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Volta River Basin Support Program

An institutional Assessment of the Volta Basin Authority

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An Institutional Assessment of the Volta Basin Authority

Synthesis Report

June 2017

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It builds on the analysis carried out by the consultant BRLi (France), which was based on an extensive consultative process with the Authority's stakeholders. The consultant's report is annexed to the synthesis report.

The team thanks colleagues who provided feedback and support throughout the preparation of the study and peer review comments, including Jean Koua (Administrative Assistant), Alexander Serrano (Water Resources Management Specialist), Thierry Davy (Senior Water Resources Management Specialist), David Casanova (Senior Water Resources Management Specialist) and Alexander Bakalian (Practice Manager, West Africa).

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Acronyms

AFD	Agence Française de Développement
CIWA	Cooperation for International Waters in Africa
COM	Council of Ministers
ED	Executive Directorate
ECOWAS	Economic Commission of West African States
GEF	Global Environmental Fund
IWRM	Integrated Water Resources Management
OMVS	Organisation de Mise en Valeur du Fleuve Sénégal (*Senegal River Basin Organization*)
NBA	Niger Basin Authority
NFS	National Focal Structures
SAP	Volta Basin Strategic Action Programme
VBA	Volta Basin Authority
TDA	Transboundary Diagnostic Assessment
VSIP	Volta River Basin Strategic Action Programme Implementation Project
WRC	Water Resources Commission

0. Introduction

Background

The Volta Basin Authority (VBA) has been established as a joint mechanism for the sustainable management of the basin's water resources by its six riparian countries: Benin, Burkina Faso, Côte d'Ivoire, Ghana, Mali and Togo. For years, the uncoordinated development of hydropower and agricultural schemes aimed to support the economic development needs of the countries and their growing populations, sporadic tensions intensified during dramatic flooding events and the nascent concern about the impact of climate variability on water resources had helped make the case for institutional measures to address those issues in a cooperative manner. Preliminary discussions were led by Burkina Faso and Ghana and facilitated by the newly created regional Water Resources Coordination Centre of the Economic Community of West African States (ECOWAS-WRCC). In 2006, the ministers in charge of water resources approved a draft convention and statutes of the Volta Basin Authority. The Convention, endorsed by the Heads of State in 2007, entered in force in 2009. The Authority was given a broad mandate covering information sharing, coordination, collaboration and joint action for the management and development of water resources in the basin. Its governance was designed to mirror this ambition, from political and decision-making powers in the hand of the Member States, to consultation and advisory organs involving basin stakeholders, and an Executive Directorate tasked to coordinate and implement.

Several partners, including the World Bank, partially drove this process. There is ample literature on African water resources and transboundary basins, the increasing pressures on unevenly distributed and/or scarce water to fulfill the demands by the riparian countries whose development goals are often premised on mutually exclusive claims and rationale for economic cooperation and longer-term regional integration perspective. With increasing demand and potential conflicts, the sustainable development of the region's water resources would require join management of shared river basins, building both on stronger national capacity on water allocations and on inter-riparian dialogue leading to, where appropriate, opportunities for joint management and development of shared watercourses (Boisson and Salman, 1998). In 1998 (ibid.), a proposed multi-donor *Volta Basin Water Resources Management Initiative* developed such an approach to respond to the demands of Ghana, Burkina Faso, Togo and Côte d'Ivoire for support to country water resources management strategies and related investment programs. While this shaped country engagement in Togo, Ghana and Burkina Faso in the following years, the process of fostering dialogue and trust among the riparian countries remained relatively off track.

Strengthening VBA's capacity to fulfil its mandate has become critical for the sustainable management of the Volta Basin water resources and economic development. A number of projects and programs were initiated since the 2000s to assess water resources and other environmental issues facing the Volta River Basin with a view to develop knowledge and technical and institutional mechanisms to foster cooperation and improved water resources management in the basin. Nonetheless, since the Authority was established, only few partners gave a direct hand at the very institution vested for this purpose. VBA critically needed to build its capacity and start implementing its mandate to gain legitimacy and further drive the cooperative management and development of the basin's water resources for the benefit of its Member States. On this basis, VBA approached the World Bank with a request to support a program for the Volta Basin.

The proposed objective of the new operation was to improve the capacity of VBA for transboundary water resources management. Building on the experience from other river basin organizations, particularly in the Senegal, Chad and Niger basins in West and Central Africa, and in alignment with the 2008 Water Bank Regional Integration Assistance Strategy for Sub-Saharan Africa and country strategies, the project intended to build VBA's institutional capacity through the elaboration of its long-awaiting Water Charter and other coordination tools, and to implement demonstrative, small-scale investments with transboundary impacts. The project, co-funded by CIWA and the GEF, was approved in August 2015, with VBA as main beneficiary, grant recipient and implementing agency.

Objectives and development of VBA's institutional assessment

The development objective of the institutional assessment is to strengthen VBA's capacity to fulfill its mandate. During preparation of the above-mentioned project, an institutional assessment of VBA was proposed to inform the new operation. This assessment aimed to better understand why VBA had, to date, been relatively ineffective in carrying out its mandate, factoring in political economy factors at play in the basin. Findings of the assessment would be useful to adjust the implementation of the project as needed, and recommendations could be opportunistically addressed through the operation. In addition, specific products such as terms of reference for identified activities could be prepared as part of the assessment and delivered to VBA. The main audience of the assessment is the VBA itself, that is, the representatives of its Member States, Ministers and Focal Points, the Executive Directorate and other representatives of VBA organic structures.

The institutional assessment was prepared in the framework of a Bank-Executed Technical Assistance to VBA complementing the above-mentioned project financing. CIWA provided a grant to undertake this activity, which enabled the commissioning of the study to a consulting firm.

- **Scope of work.** Based on the terms of reference (TORs), the assessment would cover the following areas: governance and political economy at play in the basin; VBA mandate and organizational structure, including effectiveness of its key organs; VBA existing legal and policy framework in comparison with the water policies and legal instruments at national and regional level; functioning of the Executive Directorate, capacity and financing constraints and internal regulations; and discuss their impact on VBA's achievements.
- **A consultative approach.** The TORs also called for a consultative process with the stakeholders of the basin that would be instrumental in ensuring consensus on the findings and ownership of the recommendations. The assignment started in December 2015 when the Volta project became effective. A workshop was organized to discuss the inception report during the project kick-off in Accra, in February 2016. Following a consultative process in the six countries, a two-day workshop was organized in Ouagadougou in November 2016 to consult with the project's Steering Committee, including representatives of the Member States and other technical partners, discuss the findings of the interim report and test some initial recommendations. The final report and recommendations will be presented to VBA and interested partners during the next implementation support mission of the ongoing project.

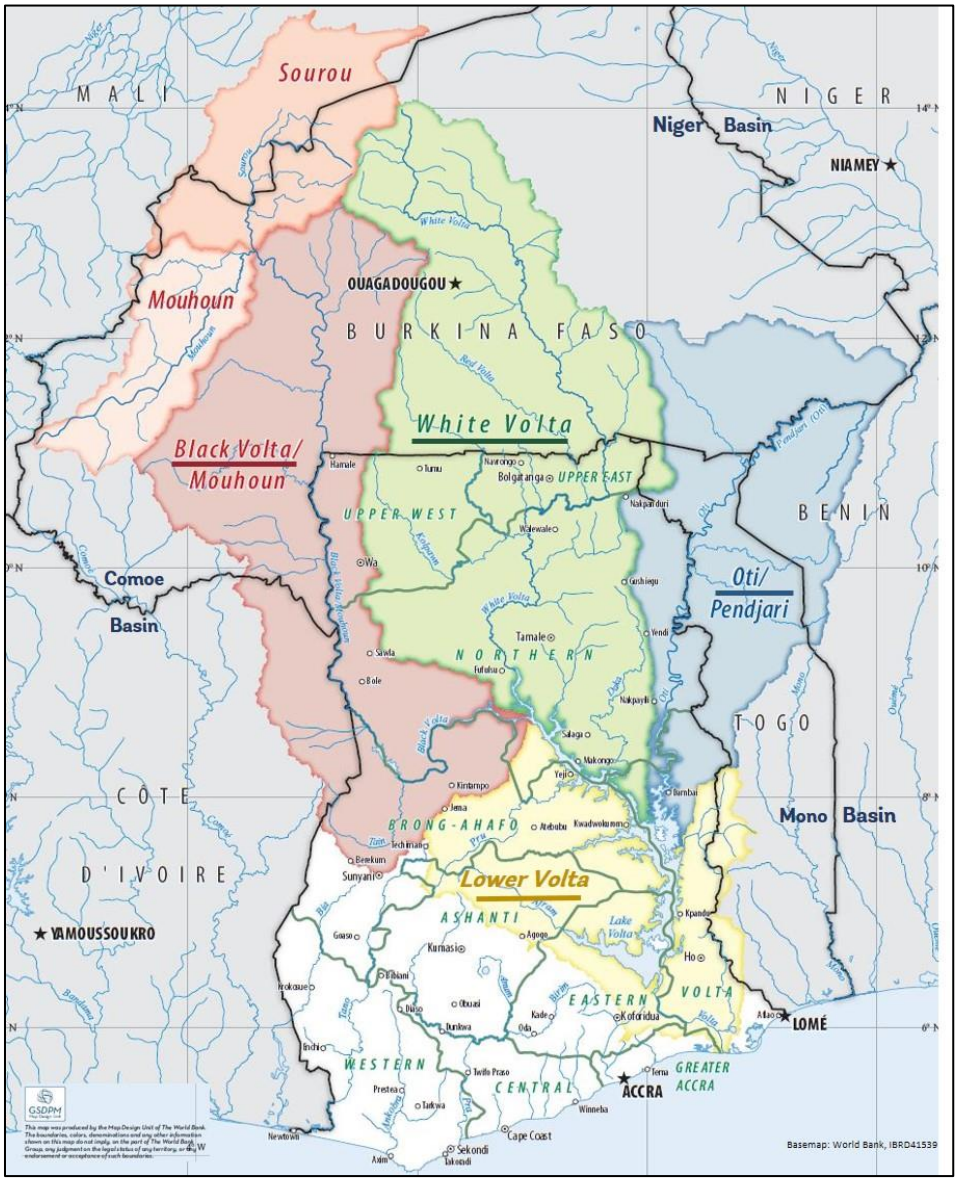
The present synthesis targets VBA Member States' representatives, the Executive Directory and other basin's stakeholders. Part I presents the key geographical and socio-economic features of the Volta River Basin and intrinsic factors enabling or limiting cooperation. Part II shades light on the Volta's constituent Convention, its ambitious design and the external and internal drivers behind this choice of cooperative agreement. Part III reviews the mandates of the Authority and its achievements to date, building on stakeholders' current perceptions and discusses the gaps they reveal between the instrument as designed and the actual political and institutional environment in which it has been operating in the ten years since its inception. Part IV draws some conclusions and recommendations to strengthen the Volta Basin Authority.

The full report, annexed to this synthesis, is based on an extensive review of the documentation and on direct interviews and consultations with stakeholders. The report is guided by three evaluative questions that help frame issues facing VBA: (i) do VBA mandates effectively address the issues at stake in the specific basin's configuration and political economy context; (ii) do the organizational structure and dedicated human capacity and financial resources enable the institution to implement its mandates; and (iii) are VBA achievements in line with expectations. Findings on the relevance of the mandates, the adequacy of the means allocated to the institution and its accomplishments to date direct a set of recommendations, both at strategic and at operational level, to strengthen VBA's capacity to fulfill its mandates.

I. The Volta River Basin and its water resources

The Volta River Basin drains an area of approximately 400,000 km^2 within the sub-humid to semi-arid West African savanna zone, across six countries: Benin, Burkina Faso, Côte d'Ivoire, Ghana, Mali and Togo. It is the ninth largest river basin in Sub-Saharan Africa. The basin presents structural and socio-economic features that are important to consider when discussing cooperation and shared management of its water resources.

Figure 1: The Volta River Basin, its three main tributaries and four sub-basins



A. Geography: one basin, six countries, three tributaries, four sub-basins

Three physical characteristics of the basin are particularly relevant to understand the challenges and opportunities for the joint, basin-wide water resources management: the distribution of the basin territory and population among its Member States, the basin hydrographic structure and the spatial distribution of rainfall and water resources.

Distribution of the basin territory and population. There is a clear imbalance in the contribution of the riparian countries to the basin: Ghana, Burkina Faso and to a lesser extent Togo are the most involved in the basin in terms of area and population, and therefore water use and economic activities as will be seen in section B. Benin, Côte d'Ivoire and Mali have rather limited stakes in the basin.

- The six countries' physical share of the basin is uneven. Eighty-five per cent of the basin area falls under the national boundaries of Ghana (42%) and Burkina Faso (43%), which accounts for respectively 70% and 62% of their territory while others share limited parts at the margin of the basin. Togo has a large part (45%) of its territory in 7% of the basin, in contrast Benin, Côte d'Ivoire and Mali shares in the basin area are very small.
- Distribution of the population is similarly uneven. Population in the basin is estimated to be around 25% of the six riparian countries, which represented approximately 20 million when the Volta Basin Authority (VBA) was established in 2009. 48% were from Burkina Faso (66% of the country's population), 36% from Ghana (31% of the country's population) and 16% were from the four other countries, although it accounted for more than 28% of the population of Togo.

Table 1: Distribution of the Volta River Basin in the riparian countries; areas and populations

Country	Area of the basin (km^2)	% of the basin in the country	% of the country in the basin	% of country population in the basin	% of basin population in the country
Benin	13,590	3.4	12.1	5.8	2.6
Burkina Faso	171,105	42.9	62.4	66.1	47.6
Côte d'Ivoire	9,890	2.5	3.1	2.2	2.1
Ghana	165,830	41.6	70.1	31.2	35.8
Mali	12,430	3.1	1.0	4.9	3.4
Togo	25,545	6.4	45.0	28.6	8.6
Total	**398,390**	**100.0**	**-**	**23.4**	**100.0**

Source: Volta Basin Authority Strategic Plan 2010-2014 (data populations as of 2005). Note: the limits and area of the basin as well as the allocation of country populations (national statistics) in the basin differ slightly depending on the bibliographic sources.

Basin hydrographic structure. Most of the basin is drained by three independent river systems before they converge very much downstream (about 100 km from the basin outlet in the Gulf of Guinea) to form the Volta River. Those river systems are: (i) the Black Volta originating in Burkina Faso where it is named the Mouhoun; (ii) the White Volta, also originating in Burkina Faso where it is called the Nakambé; and (iii) the Oti River, originating in Benin where it is called Pendjari. After the confluence of the three rivers, the Volta River discharges into the Lake Volta, an artificial lake that was created in 1964 with the construction of the Akosombo Dam, and finally reaches the Ocean in the Gulf of Guinea.

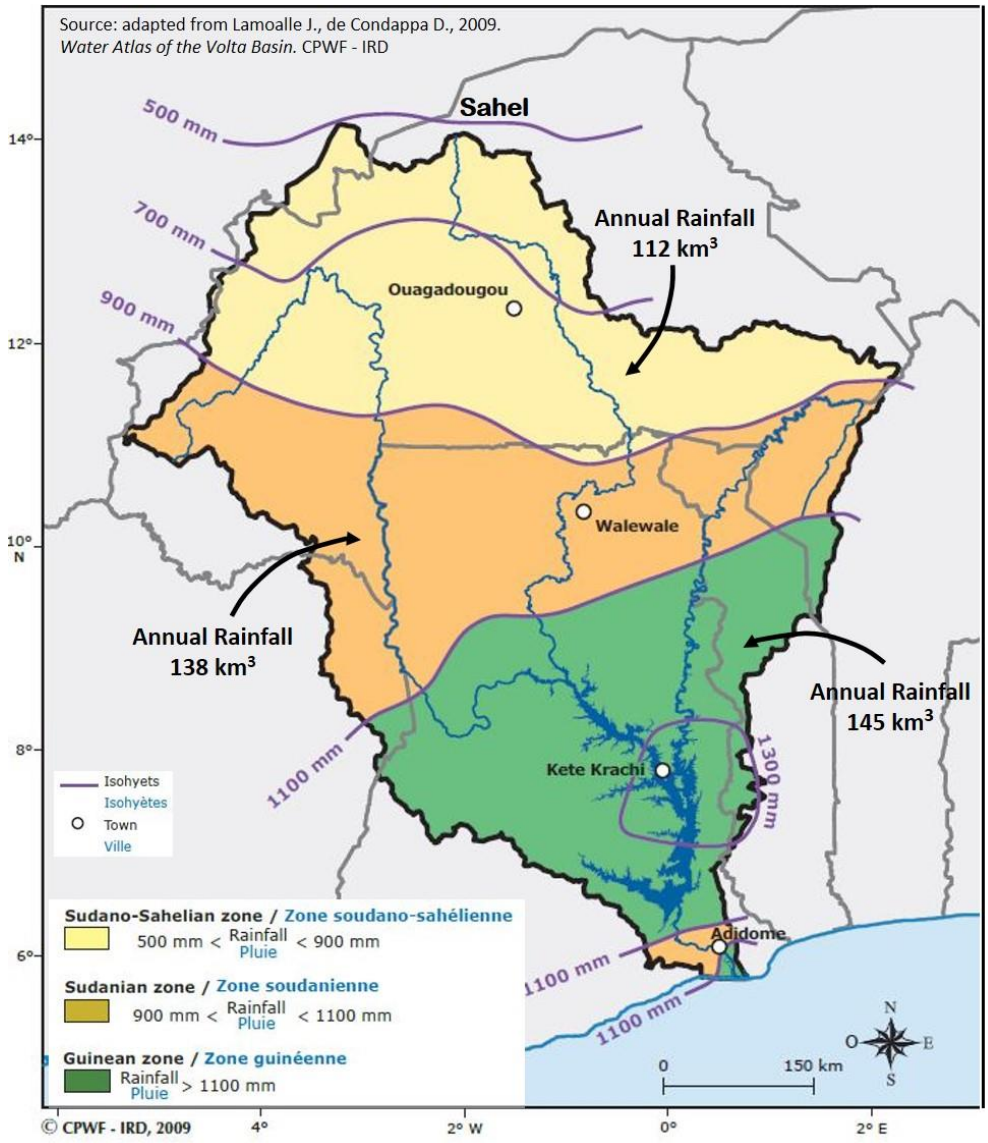
Hence four sub-basins are typically distinguished (Figure 1):

- The Black Volta sub-basin (35.9 % of the basin territory) includes two contributing sub-basins in the north-east of the basin, one formed upstream by the sources of the Mouhoun River, and the Sourou basin shared between Mali and Burkina Faso; downstream, a section of the Black Volta becomes the border between Burkina Faso and Ghana and then between Ghana and Côte d'Ivoire;
- The White Volta sub-basin (26.4 % of the basin territory) is shared by Burkina Faso upstream and Ghana downstream, except for the small Maorago sub-catchment that stretches across the Upper East Region of Ghana and Togo; the Tamne sub-catchment lies entirely in Ghana;
- The Oti sub-basin (16.7 % of the basin territory) is shared by Burkina Faso, Benin and Togo; the Pendjari River is a border between Burkina Faso and Benin on a small section before becoming the Oti River in Togo and being a border with Ghana on another section downstream;

- The Lower Volta sub-basin (21.0 % of the basin territory), sometimes called the Main Volta sub-basin on the Ghanaian part, starts where the Black and White Volta join to form the Volta River in the southern part of the basin in Ghana, then receiving the Oti River before discharging into the Lake Volta and finishes where the Volta River reaches the Ocean in the Gulf of Guinea.

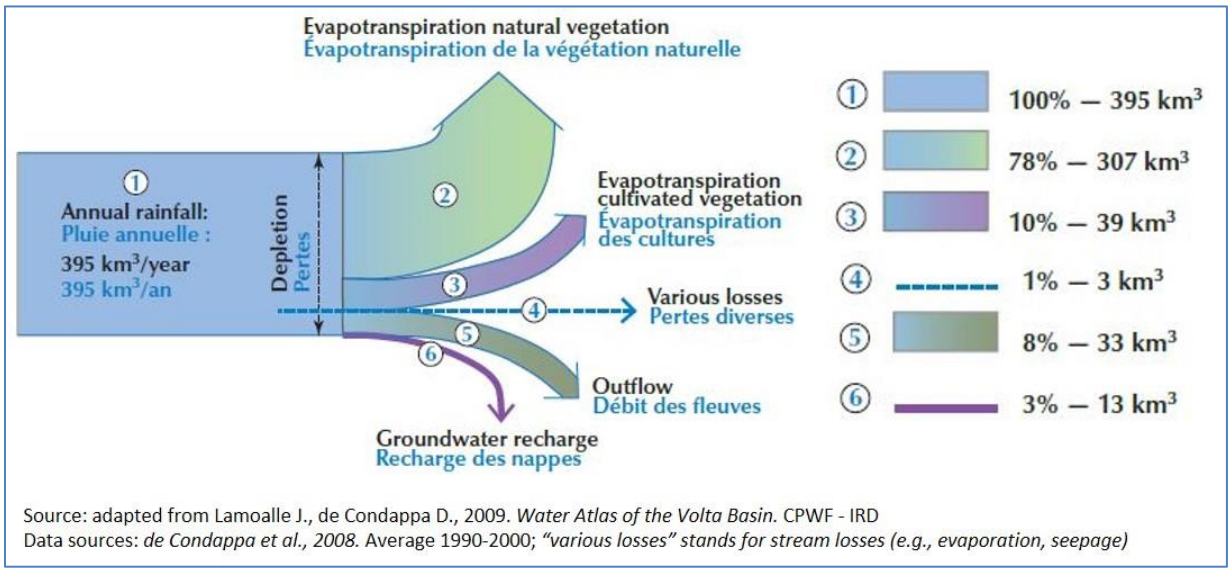
This multi-scaled configuration of the hydrographic system is not directly conducive to the emergence of basin-wide institutions for the management of shared water resources. It makes many transboundary issues and interests limited to two or three countries that share a common sub-basin. For example, Côte d'Ivoire and Mali in the Black Volta sub-basin share nothing in common with Benin and Togo, which are located at the extreme north-east and share the Oti sub-basin. Thus, the management of the Bagré dam in the Nakambé will only interest Burkina Faso and Ghana. Conversely, the management of Kompiega dam on the Kompiega River will only concern Burkina Faso and Benin. The greatest number of challenges requiring basin-wide transboundary cooperation is probably for Ghana; as Lake Volta centralizes all the upstream flows from a quantitative and qualitative standpoint. For the other countries, transboundary concerns are more local and bilateral in scale.

Figure 2: Rainfall in the Volta River Basin



The spatial distribution of rainfall and hence water resources across the basin (Figure 2), is another challenge for transboundary water management in the Volta Basin. Most African rivers (Nile, Niger, Senegal, Chari, Gambia) flow from the humid upstream part of the basin to the dryer regions downstream; playing a critical role in redistributing water resources between rainfall-abundant and rainfall-scarce areas and countries. In contrast, the upper Volta Basin is semi-arid (precipitation between 500 and 900 mm/year) and the rivers, most of them seasonal, flow towards the more humid lower basin (around 1,500 mm/year in the tropical south), before emptying in the Gulf of Guinea. Hence the downstream parts of the three main rivers drain fairly humid watersheds (around 1,000 mm/year) that provide the main part of total water inflows in the basin. The available resource in the southern part of the basin, including the Lake Volta from which most of the basin hydropower production is taking place, is thus fairly independent of the water uses in the northern part. This relative low upstream-downstream interaction is not valid however at a more local or sub-basin scale (Figure 3).

Figure 3: Annual water budget in the Volta River Basin



Source: adapted from Lamoalle J., de Condappa D., 2009. *Water Atlas of the Volta Basin.* CPWF - IRD
Data sources: *de Condappa et al., 2008.* Average 1990-2000; *"various losses" stands for stream losses (e.g., evaporation, seepage)*

B. Socio-economy and water use

As mentioned in the previous section, the structural features of the basin are not very conducive to basin-wide transboundary cooperation. Yet existing socio-economic characteristics of the basin and emerging challenges could become drivers for stronger engagement.

The basin's population is about 25 million people or a quarter of the total population of its six Member States. It is expanding rapidly at a rate exceeding 2.5% per year, effectively doubling every 30 years or so (Figure 4). It is expected to reach 56 million in 2050. It is mostly rural, but urbanization is progressing rapidly. Ouagadougou in Burkina Faso is the only capital city in the basin. Other significant urban centers include Tamale and Bolgatanga in the White Volta sub-basin (in Ghana), and Bobo Dioulasso in the Black Volta sub-basin (in Burkina Faso).

Poverty and the economy. Overall, the economic situation in the countries that share the Volta Basin has improved in recent years. However, all countries – except Ghana – still rank in the lowest human development index category and have difficulties in providing their populations with basic services, including electricity and improved water source, particularly in rural areas (Table 2).

At national level, major economic sectors in terms of employment generation and revenues are agriculture (which is currently extensive and mostly rain-fed), livestock production, fisheries and forestry. Overall, the agricultural

sector at large represents from 21% (Ghana[1]) to over 40% (Mali) of the national incomes. Other significant sectors contributing to revenues and exports are mining in Burkina Faso (mostly gold) and energy (hydropower) in Ghana. All sectors depend heavily on the natural resources of the region, particularly its water resources, and all uncoordinated developments may potentially threaten their sustainability at various horizons. In the basin, irrigation is the dominant water use in the northern and central basin and competes somewhat with hydro-power generation in the south for water resources.

Figure 4: Population growth in the Volta River Basin riparian countries, 1960-2010, *projections until 2050*

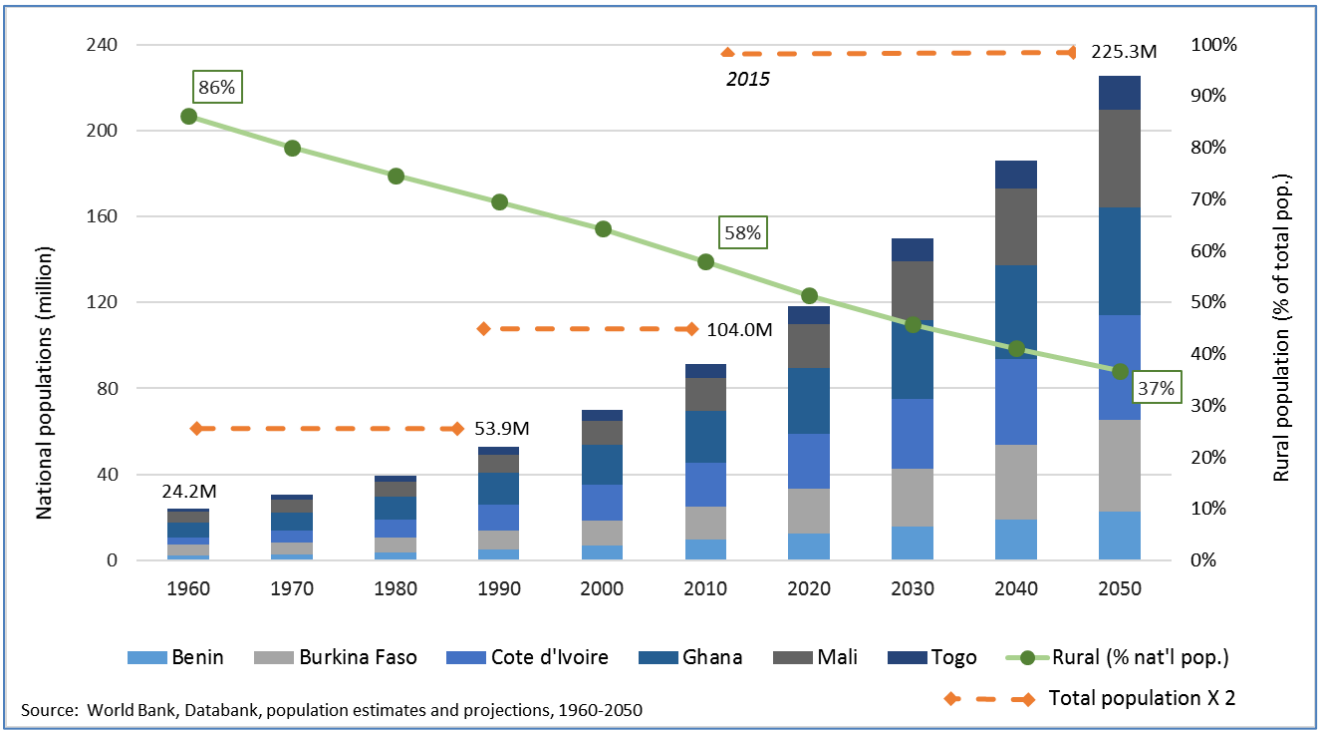


Table 2: Common socio-economic features of the Volta River Basin in the riparian countries

Country	HDI 2015	HDI rank 2014	GNI/capita 2015 (Atlas method, current US$)	Access to electricity 2014		Access to improved water source 2015	
				% of population	% of rural population	% of population	% of rural population
Benin	0.487	167	840	34	16	78	72
Burkina Faso	0.402	185	640	19	3	82	76
Côte d'Ivoire	0.474	171	1,420	62	37	82	69
Ghana	0.579	139	1,480	78	63	89	84
Mali	0.442	175	760	27	12	77	64
Togo	0.487	166	540	46	16	63	44

Sources: World Bank (WDI; http://databank.worldbank.org). UNDP 2015 (HDI ranking from 1 to 188). WHO/UNICEF Joint Monitoring Programme (JMP) for Water Supply and Sanitation 2015; World Bank, Sustainable Energy for All (SE4ALL) database from the SE4ALL Global Tracking Framework 2014

[1] The agricultural contribution to GDP in Ghana is higher in the Volta sub-basins.

Zoom on Burkina Faso and Ghana. The two countries account for most of the basin population, economic activities and water uses; currently, all significant dams and reservoirs for agriculture and hydropower are located in those two countries (see Table 3). Yet they have different interests in the development of water resources and different incentives for cooperation, as well as an history of bilateral cooperation (see Part II, Box 2, Box 3).

Burkina Faso is located upstream in the semi-arid part of the basin. It is the only water-scarce country in West Africa. It is one of the poorest countries in the world with strong population growth and urbanization rate. Today, most of its population is rural and depends on rainfed agriculture and animal husbandry for its livelihood. Due to erratic rainfall, the country is at high to moderate risk of crop failure; after the severe droughts in the 1970s, the development of small reservoirs and larger-scale irrigation schemes have been developed as a mean to mitigate such risk and support the development of agriculture and food production. Hydropower production remains modest,[2] as the country mostly relies on thermal power plants and imports up to 20% of its electricity needs from neighboring Volta basin countries and intends to increase its power capacity mostly through renewable, including solar and thermal plants. Since 2000, the mining industry, mostly gold, has boomed in the basin. It has become the country's main source of export revenues in recent years and is expected to continue growing at least in the medium term, with increasing risks of water contamination from arsenic and mercury. Facing increasing water scarcity, Burkina Faso's interests regarding water resources management is securing potable water supply for rapidly expanding Ouagadougou and smaller towns; increasing food production and rural incomes through irrigation expansion from small reservoirs and groundwater, and limiting contamination from an expanding mining industry, particularly on drinking water and fish production.

Ghana, located downstream of the basin, has abundant water resources overall, except in the relatively dry northern part. It is a lower middle income country. Most of its population in the basin is rural depending on agriculture for its livelihood. Main water uses in the basin are hydropower and irrigation. Ghana depends on the basin's hydropower production for its energy supply: all its hydropower installed capacity is provided by by three stations located in the Volta basin: Akosombo (1,020 MW), Kpong (160 MW) and Bui (400 MW).[3] They represent about half of the country electricity generation capacity and are supplying, in addition to the domestic market, neighboring countries in the Basin. Kpong dam also supplies a large part of the water needed for Accra, the capital city. Mining is an important source of revenue for Ghana, although mostly outside the Volta Basin; yet official and illegal mining activities are a growing concern as they generate sedimentation and contamination impacting the river flow. Ghana's main priority regarding water management, is to secure inflows for hydropower production. Irrigation expansion in the northern part of the basin is also a priority to stabilize and increase agricultural production.

Box 1: Impact of low water levels of the Volta River on Ghana's economic growth

In 2011, Ghana's economy grew at 14% with the onset of its first production of oil. However, in 2015 the growth rate was expected to be only 3.9%. This can be attributed to a great extent to the failure to provide the basic water and energy infrastructure to meet the needs of a rapidly growing economy. Ghana is mainly dependent on the Akosombo hydroelectric dam on the Volta River for electricity. Due to reduced inflows from low rainfall, the hydroelectric dam was operating merely at half of its capacity in 2015 (The Africa Report, 2015). This was exacerbated by disruptions mainly in geothermal plants. In June 2015, all electricity was being rationed at 12 hours on, and 24 hours off. Though this is extreme, it reinforces the need for water infrastructure to sustain production and jobs in the nascent African economies. Anecdotal evidence from Trade Unions and Employers in Ghana indicate that tens of thousands of stable jobs were lost in 2015 and the investment climate has turned sour, forcing Ghana to seek IMF macro-economic support again.
Source: WWAP, 2016. *The United Nations World Water Development Report 2016: Water and Jobs*

[2] The Samendeni multipurpose dam – to be completed in 2017 – will add a capacity of 2.56 MW to Bagre, Kompienga and other micro-stations; major hydropower planned projects are a station in Ouessa (20 MW) and one in Noumbiel (various figures) in the Mouhoun sub-basin near the border with Ghana

[3] Those dams were already envisioned in the beginning of the 20th century; they became part of the vision of the first President of Ghana, Dr Kwame Nkrumah, for the industrialization and modernization of Ghana and Africa

Table 3: Main current water resources development in the basin

Sub-basin & Catchment	**Name of dam** Or scheme	**Country**	**Storage capacity** (Mm3)	**Irrigated** Area (ha)	**Installed Hydropower** capacity (MW)
Black Volta Basin					
Nwokuy	Nwokuy Irrigation	Burkina Faso	-	3,291	-
Dapola	Lerinord/Lery dam	Burkina Faso	360	9,646	-
	Dapola Irrigation	Burkina Faso	-	1,362	-
Noumbiel	Noumbiel Irrigation	Burkina Faso	-	230	*Planned 48-62*
Bamboi	Subinja	Ghana	135	60-120	-
	Bui (2013)	Ghana		(*)	400
White Volta Basin					
Wayen	Kanozoe	Burkina Faso	75	5,319	-
	Loumbila	Burkina Faso	42	-	-
	Ziga	Burkina Faso	200	-	-
Yakala	Bagré (1992)	Burkina Faso	1,700	4,695	16
Nagodi	Nangodi Irrigation	Burkina Faso	-	184	-
Nawuni	Tono	Ghana	93	2,430	-
	Vea	Ghana	16	850	-
Oti River Basin					
Kompienga	Kompienga (1984)	Burkina Faso	2,025		14
Sabari	Juale/Sabari Irrigation	Ghana		1,915	*Planned 87*
Lower Volta Basin					
Prang	Tanoso	Ghana	125	129	
Senchi	Amate	Ghana	120	308	
Lower Volta	Akosombo (1964)	Ghana	148,000	-	1,020
	Kpong (1981)	Ghana	2.5	2,200 (**)	160

Sources: adapted from: McCartney, M. et al. 2012, GWP, 2014, VRA website. (*) Bui: ongoing studies: 5,000 ha. (**) Kpong potential 3,200 ha.

Overall, in the basin, the most notable socio-economic trends and emerging challenges are fast population growth and urbanization; growing demand for food and energy; increasing risk of pollution from mining; high dependence on biofuels for energy; and rapid growth in livestock numbers. Such trends suggest that the demand to serve these and other uses, and consequently the pressure on the region's water resources will grow exponentially over the coming decades. Particularly important in the perspective of basin cooperation are the following:

- Hydropower production is a key economic activity and main water user in the Ghanaian part of the basin. It is not significant in the rest of the basin but will grow as several dams are planned. Today five of the six Volta countries have interconnected electrical power supplies and can benefit from the hydro-electric production of the Ghanaian dams. Mali should eventually be connected as well. There is therefore a common interest, even from upstream riparian countries, that enough water flows to downstream hydropower dams for a secured power supply. A structural challenge of hydropower production in the basin is its very high vulnerability to a decrease in rainfall, as illustrated by past drought events and the results of various modelling exercises. In this context, the uncertainty on future precipitation in the basin

as a result of climate change is a concern shared by the Volta Basin countries. Another concern is the rapidly growing water demand for food production and other economic activities, that may reduce water availability for power generation in the future.

- Irrigation expansion is a national policy of countries in the upper and medium part of the basins to meet the growing food and job demand of a growing, mostly rural population, in a context of increased climate variability and uncertainty. Downstream riparian countries have a common interest keep irrigation expansion under control through collaboration with upstream countries.

- Mining production, mostly gold, has increased significantly in the upper part of the basin, particularly in Burkina Faso and is expected to continue growing in the medium term. The associated contamination risks of water resources, and its potential impacts on fish production and drinking water is a concern shared by all downstream riparian. It is also a domestic concern for the producing countries.

- Increased variability and uncertainty of rainfall and increased evapotranspiration due to climate change will exacerbate water demand for irrigation and the risks of power shortages, fostering the need for stronger collaboration in water management and stronger inter-connection and diversification in energy production.

These combined factors, albeit with differentiated intensity at various scales, are likely to impact the effectiveness of existing and planned infrastructure and facilities. Given their importance for national economies, from livelihoods to energy, underpinning development plans for poverty reduction and economic growth, this may have strong social and political implications and increase the risk of tensions between users and countries. These challenges pose a real threat, if not managed appropriately, to the sustainable development in the Volta Basin and the integrity of its water resources and related ecosystems (McCartney and al., 2013, UNEP-GEF, SAP, 2014).

To sum up, structural features of the basin are not conducive to basin-wide cooperation, but emerging socio-economic trends and challenges could become drivers for stronger engagement:

- Structural features of the basin may partially explain why the Volta Basin is one of the last major African transboundary basins to have established a basin-wide institution for the joint management of its water resources (Niasse, 2008). The clearly imbalanced contribution of the riparian countries to the basin has and continues to drive a differentiated involvement and interest in the shared management of the basin water resources, with Ghana and Burkina Faso having the most at stake. Moreover, the configuration of the hydrographic basin, with three mostly independent tributaries until they converge way downstream in the basin near the Lake Volta mostly leads to sub-basin or strictly bilateral concerns which may not necessarily require full-blown basin-wide cooperation mechanisms. Finally, the unusual spatial distribution of rainfall makes the upstream-downstream relationship less relevant than in other basins, except at a local scale. It may also influence how existing collaborative framework in the basin evolve.

- Yet, it is believed that the socio-economic characteristics of the basin, particularly the rapidly growing water demand and reliance on the hydropower generated in Ghana, as well as emerging challenges such as mining contamination may be exacerbated by an increased variability and uncertainty of rainfall due to climate change. They could constitute new triggers to foster basin-wide cooperation for the shared management of the basin water resources.

II. The Volta Basin Authority, a powerful instrument for cooperation

The Volta Basin Authority (VBA) has been established as a joint mechanism for the sustainable management of the basin's water resources by its six riparian countries: Benin, Burkina Faso, Côte d'Ivoire, Ghana, Mali and Togo. The first part of this section analyzes the design of the Authority and its constituent Convention, endorsed by the Heads of State in 2007. It entrusted the Authority with a broad mandate covering information sharing, coordination and collaboration, including regulation and joint action for the management and development of water resources in the basin, and shaped a governing structure mirroring this ambition.

Given a basin configuration less conducive to basin-wide cooperation than in many transboundary contexts, it is important to understand other factors that may explain that the riparian countries finally opted for an advanced cooperation instrument and an intergovernmental organization whose decisions are deemed to be legally binding. The second part of this section presents the progressive mainstreaming of the concept of "Integrated Water Resource Management" (IWRM) and principles of good transboundary cooperation in regional and national institutions. Critical tensions over the basin's resources accelerated the process.

A. The Volta Basin Authority: design and key features

A.1. Foundations: Convention and Statutes

Mandates and missions

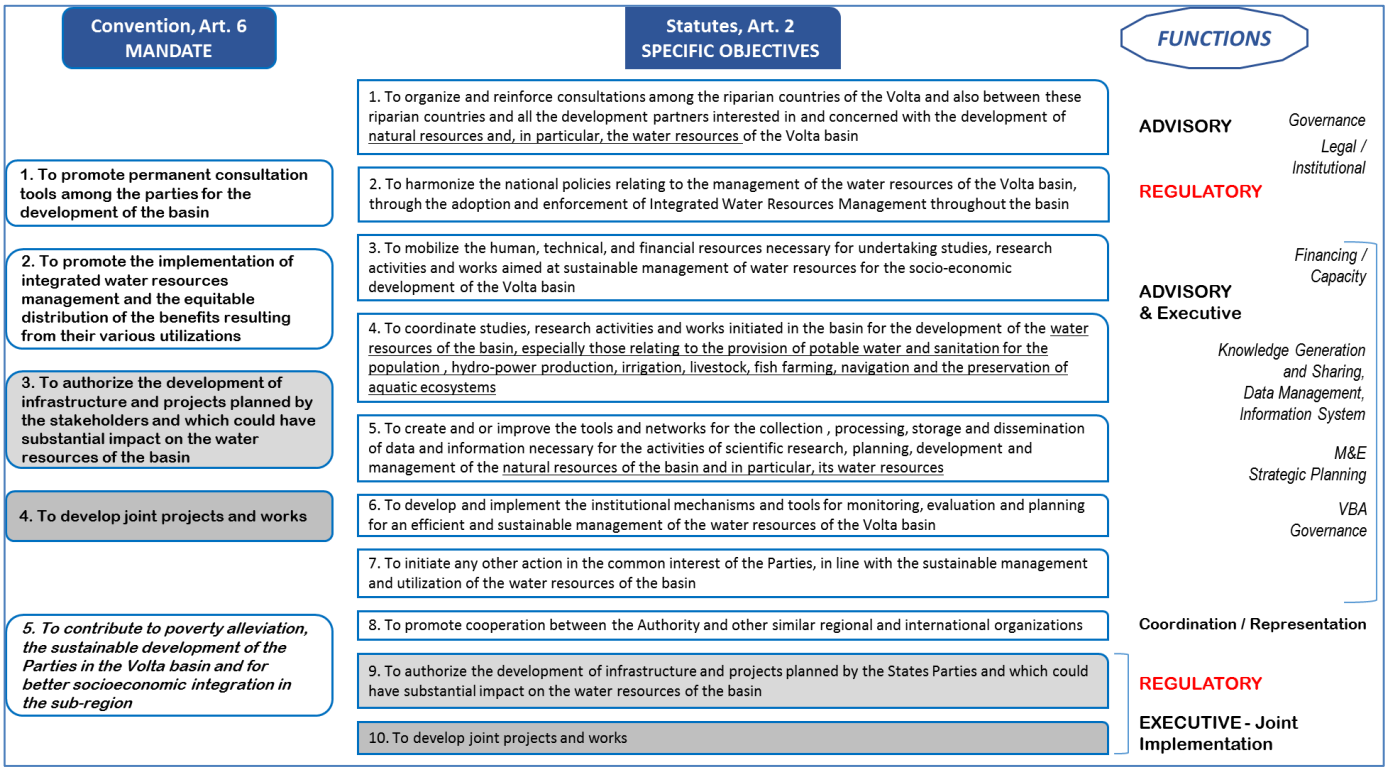
The legal foundation of the institution is the **Convention on the Status of the Volta River and on the creation of the Volta Basin Authority** (VBA). It was endorsed by the Heads of the Member States under the auspices of Burkina Faso in Ouagadougou on January 19, 2007. The **Statutes** of the Authority were endorsed in Ouagadougou on November 16, 2007. The Convention came into force on August 14, 2009 when Burkina Faso, as the fourth state to do so, deposited its ratification instruments.[4] With the Convention, the riparian countries decided to establish a forceful instrument to cooperate and manage the water resources of the basin. As done before in the neighboring Senegal and Niger River Basins, they opted for the model of a permanent river basin organization and established it as a full-fledged intergovernmental organization, with various organs ruling the Parties' involvement, interactions and functions, legal authority and a budget to operate.

As stated in Article 3 of its Convention, the Authority was established "*for the purpose of ensuring international cooperation for the rational and sustainable management of water resources in the Volta Basin and for the socio-economic integration among the Parties*." Article 6 further specifies VBA **mandate** over five outcome areas,[5] some of them based on legal principles established by the international law for international water bodies. The mandate is made operational by its Statutes, Article 2 of which translates the five areas into ten **specific objectives or missions** (Figure 5). The pillars of Integrated Water Resource Management are therefore spelt out with respect to the establishment of the necessary governance for dialogue, sharing of information, management of the resource through knowledge building, data compilation, improvement in expertise and understanding and for the development of the basin through providing the necessary infrastructure for sustainable development of the population of the Volta basin.

[4] The process of ratification unfolded as follows, based on the date of ratification and deposit of instruments by the Member States (in parenthesis is the date of Parliamentary Authorization): Togo, 28 January 2009 (7 November 2008); Mali, 5 March 2009 (26 April 2008; Ghana, 17 April 2009 (5 November 2008); Burkina Faso, 15 July 2009 (30 October 2007); Benin, 4 January 2010 (9 June 2009); Côte d'Ivoire, 29 December 2012, by President's ordinance

[5] In the rest of the report, the five outcome areas under VBA mandate are sometimes called *the mandates* or *mandate x*

Figure 5: VBA mandate, specific objectives and functions



Functions

The Authority was given a broad mandate covering information sharing, coordination and collaboration, including regulation and joint action, which translates into the following functions (Figure 5).

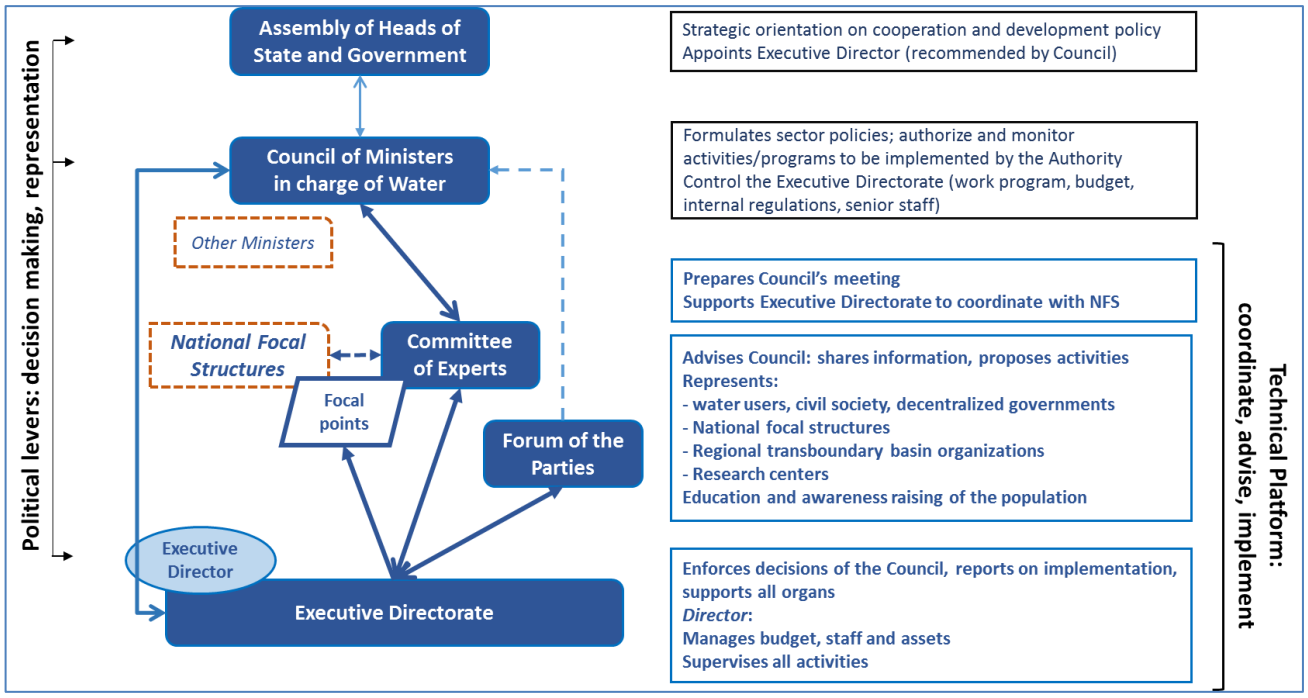
Coordination and advisory functions enable organizations with technical mandates to inform decision making through recommendations or preparation of plans for adoption by their member countries. For VBA, promoting IWRM among Parties (States) and with all stakeholders or the basin falls into this category. It includes engaging States and others through consultation tools to facilitate information sharing but also generate relevant knowledge, data and information on the status of the water and environmental resources to inform planning and decision making regarding regulatory and executive functions, at national and basin levels (mandates #1 and 2, objectives #1, 3, 4, 5, 6, 7, 8). It includes a representative function (objective #8), for VBA as international body to be part of the international community of IWRM, share experience and coordinate with river basin organizations in the region or globally. This has been the core of VBA's activities to date.

Executive functions empower an organization to implement activities within its mandate and manage financial resources on behalf of and for the benefit of the member countries. The Authority was given a legal status, including the capacity to enter contracts and receive funding (Statutes, Article 3). While basic executive functions are linked to the advisory role, such as organizing workshops or undertaking studies, the core executive function lies in VBA mandate #4 (and objective #10) to program and implement joint projects and works. This decisional mandate represents one of the highest forms of delegated power from the States to the Authority. It has raised expectations as well as questions on how and the extent to which it should be implemented, provided that the Authority has a basin-wide jurisdictional coverage, but Article 5 of the Convention also allows Parties to enter into agreements on any portion of the basin, opening the door to bilateral deals and implementing bodies. As of today, this core executive function is yet to be implemented.

Regulatory functions include the authority to control, monitor and report on the implementation of administration decisions, and prescribe or proscribe actions (e.g. on water allocation and water pollution). They may also be

involved in law and policymaking and their decisions in these matters may take effect directly or after acceptance by members. VBA's objective #2 related to the need to harmonize national policies with the IWRM philosophy and agreed international law principles is typically part of this category. It is also a foundation for VBA to implement its mandate #3 (and objective #9). This mandate refers to the principle of "no harm" and rule of prior notification of activities that can have negative effects on other Parties' territories,[6] such as projects and infrastructure developed in the basin with potential pollution impacts or adverse change in water flows and allocations. It represents the highest form of delegated power from the States to the Authority, giving it the power to prescribe or proscribe infrastructure development in the basin. Such as for mandate #4, issues about the scope of application and legal procedures have limited its implementation to date.[7]

Figure 6: VBA structure and powers



Structure and roles

To implement its mandate, the Convention established permanent organs of the Authority and the Statutes defined their roles in respect of the above-mentioned functions. Figure 6 summarizes the roles and relations between the organs. It highlights three important issues in view of the present assessment.

First, the Authority draws its legitimacy from the endorsement of Heads of State. The Assembly of Heads of State and Government as the supreme decision-making along with the Council of Ministers in charge of water embody the political power of the Authority. This political role, including representing the international body in other international political or technical fora, is also shared by the Executive Director. The Director is appointed 'on the basis of competence and equitable distribution' (Statutes, Article 6) among the six countries' nationals.

Second, the Ministers in charge of water play an important role to give impetus to the Authority at sector level and seek advice from relevant stakeholders to promote a cooperative approach among states, based on existing and planned projects and activities and their effect on the state of water resources and the environment in

[6] See Part III.A. for the discussion on the current limitations of VBA legal framework.
[7] It should be noted that mandates #3 and #4 are not so common internationally. In most OECD countries, international basin organizations have mostly a role of information sharing and some task forces for extreme events.

the basin. Interestingly, a **Forum of the Parties** was mandated as the advisory body, representing various interests and views on water uses and users in the basin[8] while 'Experts' from the national administrations were less directly invested in this role but expected to enhance coordination within their administration. The **Committee of Experts** included two representatives of each state, with at least one of them a member of the administration – the water ministry, but possibly other ministries. As per Statutes, water ministers could mobilize other members of their government according to needs and more importantly, establish **National Focal Bodies** (Part V, Article 10) which '*shall be responsible for coordinating the activities of the Authority at the national level*' (Article 10). However, the definition of the specific functions and composition of these National Focal Structures (NFS) was deferred to a later date. Until now, these focal bodies have been limited to the 'focal points,' representatives of the water ministry, seating at the Committee of Experts, in direct relation with the Executive Directorate. This missing link between the Executive Directorate and the national administrations as well as the effective role played by the Forum have limited the Authority's technical expertise and capacity to advise and influence decision-making on the transboundary water management and development.

Third, a permanent Executive Directorate is given the executive role to enforce the Council's decisions and report on activities, programs and budgets. The ambition was huge for a completely new structure. To support that ambition and demonstrate the political will to advance the Convention's endorsement and start operationalizing the Authority without delays, the ministers in the framework of the Volta Basin Protocol appointed an acting Executive Director and an acting Deputy Executive Director as early as July 2006, pending the formal appointment of such positions by the Assembly of the Heads of State when the Convention would be in place. The acting Director was at that time the Director of the Water Resources Commission from Ghana, a key body in the advent of IWRM principles in the country while the acting Deputy was a former Director of Water Resources and former Minister of Water of Togo, given the VBA leadership team a high profile to swiftly build the Authority as a recognized technical and political body.

A.2. Operationalizing VBA: Strategic Plan 2010-2014

A programming framework

The first five-year Strategic Plan of the VBA (2010-2014) was developed by stakeholders in a participatory way and adopted at the 3rd session of the Council of Ministers on 15 December 2009. It stated the Authority's vision and mission, aimed to complement the overall development objective of the Convention and emphasize core values that will drive the Authority: open dialogue among stakeholders, collective ownership of common interests, collaboration and partnership, mutual respect and good governance in addition to inclusion through gender and social equity, and efficiency:

- **Vision**: "*a basin shared by partners driven by goodwill and a spirit of cooperation, managing water resources rationally and sustainably for their overall socio-economic development*";
- **Mission**: to "*promote ongoing dialogue and sustainable development for equitable sharing of benefits for poverty reduction and better socio-economic integration*."

The Strategic Plan was a framework guideline for operationalizing VBA in its early years at the organizational, technical, political and financial levels. Its five objectives constitute the medium-term framework for BVA's intervention and were conceived of in their interrelated form (Table 4). The Plan details the expected outcomes under the strategic objectives, and a number of activities and corresponding levels of priority and deadlines. A scorecard was established, which was later developed as a monitoring and evaluation framework. The Plan also elaborates the resources needed to implement the plan itself and enable the new Authority to function and operate.

The Plan was developed as a reference document for VBA Member States and partners. For the 'political partners' empowered with VBA decision-making, the Plan aims to build common understanding of governance and

[8] The Forum was actually only organized in 2012 and its 2014 some changes in the constituency categories.

operations' set-up of the new Authority. It also seeks proactive involvement of partners to support to VBA's progressive capacity to fulfil its mandate and missions. Along with a clear call for financial support needed to operationalize VBA (see below), the Plan makes a particularly strong case for technical partners to avoid duplication of effort through better coordination and to focus efforts on key priorities for the basin. Indeed, a large number of partners and projects were active in the basin at that time, with initiative spanning a large range of issues and themes, from water resources to environment and development issues, but many of these activities were not well aligned with VBA mandate and not well coordinated with other initiatives in the basin.

Table 4: 2010-2014 Strategic Plan, a programming framework to operationalize the VBA

Strategic Objectives	Expected Outcomes and key related activities and actors
1- Strengthening policies, legislation and institutional framework	Policies for good water governance guide VBA and its activities Legislation for water governance in the basin established ➔ **Water Charter drafted** All **VBA organs** operationalized
2- Strengthening the knowledge base of the basin	Better knowledge of the state of water and environmental resources ➔ Inventory of water resources and uses, environmental status Data management and sharing mechanisms in place ➔ Support to **national institutions** for monitoring and evaluation networks (water quality and quantity, underground and surface water) and ➔ **Observatory established**
3- Coordination, planning and management	VBA directs sustainable water resources management initiatives and regulation in the basin (**Experts/Technical Committee**) VBA becomes a coordination platform for projects -- identify, monitor, dialogue ➔ **Master Plan for Development and Sustainable Water Management drafted**
4- Communication and capacity building for all stakeholders	VBA ensures a common understanding of the functioning of the basin through dissemination of both technical information and general awareness tools ➔ **Communication Plan implemented** Partnerships and networks are developed with **stakeholders** in the basin following a stakeholder participation and capacity plan
5- Effective and sustainable operations	The Strategic Plan is implemented along with a monitoring and evaluation framework **Financial resources** and partnerships support VBA mandate ➔ Consultative group of technical and financial partners, network of basin organizations, consolidated internal funds (**States, donors, projects**) **VBA capacities** are developed: HQ built, procedures for internal regulations developed, **qualified staff recruited (ED), training provided for VBA personnel (ED), its focal structures and partners**

Priority tools needed to implement VBA mandate

The Plan underscores that VBA success may depend on its ability to implement concrete actions that carry strong messages for IWRM. In this regard, it makes a clear call to prioritize critical tools deemed to be the legal and technical backbones of the institution.

Setting the basin's governance. The Water Charter of the basin is needed to complement the legal basis of the constituent documents, clarify as needed the principles ruling the uses and sharing of water in the basin and the obligation to co-operate, as well as specify procedures to implement them. It will make explicit the rules for validating new projects that entail water use or generate pollutants, modalities for the conservation of all aquatic environments and stakeholder participation in decision-making.
For instance, the Water Charter would allow Ministers to decide, and the Executive Directorate to implement joint actions, including infrastructure developments such as dams or irrigation schemes with potential structural impact on the basin (mandate #4), or to specify how and when states should inform the other riparian countries of planned actions/infrastructure/works that could have adverse effect on their territory (notification), and whether the Authority, through its Council or its Directorate, could authorize or proscribe said plans (mandate #3).

The development of the Charter also needs some analysis of the national policies and laws and other regional documents, such as the ECOWAS directives or African Union commitments, to harmonize legal frameworks and ensure the Charter's provisions be consistent and applicable by Member States. A draft Charter was prepared during 2009, but financing and contractual issues stopped the initiative.

Strengthening the knowledge base. The Volta Basin's Observatory should be firmly established and become operational. This technical platform entitled "Observatory for Water Resources and Related Ecosystems" was initiated within the VBA in 2008 with support from the French Cooperation to promote permanent consultation tools among stakeholders and enhance exchanges of information. The Observatory would fill a data gap by acquiring and/or collecting environmental and water data, particularly those relating specific socio-economic information on the Volta basin, and ensure that the data is organized and easy to update.
The Observatory would also benefit from the ongoing Volta HYdrological Cycle Observing System (Volta-HYCOS); Phase 1 started in 2006 to reinforce the hydrometric networks in the basin countries and establish a Hydrological Information System (HIS). The project was transferred to VBA and incorporated into the Observatory in 2009. Additional support from the African Water Facility enabled VBA to start the second phase.

Strengthening coordination, planning and management. The Master Plan for Development and Sustainable Water Management (MPDSWM) in the basin is considered as Step 1 of a sustainable development long-term plan for the basin. It builds on improved knowledge of water and environmental resources in the basin and works along with improved coordination mechanisms to provide a consolidated picture of the basin challenges: existing and planned infrastructure, updated modelling of water allocations based on such planned infrastructure and projected water uses against evolving water availability in the planning horizons and basin's configuration.
Within this framework, VBA's states and partners could assess whether identified projects would affect the hydrological dynamics of the basin and or generate benefits such as hydropower. They would make informed decisions, including on options to implement common infrastructure and regulate such developments in a satisfactory manner for the best interest of the socio-economic development of the basin. In 2009-10, it was anticipated that the Master Plan could be linked to the UNEP-GEF Transboundary Diagnostic Analysis and Strategic Programme that was being developed with the UNEP-GEF Volta Project.

Mobilizing stakeholders and enhancing support and alignment. A Communication Plan is envisaged to reach out to all stakeholders and partners involved in the basin. VBA relies on those stakeholders to ensure ownership of IWRM processes, streamlined efforts to generate and exchange relevant knowledge on the state of the basin and enhanced institutional mechanisms conducive to a coordinated governance of shared water resources in the basin. The communication plan, along with a stakeholder engagement plan and training program, will define specific messages for the different partners to strengthen the recognition of the Authority and promote effective and efficient actions consistent with its mandate. It will include a specific approach to enhance the technical role of the Observatory as a pivotal data producer and repository for national institutions and partners.

Financing mechanisms to support the Authority

Establishing an intergovernmental organization with an operational mandate also means securing financial means to support it. Setting up an Executive Directorate made this even more imperative to move VBA's agenda forward. The new structure, vested with legal autonomy, needed funds to operate and recruit qualified staff to engage in core technical studies and information management that would demonstrate its credibility. To ensure an effective work relation with the National Focal Structures (see above) at the core of the Authority's advisory role, states also needed to ensure that national agencies could allocate time and expertise to perform tasks related to VBA in addition to their traditional mandates. In this regard, the Statutes (Part VI) specified that the budget of the Authority would comprise of: (i) mandatory subscriptions of the Parties, (ii) any other funds to be allocated by Parties, (iii) any other financial support granted to the Authority, and (iv) any other money accruing in the performance of its functions.

Member States' support. Countries' contributions were computed on an equitable basis averaging each member's proportion of basin territory, proportion of basin population and economic strength (percentage of GDP generated in the basin). The cost sharing formula resulted in the following: Benin 10%, Burkina Faso 29%, Côte d'Ivoire 9%, Ghana 29%, Mali 8%, Togo 14%. Financial regulations were to be developed to allow needed adjustments of the formula in the course of VBA development. The consolidation of these resources has been a constant strive of the Authority.

External support. In its inception phase, VBA also established a Technical and Financial Partners Consultative Group to promote complementarity in the provision of technical and financial support. Funding for the then-ongoing projects were incorporated into the first five-year budget, even though only few were managed directly by the new Authority. The French Cooperation was VBA's first direct donor, with grants from the French Global Environment Fund approved in 2008 for the Observatory project. Following the transfer of the Volta-Hycos project in 2009, VBA signed a grant agreement with the African Water Facility to implement the second phase

In total, the first budget proposed in the 2010-2014 Strategic Plan amounted to FCFA 18 billion or an equivalent of Euros 27.6 million. 17% of that budget were secured from national contributions and ongoing projects. The Authority was to mobilize an additional 83% to operationalize the institution. To close this challenging gap, the Directorate engaged in an opportunistic search of projects and financing to support the Authority to build his capacity. Not having sustainable financing mechanisms in place was a genuine risk for the young institution.

B. Context of VBA establishment: external and internal drivers

Since the 2000s, the Volta Basin has triggered an important literature and benefited from a number of projects. They range from assessments on integrated water resources management and the state of environmental resources in the basin to the governance structures needed in and among riparian countries to manage water resources to support the overall socio-economic development of those countries.[9] Before and since the establishment of the Volta Basin Authority, research papers and consultant reports have discussed the context of VBA establishment, historical legacies, legal and institutional frameworks pertaining to water and environment, governance models, economic trends and emerging challenges for the basin, at various degrees of technicity and geographies, with a large dominance of studies focusing on the Ghanaian and Burkinabe portions of the basin. Some of the recent ones briefly highlight the limited effectiveness of the Authority, both in its political and technical roles, need to strengthen its coordinating capacity, prevalence of national interests and non-alignment of partners to support its mandate. The present assessment leads to similar findings (Part III).

B.1. External and regional influences

Development partners, including financial and technical partners have played a significant role in the setting of the Authority and its development over the last ten years. Without downplaying the countries own decisions, the process leading to VBA and its design as a conventional instrument reflect a series of principles and best practices framed by the international community in the last thirty years. Globally donors have progressively moved from strict infrastructure financing (e.g. the World Bank granted a loan and guarantees to Ghana for Akosambo dam in 1964) to also address socio-economic and environmental impacts of otherwise much needed investments supporting socio-economic development, including through support to policies and institutions. Since the 1990s, with the emerging concept of 'sustainable development' (Dublin and Rio conferences 1992) and set up of the three global "Rio Conventions" on Climate Change, Desertification and Biodiversity, development partners have extensively promoted[10] the principles of integrated water resources management at national and regional

[9] The select bibliography in annex 1 only partially reflects the existing literature, scientific and project-related. A comprehensive database was developed during the assessment, which is referenced in the report in annex 3.
[10] Boisson and Salman, 1998, Sadoff and Grey, 2005, Subramanian et al., 2012, INBO-GWP 2012

level. Principles underlying inter-State relations in the context of internationally shared watercourses were progressive codified in the same period. In 1997, the disputed adoption of the United Nations Convention on the Law of Non-Navigable Uses of International illustrated strong diverging positions among States, based on economic et political rationales. It also reinforced the international community's promotion of inter-riparian dialogue and joint management of shared water resources as a response to potential conflicts that could arise from competing national demands and political stances over an international water body. The rationale is that individual national decisions, although legitimate on a strictly national perspective, could adversely affect other countries sharing the same resource. Conversely, dialogue and coordinated interventions could mitigate such impacts or, in some contexts and particularly in the case of hydropower schemes, lead to mutual benefits for riparian countries.

In West Africa, these marked influences have generated a number of calls and high level commitments, as well as institutional transformations.[11] To mention just one, the Ouagadougou Declaration in 1998 was a call from civil society organizations, supported by external partners, to African leaders to "create or revitalize consultation frameworks between bordering countries for the consulted management of shared basins waters." Cherlet and Venot (2013) illustrate how water administrations and policies changed in those years under the influence of donors (the Danish, Swedish and French development agencies and the Global Water Partnership, among others) and key figures in the administrations. They describe the reforms in Mali ad donor-driven with narrow national ownership, by contrast with Burkina Faso, where reforms benefited from a strong local expertise and influential individuals. The inter-ministerial committee on IWRM was created in those days, creating a disconnect with the Directorate directly in charge of water resources. Ghana established the Water Resources Commission (WRC) in 1996 in an Act stipulating that ownership and control of all water resources were vested in the President on behalf of the people. This gave the WRC a strong legitimacy and power as the overall body responsible for water resources (Van Edig et al. 2002).

The pressure was growing to endow the Volta Basin with a cooperative mechanism for water management, following the examples of the Lake Chad Basin commission (LCBC, 1964), the Senegal River Basin Organization (OMVS, 1972) and the Niger Basin Authority (NBA, 1987). After the West African Vision for Water, Life and the Environment for 2025 in 2000, in 2004 the Council of Ministers of Water and Environment of the Economic Community of West African States (ECOWAS) created the Water Resources Coordination Centre (WRCC, based in Ouagadougou). In 2008 the West African Water Resources Policy strongly promoted the creation of enabling environments for transboundary IWRM. 'Like-minded' people met in the same conferences and worked together in the leading countries for a similar cause. Burkina Faso and Ghana, the two basin leaders and IWRM champions (Box 3), were influential in setting up the Technical Committee of the Volta Basin gathering experts from the six countries, in 2004, to start designing a Convention. Meetings were facilitated by the ECOWAS-WRCC, with the financial support of the African Water Facility, recently established by the African Ministers Council on Water. In 2005, the six water ministers signed a Memorandum of Agreement (Protocol) for the establishment of the Authority of the Volta Basin featuring the main characteristics of the future intergovernmental body. Building on lessons learned from regional experiences, stakeholders came up with a 'modern' VBA Convention, stipulating international law principles or participatory mechanisms that had not been included in the OMVS or the NBA conventions. In 2006, the ministers in charge of water approved a draft convention and statutes for VBA.

B.2. Critical junctures that accelerated the setup of VBA?

To translate commitments into effective joint action, cooperation at basin level needs incentives and a clear scope of challenges to address. Core drivers for countries to break deals and enter into cooperative agreements are, in the literature and as exemplified by many case studies,[12] "avoiding conflicts," "sharing benefits" (from the fair development of water resources) or "building mutual benefits" (including in avoiding harm from the unfair or unequitable use of water resources). **In this regard, the Volta Basin and VBA history seem atypical.**

[11] Niasse and al., 2004, Youkhana and al., 2006, Ampomah and al., 2008
[12] World Bank (forthcoming), UNECE 2015

Box 2: Ghana no-objection to the Ziga dam of Burkina Faso, 1996 – the World Bank Operational Policy 7.50

In 1992, Burkina Faso built the Bagré dam without any consultation with Ghana, which raised some concern about the risks for the populations downstream in the White Volta. To avoid the same issues, the Government of Burkina Faso piloted early flood warning and management tools to minimize adverse downstream impacts and worked with Ghana to establish an information exchange mechanism through a joint technical committee to address the Nakambé River issues, including the planned construction of the Ziga dam (also located in the Nakambé/White Volta Basin), to supply the capital city Ouagadougou. A financing from the World Bank (IDA) was requested.
The Environmental and Social Impact Study confirmed the need to trigger the Operational Policy 7.50 on International Waterways. As required by OP 7.50, Burkina Faso notified Ghana, on November 30, 1995, of the proposed project and its impacts on the Nakambé River. Following consultations between the two countries, the Government of Ghana issued an official no-objection statement with regard to construction and operation of the Ziga dam on the Nakambe River.

Source: World Bank, 2001. *Project Appraisal Document for a proposed credit to Burkina Faso for the Ouagadougou Water Supply Project* (no. 21454-BUR)

Many studies refer to its outcome, the no-objection, as the first formal inter-state agreement regarding water resources management in the Volta Basin. Almost none of the studies connect it to the Operational Policy 7.50 on International Waterways. Through this policy, the World Bank ensures that the international aspects of a project on an international waterway are dealt with at the earliest possible opportunity. For such projects, the World Bank requires the beneficiary state, if it has not already done so, to formally notify the other riparians of the proposed project.

The basin's configuration is not directly favorable to inter-state conflicts. Consistently with the basin's structural features presented in Part I, most of the conflicts around water reported in the literature on the Volta Basin refers to local or at the best sub-basin level conflicts, related to land tenure, between farmers and shepherds (degradation of farmland by livestock), or other localized issues. The same literature, however, also mentions a series of main "conflicts" that have reportedly accelerated the institutional developments on IWRM and transboundary cooperation and creation of the VBA. They include: changes in rainfall patterns and stream flow following the droughts in the 1970s, cumulated with intensified land use and population growth, which raised concerns about possible declines in the Volta lake levels; power shortages in Ghana during these periods of low lake level; and violent flooding episodes. A critical alert occurred in 1998 in Ghana, with a record low water level in Akosambo Lake and severe power outages, leading to social unrest and political criticisms. Ghana pointed fingers at the massive development of small reservoirs for agriculture in the upstream part of the basin in Burkina. Dramatic flooding also affected parts of Burkina and Togo (Kompienga) in several instances, with serious impacts on populations. In Ghana, people remembered the dramatic flooding of 1994 in parts of upper Ghana downstream on Bagré dam during the 2007 crisis: unannounced discharges from Bagré exacerbated the intensity of a 50-year flood downstream, which destroyed thousands of populations in what turned into a humanitarian crisis. As stated by Opoku-Ankomah and al. (2006), "*such events were attributed to preventable events in Burkina Faso, calling for an urgent need to deepen existing cooperation and ultimately to establish formal transboundary agreements on the development and management of the Volta*."

However, while most of these events created real tensions, they did not escalate into serious conflicts. They were mostly bilateral and limited to sub-basin scale. Some were solved through diplomatic channels, some led to renewed efforts to build evidence. Research was undertaken and highlighted the limited role of the multiplication of small reservoirs in Burkina on the level of Lake Volta. Ad hoc discussions to address flooding in the While Volta basin were initiated by Burkina Faso and Ghana, notably after the first 'bilateral agreement' on water, as some name it (Box 2) about Ziga dam. To avoid another 2007 crisis, Ghana with the support of the World Bank assessed flood hazard and forecasting in the White Volta (WRC, 2008, WRC, 2013) and developed flood mitigation tools, including mapping of risk and alert systems to local communities. In 2012, a set of communication processes allowed to alert people to leave their land before the flood; this was combined with information shared by SONABEL, the power company of Burkina operating Bagré hydropower station. In 2017, this system is still in place and information is communicated also online.

Potential conflicts as discussed today have the same patterns. On the list of hydropower and irrigation schemes planned in the basin by the different riparian countries (Figure 7), only few could have direct bilateral impacts and are discussed bilaterally; most are relatively small-scale. In the Volta Basin, there is nothing like a Renaissance Dam, this large infrastructure developed by Ethiopia upstream of the Blue Nile that has triggered the ire of Egypt, coming on top of a long-lasting dispute over the Nile River between downstream Egypt and other upstream countries and the controversial so-called "colonial treaties." In the Volta Basin, these potential conflicts refer more to mid- to long term concerns over the overall sustainability of such development plans, in a context of strong pressure on water resources due to population growth – the basin's population is expected to triple in the next thirty years – exacerbated by uncertainties about the effect of climate variability on water availability.

Box 3: Bilateral cooperation Burkina Faso / Ghana: complementary or fragmentation?

1971: Joint Cooperation Committee, national, multisector, discuss major projects of common interest to both countries
1998: Technical Cooperation Committee, national, permanent, discuss technical matters
2005: Joint Technical Committee on IWRM, national water directorates: coordination, legal harmonization, policies
2006: Code of Conduct on water resources (consultative); Local transboundary Committee for Nakambé/White Volta (Bolgatanga, since 2007); Joint Transboundary Committee, national, support coordination with Local and Community Committees

The bilateral cooperation Ghana/Burkina started decades before VBA. With the mainstreaming of IWRM, national reforms also infused bilateral discussions, further pushed by a conducive regional framework. In parallel to the discussions to set up VBA at basin level, the IUCN Governance project (2006-2013, *PAGEV-Projet d'amélioration de la gouvernance de l'eau du bassin Volta*) developed an approach favoring a multi-level and participatory governance – superimposing on national basin agencies. Whether and how VBA and these structures (including conventional and non-conventional instruments) should cooperate remains an open question.

Sources: WRC, 2008, Garané, 2009, Welling R. et al., 2012

A more thorough benefit assessment could have informed VBA design. The Convention's mandate, vision and mission all refer to "*the equitable distribution of benefits resulting from [water] utilization"* as defined in the international law on watercourses, echoing the "shared responsibilities" of riparian countries over the basin's resources as the very justification of the new cooperative instrument. To date, this has remained an aspirational call, related to the long-term objective of poverty reduction and socio-economic development of the basin and corresponding goals of the riparian countries – goals that go beyond the physical delineations of the Volta Basin, but for at least Burkina Faso and Ghana, rely heavily on the sustainable development and economic growth generated in the basin. The first five-year Strategic Plan briefly underscored that mandate #4 about joint projects and works implied "equitable sharing of benefits" (also mentioned in mandate #2), but also linked it to a rather vague and long-term "opportunity to work towards achieving poverty reduction." Although it identified the need to develop a Master Plan as a framework for joint action and investments, it did not explicitly mention that such a tool was needed to operationalize the notion of benefits. The Master Plan has yet to be developed: without it, there has been no sound basis and direct, concrete incentive for VBA states to sit together and discuss individual national plans (driven by legitimate objectives of economic growth) and their cumulative effects on the basin's water resources, opportunities for joint projects including large-scale infrastructure and to jointly agree on needed trade-offs to optimize projected benefits (economic and others) and benefit sharing mechanisms.

In short,

- the process of creating a cooperative instrument to manage collectively the water resources of the basin was strongly influenced by external drivers;
- the instrument as created was nice on paper and very ambitious, with a new Directorate to set up and staff, legal and institutional frameworks to develop or strengthen, and powerful mandates;
- given the ambition and resources needed to support it, the choice of such an instrument may have deserved a stronger assessment of the particular hydro-geographic and economic context of the basin, relative interest and capacity of countries – or likelihood to comply with the level of commitment made --, to identify quick wins and immediate incentives to engage and set a progressive pace of implementation towards more substantial forms of cooperation such as joint infrastructure operation and benefit sharing.

III. Institutional effectiveness: achievements, constraints, challenges

The rationale of the present institutional assessment of the Volta Basin Authority was to understand why it had, so far, demonstrated a limited effectiveness in carrying out its mandate and highlight the bottlenecks or instead push drivers that the institution has faced since its inception. The objective is to identify pragmatic ways to progress and strengthen the Authority's role in the sustainable management of water resources in the Volta Basin.[13]

The institution is still young: in ten years of operation, it has made progress in establishing its governing organs and initiating policy processes, and has been active in a number of activities in the basin and representing the basin in international events. Nonetheless and given the powerful conventional instrument selected by member countries, over the last decade, the Authority has faced constraints to fulfill its mandate: achievements are below the objectives set up for this formative period both in delivering on its advisory, executive and regulatory functions and in the level of political leadership and strategic direction needed to enable VBA to perform.

To understand such findings, this section (A) describes current perceptions of the Authority's mandates and achievements to date; and (B) discusses what such views reveal about its governance structure and relations among constituent stakeholders that may have limited the institution's ability to fully perform its functions until now.

A. Mandates and achievements

This section is based on an extensive consultative process undertaken to inform this institutional assessment of the VBA.[14] Building on current perceptions of the Authority, it highlights gaps between the way its mandate (A.1.) and achievements (A.2.) are understood and the design and intentions of the institution as created – and translated into VBA's first Strategic Plan. Stakeholders involved in VBA's activities have different levels of knowledge of the institution as well as different interests and expectations about it. The review reveals some explicit or latent tensions about the instrument, which are meaningful to assess the actual effectiveness of the institution.

A.1. Mandates: from consensus to core issues

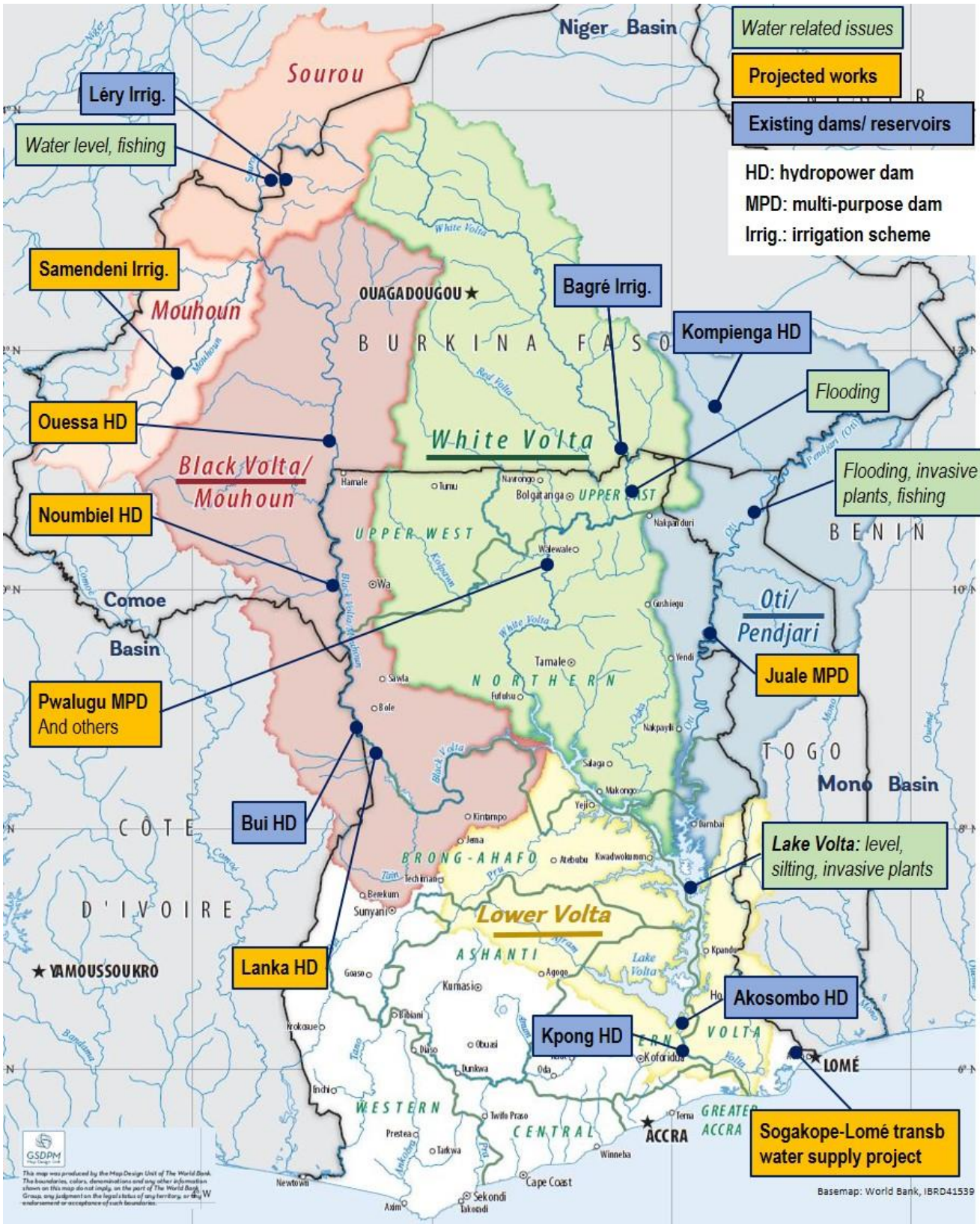
Consensus, but various interpretations

Overall, stakeholders, whether they are members of the VBA's constitutive organs or are involved in other capacities, are not familiar with the details of the mandate – the term refers to the general mandate and five outcome areas (mandates) of the Convention itself as well as the ten specific objectives of the Statutes, as presented in Part II (Figure 5). Many of the interviewees during the consultations could only react after having been provided with a copy of the constituent document for reading. Based on this limited knowledge, consulted stakeholders generally find the mandates clear and relevant.

[13] World Bank, 2017

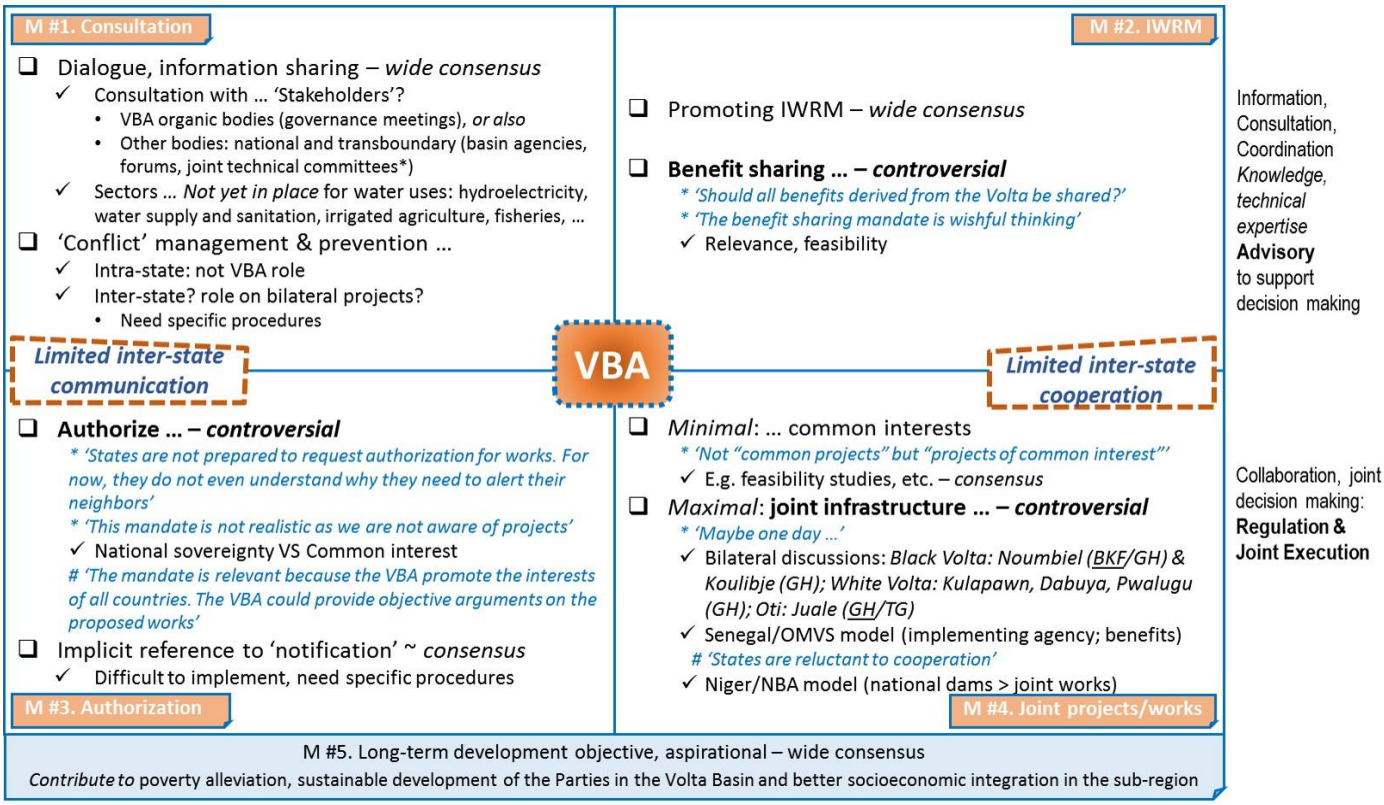
[14] See Annex 2, BRLi, 2017, *Independent Institutional Assessment of the Volta Basin Authority,* final report. The consultant interviewed over 100 people in the six countries, representing the following categories of stakeholders: Member States (ministries or general directorates in charge of water resources, energy, environment; ministries in charge of finance); national or bilateral sub-basin agencies; local authorities; private sector (water operators); civil society organizations; research institutions; technical and financial partners; as well as VBA staff of the Executive Directorate and national focal points. The Interview Guide is included in Annex 4 of the final report. The preliminary assessment was discussed during a workshop in November 2016 in Ouagadougou with the project Steering Committee. Comments and reactions were taken into account in the final report.

Figure 7: Perceived tensions over the main existing and planned infrastructure in the basin



There is a wide consensus around what is considered VBA's primary role: consultations with stakeholders of the basin and promotion and implementation of (the concept/principles of) IWRM (mandates # and #2). Mandate #5 regarding the contribution to poverty reduction and socio-economic development of the basin and sub-region is well understood as an aspirational call, as in many other national, regional or international documents, declarations and strategic plans rather than an operational area with attributable results. Also in consensus is the understanding that VBA mandates can only be implemented progressively because they correspond to different levels of engagement. Mandates #1 and #2 are the priority, mandates #3 and #4 are of a different ambition. This is already a recognition that overall, there is no consensus on parts of VBA's role.

Figure 8: Perceptions about VBA mandates



Behind the apparent consensus, stakeholders' comments illuminate various perceptions related to the scope of and tools for consultation. (i) For some stakeholders, VBA mandate on consultation refers to its governance structure and meetings of its statutory bodies; for others, this approach is too narrow and VBA needs to progress to expand its reach beyond its own bodies. For instance, sector consultation should be strengthened with entities in charge of main water uses and representatives of water users (see Objective #2 in Figure 5, which lists all important sub-sectors for the knowledge and status of water resources in the basin). There is some frustration that channels of exchange of information with those sub-sectors are not yet in place. (ii) Comments also point out the role of national basin agencies, bilateral transboundary committees or even national multi-stakeholder forums. Some mention the two-level bilateral committees such as the recent Sourou Transboundary Committee, platform for local dialog and the Joint Technical Water Committee, representing national water directorates and aimed to support the local body (Mali/Burkina Faso, 2013) or those implemented for White Volta years before (Box 3) that serve as platforms to share information on those shared sub-basins. Until now, there is no formal institutional link between VBA, as an inter-state body, and other entities in charge of IWRM in some of the sub-basins (Table 7).

The consultations also reveal a tension on VBA sectoral scope, stretching from the core focus on integrated resources water management on the context of this international watercourse/basin to the integration of larger issues, especially the environment. (i) Some stakeholders regret that the environment and climate change

seem to be left aside of the mandate. They consider that, given the level of environmental degradation in the basin, the Authority should have a wider grasp on environmental protection. They refer for instance to general orientation of the Volta Basin Strategic Action Programme[15] (SAP), a basin-wide long-term plan that was prepared by UNEP and the GEF in partnership with VBA, and endorsed by VBA ministers in charge of water as well as those in charge of environment. The SAP embraces IWRM, which by nature cuts across water and the environment, but with the aim to support the maintenance of an acceptable environmental quality and protect ecosystems. (ii) The Convention actually states a wide but clear jurisdiction "*over the Volta River, its tributaries and sub-tributaries, the reservoirs and lakes, groundwater and wetlands as well as the aquatic and land ecosystems linked to the basin, the estuary of the river including the zone of coastal and oceanic influence*" (Article 7). However, the way specific objectives are worded is illustrative of a certain ambiguity on the topic when the constituent document was drafted. Some of them relate to "*natural resources and, in particular, the water resources of the basin*" while most of the others address water resources. This may have contributed to varied interpretations and expectations about the sectoral scope of VBA.

The issue of 'conflict' is emerging about the mandates on consultations and IWRM promotion. Stakeholders voice expectations about 'conflict management' and the need to clarify VBA's actual or potential role in this area. (i) Some interviewees refer to inter-state conflict, which is expected to be within the Authority's mandate as an intergovernmental agreement and understood as a problem affecting all the riparian countries. Most of them are not aware that related provisions are included in the Convention,[16] as no case for dispute has been submitted until now. This would corroborate certain opinions that there are no urgent issues for VBA to deal with. (ii) Others, however, have in mind conflicts related to water but that could also be lower-scale, sub-basin issues, such as the 2007 50-year flood and humanitarian crisis in northern Ghana, downstream of Bagré dam (see above) or more recently, disputes between Burkina Faso and Benin on the Oti River related to different fishing legislations and therefore conflicting practices and use of the river's resources on each side of the river-border. (iii) Also highlighted by several stakeholders is the idea that even without direct or visible conflict, the Authority's driving principles include 'solidarity' and 'participation' and should give more space to local stakeholders. Related comments echo the voices of civil society organizations and long-term partners of VBA, such as IUCN, whose project '*Improving the governance in the Volta Basin*'[17] (2008-2013) piloted on-the-ground initiatives to protect or restore livelihoods of communities living on the basin's river shores and the strengthening of adequate multi-scale governance structures representing the different levels of action, from grassroots to transboundary.

Core issues

In stark contrast with the broadly worded mandates on consultation and IWRM promotion, key components of VBA mandate are highly controversial.

The notion of benefit sharing included in mandate #2 and IWRM implementation casts doubt about its relevance and even more its feasibility. Some stakeholders point out the reluctance of Member States or at least the skepticism to transform the call for cooperation into actual actions and '*equitable´* benefits, or more crudely, the idealistic nature of this incentive and therefore its inefficiency to drive change. Stakeholders' views on mandate #3 and mandate #4 are even more diverging.

Member States are not ready for the authorization mandate and related regulatory function. Some well-informed stakeholders consider that the authorization is the most integrated form of collective decision making; it derives from the countries' decision to establish a legally-binding Convention and to vest the intergovernmental Authority with the overview the water resources of the basin on behalf of its Parties and ultimately to give it the power to decide collectively to prescribe or proscribe the development of planned infrastructure and projects that

[15] UNEP-GEF Volta project, 2014

[16] Following the general provisions of the United Nations' Charter, Article 13 of VBA Convention calls State Parties to settle disputes through conciliation and mediation within the Authority first, and as needed call upon the competent organs of ECOWAS, the African Union and thereafter to the International Court of Justice.

[17] See for instance Welling R. et al., 2012 (IUCN publications available online).

could have substantially affect the shared resources of the basin. In contrast, other stakeholders strongly score that such views about authorization and regulatory powers are currently unrealistic given the limited interest demonstrated by Member States, from national administrations to the highest levels of power, toward this mission. In any case, a softer approach would be to first consider 'notification,' as this principle of international law is clearly implicit in the mandate and would limit the perception of attempt to states' sovereignty. The legal implications of both notification procedures and potential harm/damage to third parties in the basin therefore need to be further clarified (Table 5).

The understanding of "common projects and works" suggests the same limited interest of Member States for in depth cooperation. Examples given of common projects range from a simple study or small project carried out by the Executive Directorate, which seems perfectly acceptable, to jointly-owned infrastructure. Many interviewees acknowledge that the current appetite for inter-state cooperation is limited: national development goals remain the priority. The time has not come yet for the basin's countries to share ownership and benefits of hydropower, for instance, as countries of the Senegal Basin agreed upon when they set up the OMVS to build and manage a series of dams. This model is viewed as the ultimate reference of a successful inter-state cooperation, contrasting with the (perceived) disappointing reality in the Niger Basin. NBA Member States endorsed the Shared Vision but would not act in compliance with such vision – the Mali launch "its" long-awaited dam in Taoussa and the Kandadji dam in Niger is also primarily a national initiative.

VBA is not yet in the frontline to discuss large infrastructure and potential joint projects. Most stakeholders insist that a prerequisite for cooperation is to strengthen inter-state communication to at least exchange information about their respective plans for infrastructure development that may affect water resources, and to do so through VBA. To date though, it is perceived that the willingness to inform each other in a more systematic way is lacking, as exemplified by the case around the Bui dam in recent history.[18] Many consider that Member States should ultimately give VBA a leading role, or, at least and for now, involve the Authority in the planned projects that are discussed at bi- or trilateral level[19] (Figure 7). Nevertheless, when invited, VBA's voice in those discussions remain limited. A document[20] presenting the Noumbiel dam mentions that "*VBA lacks the legal mandate to implement investment projects, therefore a special purpose vehicle needs to be created for this project*." Based on the legally-binding VBA Convention however, mandate #4 gives the Authority the power to perform its executive function to implement projects on behalf of its Parties, if only such Parties are willing to do so.

[18] In 2013, when the construction of Bui dam in Ghana (Black Volta) was about to be completed (works had started in 2009), a tensed exchange occurred through diplomatic channels between Côte d'Ivoire and Ghana, the former deploring the lack of information about the dam and requesting an environmental and social impact assessment, the latter responding that the assessment had been completed years before and already shared with the Ivorian authorities. Whatever the political stance underlying such an exchange at the end of a long process (the dam was contested in the 1990s based on environmental and social concerns, mostly in Ghana but also in Côte d'Ivoire), and even if the dam was decided before VBA formally existed, VBA as basin-wide cooperation instrument was left aside this diplomatic round.

[19] Most prominent examples include: Noumbiel/Koulbi multipurpose dams in the Black Volta basin, discussed between Burkina and Ghana since the 1970s, the Juale hydropower dam along the Oti River, currently discussed between Ghana and Togo or other projects like the Daboya hydropower and irrigation scheme or Pwadugu multipurpose dam in the Ghanaian part of the White Volta basin.

[20] Programme for Infrastructure Development in Africa (PIDA) – Virtual Information Center, 2013, www.au-pida.org

Table 5: A conducive legal framework that still needs to be specified

	Substantive obligations to achieving specific outcomes	**Procedural obligations - means to achieving specific outcomes**
UN Convention on the use of international water courses for purposes other than navigation	**Equitable utilization** (*water allocations and entitlements*) **Duty of "No harm"** (*eliminate or mitigate harm, or compensations*) **Obligation to protect and preserve international watercourses** (*management and regulation of pollution, invasive species, etc.*) (note: *derived from the obligation to protect and preserve the environment in the international laws on environment*)	**General duty to co-operate** (*based on sovereign equality, territorial integrity, mutual benefit and good faith*) **Obligation of prior notification and related obligations** (*specific provision related to "significant adverse harm"*) **Duty of consultation** (*for any project*) **Obligation to exchange data and information on a regular basis**
	All of those obligations are specified in the Articles of the Convention. The Convention entered into force in 2014. Burkina, Benin and Côte d'Ivoire became Parties to the Convention in 2011, 2012 and 2014.	
VBA Convention – Article 4	(a) The use of the water resources of the basin and the participation in their development in an equitable and reasonable manner (e) Precaution and prevention (f) The protection and conservation of ecosystems (g) The obligation not to cause damage (i) The freedom of navigation on the river	(b) The general obligation to co-operate for the States sharing the same river basin (c) The regular exchange of data and information among the State Parties (d) The notification of planned activities that can have negative effects as well as the related consultations and negotiations (h) The notification of emergency situation
National water laws (*)	All 6 MS have water laws: Ghana 1996; Côte d'Ivoire 1998; Burkina Faso 2001; Mali 2002; Togo 2010; Benin 2010 – Only Ghana does not refer specifically to IWRM principles (focuses on water use) Provisions on international watercourses? None in water laws of Burkina Faso, Ghana and Mali.	
	Benin: prevention and control of pollution Togo: management of potential conflicts related to water, use and monitoring of shared waters	Benin, Côte d'Ivoire and Togo: general obligation of co-operation Benin: prior notification of planned measures - "*any work likely to have an impact on transboundary waters must be authorized and an environmental impact assessment"* Côte d'Ivoire: obligation to exchange information; emergency notification (critical situations); principle of joint projects Togo: exchange of information (on water resources and related situations such as floods, droughts and accidental pollution); implementation of common projects and bilateral and multilateral structures for shared water management
National water policies (*)	5 MS have water policies: Burkina Faso 1998; Mali 2006; Ghana 2007; Benin 2008; Togo 2010 – Only Côte d'Ivoire does not have a water policy. Principles related to international watercourses: mentioned partially; not specified	
	All: prevention and resolution of conflicts related to shared waters Ghana: rule of fair and reasonable use None: non-damaging use of national territory (no harm), environmental protection, the control and the prevention of harmful situations	All: principle of co-operation on shared waters; obligation to exchange information and data between States Togo: emergency notification rule None: prior notification of planned measures
(*) Note: The above is a selective overview of the water-related laws and policies with no pretention of being exhaustive. Principles and rules relevant for the application of international laws on international waters or the environment could be found in other national documents (laws, codes, etc.) of national scope, most particularly in the environment law which were not reviewed in the context of this study. Each country is also a member of several international treaties on related topics (Ramsar, etc) which have the same, or convergent, or their own principles and rules. Sources: BRLi 2017; Matthews 2013; Garane 2009		

To sum up,

- Stakeholders are not familiar with the Authority's foundational documents, which opens a range of interpretations of what it should do or not do. The constituent texts, by nature, are drafted with legal wording and refer to complex notions and issues of the international law pertaining to international watercourses; the lack of adequate documentation more easily understandable by a wider audience has contributed to such diverse interpretations of VBA mandates and missions.
- This also applies to representatives of the ministries directly involved in VBA governance. While staff turnover in ministries could explain a certain loss of institutional memory in this regard, it shows a limited understanding that their own countries, in endorsing the Authority at the highest political level, have agreed upon the legally-binding nature of the instrument and its provisions and mandates.
- There is a broad consensus on the 'soft' mandates about information sharing and consultation to promote IWRM given the importance of water resources for the socio-economic development of the basin. Nevertheless, this consensus is not cemented in an agreed upon, operational challenge in the basin at inter-state level, which could undermine the ownership of the institution vested for that purpose.
- The perceived lack of political interest may support the call of other stakeholders to be more involved in consultations related to the basin's water resources and governance frameworks. This questions the geographical scope of VBA, as a multilateral instrument, and its governance structure and degree of inclusiveness.
- Some voices consider that VBA should cover a broader sectoral scope and be more firmly involved in environmental protection or climate change. This is a potentially risky move given the current difficulties to implement a more limited mandate.
- Perceptions on VBA missions also highlight that relationships among its organic structures do not work as expected, limiting its ability to perform its functions. The limited communication among states and dysfunctions in information sharing between VBA and other technical entities involved in water management can only hamper its advisory role in support to decision making. The perceived low appetite of states to cooperate more on concrete actions is disappointing given expectations to see VBA manage jointly-owned infrastructure in the basin and regulate water development actions for the sake of the basin's shared water resources and well-being of the future generations.
- The process of drafting a Water Charter for the basin will be an opportunity to further assess the Parties' stakes and appetite to work more closely on the management of the basin's water resources. In this regard, Table 5 provides a brief and selective overview of the obligations contained in the Volta Convention, to be compared with the substantive and procedural rules codified in the global Convention of the United Nations on the use of international watercourses that inspired the Volta Convention, and how principles are also reflected, though at various levels, in some national laws and policies.

A.2. Achievements: progress and constraints

The evaluation of VBA's first Strategic Plan was an important milestone to discuss implementation shortcomings and key constraints. Lessons learned were useful to prepare the second Strategic Plan for the period 2015-2019.[21] In this second Plan, the strategic objectives were revised to clarify some of the expected outcomes and insist on activities that were considered critical for the adequate operation of the VBA and expectations on its mandate, but had yet to receive more attention from Member States and partners. The issue of the autonomous and sustainable financing of the Authority, for instance, was upgraded as a standalone objective given the difficulties encountered to collect national contributions, building on the recommendations of a recent study on this topic (FEI, 2014). Similarly, the development of the Water Charter was not achieved as planned during the first period: the need to establish the legislative framework for the basin was spelled out as a specific strategic objective in the second Plan.

Overall, the findings of this assessment are full consistent with progress, shortcomings and constraints discussed in the evaluation of the 2010-2014 Strategic Plan carried out in 2013.

VBA has not yet build its name and notoriety. Apart from its closest partners, many national stakeholders in the water sector only know VBA by name. It was reported that at the local level, on the ground, people are not even aware of the existence of the VBA. Some interviewees in the administration consider that they lack information on VBA's activities and main strategic or project documents. Some people involved both in the Volta and the Niger Basin Authorities can compare the flow of information and note that NBA is more widely known than VBA, even in Ouagadougou where the headquarters of VBA is located. Some long-term partners and resource persons of VBA consider that the institution is better known by partners, particularly international ones, than by countries' administrations and entities involved in water resources management. This is a challenge of ownership.

"***When VBA does something, it does it well***." VBA's lack of visibility partially explains the mixed perceptions of its achievements by many stakeholders. Overall, stakeholders express support to VBA, including at minister level. Nonetheless, when it comes to rating its performance, a few consider that VBA is technically strong and competent, but many are disappointed, either because they were expecting more or because they are not aware of any tangible results. Moreover, when people refer to VBA, they often have in mind only its Executive Directorate or its Director. This reflects the fact that VBA is not fully developed.

Achievements may be considered below expectations, but VBA has made progress during its formative period. On the one hand, achievements against the initial ambition of a full joint mechanism encompassing a complete set of functions, from information sharing to common infrastructure may be considered limited. On the other hand, stakeholders consulted for this assessment share the view that VBA has not yet ten years of experience, that development of an institution takes time and that it has been operating despite limited funding. Experience from other basin organizations in the region shows that it takes time to have tools and procedures in place and that results depend on appropriate levels of political and financial support. The table below (Table 6) presents the progress made by VBA, along with constraints that have limited its effectiveness.

The Authority has made progress in terms of policy processes and representation and participation.[22] The governance has been established, providing a platform for political leadership and dialogue and consultation, at technical/operational level through the Committee of Experts, Forum of the Parties and Focal Points, and with other stakeholders including civil society organizations. Several studies were produced, some of them directly by VBA and the Observatory, that have improved the knowledge of the basin. National Hydrological Services have

[21] Cereg, 2014. The decision to prepare a new Plan was approved at the fifth session of the Council of Ministers in March 2014 in Lomé. The second Strategic Plan was approved at the sixth Council of Ministers in June 2016 in Cotonou.

[22] These categories were introduced by the project "IWRM Key Performance Indicators for African transboundary river basins", supported by the first EU-ACP Water Facility and the French Cooperation (2007-2010). This was a foundation for VBA to build its monitoring and evaluation framework, particularly the governance indicators (OIEau, RAOB, 2014).

been strengthened. VBA has been involved, notably through its Executive Directory, in many activities with various partners at national, regional or international level.

However, the Convention remains a framework lacking tools and instruments to be fully operational. Most particularly, a Water Charter is needed to define the tools, instruments and procedures to implement the broad principles and directions stated in the Convention. Moreover, the deficit in efficient consultation tools and communication mechanisms has limited information sharing and the mobilization of some key actors, such as those representing water users whose role is critical in building a common knowledge of the basin's key challenges, defining actions to address them and implementing those actions.

VBA's coordination role has not been as effective in view of the initial call for alignment to avoid duplication of efforts or carrying out interventions in the basin that may have negative impacts on third parties, including transboundary neighbors. First, VBA has been operating in a complex institutional landscape that has not been conducive to coordination and planning. Responsibilities pertaining to water management are fragmented across national institutions at various levels, including administrative overlaps and uncoordinated decision-making in a context of limited technical capacity and scarce public resources. This has affected the sustainability of some activities undertaken with national services, for instance to strengthen hydromet information systems and data management. This has also limited the interaction between VBA, line ministries, other departments and agencies dealing with water, and national basin agencies and other bilateral, transboundary mechanisms in the various sub-basins. Second, a number of projects have been developed in the basin, driven by external partners with various objectives and sources of funding: VBA's involvement has been uneven and did not succeed in generating much financing for activities directly supporting its own strategic plan (Figure 9, Figure 10). Similarly, it has a limited voice, if any, in larger scale projects with potential impact on the basin's water resources led by national governments with the support of international financing institutions, including the few ones that could lead to joint infrastructure between two or three of VBA Member States (Juale dam, transfer Lower Volta to Lomé, Pwalugu multipurpose dam,[23] etc.).

More critically, the Executive Directorate, VBA's pivot body, has been understaffed and underfunded to adequately perform its duties. Member States decided to establish a permanent executive body for VBA; this came with a commitment to ensure its effective and sustainable operations. Ten years after the Convention was established, eight since the Executive Directorate settled in in VBA Headquarters in Ouagadougou, the Executive Directorate is facing a critical financial situation (Figure 9, Figure 10) and still needs to consolidate its capacity to implement projects and attract donor financing.

Overall, activities carried out have been fragmented and sometimes opportunistic, to secure funding or because VBA could not find its own space in a busy institutional landscape. This may put at risk the sustainability of some of the achievements. Another risk well perceived during the consultations is that VBA be only seen as a bureaucracy.

[23] VBA was in the Steering Committee of the Environmental and Social Impact Assessment of the Pwalugu multipurpose dam, the Water Resources Commission being responsible for liaising with VBA – the WRC executive secretary is also VBA Focal Point for Ghana. VBA supposed to inform other Member States and give approval (VRA, 2014)

Table 6: VBA achievements: progress and constraints

Area	PROGRESS MADE 2009-2017	SHORTCOMINGS AND CONSTRAINTS
Governance		
VBA organs	Council of Ministers (COM): 6 meetings, satisfactory attendance (all states present, though not always by the Minister itself)	Members' turnover, infrequent meetings (high cost of meeting, only every two years since 2014), most decisions taken focus on operational matters, few decisions related to sector policies and programs
	Committee of Experts (COE): 9 meetings	Turnover, second national expert (in addition to Focal Point) selected on an ad hoc basis, focus on operational matters, lack of substantive discussions and recommendations to support advisory function
	Forum of Parties (FoP): set up in 2012 (2nd EU-ACP Water Facility project), 3 meetings, internal rules of procedures set up	Issue of representativeness (members appointed by NFP, water users not well represented), turnover, limited capacity as advisory body
	National Focal Points (NFP): appointment of assistants from 2015 (COM 2014) to stand for and strengthen relation with other organs and ED	Turnover, limited human and financial resources for VBA tasks, lack the channels to mobilize other relevant public agencies, roles still need clarifications, National Focal Structures (NFS) not in place
	M&E framework established (1st EU-ACP Water Facility), reporting mechanisms to COM; 2nd Strategic Plan 2015-2019 approved (COM 2016)	Capacity to maintain M&E system partly limited by a lack of information to monitor the technical key performance indicators
Legal frameworks	Water Charter development process initiated (2009). Water Charter included in the VSIP project, consultant recruited in 2017	National and regional legal frameworks not harmonized, large water/environment scope of commitments
Strengthening the knowledge base of the basin		
Knowledge, Information sharing, data management	Observatory established within VBA ED (support French GEF/AFD/IUCN); strengthened through Volta-Hycos 2 (support Africa Water Facility); Observatory action plan 2014-2023 developed	Action plan not implemented after end of financial support, limited technical staff for the Observatory, directors for communication and for coordination with NFS not recruited yet
	Environmental status of the basin: studies of Observatory project (2010-2011) and UNEP-GEF Transboundary Diagnostic Assessment (TDA, 2012). Inventory of water resources and uses and analysis of existing monitoring systems: baseline reports and Atlas (2012)	VBA consulted for TDA but no lead role, no data transferred to the Observatory. Dissemination of Observatory products limited, data not updated since baseline, updating process not functional.
	Support to national hydrological services (NHS) in the 6 member countries: installation of hydromet stations and information systems, trainings (satellite data, data collection and management, hydrological modelling and flood forecasting), improved hydrometric networks, HydroMet information system used by NHS and VBA. Water Resources Information System installed at Observatory (WRIS, 2014)	Stations only partially operational (inadequate maintenance), limited data sharing protocols, irregular and limited transmission of national data to Observatory, which prevents the Observatory to provide adequate decision support information or other products to VBA constituencies Total of 9 different information systems installed at the Observatory since inception, systems inherited from previous research projects not functional Data/information exchange protocols with other national services representing water users (water supply, energy, etc.) not in place

Coordination, planning and management		
National institutions	VBA associated to mainstreaming of IWRM in the six countries	NFS not established: limited coordination with other relevant consultative bodies, national basin agencies, transboundary basin committees; lack of consultation channels with water user representatives
National projects	VBA invited to discussions on future joint projects Ghana-Togo: Juale dam on Oti River, and member of the Steering Committee for the Sogakope-Lomé project to transfer water from lower Volta to supply Lomé-Togo (AWF/ADB) but limited voice	Persistence of national infrastructure projects of priority economic interests for the countries, with limited involvement of VBA Limited role of VBA in improved dialogue and mechanisms to reduce tensions (e.g. WRC/SONABEL information systems to prevent flooding)
Partners' projects	VBA involved in several projects in the basin (UNEP-GEF Volta project: including TDA and SAP; EU-ACP Facility, AFD and other partners: VBA capacity building project; IUCN Improving water governance project, phase 2; IUCN Improving environmental governance; FAO Tilapia project; CGIAR Challenge Programme for Water and Food, phase 2; ESA Tiger-net)	VBA ED associated or just consulted for some projects, no systematic participation and transmission of information. Fragmentation of activities. Limited added value to VBA strategic objectives, moderate impact on operational capacity
	UNEP-GEF Strategic Action Programme (SAP) approved (COM 2014), endorsed by the Ministers in charge of Water and of Environment in each country; Actions targeted at national level or at VBA (basin governance)	Many actions to be implemented by national services (national plans), no clear 'division of labor' with VBA for actions on the ground; scope on environment: risk of dilution of effort? Plan only partially funded
Project management	VSIP project with WB (CIWA-GEF), approved 2015, implemented by ED, project funds support the recruitment of fiduciary staff for project implementation. Activities include: Water Charter, Communication Plan, internal procedures, set up of NFS and implementation of small-scale investments in-country (SAP priority actions)	Few financing agreements (grants AWF, AFD), not renewed VSIP: VBA Staff time dedicated to project implementation constrained as key experts share time with regular VBA tasks, limited knowledge of WB procedures (procurement, financial management, environmental/social safeguards)
Planning	Terms of reference of the Basin Master Plan approved (COM 2016); funding request prepared for submission to GEF	Resource mobilization constrained by limited project management capacity and practice of donors' procedures
Communication and capacity building for all stakeholders		
Communication.	Website (2009), stakeholder participation plan, meeting VBA/Civil society Organizations (2012), training workshops for stakeholders/organs	VBA not well known within countries including administration beyond direct body members and historic partners, stakeholders expecting regular information from VBA (bulletins, newsletters, etc)
Effective and sustainable operations		Executive Directorate understaffed and underfunded
ED capacity (staffing, finance, procedures)	Progressive staffing of ED – senior positions and support functions.	Lack of operational staff to carry out substantial work including strategic plans, lack of robust fiduciary procedures (financial auditing and control)
	Internal support: recent retroactive payment of arrears by several MS	MS contributions paid with delays, do not cover all operating costs and statutory meetings, weak budgetary planning, low execution rates
	External support: VSIP project, financing agreements WB $10.7 million grants (CIWA-GEF), 2015-2019	Technical and Financial Partners group not active, limited amounts, limited knowledge of donors' procedures

Figure 9: VBA financing, Member States and external support

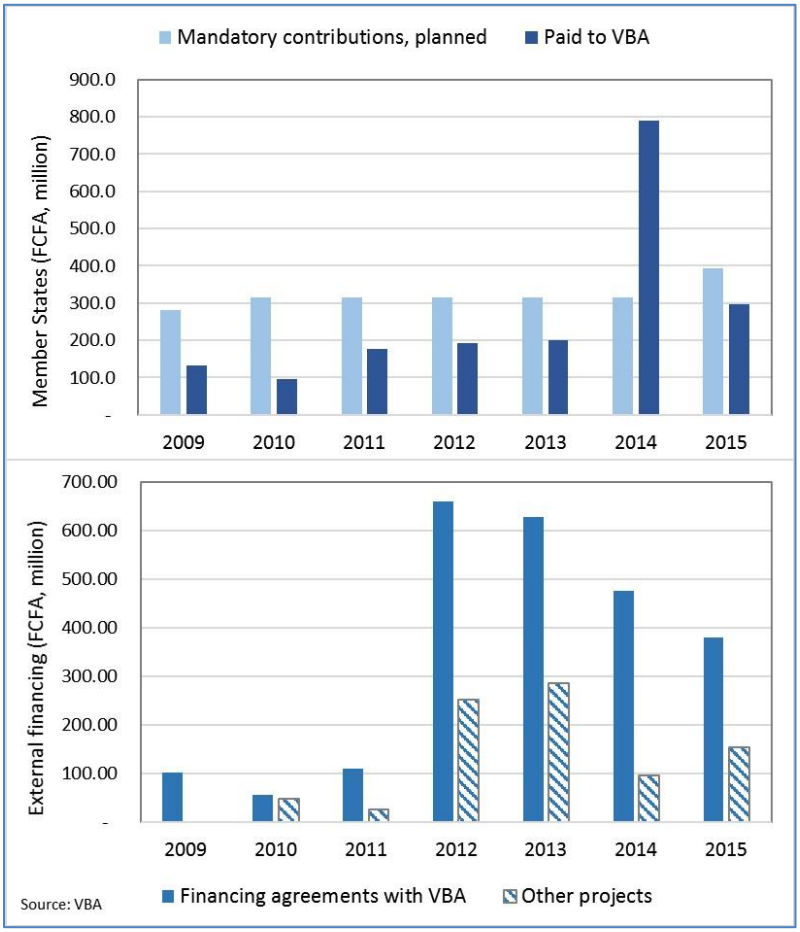
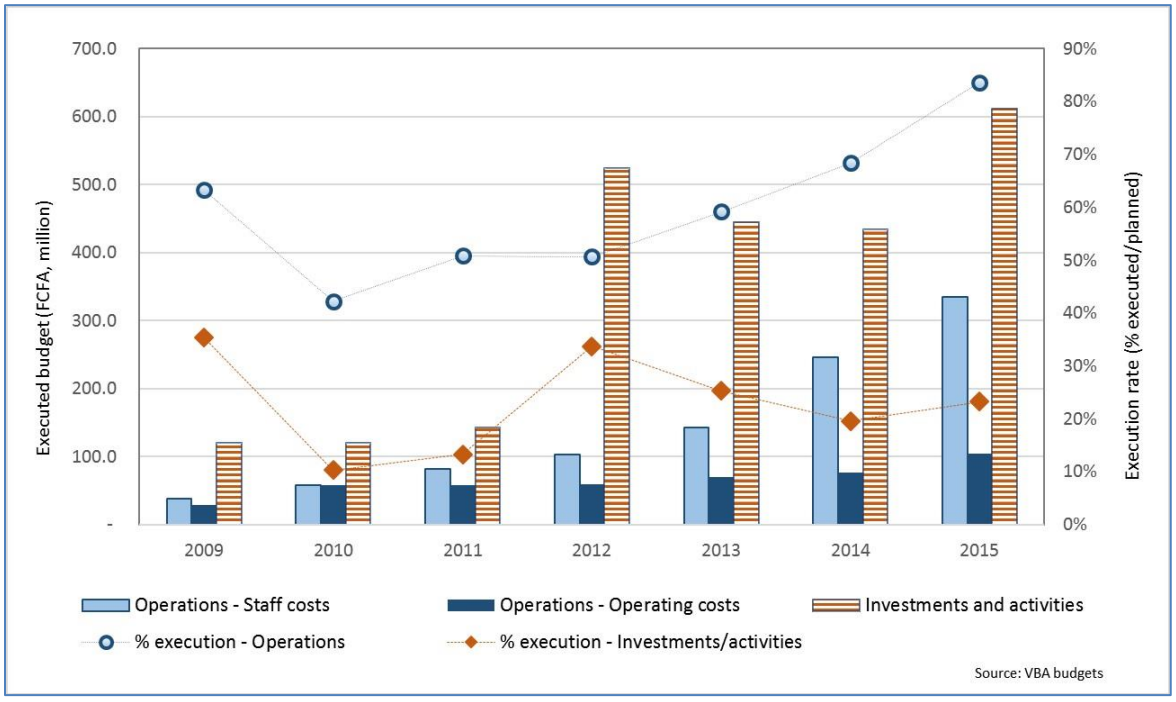


Figure 10: VBA operations and activities, executed budget



B. Governance and roles

The Authority is now at a critical juncture: it needs to strengthen its visibility and its technical credibility. The previous sections clearly stress the difficulties of the Authority, which cannot be limited to its executive body – the Executive Directorate. VBA can only function and fulfill its mandate if its different organs operate and interact in an effective manner.

B.1. The Executive Directorate

The Executive Directorate, as the executive body of the institution, critically needs to be consolidated to be fully operational. In the short-term, the Authority is in a critical financial situation, which directly impacts the operational capacity of the Directorate and its efficiency. VBA needs the full support of its Member States to put the ED back on track, with adequate funding to grow and perform.

Staffing. The ED staff has increased from five people in 2009 to 31 at the end of 2016, progressively giving more capacity to interact with other statutory bodies and partners. However, the Directorate has constantly been financially constrained and has not been able to implement a staff plan consistent with its needs.

- Recruitments were focused on the managerial level: the strategy was to attract technically recognized directors to strengthen the structure, as prioritized in the first Strategic Plan. But they were also senior international positions that needed to be endorsed by the Council of Ministers and expensive recruitments. Due to delays and unsecured funding, some positions approved at ministerial level are yet to be filled. Some others are yet to be opened.
- Staffing today is highly imbalanced: besides lower-level support staff and management, the Directorate is suffering from a dire deficit in operational positions (two out of 14 staff in 2012, 11 out of 31 staff in end 2016) to carry out the activities of the Strategic Plan and externally funded projects; the Division of Operations has no operational staff. In addition, the limited number of technical specialists lack clear job descriptions to detail generic terms of references and provide guidance on their missions. Projected recruitments show progressive adjustments to the original organizational chart.
- Staff development also needs human resources procedures to streamline recruitment procedures and career development paths to retain staff. Terms of reference based on needs expressed by the Director of Administration and Finance, de facto also HR Director, were prepared as part of this assessment and a manual of human resources procedures will be funded under the VSIP project.

***Finance*.** The Authority's financial situation has reached a critical stage. Since 2012, Member States' contributions have barely covered the operating expenses, drastically limiting development and staffing plans. Based on the approved budget for 2017, they would not be sufficient to fully cover staff cost, which represent the core of the operating budget, putting constant pressure on the financial accounts and cash flow.

- Mandatory contributions are overall paid only partially and with delays. After a positive campaign, a large amount of arrears was settled in 2014. But in the current situation, even the full collection of due contributions may not be enough to cover budgeted staff cost, including current expenses and plans to recruit most needed additional operational staff.
- Under VSIP funding, a study has been commissioned to, among others, clarify the mechanisms of international contributions in the different Member States and organize a process to systematize their full collection in due time. That would be a key step in stabilizing the ED's operating budget and therefore VBA's overall financial basis – a stabilized and fully staffed ED could do better to mobilize external funds to increase operations. The VSIP project also funds a procurement specialist and an accountant, dedicated to the project but who, once trained, could be recruited by VBA on its own funds and strengthen its fiduciary capacity – a critical skillset to attract international financing.
- In the short term, the Council of Ministers has received a request to increase national contributions, and requested details to assess needed longer-term financial efforts, particularly related to staffing. While this

is understandable in the context of overall limited public resources and de facto and competition between various (international) organizations each country is a member of – for instance, four of the six riparian countries are also members of the Niger Basin Authority – Member States also have an obligation, in the Convention, to support the Authority. Similarly, the ED needs visibility to confirm a staffing plan and more broadly, its overall capacity to function and deliver.

- External financial support. VBA's budget for 'investments and activities' aggregates budgets from all externally-funded projects with strong ties with the ED; yet VBA has only been full implementing agency of a limited number of financing agreements – with the African Water Facility, the French-GEF and French AFD, and more recently for the ongoing VSIP project. With a total of $10.7 million, this World Bank project, co-funded by CIWA and GEF, is the most important ever managed by the Directorate.
- Challenges to attract more external financing and develop the ED's executive capacity and role in the future imply to strengthen its own fiduciary procedures, including auditing and control, and to invest in knowledge of donors' fiduciary and environmental and social procedures. The VSIP project is a unique opportunity in this regard; to succeed, VBA needs to reduce the key constraint of lack of operational staff.

Strengthening the Executive Directorate's capacity to implement projects and attract donor financing may be a decisive move for the Authority. It would pave the way towards mobilizing external financing that the ED could manage on their behalf and for the benefit of one or more of its Member States. In addition, for VBA to be effective, the Executive Directorate needs to better interact with other bodies to strengthen the Authority's technical and advisory function.

To lead this move, the Directorate needs stability and legitimacy. The Executive Director has been in an acting position since 2006. He could not be confirmed as VBA Heads of State did not meet since the endorsement of the Convention in 2007. This has progressively affected the overall legitimacy of the Authority vis-à-vis external partners and national institutions. In late 2016 the Council of Ministers decided to advertise publicly the positions of Executive Director and Deputy Director (contrary to the Director, whose appointment depended on the Heads of State, the latter had been confirmed by ministers in 2012). ***An extraordinary Summit of VBA's Heads of State was held on June 4, 2017. The Leaders endorsed the recommendations of the Ministers and announced the appointment of a new leadership team.***

B.2. Political leadership, policy and decision making

Heads of State

VBA Heads of State had not met since the constituent meeting in 2007, raising growing concern about the lack of interest and political support to the Authority. The absence in the basin of a serious threat over the shared water resources and the – related – moderate benefit to get for their respective economies or personal involvement may have delayed this long-expected sign of support, as well as other reasons, including the fact that any of the riparian countries has had, in the last ten years, their share of internal issues (political unrest and ousting of the President of Burkina Faso, post conflict stabilization in Côte d'Ivoire, etc.), and regional threats as well, much more conducive to collective action, in particular in the context of regional insecurity.

At the recent extraordinary VBA Summit, held in Monrovia at the margins of an ECOWAS Summit, Heads of State reiterated their support to the institution. This is a positive move for the Authority. By appointing a new leadership team for the Executive Directorate, Leaders are sending a signal that should reinvigorate the legitimacy of the overall structure. To further translate into concrete results, their invitation to pay financial dues to the Authority needs to be followed up at minister level to ensure that Member States will provide the critically needed financial support to put the Directorate back on track and allow its development in the longer run.

VBA also needs a strategic direction. A lesson of past experience to be considered for VBA's structure is that the frequency and scope of the Heads of State meetings may need some adjustments. Some decisions such as the appointment of the Executive Director may be taken at the Council level to ensure leaner processes and enhance the Ministers' ownership of the Authority. The Heads of State must decide VBA's strategic directions needed to (re)focus the institution where it can really make a difference.

Ministerial level

Ministers entrusted with VBA mission are the ministers in charge of water resources. Many of them have responsibilities spanning over more than one sector, such as water and energy in Mali or Benin, water, forests and environment in Côte d'Ivoire, or water and agriculture in Togo (Table 7). Generally speaking, water ministers may have a limited voice within governments in the basin's countries, and may therefore not have a strong leverage, either to push their counterparts from Finance or Foreign Affairs to pay for the country contribution, or to promote structuring infrastructure that could be relevant for VBA involvement. Discussions around the national or bilateral dams mentioned earlier are usually led by the ministries in charge of Energy or Infrastructure. In Burkina Faso, the minister of water and sanitation may lead the discussions for the extension of the Ziga dam to supply Ouagadougou (located outside of the basin), yet water resources issues are also dealt with by an inter-ministerial commission reporting directly to the Prime Minister. In Ghana, the minister in charge of water may need to gather support from the ministry of Energy, but also the Water Resources Commission, whose executive director is also VBA's national focal point, as the WRC board represents all water users including the public and private authorities in charge of hydropower developments in the country.

This variety of situations may have limited VBA's visibility and the ability of the ministers in charge to promote its mandate. Based on the review of progress made presented in the previous section, it also appears that until now, VBA's Council of Ministers has largely focused on internal and procedural issues. This does not come as a surprise for a newly created organization, especially when it involves, for instance, the recruitment of senior managerial positions for which each country may have some interest – at least, until now, in the absence of procedures ruling the distribution of these international positions.

To build momentum, the Council of Ministers needs to reinforce the Authority's advisory role and promote more substantial discussions on the basin's challenges and potential for cooperative actions. This resonates closely with the first strategic objective of VBA's Strategic Plan for the period 2015-2019 that the Council approved at its sixth session in Benin in June 2016. This objective is focused on political processes and aims to position VBA as a legitimate institution in the basin.

Fostering National Focal Structures will help align transboundary and national agendas and leverage the technical and financial contributions of each member country to support the Authority in implementing its mandate. Since inception, VBA has been lacking coordinated channels to ensure the mobilization of the relevant expertise to consolidate the knowledge base and to inform political decision on water resources in the basin. Without such leverage, securing VBA financial support, even mandatory, proved difficult. Operationalizing the National Focal Structures is not meant to add another permanent body in an already dense institutional landscape. On the contrary, under the leadership of the minister in charge of water, the National Focal Structures should build on each country's institutional arrangements and bring at the table, in a flexible format, relevant administrations, and, as needed, other private and public representatives of water users (see below). In a context of scarce public resources, optimizing channels of information and promoting synergies may be a good sell.

Clarifying the link between VBA, with basin-wide scope, and other national and bilateral (sub-)basin agencies will also help clarify its role. Another area of involvement for VBA ministers is to discuss the kind of interactions that the basin-wide institution could or should have with the national basins agencies, usually under the minister's responsibility and, for a few examples, with the bilateral technical committees and transboundary local structures that have been progressively set up to address issues at the sub-basin level. In this regard, it could

be of interest to assess the mechanisms in place between Ghana and Burkina Faso and whether their primary consultative mandate is conducive to coordinated decision making at bilateral level.

Table 7: VBA national representatives and national water resources management institutional frameworks

	VBA's Minister (in charge of)	VBA's Focal Point (Director of)	Other ministries within VBA scope	Basin Agencies in the Volta Basin	Water Stakeholders' Forum	Other Transboundary Basins
Mali	Energy & Water	National Waterworks Directorate	Agriculture; Environment & sanitation	Sourou Local Water Committee (non-permanent)	National Water Partnership	Niger Basin Authority Senegal River Basin Organization
			***Mali/Burkina** – Joint Technical Committee for IWRM (2013)* *Transboundary Sourou Water Committee (2013)*			
Burkina Faso	Water & Sanitation	General Directorate of Water Resources	*Inter-ministerial Water Commission* (IWRM) Environment; Agriculture and Water Devt; Decentralization	3 Water Agencies (WA): . Nakambé WA . Mouhoun WA . Gourma WA (Volta/Niger)	National Water Partnership	Niger Basin Authority Comoe Basin
			***Burkina/Ghana** – Joint Technical Committee for IWRM in the Volta Basin (2005)* *Transboundary committee Nakambé / White Volta (2008)*			
Ghana	Water Resources, Works & Housing	Water Resources Commission	Energy; Food & Agriculture; Fisheries; Lands & Natural Resources (Mining, Forests); Local Govt & Rural Devt	3 Water Boards (WB): . White Volta WB . Black Volta WB . Oti WB (to be operationalized)	Ghana Dam Dialogue CONIWAS (Coalition of water actors)	
Cote d'Ivoire	Water & Forestry	Water Resources Management and Planning Directorate	Agriculture & Rural Devt; Petroleum & Energy (Mines); Economic Infrastructure; Environment & Sust. Devt	-	National Water Partnership	Niger Basin Authority Comoe Basin
Benin	Energy, Water & Mines	Water Planning and Management	Agriculture; Environment	-	National Water Partnership	Niger Basin Authority Mono Basin Agency
Togo	Agriculture, Livestock & Water	Water Resources Directorate	Environment & Forestry; Energy & Mining; Decentralization	-	National Water Partnership	Mono Basin Agency

B.3. Technical expertise, consultative and advisory roles

VBA's consultative and advisory role, as planned in the Convention, is a joint task of the national parties and of the Directorate. Even in the current absence of basin-wide common infrastructure, which may require time for Member States to engage in, and would first need to be identified, the Authority is an interactive structure. This key message was already an important recommendation of VBA's first Strategic Plan, and consequently a driving principle of the second Strategic Plan for the period 2015-2019.

This working link between the Executive Directorate and the Member States:

- Is critical to ensure the sustainability of previous investments and activities undertaken by VBA, be it at the Observatory or in national (hydromet or other) services, in a context of scarce public resources;
- Needs to be strengthened and substantiated to increase VBA's advisory role to support, orient or prompt decision making;
- May need some adjustments of roles and operational procedures of VBA's bodies to improve their respective value added and their collective contribution.

Forum of the Parties. This body has not, until now, been able to play its advisory role. As currently set up, with members appointed by the National Focal Points, it is too limited in representation and too diverse to find common ground. With only three meetings in four years and the turnover of appointed members with various backgrounds and uneven levels of expertise, the Forum could not engage in any substantial discussion. As mentioned with the Observatory, the link with water users has been missing and will be critical to develop. In addition, in line with

the ambition for this Forum to represent a wide range of stakeholders of the basin, channels of discussion and participation may be set up, or strengthened based on the respective countries' situations, with existing national stakeholder platforms and other committees representing civil society organizations and other actors, including universities for instance. Communication efforts, with the expected Communication Plan to be developed under VSIP funding, should help mobilize those categories of actors around VBA missions.

Committee of Experts. Until now, the role of the Committee has been relatively limited to the control of the ED's activities and assistance to prepare decisions and resolutions for the Council of Ministers. Ten years after VBA inception, it is now important to better balance internal processing and more substantive discussion related to the basin's resources, future projects, threats and emerging challenges. Bringing this kind of discussions to the ministerial level requires functioning channels with relevant administrations (water and others) – hence the critical role of the National Focal Structures, as well as with representatives of water users, including public or private corporations such as the national water utilities, dam management agencies, etc., as well as, as relevant, regional partners and research centers.

The National Focal Point has a critical role to play to organize the Committee in such a way, in close relation with the minister in charge on one side and the Executive Directorate on the other. While the Focal Point has been responsible, in practice and until now on an ad hoc basis, for mandating a second Expert at the Committee, it is of interest, to expand VBA's visibility and operational legitimacy, to strategically mobilize counterparts from other ministerial departments, such as Energy, to participate in the Committee and beyond, be involved in the national focal structures.

Assistant Focal Points, whose appointments following a Council's resolution in 2014 took time, need clearer job descriptions to further improve the functional link with the Executive Directorate; given the important turnover in the administration, it is critical to document the processes, past decisions and emerging challenges. In addition, both the Focal Point and his/her assistant are expecting to help clarify the funding channels and promote the definition of a mechanism to ensure the collection of (arrears and) national mandatory contributions, currently a vital challenge for VBA and its Directorate.

Focal Points also have a role to play to support VBA and the Executive Directorate in articulating the national, basin-wide and regional policies and legislations. Within the common but broader intergovernmental framework of the economic commission ECOWAS or the economic and monetary union WAEMU, VBA members may endorse commitments and decisions, the implementation of which may impact on their own systems. In recent years, ECOWAS water unit has led consultations to prepare directives related to large water infrastructure and to shared water resources management, calling States to support and work with basin organizations. For VBA, such directives may promote a positive message but also add to the complex task of developing a legal framework for the basin consistent with the national and regional ones. Operationalizing VBA needs a good coordination also at this regional level.

Setting up the National Focal Structures is critical to overcome limitations that have clearly marked VBA until now. The National Focal Structures should neither be conceived as an additional layer of bureaucracy, nor a replacement of other platforms. Instead, such *focal* structures are deemed to be VBA's primary sources of information and data existing at national level; in turn, their members would also be the primary beneficiaries of services performed by VBA for its members – as seen throughout this assessment, the range of services could span from receiving hydrological information from the Observatory or training and support to national services on relevant topics to managing a project on behalf of Member States.

Operational National Focal Structures would therefore be flexible platforms for information exchange, participation and coordination within the water administration, between water and other relevant departments and with other public or private agencies that can contribute to the knowledge and assessment of risks/issues related

to water resources in the basin and sub-basins. Their role would be to identify actions to address those risks and promote the implementation of such actions at transboundary and national levels.

National Focal Structures are, in this regard, central to VBA's capacity to perform its advisory function and thereafter to sustain decisions made on this basis. The right linkage needs to be done with the Forum of the Parties to rethink consultative processes and the Authority's advisory role, the former based on broad and bottom-up participation, the latter requiring more technical capacity to frame issues and package recommendations for decision making.

IV. Conclusions and recommendations

*"*The OMVS has developed and exploited joint works, the NBA protects the natural resource, but **how is the VBA positioned?"**[24]

Ten years after its creation, VBA is still in a formative stage showing limited effectiveness in fulfilling its mandate and missions. Achievements so far include the design of a potent basin-scale transboundary collaborative framework for water resources management and some initial progress in making it operational. This formative phase is taking more time than anticipated and VBA performance at this stage is behind expectations. It is unable to perform some of its basic functions. The Observatory, set to become home to the Volta Basin information system, is facing stringent difficulties to sustain its operations and cannot play one of VBA's essential role to support national services and inform basin's stakeholders. The National Focal Structures conceived to articulate the Member States' actions, data and projects with VBA's actions have yet to be created. As a result, VBA is in a state of crisis. The initial enthusiasm for the institution seems have faded. With arrears from several of its Member States and limited, even declining, support from development partners, it is unable to meet its full operating costs and is in a critical financial situation. VBA is facing great difficulties to mobilize decision-makers. Since its creation, its Heads of States, without which strategic decisions cannot be taken, had only met twice, the second time in June 2017, presumably because VBA' critical situation had started to raise some concerns.

This state of crisis is an opportunity to reflect on VBA's "*raison d'être*" and potentially re-design or re-tool the institution, in accordance with the challenges at stake in the basin and the level of collaboration that Member States are ready to embrace. One may wonder for example whether VBA mandates, including strong executive and regulatory functions, some of which requiring Member States to relinquish part of their sovereign power, may not be too ambitious for the challenges to be addressed. Or is it rather that the Member States still miss the right stimuli, tools and instruments to effectively engage in a more cooperative management of the basin's water resources? Are the issues at stake not considered a priority by the Member States? It seems that VBA design has been lacking a thorough diagnostic of the transboundary issues, including an analysis of the benefits and costs each Member State would derive from such collaborative arrangement, and consideration of alternative forms of transboundary cooperation mechanisms. It has thus been difficult to define a space of action on concrete (and urgent) expectations that would mobilize decision makers and enhance Member States' engagement. VBA implementation has been difficult and its effectiveness limited due to lack of consistency between means and mandates. The assumption that the implementation of VBA would be gradual and that Member States would follow did not materialize.

Recommendations. In order to draw VBA out of the crisis mode and put it on a path to become a successful transboundary institution, it is imperative for Member States to take action and partners to align with the decisions taken.

[24] This comment was made by a stakeholder interviewed during the consultations for this assessment.

More specifically, it will be necessary:

- **For Member States to provide political guidance and make decisions**. Member States will have to define the strategic directions needed to refocus the institution. Finding a space where VBA interventions can make a difference is critical to establish its legitimacy to attract sufficient political support and development partners' interest.

- **To be pragmatic rather than ideological in the re-design/re-tooling of VBA**. It is necessary to focus on where VBA can be useful and efficient for stakeholders, and primarily its Member States, as they provide the financial means and intervene in the key decisions necessary to sustain the institution. Each basin should find the cooperative instruments that are most relevant to its local and historical circumstances and socio-economic situation: regional models may have raised expectations that are not necessarily adapted to the Volta Basin, and this tendency may partially explain current low mobilization of Member States around VBA model and mandates.

- **To be pragmatic and realistic about pace and ambition, for the Member States to move and the Executive Directorate to build capacity**. To avoid the bottlenecks that have hampered effectiveness during VBA's formative period, for the forthcoming "phase 2" it might be necessary to proceed by building block, focusing on what is doable in short-term and quick wins that can enhance respective interests, while defining strategic direction for the longer term and mutual benefits. This needs to be based on a solid analytical base, including a thorough assessment of the transboundary issues facing the basin, of the interests and risks, benefits and costs, each Member State would gain or face with a collaborative approach, of the alternative options to address them and of the capacity to implement

- **To revisit the scope, structure and role of the Authority, and define a strategic position with political appeal for Member States' renewed commitment**:

    - Sectoral scope: What are the transboundary challenges that VBA should focus on? Should they be limited to water resources issues, if so which ones? Or should VBA mandates be expanded to environment and climate change matters, even if not necessarily related to water, and even at the risk of diluting its mandate and unduly overwhelming an already challenged institution?
    - Geographical scope: Should VBA focuses exclusively on transboundary, basin-wide issues, or should it also tackle more localized issues at sub-basin or bi-lateral levels? Consistently, should VBA manage small projects on the ground or focus on medium and large infrastructure?
    - Governance scope: The type of structures and of functions that VBA should have partly depend on the questions above. It also questions the likelihood of Member States to further engage in cooperation: to what degree are Member States ready to relinquish part of their sovereignty to give VBA some "teeth", especially regarding regulatory and executive functions? To what degree should VBA be inclusive and rely on participatory and bottom-up mechanisms?

- **While the scope and role are revisited, to adjust the means accordingly**, including legal, technical, administrative and fiduciary capacity; financing means, partnerships and tools.

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A2. VBA Convention and Statutes

Convention on the status of the Volta River and the Establishment of Volta Basin Authority

Source: http://www.abv-volta.org: 10000/abv2/about/mandats-et-objectifs/convention-en-version

Preamble

The Heads of State,
of the Republic of Benin,
of Burkina Faso,
of the Republic of Cote d'lvoire,
of the Republic of Ghana,
of the Republic of Mali,
of the Republic of Togo,

- Considering the United Nations Organization Charter;
- Considering the Treaty establishing the African Union;
- Considering the revised Treaty of the Economic Community of West African States (ECOWAS);
- Considering the African Convention on the Conservation of Nature and Natural Resources adopted in Algiers in 1968 and revised in Maputo in 2003;
- Considering the International Convention on Internationally Important Wetlands serving especially as Habitat for water birds, adopted in Ramsar (Iran) in 1971;
- Considering the sub-regional, regional and international Conferences and Initiatives, in particular, the commitments made within international frameworks such as:
- The West African Conference [March 1998) on Integrated Water Resources Management (IWRM) whose “Ouagadougou Declaration" requires the Countries sharing a river basin to “create or strengthen their basin organization";
- The Assembly of the Heads of State and Government of the ECOWAS, which during its 24th Session held in Bamako in December 2000, adopted the Regional Action Plan for Integrated Water Resources Management in West Africa (RAP/IWRM/WA) in which one component concerns the management of trans-boundary basins.
- The Assembly of the Heads of State and Government of the ECOWAS, which during its 25th Meeting held in Dakar in December 2001, established within the ECOWAS the
- Water Resource s Coordinating Unit (WCRU) whose major role is to promote IWRM in West Africa:
- The United Nations Conferences on the Management of Water Resources and Environment and in particular that on:
  - i. Water and Environment held in Dublin (1992), which established the basic IWRM principles;
  - ii. Environment and Development in Rio (1992), during which a consensus emerged on a "new plan of action for the better management of fresh water resources on Earth", stated in Agenda 21:
  - iii. Water and Sustainable Development held in Paris (1998), which reinforced the recognition of the major principles aimed at promoting a sustainable management of water resources and aquatic environment adopted in Rio:
  - iv. World Summit on Sustainable Development held in Johannesburg (2002), during which the International Community renewed and specified its commitment to IWRM.
- Considering the need for promoting sustainable socio-economic development in their respective countries for increasing the standard of living of their peoples:
- Considering that, in spite of the existence of important projects and programmes related to research and socio-economic development activities, there is continuous degradation of the natural resources of the Volta basin, especially its water resources, as a result of climate change and variations of the past decades, on the

one hand, and by the negative impacts of the human activities carried out throughout the basin on the other hand;

Convinced that the creation of an inter-States organization for the management of the Volta basin is essential to reinforce dialogue between the riparian countries and to effectively coordinate development action and promote sustainable water resources management in the Volta basin:
Hereby agree as follows:

I. GENERAL PROVISIONS

Article 1:
Definition of terms:
i. Riparian States: Riparian states of the Volta include Benin, Burkina Faso, Cote d'lvoire, Ghana, Mali and Togo.
ii. State Parties: The riparian states who have ratified this Convention.

Article 2:
The Parties herein declare that Volta River including its tributaries and sub-tributaries within the territories of the Republic of Benin, Burkina Faso, the Republic of Cote d'Ivoire, the Republic of Ghana, the Republic of Mali, and the Republic of Togo, is an international river.

Article 3:
1. For the purpose of ensuring international cooperation for the rational and sustainable management of the water resources of the Volta basin and for the socio-economic integration among the Parties herein, there is hereby established an organization called the Volta Basin Authority (VBA) hereinafter referred to as the "Authority".
2. The Authority shall have the status of an international organization enjoying thereto the privileges and immunities of an international legal entity

II. PRINCIPLES

Article 4:
The Parties commit themselves to cooperate closely for the rational and sustainable utilization of the water resources of the Volta Basin on the basis of the following principles:
(a) The use of the water resources of the basin and the participation in their development in an equitable and reasonable manner:
(b) The general obligation to co-operate for the States sharing the same river basin:
(c) The regular exchange of data and information among the State Parties;
(d) The notification of planned activities that can have negative effects as well as the related consultations and negotiations;
(e) Precaution and prevention;
(f) The protection and conservation of ecosystems;
(g) The obligation not to cause damage;
(h) The notification of emergency situation:
(i) The freedom of navigation on the river.

Article 5:
1. Parties may enter into agreements on any portion of the Volta basin for a project, a program or any other utilization of the water resources of the Volta basin.
2. Such agreements shall be consistent with the provisions of this Convention.

III. MANDATE AND JURISDICTION

Article 6:
The mandate of the Authority as regards water resources and which shall be performed on the basis of the principles set forth in Article 4 of this Convention shall be:
1. To promote permanent consultation tools among the parties for the development of the basin;
2. To promote the implementation of integrated water resources management and the equitable distribution of the benefits resulting from their various utilizations:
3. To authorize the development of infrastructure and projects planned by the stakeholders and which could have substantial impact on the water resources of the basin;
4. To develop joint projects and works;
5. To contribute to poverty alleviation, the sustainable development of the Parties in the Volta basin and for better socioeconomic integration in the sub-region.

Article 7:
The Authority in the performance of its functions shall have jurisdiction over the Volta River, its tributaries and sub-tributaries, the reservoirs and lakes, groundwater and wetlands as well as the aquatic and land ecosystems linked to the basin, the estuary of the river including the zone of coastal and oceanic influence.

IV. ORGANS, SPECIFIC OBJECTIVES AND OPERATING RULES

Article 8:
The following shall constitute the permanent administrative organs of the Authority
a) The Assembly of Heads of State and Government;
b) The Council of Ministers in charge of Water Resources;
c) The Forum of the Parties involved in the Volta basin development:
d) The Committee of Experts:
e) The Executive Directorate of the Authority.
2. The Council of Ministers may, as and when necessary, establish any other organ of the Authority.
3. The Executive Director of the Authority shall enjoy all the privileges and immunities granted to Heads of Diplomatic missions.

Article 9:
The Council of Ministers shall define in the Statutes of the Authority the specific objectives and the rule relating to the operation of its organs.

V. AMENDMENTS

Article 10:
1. This Convention may be amended upon the request of any State Party.
2. Such a request for amendment shall be sent in written form to the Chairman of the Assembly who shall submit it to the Assembly of Heads of State and Government for consideration.
3. A proposed amendment shall be approved by two-thirds majority of the State Parties.
4. Any amendment to this Convention shall enter into force under the same conditions as set out in this Convention.

VI. ADMISSION

Article 11:
1. Upon the coming into force of the Convention, a Riparian State may join the Authority by ratifying the Convention and shall file the ratification instrument with the Government of Burkina Faso which shall thereupon inform the State Parties accordingly:
2. The Riparian State shall become a State Party thirty (30) days after the ratification instruments are deposited.

Article 12:
1. Any State which withdraws from the Authority may apply for readmission.
2. The State shall send such a request to the Chairman of the Assembly which shall inform the other States Parties accordingly.
3. Upon the receipt of such request, the Assembly of Heads of State and Government shall examine the request at its next appropriate session and shall declare the membership to the Authority upon the votes of two-thirds of the Parties
4. The Riparian State shall become a State Party thirty (30) days after the ratification instruments are deposited.

VII DISPUTE SETTLEMENT, WITHDRAWAL AND DISSOLUTION

Article 13:
1 .Any dispute arising among the Parties shall be resolved in conformity with the provisions of the Charter of the United Nations Organization.
2 Any dispute arising among the Parties from the interpretation or enforcement of this Convention shall be resolved through conciliation and mediation within the Authority.
3. In the absence of an amicable settlement, the Parties shall submit the matter to one of the competent organs of ECOWAS or African Union and thereafter to the International Court of Justice.

Article 14:
1. A State party may withdraw from the Authority provided that such state shall inform in writing the President of the Assembly of Heads of State and Government who shall immediately notify the other State Parties.
2. The State shall enter into negotiations with the Authority on the one hand and the interested third Parties on the other hand for the settlement of all existing rights and obligations as set forth in this Convention.
3. The withdrawal of a State shall become effective only after settlement agreements are signed by the Authority on the one hand and the interested third parties on the other hand.
4. The withdrawal of a Party does not mean the dissolution or the Authority.

Article 15:
1. The Authority may be dissolved upon the request of at least two of the Parties.
2. Upon the receipt of such request the Assembly of Heads of State and Government shall examine the request in an extraordinary session convened within a period of one year and shall declare the dissolution of the Authority upon the votes of two-thirds of the Parties.
3. The Assembly, upon the dissolution of the Authority, shall define the modalities for the distribution of the assets and liabilities of the Authority.
4. The dissolution shall become effective only after all settlement agreements have been signed between the Parties and other interested third parties

VIII. HEADQUARTERS AND WORKING LANGUAGES

Article 16:
The Authority shall have its headquarters in Ouagadougou, BURKINA FASO provided that the headquarters may be relocated to any other State Party upon the decision of the Assembly of Heads of State and Government.

Article 17:
The working language of the Authority shall be English and French.

IX. FINAL PROVISIONS

Article 18:
This Convention shall be ratified by the Parties in conformity with their constitutional rules and procedures.

Article 19:
The Convention as well as the ratification instruments shall be files with the Government of BURKINA FASO which shall inform the Parties accordingly.

Article 20:
This Convention shall enter into force thirty (30) days after the ratification instruments are deposited by the fourth State.

Article 21:
This Convention shall be forwarded to the United Nations General Secretariat for registration after it enters into force, in conformity with Article 102 of the United Nations Charter.

IN WITNESS WHEREOF, the Heads of States listed below have signed this Convention in Ouagadougou (Burkina Faso), on the 19th of January 2007 in six (6) original copies in English and French. Both versions shall be deemed authentic.
For the Republic of Benin
For the Republic of Burkina Faso
For the Republic of Cote d'Ivoire
For the Republic of Ghana
For the Republic of Mali
For the Republic of Togo

Statutes of the Volta Basin Authority

Source: http://www.abv-volta.org:10000/abv2/about/mandats-et-objectifs/vba-statutes-en-v...

PART I: Purpose

Article 1:
The purpose of these Statutes, adopted in conformity with Article 9 of the Convention on the Status of the Volta River and the Establishment of Volta Basin Authority, is to provide for the specific objectives rules and procedures for the operation of the organs of the "Authority".

PART II: Specific objectives

Article 2:
The specific objectives of the Authority shall be:
l. To organize and reinforce consultations among the riparian countries of the Volta on the one hand and also between these riparian countries and all the development partners interested in and concerned with the development of natural resources and, in particular, the water resources of the Volta basin , on the other hand;
2. To harmonize the national policies relating to the management of the water resources of the Volta basin, through the adoption and enforcement of Integrated Water Resources Management throughout the basin;
3. To mobilize the human, technical, and financial resources necessary for undertaking studies, .research activities and works aimed at sustainable management of water resources for the socio-economic development of the Volta basin;
4. To coordinate studies, research activities and works initiated in the basin for the development of the water resources of the basin, especially those relating to the provision of potable water and sanitation for the

population , hydro-power production, irrigation, livestock, fish farming, navigation and the preservation of aquatic ecosystems;
5. To create and or improve the tools and networks for the collection , processing, storage and dissemination of data and information necessary for the activities of scientific research, planning, development and management of the natural resources of the basin and in particular, its water resources;
6. To develop and implement the institutional mechanisms and tools for monitoring, evaluation and planning for an efficient and sustainable management of the water resources of the Volta basin;
7. To initiate any other action in the common interest of the Parties, in line with the sustainable management and utilization of the water resources of the basin;
8. To promote cooperation between the Authority and other similar regional and international organisations;
9. To authorize the development of infrastructure and projects planned by the States Parties and which could have substantial impact on the water resources of the basin;
10. To develop joint projects and works;

PART III: Legal Authority

Article 3:
For the effective execution of its mandate and the achievement of its objectives, the Authority shall have a legal status and more specifically shall have the capacity:
1. To enter into contracts;
2. To acquire and dispose of goods, movable and immovable;
3. To receive gifts, grants, legacies and other bequests;
4. To sue and be sued;

PART IV: Functions of the Organs

Article 4:
The permanent organs of the Authority as stated in Article 8 of the Convention shall be:
l. The Assembly of Heads of State and Government;
2. The Council of Ministers in Charge of Water Resources;
3. The Forum of the Parties involved in the development of the Volta basin;
4. The Committee of Experts;
5. The Executive Directorate of the Authority.

Article 5:
1. The **Assembly of Heads of State and Government**, hereinafter referred to as the "Assembly" shall be the supreme policy decision-making organ of the Authority.
2. The Assembly shall consist of the Heads of State and Government of the Parties or their duly mandated representatives.
3. The Assembly shall define the general framework of the cooperation and developmental policies of the Authority and shall ensure their implementation.
4. The Assembly shall meet once every two years in the State Party occupying the chairmanship of the Assembly and the quorum for all meetings shall be the simple majority of Parties.
5. The Assembly may at the request of the President or any State Party convene an extraordinary session.
6. The decisions and recommendations of the Assembly shall 1 be adopted by consensus and shall be binding on the Authority and the State Parties.
7. The Assembly shall appoint a President in a rotational manner according to the alphabetical order of the State Parties in French for a period of two years.

Article 6:
(1) The **Council of Ministers**, hereinafter referred to as "the Council ", shall be responsible for the formulation and control of the programmes and policies of the Authority in conformity with the cooperation and development policies defined by the Assembly and shall supervise and monitor the activities of the Authority.

(2) The Council shall consist of the Ministers in charge of Water Resources of the State Parties or their duly mandated representatives provided that these Ministers may be accompanied by other members of government.
(3) The State Parties shall be obliged to attend meetings of the Council.
(4) Without prejudice to the powers of the Assembly, the Council shall exercise overall responsibility over all the organs of the Authority and shall legally represent the Authority in all matters provided that the Council may expressly delegate some of its powers to the Executive Director.
(5) The Council shall control the activities of the Executive Directorate and shall approve the budget of the Authority and determine the financial contributions of the State Parties.
(6) The Council shall approve the financial and employment regulations and shall employ the senior staff of the Authority on the recommendations of the Executive Director, among the nationals of the State Parties on the basis of competence and equitable ' distribution.
(7) The Council shall examine all projects submitted to the Authority and may authorise their execution.
(8) The decisions of the Council shall be binding on all State Parties.
(9) The Council shall meet once a year in an ordinary session convened by its President provided that the President at the request of a State Party may convene an Extraordinary Session of the Council.
(10) The sessions of the Council shall be held in a rotational manner among the State Parties according to the alphabetical order of the States in French.
(11) The meetings of the Council shall be chaired by its President and the quorum for all meetings shall be two-thirds of the State Parties.
(12) The decisions of the Council shall be adopted by consensus. In the event of persistent disagreement, decisions shall be adopted by two-thirds majority of State Parties.
(13) The tenure of office of a President shall be for one year and shall be appointed alternatively among the Ministers in charge of Water Resources of the State Parties according to the alphabetical order of the States in French.
(14) The President shall in between sessions of the Council represent the Council and shall take any decision within his competence in the interest of the Authority and shall report to the Council at its next meeting.
(15) The President of the Council may, in the event of an emergency and in consultation with other members of the Council, I take any appropriate measure within the jurisdiction of the Council.
(16) The Council in all matters shall exercise its power in accordance with the mandate assigned to the Authority.
(17) The Council shall report the activities of the Authority to the Assembly through its President.
(18) The Council shall adopt its own internal rules and procedures in the performance of its mandate.

Article 7:
(1) The **Forum of the stakeholders** involved in the development of the Volta Basin, hereinafter referred to as "the Forum", shall be an advisory body instituted by the Council.
(2) The Forum shall consist of:

(a) The representatives of various categories of water users; Civil Society involved in water resources management; and decentralized local authorities in each portion of the basin of the State Parties,

(b) The representatives of the National Focal Bodies,

(c) The representatives of the neighbouring trans-boundary basin organizations,

(d) The representatives of research centres operating in the water and environment sector.

(3) The Forum shall meet at least once a year at the request of its President in consultation with the President of the Council.
(4) The Forum shall submit to the Council the opinions and proposals of the stakeholders involved in the development of the basin and shall inform stakeholders on the activities and achievements of the Authority.
(5) The Forum shall support the work of the Authority through the promotion of education and sensitization of the population of the basin on joint issues relating to integrated water resources management. !
(6) The Forum shall develop its own internal rules and procedure which shall be submitted to the Council for approval.

Article 8:
(1) The **Committee of Experts**, hereinafter referred to as "the Committee" shall consist of two representatives each from a State Party, one of whom shall at least belong to the National Focal Bodies.
(2) The Committee shall be responsible for:

(a) Preparation of the meetings of the Council;

(b) Supporting the Executive Directorate in the execution of its functions especially in its relationships with the National Focal Bodies and the other actors operating in the basin;
(3) The Executive Director shall convene the meetings of the Committee in consultation with the President of the Council as and when necessary;
procedure which shall be submitted to the Council for approval.

Article 9:
(1) The **Executive Directorate** shall be the executive body of the Authority and shall enforce the decisions of the Council and report regularly on their implementation.
(2) The Executive Directorate shall provide secretarial support for all the bodies of the Authority.
(3) The Executive Directorate of the Authority shall be headed by an Executive Director who shall be appointed by the Assembly upon the recommendation of the Council for a period of four years with the option to renew for another four year term only, in accordance with the procedures set forth in the Staff Regulations.
(4) The administrative structure of the Executive Directorate shall be developed by the Executive Director and shall be approved by the Council.
(5) The Executive Director shall represent the Authority mainly in its relationship with bilateral and multilateral institutions on any issue relating to the water resources of the Volta basin. He shall take all the decisions within his mandate subject to the directives of the Council.
(6) The Executive Director shall be the budget holder of the Authority.
(7) The Executive Director shall be the head of the administration of the Authority and shall be responsible for the management of the assets and the staff of the Authority and shall have supervisory power over all the staff and activities of the Authority.
(8) The Executive Director shall report to the Council on the management and the activities of the Executive Directorate.

PART V: National Focal Bodies

Article 10:
(1) The Minister in Charge of Water Resources in each State Party shall establish a national focal body which shall be responsible for coordinating the activities of the Authority at the national level. J
(2) The specific functions and composition of the National Focal bodies shall be defined in joint agreement with the State Parties.

PART VI: Financial Provisions

Article 11:
(1) The Council shall approve the annual budget of the Authority and the budget shall be in a convertible currency.
(2) The budget of the Authority shall be made up of:

a. Subscriptions of State Parties,

b. Any other funds allocated by State Parties,

c. Subventions, gifts, grants and loans granted to the Authority,

d. Any other money accruing to the Authority in the performance of its functions.

(3) The financial resources of the Authority shall be determined by the Council.
(4) The State Parties shall be obliged to pay regularly their contribution to the annual budget of the Authority.
(5) In the event of a default of a State Party to pay its contribution that State Party shall be liable to sanctions as shall be provided in the financial regulations.

(6) All the expenses of the Authority, including those of the specialized bodies of the Executive Directorate, shall be approved by the Council and chargeable to the annual budget, under the conditions that shall be set forth in the financial regulations.

PART VII: Transitional Provisions

Article 12:
The existing members of the Volta Basin Technical Committee (VBTC) shall assume the functions of members of the Committee of Experts until the setting up of the organs of the Authority.

Article 13:
The Council, upon adopting these Statutes, shall appoint an acting Executive Director till the appointment of the substantive Executive Director.

PART VIII Final Provisions

Article 14:
(1) These Statutes may be amended upon the request of one of the State Parties and the proposed amendment shall be sent in a written form to the President of the Council who shall submit it to the Council for consideration at the next appropriate session.
(2)The proposed amendment shall be adopted upon the two-thirds majority vote of the State Parties.

Article 15:
These Statutes shall enter into force as of the date signed by all the members of the Council.

IN WITNESS WHEREOF, the ministers or duly mandated representatives have signed these Statutes in Ouagadougou, on 16 November 2007, in six (6) original copies in English and French, both versions shall be deemed authentic.
For the Republic of BENIN
For BURKINA FASO
For the Republic of COTE D'IVOIRE
For the Republic of GHANA
For the Republic of MALI
For the Republic TOGOLAISE

A3. Final Report BRLi, Institutional Assessment VBA

A4. TORs Human Resources Procedures and TORs Communication Plan