of the topics and the quality of the contributions.

The conference outputs should enable ECOWAS to formulate relevant recommendations and raise awareness among heads of State. This will help improve the design and sustainability of large dams, and ultimately benefit all concerned, including the communities affected by these projects.

ANNEXES

Annex 1 : Workshop agenda

REGIONAL CONFERENCE
IMPLEMENTATION OF ECOWAS RECOMMENDATIONS ON LARGE WATER INFRASTRUCTURE - THE SOCIAL DIMENSIONS

Agenda

21-23 January 2013 Hotel Palm Beach Ouagadougou

Monday 21 January 2013	
8H30	Arrival and registration of participants
9H-9H30	Opening - Nouradine Zakaria Touré, President- Coordination of users of the Niger Basin (CRU-BN) - Aboubacar Awaiss, Coordinator PREZOH IUCN-PACO - Innocent Ouédraogo, Acting Director, Water Resources Coordination Centre, (WRCC) ECOWAS. Presentation of participants Presentation of the agenda (Serge Sédogo, facilitator)
9H30-11H: Session 1 Plenary	Introduction - The regional ECOWAS consultation process on large water infrastructure projects and next steps. <i>Mahamane Touré, Programme Officer, WRCC.</i> - The Global Water Initiative. <i>Jérôme Koundouno, Regional GWI coordinator IUCN-PACO</i> - Requirements for the successful consideration of social dimensions in large dam projects- experience from Kandadji <i>Aladoua Saadou, Ex Magistrate for expropriations at Tillabéri (2010-2012), Niger</i> - Perspectives from the International Commission on Large dams. <i>Adama Nombre, President ICOLD.</i> Discussion
11H-11H30	COFFEE BREAK
11H30-13H : Session 2 Plenary	2.1.1 Assign the direct benefits generated by the dam to affected communities - Lessons learned from the reestablishment of livelihoods at Bui dam, Ghana, <i>Richard Twum Koranteng, Ghana Dams Dialogue</i> - Access to irrigated plots for affected communities at Niandouba, Senegal. <i>Oumar Ly, Chef Division Appui Development Rurale SODAGRI</i> - Direct benefits for affected people at Kandadji Dam, Niger – <i>Idrissa Diaouga, Director of social and environmental affairs High Commission for the Development of the Niger Valley, HCAVN, Niger</i> - Establishment of a local development fund at Kandadji (FIDEL/K). <i>Issa Boukary, consultant, Niger</i> - The allocation of plots to affected people at Taoussa dam – legal status and future orientations for the local development

	plan . <i>Mahambé Sylla, Rural Development Expert</i> Allocation of plots to affected people at Bagré dam – criteria and decision making processes. <i>TBD, Bagrépole</i>
13H-14H	LUNCH
14H-15H	Questions and discussion
15H-17H30 : Session 3 Working groups, including coffee break	Objective : identify best practices and successful measures allowing affected people to access the direct benefits of dams ; identify gaps and challenges
17H30-18H15 :	Consolidation of working group results (rapporteurs)

Tuesday 22 January 2013	
8H30-9H30 : Session 4 plenary	Feedback from working groups and discussion
9H30-11H30 Session 5 Working groups including coffee	2.1.5 Resettlement programmes should take account of intangible/cultural assets by recognising rights of access to land and ensuring that people are compensated in cash or kind for the loss of traditional land use. Objective : seek a mutual understanding of « traditional uses » and identify which intangible assets should be compensated for, and how.
11h30-12H	Consolidation of working group results (rapporteurs)
12H-13H	Feedback from working groups and discussion
13H	LUNCH
14H-15H30 : Session 6	2.2.2 Identify legitimate community representatives who are capable of leading negotiations and signing agreements. - Considerations in identifying legitimate representatives – example of Fomi and others . <i>Habib Ahmed Djiga, Lecturer in Law, University of Ouagadougou</i> - The resettlement approach adopted at Kandadji <i>Mourtala Sani Bako, Head of Resettlement and Local Development Unit, High Commission for the Development of the Niger Valley, HCAVN, Niger</i> - Legitimate representatives and the contract developed at Taoussa , Mali . <i>Abdoulaye Cissé, Legal expert, GERSDA, Bamako University.</i> - Experience from Togo (Adjarala) and Benin (Nangbéto) – <i>Séna Alouka Executive Director, Young Volunteers for the Environment (JVE), Togo</i> Discussion
15H30-16H30 Session 7 Working groups	Objective : Identify the processes that allow legitimate representatives to be nominated and accepted by local people, hence guaranteeing that their interests and concerns will be taken into account and they will accept the results of negotiations.
16H30-17H including coffee break	Consolidation of working group results (rapporteurs)
17H-18H	Feedback and discussion

Wednesday 23 January 2013	
8.30H-10H30 Session 8 Working groups	2.2.4 Contractualise plans through ‘demonstrable’ agreements between the project developer and representatives of affected communities Objective identify ways to contractualise the delivery of commitments made by the State • How can commitments be articulated in the form of an agreement with local people ? • To give the agreement credibility, who should sign on behalf of the State ?
10H30-11H	COFFEE BREAK
11H-12H30 plenary	Feedback and discussion
12.30-13H	Evaluation of the meeting Finalisation of communiqué final
13H-13H30	Closure of conference
13H30	LUNCH
Afternoon	Departure of participants

Annex 2: Presentations

✓ **Mr Nouradine Zakaria TOURE, President of the Regional Coordination Unit of Niger River Basin Users (CRUBN)**

Ladies and gentlemen, it gives me great pleasure to welcome you all to this conference. Among us today we have the director of the ECOWAS Water Resources Coordination Centre, the coordinator of IUCN / PACO, representatives from IIED and the Global Water Initiative, our technical and financial partners, representatives from the dam development authorities, river basin organisations and civil society groups.

First of all, let me thank everyone from the WRCC/ECOWAS, IUCN/PACO and GWI/IIED for organising this event, and congratulate them for providing such excellent working conditions. Everything looks set for a very successful conference.

We have come together to discuss the **social dimensions of dam projects** and the changing situation on the ground, where progress has been made in involving all actors in a participatory and inclusive dialogue on water infrastructures.

The work done by WRCC/ECOWAS through IUCN/PACO, GWI and IIED with support from UKAID and ASDI has helped identify a number of ongoing social problems caused by the construction of certain dams in West Africa. These problems have yet to be adequately addressed.

We have the means to do this, and should encourage all actors to take the necessary steps and incorporate them into their daily activities.

The good practices that have been identified should be assessed on their own merits, developed and widely disseminated.

We also need to convince the national authorities to address the shortcomings that have created social problems in old dams, particularly with rural irrigation schemes and access to electricity. These are two of the biggest causes of frustration and resentment among local people and affected communities.

This is why we believe that it is essential to continue to help our countries improve the situation. Various ways of doing this were identified during forums, studies and validation workshops in first phase of the programme, through:

- Dialogue on water infrastructure in the water sector,
- The findings of a panel of independent experts,
- High-level forums organised in several river basins, most notably in Nouakchott for the OMVS (Senegal river) , and Sélingué for the NBA (Niger river),
- Strategic studies on new dams highlighting the benefits of using money raised by selling electricity to fund LDPs for affected communities; the status of developed land; establishing contracts between local populations and the authorities responsible for managing the dams; training judges and court officials, and so on,
- Support for civil society organisations in the vicinity of new dams.

The recommendations made by the panel of experts (2010) helped clarify a number of parameters for international standards on dams. Highlighting the social problems caused by dams also showed the need for ECOWAS to provide a way for local people to access mediation and obtain recourse to address their concerns. WRCC/ECOWAS should help achieve this objective.

Our lasting legacy for the new dams should be to apply as many good practices as possible.

This conference is part of an ongoing process. It reflects our technical and financial partners' constant efforts to engage all those directly concerned with sustainable hydro-agricultural dam developments in a fruitful dialogue. For example, local people from Kandadji, Taoussa and Fomi went on various exchange visits to Sélingué, organised by the national and regional associations of Niger River Basin users with support from IUCN/GWI-Dams/IIED and GIZ. These were invaluable in helping to improve understanding of the issues associated with compensation, and the displacement and resettlement of communities, which is rarely painless. It has to be said that substantial improvements need to be made in this respect, with procedures to ensure that new dams conform to environmental impact assessments, environmental and social management plans, and plans to resettle communities affected by dam construction projects.

You are to be warmly congratulated for helping pave the way for such procedures, with exchange visits that enabled people from in and around Kandadji, Taoussa and Fomi to understand the wider issues raised by dams, to see the positive and negative impacts of these projects, and to possibly build dialogue with the authorities responsible for the new dams.

The partnership signed by twelve mayors whose jurisdictions include old and new dams will be very important in helping mobilize certain key actors in this arena, as mayors have been responsible for managing local and regional development in their local government since decentralisation.

We would also like to thank the dam authorities, who have made every effort to respond to the different civil society groups that have approached them with their concerns.

Before closing, I would like to give special thanks to all our technical and financial partners, particularly WRCC/ECOWAS, IUCN, IIED and GWI. These activities would not have been possible without your invaluable support, for which civil society is most grateful.

Here's to ongoing cooperation on sustainable development between different actors.

Thank you for your kind attention.

✓ **Speech by Mr Aboubacar Awaiss, Coordinator of the IUCN-PACO (Central and West Africa) Regional Water and Wetlands Programme**

Ladies and gentlemen,

On behalf of the Regional Director of IUCN-PACO, I would like to start by thanking everyone for coming and setting aside three days to consider how we can implement certain recommendations that emerged from the regional dialogue. I would also like to thank the acting director of WRCC/ECOWAS for the huge effort he has put into supporting this regional consultation since 2008.

The themes and issues that will be discussed at this conference were selected from the guidelines for large water infrastructure development in West Africa, which were validated by the ECOWAS technical committee of experts in Lomé in December 2011. They also reflect the concerns expressed in river basins across West Africa. Some of these have already made their way into reference documents like the river basin organisation water charters, especially that of the NBA, which was recently ratified by member states in September 2011. Annex 1 of this charter places great emphasis on two key social issues:

- **Involving affected communities as partners and ensuring that they benefit directly from dams throughout their lifetime**
- **Ensuring that local people's living conditions improve after dam construction in relation to their previous situation**

The two parallel recommendations in the ECOWAS guidelines are part of wider efforts to understand how to make the environmental and social dimensions of dam projects work for the communities concerned. All too often they generate negative effects and severe criticism, especially at the local level. The aim of this research is to operationalize international recommendations made by the World Commission on Dams, the World Bank and the Africa Development Bank in the West African context, and translate them into regional and national policies. Although most of these measures have been broadly approved for a good ten years or so, it is taking a long time for them to be implemented on the ground.

While these recommendations are largely social, they also directly help protect the natural ecosystems that local communities rely on for their livelihoods, however modest these may be. IUCN is well placed to protect the natural resources and local livelihoods affected by large water infrastructure projects, as it has been working with the WRCC on the regional dialogue project since 2008. This strong link between environmental and social issues is encapsulated in the governance of these large dams, and each stage of this dialogue will contribute to stronger water governance if all concerned agree to play their part. From the local level to the regional West African level and beyond, from local actors to high-level decision makers, the stakeholders affected by these huge projects need to interact and play a proactive role in negotiations in order to make decisions that are fair and equitable for all.

IUCN works with various partners on a range of initiatives through its Central and West Africa programme. I would like to finish by reaffirming our commitment to this regional dialogue on large water infrastructures in West Africa led by ECOWAS, and to our work with the Global Water Initiative in conjunction with the International Institute for Environment and

Development (IIED). In this we are supported by the Howard G. Buffett foundation, and more broadly by the Poverty Reduction and Environmental Management Programme (PREMI) and the partnership to improve environmental management (PAGE), both of which are supported by the Swedish Department for International Development (Asdi), and the forthcoming Great River Partnership (GRP).

Ladies and gentlemen, thank you for your attention.

✓ **Opening address by Mr Innocent Ouédraogo, Acting Director of WRCC/ECOWAS**

Ladies and gentlemen – representatives from the River Basin Authorities, different countries in the region, technical and financial partners, civil society groups, IUCN and all participants – a warm welcome to you all.

I would like to start by passing on greetings from the new commissioner of ECOWAS responsible for Agriculture, Environment and Water Resources, Dr Marc Atouga, who was unable to join us today.

As you know, the Water Resources Coordination Centre initiated a regional dialogue on large water infrastructure in 2009. Retrospective studies on dams have been conducted, exchange visits between sites are under way, and a panel of experts has produced recommendations for good practice.

I'm sure that many of you will have attended some of these meetings and taken the opportunity to exchange experiences and ideas about the environmental and socio-economic dimensions of dam construction.

Thanks to all these efforts I am now able to present you with the *Guidelines for the Development of Water Infrastructure in West Africa*.

This publication is the fruit of your collective efforts, put together with technical support from experts in IIED, IUCN and the WRCC. It is a very fine and useful document. However, our work is by no means finished, as this guide does not specify how its 25 recommendations and 77 measures should be applied on the ground. This is going to be a complex task, which will vary considerably from one country to the next. What we need to do now is move forward in a very pragmatic way.

Ladies and gentlemen,

As we start thinking about the practicalities of addressing the social dimensions of dam construction, we need to ensure that preparations for large infrastructure works do not perpetrate new injustices by displacing thousands of individuals. Affected communities should no longer lose out to progress, but genuinely benefit from such projects.

Over the three days of this conference, we would like you to think about four key questions as you participate in working groups, attend the numerous presentations and plenary sessions we have planned, and exchange and discuss documents. These questions are:

1. What concrete measures can be taken to ensure that affected communities share in the benefits of such projects?
2. How should affected persons be compensated for the loss of intangible and cultural assets and traditional uses?
3. How to identify legitimate representatives of affected communities who are capable of signing agreements.
4. And finally, how to ensure that States honour their commitments to compensate communities for what they have lost.

These are complex but very concrete questions that you are being asked to consider. Freedom of speech has been a key element of the regional dialogue that brought us here today, and this conference is designed to put everyone at ease so that you all feel able to put your views across in the plenary sessions and working groups.

Ladies and gentlemen, participants

The dialogue on large water infrastructure is continuing thanks to your efforts. As it takes a much more operational turn, there are several ways that we can move forward:

After the publication of this guide to good practices, we intend to have the recommendations adopted in the form of an ECOWAS directive and to produce a White Paper to raise awareness among heads of State.

In order to support these efforts, we have already started discussions with the Consortium on International Waters in Africa (CIWA), a new World Bank programme that focuses on the processes of setting up sustainable projects that follow good practices.

We are also in touch with the Infrastructure Consortium for Africa (ICA), which could help us organise an international conference on funding large infrastructure projects in West Africa. Other partners that I would particularly like to mention here include the Swedish, British and French international development agencies and the Howard G. Buffett foundation. We are confident that we will see significant progress on these issues in our work with them.

Finally, we hope to draw further support from the association of professionals who work on large dams, who are represented at this conference.

In closing, I would like to express the hope that peace will soon return to our region, particularly to Mali and other countries in crisis. It can never be said too often that lasting peace comes through economic development that benefits every citizen.

I firmly believe that this is possible, and with this in mind wish you all a very successful conference.

Thank you very much.

✓ Closing speech by the acting Director of WRCC

Ladies and gentlemen, representatives from different countries, River Basin Authorities, technical and financial partners, civil society groups and all participants.

You came together in Ouagadougou to spend three days discussing your experiences and ideas about how to ensure that the benefits of large water infrastructure projects in West Africa are shared with affected communities.

The discussions of real case studies, working groups and plenary sessions generated some very pertinent proposals regarding the social dimensions of dam construction.

The conference was unanimous about the need to recognise the principles of solidarity, equity and social justice when resettling project-affected populations, and to re-establish their livelihoods and provide opportunities for sustainable local development.

New suggestions regarding the direct benefits to local communities include:

- Securing access to new land for affected populations. This should take account of the quality of land, be adapted to the different groups concerned and allow them to diversify production. The process should include technical support, especially on new irrigated lands, and include the local governments concerned.
- Intangible, cultural and traditional assets should be carefully considered, and displaced communities supported so that they feel at home in their new site.
- Affected communities should be given access to electricity, although this should not necessarily be free of charge. Some of the revenue generated by electricity should be used for local development.
- Finally, affected communities should be able to choose their own legitimate representatives who are capable of leading discussions on compensation.

These practical proposals for project designers and decision makers will now be developed and used as the basis to establish regional standards for large water infrastructure developments. I can assure you that we will continue to involve you in the process.

Ladies and gentlemen

Two years after the panel of experts started to analyse good practice in large infrastructure construction, I can report that we are making good progress in this joint effort. I am delighted to see that the number of partners is growing as we are joined by the World Bank and professionals from the International Commission on Large Dams.

Once again, I would like to congratulate the teams from IUCN and IIED for their efforts, and extend my warm thanks to the British and Swedish departments for international development for their support.

I am also most grateful to our facilitator Serge SEDOGO, for his admirable work in running this conference.

My final thanks go to the interpreters and stewards for all their help and expertise.

Ladies and gentlemen

I can assure you that ECOWAS will make every effort to move forward and put the conclusions of this consultation into practice. Wishing you all a safe journey back to your respective homes, I now declare this regional conference on the implementation of the ECOWAS recommendations for large water infrastructures in West Africa closed.

Annex 3 : List of participants

CONFERENCE REGIONALE/*REGIONAL CONFERENCE*

Mise en œuvre des recommandations de la CEDEAO sur les grandes infrastructures hydrauliques en Afrique de l'Ouest : Aspects Sociaux

Implementing the ECOWAS recommendations on major hydraulic infrastructure in West Africa: social dimensions

Ouagadougou, du 21 au 23 janvier 2013

LISTE DES PARTICIPANTS/*PARTICIPANTS LIST*

1. ABOAGYE Minta Afosa

Chairman,

Ghana Dams Dialogue

P.O.Box GP 2344 Accra

Mob : +233 244 321 732

Email : y_minta2000@yahoo.com

2. AJAVON Ayayi

Traducteur

Autorité du Bassin de la Volta

Mob : +226 68 14 66 45

Email : lanbiscut@yahoo.co.uk

3. ALADOUA Saadou

Magistrat, ancien juge des expropriations au barrage de Kandadji

Consultant Indépendant

BP 231 Niamey - Niger

Bur.: +227 20 72 20 94

Mob : +227 96 99 50 79/ 90 99 50 79

Email : saadou_aladouaconsult@yahoo.fr

4. ALOUKA Sena

Executive Director

JVE

Box 8823, Lomé TOGO

Bur.: +228 22 20 01 12

Mob : +228 90 21 67 40

Fax : +228 22 20 06 48

Email : yvetogo@hotmail.com

5. ASSIONGBON Kuéssan Kué-Zoun

Ingénieur Hydraulicien, secrétaire général du Ministère de l'eau de l'assainissement et de l'hydraulique villageoise

07 BP 12512 Lomé - TOGO

Bur.: +228 22 20 26 81

Mob : +228 90 05 55 27

Fax : +228 22 21 87 92

Email : raymondassiongbon@gmail.com

6. ASSOUMANE Moussa

Assistant de programme

UICN/NIGER

BP 10933 Niamey - NIGER

Bur.: +227 20 72 40 06

Mob : +227 98 34 57 92

Email : moussa.assoumane@iucn.org

7. AWAISS Aboubacar

Coordonnateur Régional du Programme Eau et Zones Humides

UICN/PACO

BP 1618 Ouagadougou

Bur : +226 50 36 49 79

Mob. : +226 70 15 77 76

Email : aboubacar.awaiss@iucn.org

8. BALDE Inussa

Directeur Général des Ressources Hydriques

Maitre en sciences de terre et hydrogéologue

BP 399 Bissau

Mob : +245 662 81 79/ 552 81 79/ 720 08 59

Email : inussa16@yahoo.fr

9. BAYALA/YANTIO Yolande

Conseillère en charge du génie rural des infrastructures et équipement

Eau-Vive Burkina Faso

01 BP 2512 Ouagadougou 01

Bur.: +226 50 30 75 52

Mob : +226 70 16 63 73

Email : ybayalayantio@eau-vive.org

10. BELIBI TSALA Robert Désiré

Expert Socio-Economiste

Autorité du Bassin du Niger

BP 729 Niamey - Niger

Bur.: +227 20 72 43 95

Mob : +227 90 20 42 99/ 96 64 94 96/ 94 24 81 73

Fax: +227 20 72 42 08

Email : d.belibi@abn.ne ; belibidsire@yahoo.fr

11. BOJANG Yusupha

Hydrological superintendent, IWRM National Focal Point

Ministry of Fisheries and water resources

7 Marina Parade, Banjul - Gambie

Bur.: +220 422 31 76

Mob : +220 993 57 18

Fax : +220 422 50 09

Email : wallimang@yahoo.co.uk

12. BOUGAIRE Gwladys Sylviane Estelle

Stagiaire au CCRE

11 BP 1437 Ouagadougou 11

Bur.: +226 50 33 00 90/91

Mob : +226 70 32 46 28

Fax : +226 50 33 00 92

Email : gwladys.sylviane@yahoo.fr

13. BOUKARI Issa

Consultant Indépendant

BP 662 Niamey

Bur.: +227 995 755 22

Mob : +227 99 57 55 22 / 92 04 56 58

Email : issaboukary@yahoo.fr

14. CAMARA Amadou

Expert Environnementaliste

OMVG

13, rue leblanc angle Nelson Mandela

BP 2353 Dakar

Bur.: +221 33 889 51 12

Mob : +221 77 44 96 438

Email : amadoucarama@omvg.sn

15. CAMARA Ibrahima Sory

Expert coordination GIRE Guinée / chargé de la qualité des eaux

Mob : +224 68 28 53 00

Email : iscamusgn@yahoo.fr

16. CASANOVA David

Senior Water Resources Specialist

Banque Mondiale

69 av. J sent Road, North ridge, Accra

Mob : +233 54 87 34 539

Email : dcasanova@worldbank.org

17. CESSOUMA Bamadou

Chargé de projet GWI au Mali

UICN Mali

Bur.: +223 20 22 75 72

Mob : +223 76 81 06 00

Email : bamadou.cessouma@iucn.org;
cessouma@yahoo.fr

18. CISSE Abdoulaye Ousmane

Assistant de Recherche

GERSDA

Avenue de la Liberté

BP 5147 Bamako, Mali

Bur.: +223 20 22 34 03

Mob : +223 76 26 58 28

Email : ablai_cisse@yahoo.fr

19. COMPAORE Sibiri Jean Bernard

Chef de département normalisation, Environnement et sécurité

SONABEL

01 BP 54 Ouagadougou 01

Bur.: +226 50 33 15 16

Mob : +226 70 44 71 47

Fax : +226 50 33 15 17

Email : sonabel.env@fasonet.bf ;
sibirib@gmail.com

20. CONDE Aboubacar Sidiki

Chargé Génie-civil

Direction générale Projet d'Aménagement du barrage de FOMI-Guinée

Ministère d'état chargé de l'Energie

BP 4286/1217 Conakry République de Guinée

Bur.: +224 30 45 58 67

Mob : +224 64 38 97 76/ 68 74 65 69

Email : asconde2001@yahoo.fr

21. DARE William's

Sociologue

CIRAD DRAOC UR GREEN Avenue Kennedy

01 BP 596 Ouaga 01

Bur.: +226 50 30 70 70

Mob : +226 76 13 62 85

Email : dare@cirad.fr

22. DIALLO Muhammad Yaya

Directeur Exécutif

Guinée Ecologie

210, rue DI 501,

BP 3266 Conakry - Guinée

Bur.: +224 622 86 481

Mob : +224 692 590 40

Email : muhammadyaya.diallo@gmail.com

23. DIAOUGA Idrissa

Directeur des Affaires Sociales et Economiques

Haut-Commissariat à l'Aménagement de la Vallée
du Niger

BP 206 Niamey - Niger

Bur.: +227 20 73 23 13

Mob : +227 96 59 60 89

Email : idrissa.diaouga@yahoo.com

24. DIOUF Modou

Chargé du projet GWI

Bureau nationale UICN- Sénégal

Bur.: +221 33 869 02 81

Mob : +221 77 159 20 58

Email : modou.diouf@iucn.org

25. DJIGA Habib Ahmed

Enseignant chercheur à l'Université OUAGA II

Membre de la Commission Droit de

l'Environnement de l'UICN

01 BP 2841 Ouagadougou 01

BURKINA FASO

Bur.: +226 50 36 99 60

Mob : +226 70 74 11 86

Email : hdjiga@yahoo.fr

26. GRISAFFI Claire

Water Engineer

AFTN2, water resources Africa region, World Bank

701, 18th Street NLS Washington

BC, 20006

Bur.: +120 245 81 671

Mob : +120 256 954 33

Email : cgrisaffi@worldbank.org

27. ISNARD Mathieu

Consultant

Mob : +226 71 12 50 65

Email : mathieu.isnard@gmail.com

28. KABORE Zouldegma Etienne

Responsable social et de la gestion des terres

Directeur de la Valorisation Economique

Pole de croissance de Bagré

09 BP 772 Ouagadougou 09

Bur.: +226 50 32 40 28

Mob : +226 70 26 28 41/ 78 62 43 77/ 75 09 76 89

Email : kaboreti@yahoo.fr

29. KOUNDOUNO Jérôme

Coordinateur GWI

UICN/PACO

BP 1618 Ouagadougou

Bur : +226 50 49 82 05

Mob. : +226 78 34 77 89

Email : jerome.koundouno@uicn.org

30. KOUKPONOU Agossou Benoît

Géographe environnementaliste

01 BP 1690 Cotonou

Bur.: +229 21 31 29 07/ 21 31 29 24/ 21 31 29 38

Mob : +229 97 45 85 88

Fax : +229 21 31 35 46

Email : gracesong1997@yahoo.fr

31. KORANTENG Richard Twin Barimah

Exécutive secretary / Executive Director

Ghana Dams Dialogue/ Volta Basin Development
Foundation

Post Office Box MB 516 Accra – Ghana

Bur.: +233 302 76 47 54

Mob : +233 244 4510 23

Fax : +233 302 76 47 52

Email : rtwumus@yahoo.com

32. LEVITE Hervé

Conseiller Technique

[CCRE/CEDEAO](#)

11 BP 1437 Ouaga 11

Bur.: +226 50 33 00 90/91

Mob : +226 71 82 61 86

Fax : +226 50 33 00 92

Email : herve.levite@gmail.com

33. LY Oumar

*Ingénieur Agronome / chef de la division appui au
développement rural à la société de
développement agricole et industriel*

BP 15905 Dakar Vann –Sénégal

BP 17 Vélingara

Bur.: +221 33 99 73 101

Mob : +221 77 38 47 801/ 77 97 05 305

Fax : +221 33 99 73 102

Email : oumar.ly@gmail.com

34. MCGILL John

Water Resources Engineer

Liberian Hydrological services

Monrovia-Liberia

Mob : +231 880 760 772

Email : te-ta@hotmail.com

35. MOGBANTE Dam

Secrétaire Exécutif GWP/AO

05 BP 6552 Ouaga 05

Mob : +226 70 21 71 00

Email : secretariat.gwpao@gwpao.org ;

dammogbante@gmail.com

36. MORIBAH Simeon

Economist, Deputy secretary general

[Mano River Union](#)

12 Lightfoot Boston Street Delco House

Freetown, Sierra Leone

Mob : +232 76 822 740/ 33 142 918

Email : momohena@yahoo.com

37. NDIAYE Tamsir

Directeur de l'Environnement et du Développement

Durable

OMVS

BP 3152 Dakar - Sénégal

Bur.: +22 1 338 598 190

Mob : +221 774 500 520

Fax : +221 338 640 163

Email : ndiayetamsir2002@yahoo.fr

38. NOMBRE Adama

Président -CNBBKIGB

01 BP 5687 Ouaga 01

Bur.: +226 50 43 03 37

Mob : +226 70 24 43 85

Email : nadama@fasonet.bf

39. OGBEIDE Hope Eghe

*Président National Coordination of Users of
ressources of River Niger*

N°1 Aburime Street off Nova

Road, Benin City, Nigeria

Mob : +234 803 74 24 999 / 708 609 17 15

Email : swaphep@yahoo.com

40. OUEDRAOGO Innocent

Directeur pi

[CCRE/CEDEAO](#)

11 BP 1437 Ouagadougou 11

Bur : +226 50 33 00 90/91

Fax : +226 50 33 00 92

Email : inobfa@gmail.com ; [ecowas-](mailto:ecowas-wrcc@fasonet.bf)

wrcc@fasonet.bf

41. OUEDRAOGO Mahamadou

Chef de service technique à l'AAT

BP 297

Bur.: +223 20 21 95 29

Mob : +223 76 41 17 96

Fax : +223 20 21 29 94

Email : yaoued@yahoo.fr ;

mahamadououedrago@orangemali.net

42. OUEDRAOGO Maxime

Conseiller Technique

Bagrepole

03 BP 7037 Ouaga 03

Bur.: +226 50 32 40 28/49

Mob : +226 71 38 26 56

Email : s.omaxime@yahoo.fr

43. OUEDRAOGO Yacouba

Responsable Environnemental de Bagrepole

03 BP 7037 Ouagadougou 03

Bur.: +226 50 32 40 28

Mob : +226 70 05 05 39

Fax : +226 50 31 22 09

Email : o.yacouba@yahoo.fr

44. PAM Emmanuel Dalyop

Civil servant/Chief civil Engineer

Fed. Min. of water resources, dams and reservoir
operation dept.

PMB 159 Garki Abuja - Nigeria

Mob : +234 809 132 00 05

Email : pamemma2002@yahoo.com

45. SAGNO Jean Edouard

*Président de la Coordination nationale des usagers
des ressources naturelles du bassin du Niger en
Guinée*

Bur.: +224 62 46 83 11/64 73 98 61

Mob : +224 67 58 06 18

Email : jeansagno@yahoo.fr ;

sagnojean@gmail.com

46. SANI BAKO M. Mourtala

Responsable cellule plan de réinstallation et plan de développement local à l'Unité d'Exécution du programme de kandadji

BP 206 Niamey - Niger

Bur.: +227 20 71 10 97

Mob : +227 96 29 77 64

Email : mourtala_s@yahoo.fr

47. SAWADOGO Aristide Margoundi Wendnpu

Stagiaire au CCRE

Mob : +226 78 12 08 09

Email : margoustide@yahoo.fr

48. SEDOGO Serge Alfred

Consultant indépendant

09 BP 601 Ouaga 09

Mob : +226 70 21 06 91

Email : sergealfred@fasonet.bf

49. SKINNER Jamie

Directeur Global Water Initiative

Institut International Environnement et Développement

4 Hanover st Edinburgh EH2 2EN

Grande Bretagne

Mob. : +44 131 226 68 66

Email: jamie.skinner@iied.org

50. SYLLA Mahambé

Economiste Gestionnaire Expert Développement Local

ADIES

BPE 5595 Titibougou Porte 67

Bamako (Mali)

Bur.: +223 20 29 95 25

Mob : +223 66 73 01 96/ 76 23 43 10

Email : adiesmali@yahoo.fr

51. TENGNAS Anna

Assistante Technique

CCRE/CEDEAO

11 BP 1437 Ouaga 11

Bur.: +226 50 33 00 90/91

Mob : +226 74 69 23 68

Fax : +226 50 33 00 92

Email : annatengnas@gmail.com

52. TOURE D. Mahamane

Chargé de Programme Régionaux

CCRE/CEDEAO

11 BP 1437 Ouagadougou 11

Bur : +226 50 33 00 90/91

Fax : +226 50 33 00 92

Email : ecowas-wrcc@fasonet.bf;

mdtoure@yahoo.fr

53. TOURE Nouradine Zakaria

Président de la Coordination Régionale des Usagers (ères) des ressources Naturelles du bassin du Niger

BP 4036 Bamako - Mali

Bur.: +223 20 28 42 23/ 20 28 42 21

Mob : +223 76 49 07 02/ 66 79 57 40

Email : nouradhine@yahoo.fr;

nouradhine@gmail.com ; crubnsc@yahoo.fr

54. TRAORE Moussa

Vice-président

Comité de bassin du Sankarani

Mob : +223 66 79 73 44

Email : moussatraore226@yahoo.fr

55. YODA Françoise Bibiane

Directrice Executive

Consortium pour la Promotion des Filières

Agroalimentaires (COFAL)

09 BP 359 Ouagadougou 09

Bur.: +226 50 50 62 86

Mob : +226 70 10 03 78

Email : frbibiane@gmail.com

56. ZONGO Tinga Souleymane

Président de Coordination Nationale des usagers des ressources naturelles du Bassin du Niger au Burkina Faso

01 BP 1006 Ouagadougou 01

Mob : +226 70 36 65 32/78 29 86 32

Email : zongosouley56@yahoo.fr

Annex 4: Conclusions from working groups

2.1.1 Concéder aux populations affectées des bénéfices directs générés par le barrage (terres agricoles, électricité, eau potable, pâturages, pêcheries, etc.)

Anglophone Group

Electricity	Considerations
Communities should have access to electricity (not obligatorily from the dam if there are cheaper alternatives)	
Electricity company should install meters in all resettlement houses. Users pay consumption	
All local communities should have access to electricity, not just host/resettled communities	Reduces jealousy and conflicts
Local communities should receive at least 2-5% of revenue from hydropower	Some felt that a fixed annual payment was better than a percentage. Some felt that communities should be formal shareholders
Irrigated plots	
keep the traditional ownership of land when an irrigation system is built, but open it for public use	
Need a policy commitment to allow resettled communities to increase their production (100% improvement) not just equal to what they had before.	Compensation for perennial crops (eg fruit trees) does not really compensate for the lifetime production of such resources
Need for training on cultivation of crops unfamiliar to local people (prior to or immediately on relocation)	
Respect/provide opportunities to grow traditional crops as part of the compensation process (maintain crop diversity and traditional knowledge)	Land given in compensation may be irrigated and restricted to a predetermined crop type (rice, sugar cane). Livelihood systems often depend on diverse crops
Financial flows from hydropower dams should support agricultural activities.	
Guarantee crop prices and/or markets through govt support	Intensive irrigation systems carry risks eg linked to govt supply of fertiliser that can be unreliable
Can producers be covered by insurance during the first few years of production ?	
Base the compensation rates for land on minimum yields not average yields.	Size of plots allocated needs to be based on science and agronomy; fluctuating prices and yields over time.
Take family size into account	
Need for comprehensive environmental assessment, including possible impacts of climate change on new production systems	

Groupe 1

Cas de l'électricité: Quels sont les principes, les règles et critères d'accès par les populations riveraines ? Quelles sont les leçons tirées ? Quels sont les défis à relever ? Question subsidiaire : Tirer les enseignements majeurs du fonds de développement local de Kandadji et les défis à relever

Pratiques issues des expériences vécues	Principaux défis dans l'accès des populations à l'électricité eu partage des bénéfices	Principales leçons apprises et pistes de solutions
LES PRINCIPES		
- équité - justice sociale - stabilité (paix) - promotion sociale - appui au développement local durable - utilisateur payeur - solidarité		
LES RÈGLES		
concertation, négociation avec les principaux concernés (État, Structure d'exploitation, Ménages, autres acteurs)	- organisation et représentativité de la communauté par les structures locales - prise en charge de la participation communautaire	- identification des représentants légitimes des populations - capacité des communautés à assurer leur représentativité
utilisation directe de l'énergie au profit des populations affectées en tant que ménages et exploitations	- disponibilité de l'énergie par rapport aux autres usages - faisabilité technique de l'activité - volonté politique (phase de montage du projet) - accès payant avec tranche sociale - branchement gratuit pour une période limitée	- assurance de la disponibilité de l'énergie appuyée par une forte volonté politique - renforcement du plaidoyer pour impacter sur la décision des autorités - sensibilisation des bénéficiaires sur la nécessité de la durabilité du service - planification d'AGR pendant la phase moratoire afin d'assurer le paiement du service à terme
redistribution des ressources financières générées au profit des populations déplacées	- définition, à partir des bénéfices nets, des investissements les plus appropriés par rapport aux besoins des populations - adaptation du cadre législatif pour garantir la redistribution des ressources financières	- mise en place d'un cadre de concertation pour l'identification des besoins réels des populations (représentants légitimes) - création de fondations

		et/ou organismes de bienfaisance - utilisation de fonds pour la mobilisation de moyens additionnels (principe du fonds catalyseur) - plaider auprès des décideurs pour proposition de Lois
LES CRITÈRES		
populations affectées (déplacées ou d'accueil)	- Identification et recensement des populations et zones concernées - Prise en compte des différentes catégories d'utilisateurs - Définition des niveaux d'impact des populations concernées - Identification / catégorisation des premiers bénéficiaires de l'exploitation du barrage pour une répartition équitable des richesses générées	- Bonne capacité de planification à moyen – long terme (dès le design) à diverses échelles - prévision de divers scénarii pour une prise en compte des différents niveaux d'impact pour les zones à électrifier - prise en compte de l'ensemble des technologies accessibles (bioénergie, biométhane, plaques solaires entre autres) - utilisation de mécanismes comme la compensation carbone pour générer des fonds pour l'électrification

Groupe 2

Cas des périmètres irrigués : Quels sont les principes, les règles et critères de partages des parcelles aux ménages qui ont été utilisés ? Quelles sont les leçons tirées ? Quels sont les défis à relever ? Que faire des populations affectées qui sont attributaires de terres qu'elles n'exploitent pas ?

Pratiques issues des expériences vécues	Principaux défis dans l'affectation des terres aménagées	Principales leçons apprises et pistes de solution
<u>Les principes :</u> - Participation et implication des populations : - o sur le choix des cultures - o sur le classement consensuel des qualités des terres (productivité) - Affectation des parcelles basée sur la légalité : - o élaboration et adoption des textes devant régir le statut des terres aménagées - o identification des statuts des terres agricoles (propriétaires exploitants) - o attribution d'un titre foncier lié aux parcelles agricoles - o lever des périmètres ou champs de chaque propriétaire avant la réalisation des AHA - Indemnisation intégrale des PAP - o Indemnisation des propriétaires (paiement du manque à gagner annuel) au moment des aménagements - o Compensation des pertes de revenus (phase de non culture avant réinstallation), des pertes de terres (champs perdus, terres en aval)	- Tenir compte du traitement spécifique des personnes vulnérables - Compensation équitable et juste des terres - Tenir compte des exploitants sans terre - Tenir compte des couches vulnérables - Défis démographiques (augmentation de la population) - Prise en compte des techniques d'irrigation et de la nature des terres dans l'affectation des terres : tout le monde doit bénéficier des mêmes terres. (selon le mode d'irrigation, faire en sorte que tout le monde soit desservi de façon adéquate et normalement) - La prolifération des plantes aquatiques envahissantes	- Implication et responsabilisation des collectivités locales dans la gestion des terres à usage agricole (cas de Niandouba) et des communautés (Cas de Taoussa avec les Comités villageois de réinstallation) - Assistance technique fournie aux populations dans la gestion des terres aménagées - Intégrer les collectivités territoriales dans le Conseil d'administration de l'entité en charge de la gestion des périmètres - Élaboration d'un plan d'affectation des terres - Rendre prioritaire les personnes vulnérables dans l'affectation des terres (système de quotas) - Intensification et diversification des activités productives soutenues par un plan de développement local
<u>les règles</u> - spécificité des terres (sols) - légalité - équité		
<u>Les critères</u>	NB: SI PAP attributaires de terres ne les exploitent pas :	

- Vulnérabilité des populations - Taille des ménages - Détenteur de droit de propriété - Détenteur de droit d'usage	<i>affectation temporaire ; autorisation de mise en valeur temporaire des terres non exploitées par les populations initialement affectées mettre en place un mécanisme d'assistance aux personnes qui n'exploitent pas leurs terres (octroi de crédit, matériel, intrants);</i>
--	--

Groupe 3

Cas des périmètres irrigués : Quels sont les principes, les règles et critères de partages des parcelles aux ménages qui ont été utilisés ? Quelles sont les leçons tirées ? Quels sont les défis à relever ? Que faire des populations affectées qui sont attributaires de terres qu'elles n'exploitent pas ?

Pratiques issues des expériences vécues	Principaux défis dans l'affectation des terres aménagées	Principales leçons apprises et pistes de solution
les principes		
<i>Respect de la réglementation (Bagré)</i>	- Régularisation de la situation foncière (compensation des PAP)	- L'importance de l'adoption et de l'appropriation préalable des textes réglementaires avant la réalisation des ouvrages
<i>PAP, partage équitable (kandadji)</i>	- Statut juridique des terres aménagées - Mise en œuvre de l'indemnisation préalable	- Importance de l'adhésion des populations au processus d'indemnisation
<i>PAP, partage équitable (fomi)</i>	- Perte de statut de certaine personne	- Respect des engagements des acteurs (Etats et PAP)
<i>PAP, partage équitable (taoussa)</i>	- Stratification sociale qui empêche le partage équitable	- Importance de l'adhésion des populations au processus d'indemnisation - Amélioration du cadre juridique - L'importance de la sensibilisation des populations à la base
les règles		
<i>Respect du cahier de charge (- obligation de mise en valeur- non utilisation des produit prohibés- paiement des redevances- respect de la gestion de l'eau</i>	- harmonisation des règles - l'appropriation des règles	- renforcement des capacités des acteurs dans la compréhension du cahier de charge - accompagnement judiciaire des populations
Les critères		

- juridiques (droit de propriété, droit d'exploitant)	- distinction des détenteurs de droit	- bien identifier les droits au moment du recensement
- socio-économiques (chef de ménage....)	- identification des critères de vulnérabilité	- consensus autour des critères
- proportionnalité (ratio)	- l'acceptation des critères de ratio	-

2.1.5 Tenir compte des biens immatériels/culturels dans les programmes de réinstallation en reconnaissant les droits d'accès à la terre et en assurant la compensation et/ou le dédommagement de la perte des usages traditionnels

Anglophone Group

Traditional and cultural uses

SACRED PLACES FOR CEREMONIES (forests, convents, graveyards, shrines, sand dunes)

- Agree timing and format of leaving ceremonies and translocation costs (graveyards) with local communities
- Agree timing and format of arrival ceremonies and translocation costs (graveyards) with local communities
- Provide space in resettlement areas to rebuild communal structures (eg churches)

KNOWLEDGE AND SKILLS

- Retraining and reestablishment of livelihoods

FESTIVALS

Possible conflict with host populations if of different culture
Possible loss of tourism revenue

LANGUAGES,BELIEFS,LIFETYLES

- Dilution when resettled in larger communities of different culture
- Freedom to choose where to live that takes account of "where we come from". Visits to possible resettlement sites

Traditional uses

Use	Compensation arrangement
Grazing	Alternate grazing areas and access to water
Medicinal plants	Establish herbarium Take account of availability in choice of resettlement sites Replanting of key species in resettlement area Access to modern medicine
Handicrafts (raw materials) Grasses, carving, minerals, pottery, wood)	Vocational centre
Firewood	Alternative energy sources
Free foods (bushmeat, fruits...)	

Retraining for all the above –new trades to improve incomes; handicrafts, cooperatives, sustainability of energy sources/efficiency

Groupe 1

Sur les biens immatériels et culturels

Inventorier les biens immatériels et culturels et marquer ceux susceptibles de bénéficier de compensation	Comment tenir compte des biens immatériels	Défis (implication constante et constructive des PAP)
Rivière (mare) sacrée Forêt (bois) sacrée Arbres sacrés Collines sacrées	Autoriser la continuité de la pratique suivant la périodicité initiale Déplacer / reconstituer l'infrastructure avec indemnisation pour la réalisation des rites / cérémonies	Sauvegarder les structures dans la mesure du possible, sinon procéder au rite en accord avec les populations
Lieux de culte (animiste, religieux)	Reconstitution / Reconstruction	Harmoniser sur le calendrier et les moyens
Cimetières sacrés et tombes à domicile	Déplacement	
Droit foncier / Droit d'usage	Titre de propriété sur le périmètre aménagé à hauteur du disponible et compensation en cas d'insuffisance foncière Autre formules (baux amphithéotiques, titre d'occupation régulière, etc.) Prise en compte au niveau des plans de l'ensemble des usages traditionnels (couloirs de passage des animaux, pare feux, etc.)	Compatibilité Cahiers de Charges Définition aspect juridique de la « transaction »
Attachement à la terre / terroir (us & coutumes) Sensation de sécurité / bien-être	Accompagnement par des anthropologues, sociologues, psychologues entre autres Liberté de choix du site	Reproduction éventuelle du cadre de vie ailleurs (même structure du village, maintien des liens sociaux et affinités) Accompagnement des populations sur la durée pour leur adaptation (information, sensibilisation)

Groupe 2

Sur les usages traditionnels

Inventorier les usages traditionnels en les classant en essentiel et secondaires	Comment compenser les usages traditionnels
<i>Agriculture (culture pluviale, brulis, marnage)</i>	- Aménagement hydroagricole
<i>Pâturage</i>	- Promotion de la culture fourragère - Construction de puits pastoraux - Création d'unités de production d'aliments pour bétail - Aménagement d'espaces pastoraux - Création de nouvelles bourgoutières
<i>Parcours de bétail</i>	Aménagement de couloirs de passage
<i>Artisanat</i>	- Création d'un centre artisanal - Création d'un musée du barrage (Cas de Kandadji) - Favoriser/faciliter l'accès à la matière première (appui ; plantation, etc.) - Promotion de l'artisanat par le microcrédit
<i>Médecine traditionnelle (plantes médicinales)</i>	- Création d'espaces protégés, réservés aux plantes médicinales
<i>Cueillette</i>	- Promotion de la plantation d'espèces locales
<i>Coupe/ramassage du bois de chauffe</i>	- Promotion de l'énergie renouvelable et espaces à croissance rapide adaptés au bois de chauffe
<i>Pêche coutumière/traditionnelle</i>	- Promotion de meilleures techniques de pêche - Pisciculture
<i>Chasse coutumière/traditionnelle</i>	- Appropriation/sensibilisation/renforcement des capacités des chasseurs sur la législation/règlementation relative à la chasse/faune

Groupe3

Sur les usages traditionnels

Inventorier les usages traditionnels en les classant en essentiel et secondaires	Comment compenser les usages traditionnels
Usage essentiels	
<i>Habitat</i>	- dédommagement (en espèce avec des modalités qui garantissent la reconstruction des habitats)
<i>Agriculture</i>	- compensation (terre contre terre) - perte momentanée d'usage (allocation d'indemnité)
<i>Elevage</i>	- compensation (reconstitution des ressources pastorales) - perte momentanée d'usage (allocation d'indemnité)
<i>Pêche</i>	- dédommagement (en espèce) - mesures d'accompagnement (renforcement des capacités, appui à l'équipement...)
<i>Foresterie (bois d'œuvre, cueillette...)</i>	- dédommagement (évaluation des productions) - compensation (reconstitution des forêts publics)
<i>Apiculture</i>	- dédommagement forfaitaire
<i>Chasse</i>	A voir en plénière
<i>Cueillette</i>	- dédommagement
<i>Artisanat</i>	- dédommagement forfaitaire
Usages secondaires	
<i>pharmacopée</i>	- reconstitution
<i>lieu de culte</i>	- reconstitution et organisation de cérémonie rituelle
<i>Place publique</i>	- reconstitution

2.2.2 Identifier les représentants légitimes des populations capables de conduire les négociations et de signer les accords

Anglophone Group

Working group 4 – Tuesday session 7

Negotiations

- Countries presented their traditional and elected structures :
- Most countries have chiefs, although some cover many villages and some cover individual villages. In Nigeria, traditional authorities are also paid by govt so do not fully represent the people
- In Liberia, elected chairladies, youth and town chiefs constitute the local structures. Traditional chiefs are often illiterate
- Village Development Committees in Gambia are elected and mandated to deal with development issues. Traditional chiefs do not deal with development.
- In Sierra Leone, elected district councils and powerful paramount chiefs.
- The group concluded that it requires a transparent mechanism whereby people put their trust in identified negotiators. This process requires 1) information for local people 2) accountable to people 3) regular consultations. The process of doing this is critical and requires funding.

Signatories

- Elected representatives are legitimate
- Where land is allocated by chiefs he should sign the agreements on land
- Communal commitments (schools, markets, water supply etc) signed between State and local government and witnessed by community representatives

Agreement on individual property should be the subject of individual agreements between State and individuals. There exists an option to sign generic provisions that define compensation levels for different assets that is then applied to all individual expropriations.

Groupe 1

1. Négociation : *Qui est habilité à négocier au nom des populations ?*
 - *A-t-on besoin de délégué pour conduire les négociations ?*
 - *Si oui qui pourrait être délégué ?*

1.a) Besoin de délégué ? Suivant l'échelle et le niveau de négociation, il s'agira d'un facilitateur ou de délégué (s). Toutefois, il reste important de préciser que les Élus et autorités étatiques gardent intactes leurs prérogatives et sont tenus de jouer leur rôle tout au long du process.

A un niveau macro (commune et plus), il faudrait plutôt un accompagnateur. Le Chef de village et/ou le Maire peuvent ne pas être désignés comme délégués. Toutefois, ils seront nécessairement présents pour la délibération.

1.b) délégué par échelle

Conditionnalités + principes généraux : Il reste nécessaire de souligner qu'il revient aux populations directement concernées de désigner librement leurs représentants. Cette liste sera consignée dans un PV signé par l'ensemble de la communauté présente.

Une facilitation par un partenaire (projet) pourrait faciliter le processus en s'assurant que toutes les catégories socio professionnelles (nomades inclus) sont représentées et peuvent librement s'exprimer.

Les représentations pourront différer selon qu'il s'agirait de biens individuels et collectifs.

2. Signature des accords : *Qui est habilité à signer les accords au nom des populations? Qui donne le mandat et par quel procédé (de quelle façon ou par quels moyens)?*

- *Qui pourrait être mandaté pour signer les accords au nom des populations ?*
- *Qui donne le mandat et par quel procédé?*

2.a) le type d'accord définira le mandataire. Pour les accords collectifs, la Loi désigne clairement le signataire. Par contre, le cas contraire la signature pourra être individuelle ou représentative en fonction du degré d'engagement. Le signataire pourra être désigné par la communauté.

2.b) le signataire mandaté est dans l'obligation de faire un compte rendu fidèle. Il reste nécessaire qu'il y ait une confrontation préalable (avant signature) avec la population afin de confirmer sa mission. Toutes les séances et conclusions devront être consignées dans un PV et mis à la disposition des populations-mères.

Groupe 2

1. Négociation

a. Personnes habilitées à négocier au nom des populations

- Niveau village
 - o Biens individuels : PAP ou son représentant
 - o Biens collectifs et communautaires : chefs de village/président du comité villageois/chefs coutumiers-religieux/OSP
- Niveau commune
 - o Maire
- Niveau Département/Cercle/Région : Préfet/Président conseil de cercle/conseil régional
- Niveau national
 - o Députés/sénateurs
 - o OSC

b. Déléataire/délégant

- Assistance juridique et judiciaire (huissier de justice, avocat, notaire, etc.)
- OSC
- Élus

2. Signature

a. Personnes habilitées à signer

- Niveau village
 - o Biens individuels : intéressés
 - o Biens collectifs et communautaires : chefs de village/président du comité villageois
- Niveau commune
 - o Maire

b. Mandataire/Mandant

- Niveau village :
 - o Biens individuels : PAP
 - o Biens collectifs et communautaires : Chefs de village/président de comités villageois/ ; AG du village, chefs coutumiers/religieux
- Niveau commune
 - o Conseil communal/municipal
 - o Administration
- Procédés
 - o Procuration
 - o PV légalisé
 - o Acte administratif unilatéral (arrêté, décret, etc.)
 - o Contrat/prestations privées (avocats, huissiers de justice, notaires, etc.)

Authentification notariale

Groupe 3

QUI EST HABILITE A NEGOCIER AU NOM DES POPULATIONS

1. Bien individuel (
 - chef de ménage ou son mandataire)
2. Intérêts collectifs et socioprofessionnels
 - autorités coutumières
 - élus locaux (CVD, Maires)
 - organisations socioprofessionnelles

A-T-ON BESOIN DE DELEGATAIRE POUR CONDUIRE LES NEGOCIATIONS ?

Oui à condition de justifier d'un mandat ou d'une qualité

SI OUI QUI POURRAIT ETRE DELEGATAIRE ?

- un avocat ou une tierce personne dans le cas des biens individuelle
- le chef de village, le maire et les organisations socioprofessionnelles pour les biens collectifs

3. Signature des accords : Qui est habilité à signer les accords au nom des populations? Qui donne le mandat et par quel procédé (de quelle façon ou par quels moyens)?
 - Qui pourrait être mandaté pour signer les accords au nom des populations ?
 - Qui donne le mandat et par quel procédé?

QUI EST HABILITE A SIGNER LES ACCORDS AU NOM DES POPULATIONS?

1. Au niveau individuel : la personne ou son mandataire
2. Au niveau collectif : autorités coutumières, élus locaux(maire, CVD, chef de district) et les organisation socio-professionnelles

QUI DONNE LE MANDAT ET PAR QUEL PROCEDE ?

1. Pour les biens individuels, c'est le chef de ménage par écrit sauf si c'est un avocat
2. Pour les biens collectifs, c'est la loi ou le statut des associations

2.2.4 Contractualiser les plans à travers des accords « démontrables » (entre le maître d'ouvrage et les représentants des populations affectées) avec le recours éventuel à un garant « moral » pour leur exécution (par exemple : ex-juges, personnalités religieuses ou coutumières, médiateur de la République, etc.) et l'identification de la juridiction compétente en cas de conflit

Anglophone

Contractualise plans through demonstrable agreements between the project developer and representative of affected communities

Who signs for Government?

- Bui Power Authority can pay for houses but has little influence over land compensation managed by other agency
- But, BPA has legal obligation from Parliament to address compensation issues
- Lesson: head of dam construction agencies should be empowered to address all social issues in the legal act that create them (one stop-shop) . Avoid inter-ministeriality
- In Nigeria project delivery contracted by Federal Ministry to contractor, Project Manager can sign agreements on behalf of the federal government

Recourse

- No identified independent agencies to mediate (Ghana dams Dialogue has done some mediation)
- Redress currently mostly through social plus political process (eg MP)
- Judiciary is not systematically independent of Government
- Legal process can be very long plus expensive To an independent body

Lesson- Role of an independent mediator/ombudsman/arbitration committee is critical for timely redress, and it should be created specifically for the project at local level

Groupe 1

1. Par quel procédé ou procédure traduire les engagements de l'Etat en obligations ?

Définition d'un mémorandum engageant les mandataires de la communauté et les autres acteurs.

Les engagements peuvent être de divers partenaires. Il y a l'État dans un cadre global mais aussi le projet notamment pour les externalités (incluses dans le coût de l'ouvrage).

Toutefois, en général, ce sont les mesures à réaliser par l'État qui souffrent de retard et donc nécessiteront plus un engagement. **ACCORD** État – Populations – Bailleurs avec un réel linkage entre la continuité du financement externe et le respect des engagements étatiques.

Par ailleurs, il n'y a encore pas de formalisation des engagements de l'État à l'endroit des populations.

Le document de PGES assorti d'un PA de recasement est extrêmement important du fait de son poids dans la prise de décision des différents acteurs. Il débouche sur le permis environnemental qui est un document administratif. Quelle en est la valeur juridique ?? Idem pour accord de financement, accord-cadre.

Répertorier l'ensemble des actions à dérouler et faire signer les différents contractants (État, UCP, PAP)

2. Pour crédibiliser davantage les procédures, quelle personnalité de l'Etat est la mieux indiquée pour le signer?

Ministre de l'Économie et des Finances au niveau national

3. identifier les recours éventuels (par exemple garant moral, etc.)

Négociation – Sensibilisation (création de groupes de pression) – Médiation (médiateur) – Justice

Groupe 2

Procédé/Procédure pour traduire les engagements de l'État en obligation	Représentant de l'État/signature	Recours éventuels/Garant moral
Statut juridique de l'EIES (Permis environnemental - Décret, arrêté, etc.)		
Convention/Accord entre l'État et	- Barrage d'envergure nationale ○ Autorité en charge de l'Aménagement de	- Recours à l'amiable ○ Médiateur choisi de commun accord entre les parties

les PAP (- authentification notariale - insertion dans une loi) <u>Remarque :</u> Engagement formel de l'État d'octroyer des titres fonciers aux PAP	l'ouvrage hydraulique (si elle est dotée de la personnalité juridique et jouit d'une autonomie financière) ○ Ministre de tutelle - Barrage d'envergure régionale ○ Représentants de l'autorité régionale en charge de l'aménagement de l'ouvrage (Manatali, Diama, ...) 	- Garant moral ○ Autorités constitutionnelles (Haut Conseil des collectivités locales, Médiateur de la République) ○ OSC d'envergure nationale (Association de défense des droits humains, etc.) ○ Organisations religieuses/coutumières (Haut Conseil islamique, Ligue islamique, Conseil épiscopal, etc.) - Recours par voie judiciaire ○ Juridictions nationales (juridiction civile territorialement compétente) ○ Juridictions communautaires (CJ/CEDEAO)
--	--	--

Groupe 3

1. Par quel procédé ou procédure traduire les engagements de l'Etat en obligations ?

Cas de bien privé

- contrat entre la personne et l'Etat (procès verbale de conciliation et l'ordonnance du juge d'expropriation dans le cas de kandadji)

Cas de bien collectif

- contrats entre l'Etat et les représentants des communautés concernées,
- Le contenu des contrats : les principaux engagements de l'Etat contenu dans le PGES, PR et PDL

4. Pour crédibiliser davantage les procédures, quelle personnalité de l'Etat est la mieux indiquée pour le signer?

- ministre des finances, maitre d'ouvrage et toute autre autorité ou entité ayant des pouvoirs habilitants

5. identifier les recours éventuels (par exemple garant moral, etc.)

- les recours amiables (arbitrage prévu par le contrat, conciliation)
- le recours administratif (voie hiérarchique)
- l'intervention du médiateur de la république
- recours juridictionnel (recours devant les juridictions prévues par la loi)

Annex 5: Conference evaluation

Participants' views on the quality of the conference

	1 – Strongly disagree	2	3	4	5 – Strongly agree
Useful information and documentation	0	0	3	25	10
The materials covered all the themes relating to the conference objective	0	1	8	18	11
The way that the conference was run allowed everyone to express themselves freely	0	1	2	11	24
The presentations clarified the issues associated with dams	0	0	3	14	21

Graph showing participants evaluation of the conference

