



Presentation from
**2015 World Water
Week in Stockholm**

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Right to water for agriculture in West Africa requires secure land rights

Jamie Skinner

International Institute for Environment and Development

Jérôme Koundouno

International Union for Conservation of Nature



Land and water security

Land tenure rights and water rights are legal rights.

1. Loss of, or damage to, a land right or a water right is *prima facie* subject to the payment of compensation and the right to such compensation is enforceable in the courts.
2. Land tenure rights and water rights permit the orderly allocation of valuable resources. From the perspective of the right holder, they confer the necessary security to invest in the resource or activities entailing its use.

United Nations

A/RES/64/292



General Assembly

Distr.: General
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Sixty-fourth session
Agenda item 48

Resolution adopted by the General Assembly on 28 July 2010

[without reference to a Main Committee (A/64/L.63/Rev.1 and Add.1)]

64/292. The human right to water and sanitation

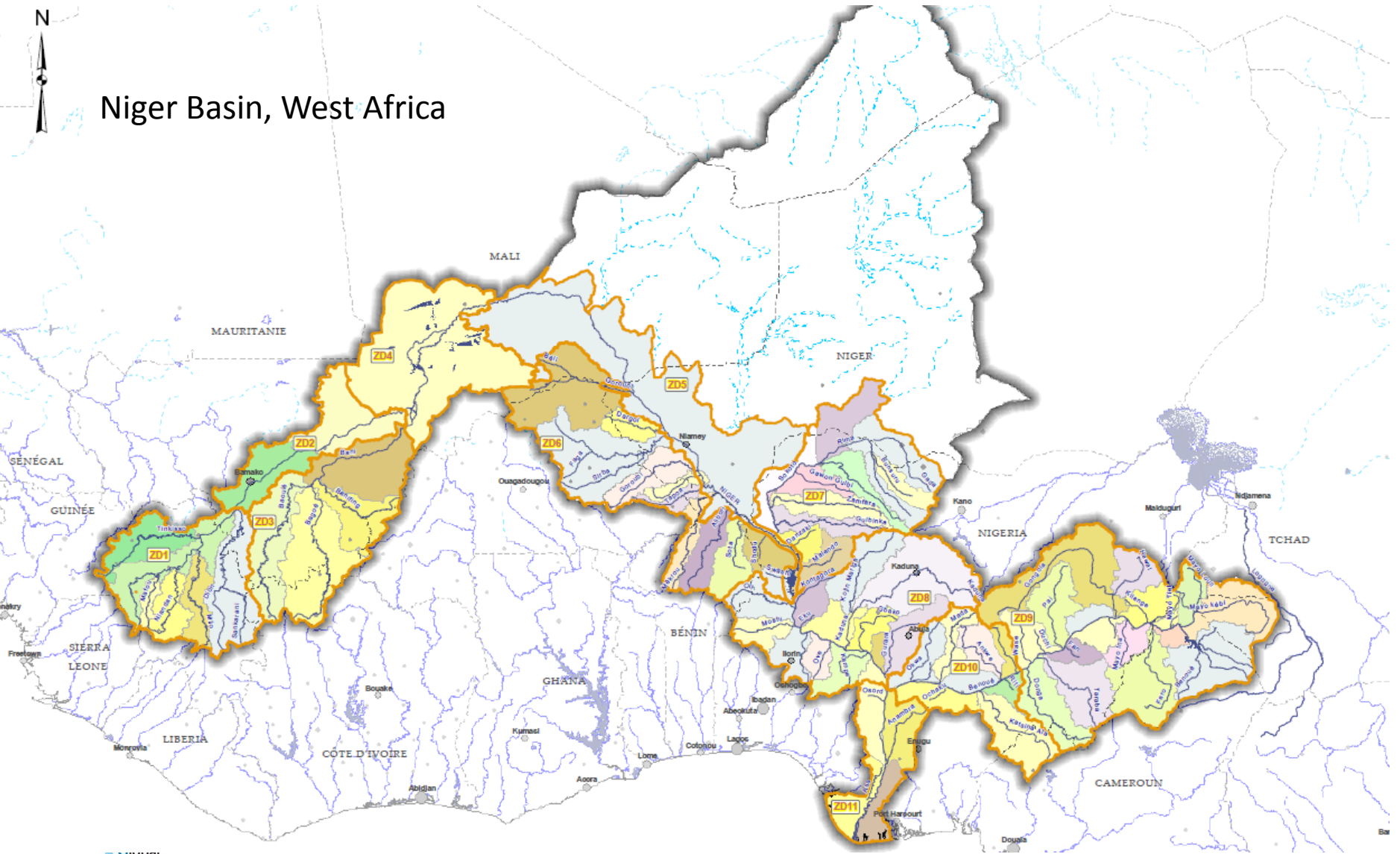
The General Assembly,

Recalling its resolutions 54/175 of 17 December 1999 on the right to development, 55/196 of 20 December 2000, by which it proclaimed 2003 the International Year of Freshwater, 58/217 of 23 December 2003, by which it proclaimed the International Decade for Action "Water for People" 2005-2015

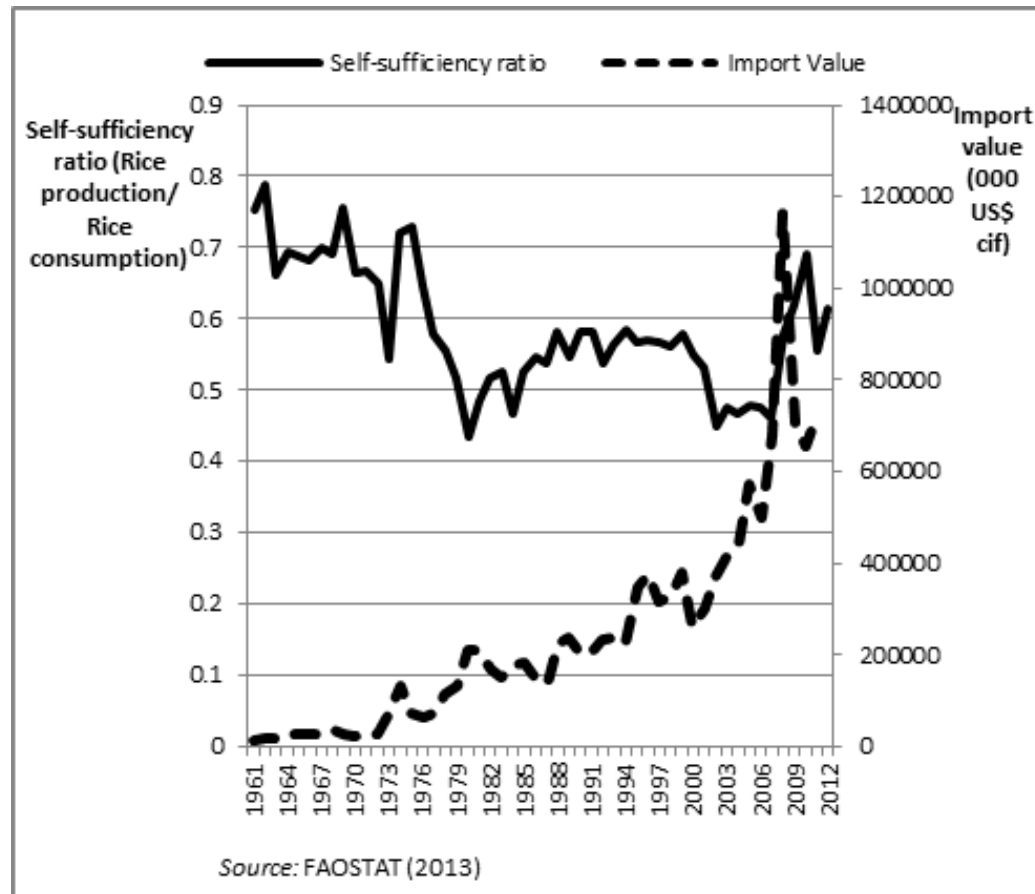
FAO 2004



Niger Basin, West Africa



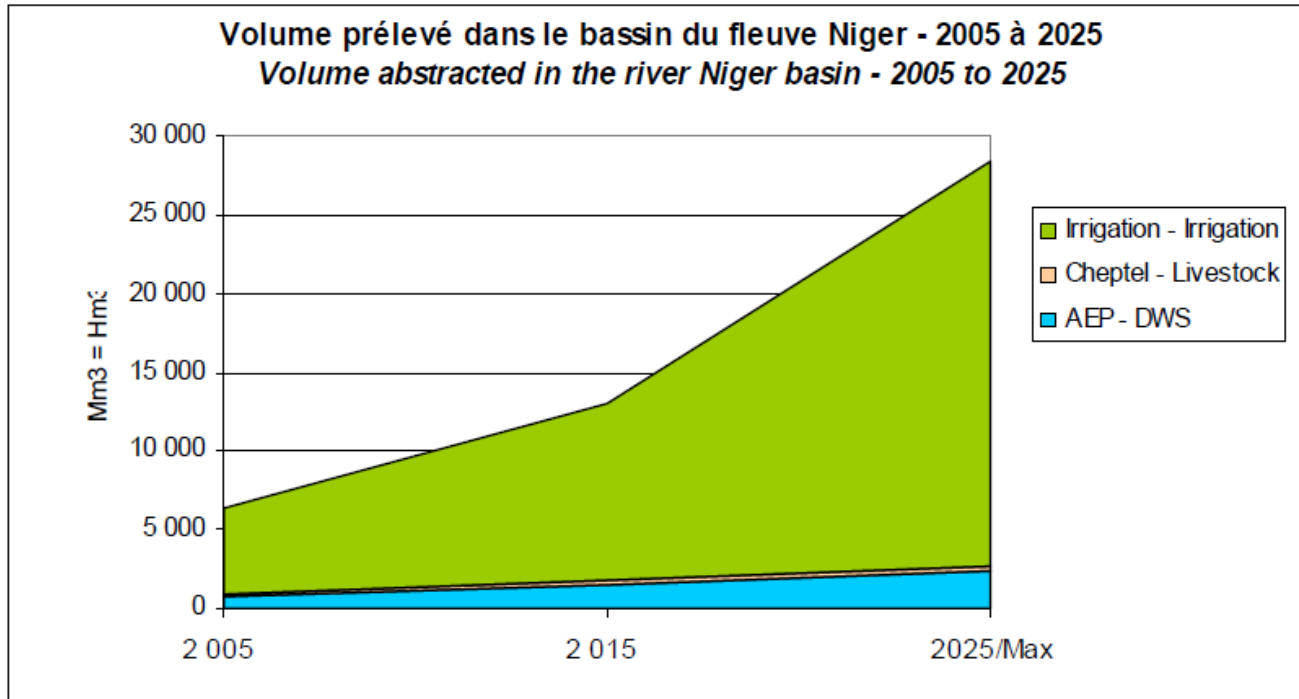
Rice imports to West Africa







Growth in water abstraction



**Niger Basin Authority
Master Plan 2007**

Plans to increase irrigation from 400,000 to 1,000,000 ha by 2020 in six sahelian countries

Rice requires from 14,000-25,000 m³ per hectare per crop

Evolution of water security

Management response to scarcity



Land and water are exceptionally sensitive political issues : reform is a lengthy process

Large investors : a driver for change

- Since 2006 or so, governments (and donors) seeking to cofinance investments with private sector
- World Bank support for « growth poles » in Burkina, Mali, Senegal and Niger
- Large numbers of investment requests : up to 600,000 hectares in Office du Niger (Mali) and over 700 for 16,000 ha at Bagré (Burkina) have required government to clarify and reduce investment risks related to water
- Less security for small holder farmers

Contrasting contracts

- Contract 1 (Mali, 2008, 100,000 ha)

Grants “the quantity of water necessary for the project without restriction” during the wet season (June – Dec) .
Water fees to be negotiated according to crop type per hectare for the dry season

- Contract 2 (Mali, 2007, 14,000 ha)

Grants “absolute priority rights over the quantities of water available in the Office du Niger scheme”

Water paid for by volumetric billing

- Contract 3 (Senegal 10,000 ha)

« ensure that there is access to water where required at no cost to the company »

Small holder land and water security

State control of irrigated land

- Govt allocates land
- Non payment of water fee leads to eviction
- Non respect of conditions leads to eviction
- No renting, transfer of land allowed
- Govt ensures Operation and Maintenance
- Little documentation of farmer holdings
- No clear legal rights of succession/inheritance

Securing water in it's multiple uses

- Private irrigation investors seeking to reduce risks have negotiated modern law contracts with government
- Small farmers and other users (fishermen, pastoralists etc) have no such codification of their entitlements and function informally
- Future investment policy includes large scale irrigation, and water security requires land security (especially affected people).
- Only when farmers have clear stewardship of the land can a discussion on water entitlements and efficiency be successful.
- Demand side management of irrigation water requires a clear rights and incentives framework



Selingué, Mali



Niandouba / Confluent, Senegal



Bagré, Burkina Faso



Selingué, Mali