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***Water Charter of the Lake Chad Basin – English version***

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**LCBC**  
***Lake Chad Basin***  
***Commission***

**Water Charter**  
**for the Lake Chad Basin**

April 2011

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# WATER CHARTER FOR THE LAKE CHAD BASIN

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## PREAMBLE

The Republic of Cameroon,  
 The Central African Republic,  
 The Great Socialist People's Libyan Arab Jamahiriya,  
 The Republic of Niger,  
 The Federal Republic of Nigeria and  
 The Republic of Chad,

**Hereinafter referred to as "State Parties" to the Water Charter for the Lake Chad Basin,**

Considering the Charter of the United Nations Organisation of 26 June 1945;

Considering the Constitutive Act of the African Union of 11 July 2000;

Considering the Revised Treaty of the Community of West African States (ECOWAS) signed on 24 July 1993;

Considering the Treaty Establishing the Economic Community of Central African States (ECCAS) signed on 18 October 1983;

Considering the Treaty Establishing the Arab Maghreb Union (AMU) signed on 17 February 1989;

Considering the Lake Chad Basin Commission Convention and Statute signed on 22 May 1964 in Fort Lamy;

Bearing in mind the primary importance of the provisions made by non-binding international instruments and the assertion thenceforth of fundamental principles on international watercourses and lakes, in particular:

- a) the 1966 Helsinki Rules on the use of international watercourses, adopted in Helsinki in 1966;
- b) United Nations Resolution 34/186 of 18 December 1979 establishing principles for conduct to ensure the conservation and harmonious use of shared natural resources, adopted in New York on 18 December 1979;
- c) the Declaration of the International Conference of Water and the Environment on sustainable development adopted in Dublin in 1992;
- d) the 1992 Declaration of the United Nations Conference on the Environment and Development and the Action Plan of the United Nations Conference on the Environment and Development, in particular Chapter 18 on the protection of freshwater resources and their quality, adopted in Rio de Janeiro in 1992;
- e) the Declaration of the International Conference of Water and Sustainable Development held in Paris in 1998;
- f) the Millennium Declaration including the Millennium Development Goals adopted in the year 2000 in New York;
- g) The ministerial declaration of the International Conference on Fresh Water held in Bonn in December 2001;



**Noting** the decisive contribution of binding international agreements to codified law on international watercourses and waterbodies and its gradual development, inter alia:

- a) The African Convention on the Conservation of Nature and Natural Resources dated 16 September 1968, amended on 11 July 2003 in Maputo;
- b) The Convention for internationally important wetlands and the conservation of waterfowl dated 2 February 1971;
- c) The Convention for the protection and utilisation of transboundary watercourses and international lakes adopted on 17 March 1992;
- d) The Convention on the use of international watercourses for non-navigational purposes adopted on 21 May 1997;

**Giving due consideration** to African regional and subregional initiative in the water sector, inter alia:

- a) the African Vision for Water 2025 for the equitable, sustainable utilisation of water for socio-economic development adopted in March 2000 by the Extraordinary Summit of the African Union;
- b) the Lake Chad Basin Vision 2025 adopted by the Lake Chad Basin Commission in 2000;
- c) the New Partnership for Economic Development in Africa (NEPAD) and more specifically the NEPAD 2003 Action Plan for Environmental Initiative;
- d) The Ouagadougou Declaration adopted at the West African Conference on Integrated Water Resource Management (IWRM) held in March 1998 in Ouagadougou;
- e) Decision A/Dec.12/12/00 of the ECOWAS Summit of Heads of State and Government adopting the Sub-Regional Action Plan for Integrated Water Resource Management made on 16 December 2000 in Bamako;
- f) Decision A/DEC.5/12/01 of 21 December 2001 creating a Permanent Framework for the Coordination and Monitoring of Integrated Management of Water Resources in West Africa (PFCM/IWRM/WA);
- g) ECOWAS Amending Act A/SA.5/12/08 of 5 December 2008 adopting water resource policy in West Africa;
- h) the general policy of the Economic Community of Central African States (ECCAS) on the environment and natural resource management dated March 2007;
- i) the Maghreb Charter for the protection of the environment and sustainable development dated 11 November 1992,
- j) the treaty on the conservation and sustainable development of forest ecosystems in Central Africa creating the Central Africa Forests Commission, adopted in Brazzaville on 5 February 2005;
- k) the Johannesburg statement made by the African Ministers' Council on Water regarding water sector development;
- l) the Communiqué made at the end of the "Political Segment" at the Africa Session of the 8th World Forum on Sustainable Development to Save Lake Chad, held in N'Djamena on 30 October 2010.

**The wish** to progress towards a universal agreement on transboundary aquifers based on Resolution A/RES/63/124 of 11 December 2008 on the law of transboundary aquifers;

**Their shared assessment** of the main transboundary and regional environmental issues challenging the Lake Chad Basin, formalised in the document "*The Common Challenge - Managing Shared Water Resources and Ecosystems*" drawn up during the preparation of the present Charter and adopted during the Lake Chad Basin Commission workshop held on 28 April 2010;



**Noting** in particular, that (i) precipitation and hydraulic flow conditions in the tributaries of Lake Chad are extremely variable and that they are likely to be affected by climate change; (ii) the total water consumption in the Lake Chad Basin currently (2010) represents a low proportion of the Lake water balance and that its water level variations are so far (2010) due to the occurrence of rainfall, but that an uncontrolled increase in abstractions could cause significant effects and critically reduce the volume and surface area of the Lake; (iii) groundwater resources are currently inadequately managed; (iv) the Basin's ecosystems are very sensitive to variations in inflows and pollutant discharge; biodiversity is highly resilient but there are serious risks likely to threaten the Basin; and that (v) insufficient availability and exchange of information limit knowledge and restrict the possibility of transboundary management of water resources and aquatic ecosystems;

**Concerned** at the potential consequences of such environmental issues as regards the environment and human health, among others, the risks of the Lake drying up, the unavailability of sufficient good quality water resources, the disappearance of animal and plant species and widespread, accentuated poverty, as well as risks of inter-community and interstate conflict within the Basin;

**Convinced** of the need to quickly adopt measures to prevent potential imbalance in the quantities of water in the Basin, to improve the water quality situation, for the conservation of natural resources, biodiversity and ecosystems, for greater participation and capacity-building for stakeholders and to strengthen the legal and institutional framework for the sustainable management of the Basin's environment;

**Determined** to promote sustainable development in the Basin through the integrated, equitable, coordinated management of natural resources, in particular the Basin's water resources, by promoting good practices in the management of the environment and water, in order to achieve higher standards of living, poverty alleviation, good governance and stronger subregional solidarity and integration;

**Considering** that the sustainable management of the Basin shall closely associate its main stakeholders, inter alia the users, managers, political decision-makers, scientific experts and civil society organisations;

**Determined** to detail and amend the provisions of the 1964 Convention and Statute of the Lake Chad Basin Commission to facilitate the implementation of the Vision 2025 and the Strategic Action Programme for the Lake Chad Basin;

***The aforementioned State Parties hereby agree to adopt the present Water Charter for the Lake Chad Basin, hereinafter referred to as the "Water Charter".***

## CHAPTER 1. GENERAL PROVISIONS

### **Article 1. The status of Lake Chad**

Lake Chad and the watercourses, aquifers and aquatic ecosystems contained in its hydrographic basin, are hereby declared international waters.

They are common heritage belonging to the member States of the Lake Chad Basin Commission.

The State Parties shall cooperate to achieve the sustainable management and development of Lake Chad in compliance with the rules and principles governing international lakes and watercourses.

### **Article 2. Definition and meaning of terms**

In this Charter, the following terms, wherever they appear, shall have the meaning ascribed to them hereunder:



**Aquifer recharge zone:** an area contributing to refilling an aquifer with water, including the area receiving rainwater and the area in which the water flows in the aquifer by means of runoff and seepage into the ground;

**Aquifer State:** a State in whose territory lies part of a transboundary aquifer or aquiferous system;

**Aquifer system:** a series of two or more aquifers which are hydraulically interconnected;

**Associated States:** Non-member States allowed to take part in all the activities of the Commission, having the same rights as the member States regarding the activities concerned, voting rights excluded;

**Basin hydrological resource allocation model:** a computer model to assist decision-making, which simulates the impact of scenarios including the construction of new hydraulic infrastructure and/or the introduction of new management rules for existing facilities and/or the establishment of target flows at set flow observance points and/or new abstractions of water and/or climate change. The output obtained from this type of model consists of data logs on the level and surface of the Lake, the flow at key points on the watercourses feeding the Lake, the observance of set supplies of water for abstractions and set flow rates, the production of hydroelectric power at the dams if relevant;

**Basin State or Basin Country:** a country in the Lake Chad Basin, whether or not it is a member of the Lake Chad Basin Commission, and whether or not it is a party to the present Water Charter;

**Chad Lake Basin or Basin:** with no other details: Hydrographic basin of the Lake Chad ;

**Civil society organisation:** a private law entity conducting non-profit activities in one or more State Party countries;

**Commission:** The Lake Chad Basin Commission;

**Common facilities:** facilities that the Lake Chad Basin Commission member countries have decided, by legal instrument, to be the common, undividable property of all the State Parties or a group of State Parties;

**Council of Ministers:** the Council of Ministers of the Lake Chad Basin Commission;

**Damage or harm:** results of human activities or natural occurrences that can damage surface or underground waters or the environment in one or more Basin States, such as floods, water-borne disease, silting, erosion, salt water intrusion, drought or desertification, including the loss of human lives and property;

**Domestic use:** abstractions to meet the needs of human beings, limited to the quantities necessary for human consumption, hygiene, and livestock or vegetable production for family use only;

**Emergency situation:** situations that either cause or imminently threaten to cause serious damage to Basin States or other States and which occur brusquely due to natural events such as flooding, torrential water effects, landslide, earthquakes or through human activities such as industrial accidents;

**Enforcement of water rights and regulations:** all norms and institutions to ensure the protection of water resources by means of prevention and punishment of infringements in breach of legislation concerning water;

**Environment, Science and Planning Advisory Committee:** The Lake Chad Basin Commission committee on the Environment, Science and Planning;

**Environmental and social impact assessment:** the identification, description and assessment of the effects of projects on man, fauna, flora, soils, water, atmosphere, climate and landscape, including the interactions between those factors, cultural heritage, socio-economic heritage and other material property;



**Executive Secretariat:** the Executive Secretariat of the Lake Chad Basin Commission;

**Facilities of common interest:** facilities in which two or more Lake Chad Basin Commission member countries have an interest and for which they have mutually agreed to implement coordinated management;

**Fishing reserve:** a delimited, listed area in which biological factors, essential for the preservation of fishing resources, are kept free from all external action except for measures the competent authorities decide are essential;

**Grassroots community organisation:** a private law entity dedicated to community development, for instance forming village groups, cooperatives, unions or federations;

**Hydrogeological basin of Lake Chad:** areas in the hydrological basin of Lake Chad, where aquifer recharge and use takes place on the group of aquifers;

**Hydrographic basin of Lake Chad:** area in which all the runoff converges towards Lake Chad being channelled through a network of rivers and lakes flowing into Lake Chad;

**Integrated water resource management:** a process which encourages coordinated development and management of water, land and ancillary resources, in order to equitably maximise the resulting economic and social well-being without jeopardizing the sustainability of vital ecosystems;

**International organisations:** inter-governmental or non-governmental organisations;

**International watercourse:** a watercourse, parts of which are located in different countries.

**Local community:** the human population in a given geographic area enjoying its genetic resources, innovations, practices, knowledge and technologies, partially or totally governed by its own customs, traditions or law;

**Member State:** a State/Country which is a member of the Lake Chad Basin Commission;

**National Agencies of the Lake Chad Basin Commission / National LCBC Agencies:** Representations of the Lake Chad Basin Commission in each Lake Chad Basin Commission member country.

**Observer States:** Non-member States interested in the Commission's objectives, and allowed to attend the meetings of one or several of the Commission bodies, either occasionally or on a permanent basis;

**Observatory:** The Lake Chad Basin Observatory;

**Operational management of hydraulic infrastructure:** actions taken and conducted to achieve the allocation of resources as determined by tactical management. This notably includes releases of water from dams or transfer systems to meet the demand and the observance of set flow rates. It also includes actions to protect infrastructure and for the safety of people and property, especially in the event of floods;

**Partial participation States:** Non-member States allowed to take part in a specific activity of the Commission, having the same rights as member States regarding the specific activity, voting rights excluded;

**Pollutant discharge:** the introduction, directly or indirectly, of substances or energy into the river basin, which results or is likely to result in hazards to human health, harm to living organisms and ecosystems, damage to amenities or interference with legitimate uses;

**Public consultation:** activities consisting of asking the opinion of the local populations and/or social groups affected by a project, among others, to help determine the impacts a project is likely to cause, as well as the acceptability of the solutions that can be offered to compensate for them, or the most appropriate mitigation measures;



**Public information and participation:** when a person, a group or an organisation has access to the information held by the public authorities so that they can take part directly or indirectly in the decision-making process concerning a project or any other activities;

**Regional Parliamentary Committee:** the regional parliamentary committee of the Lake Chad Basin Commission;

**Shared water resources:** all the underground and surface water available in the Lake Chad Basin;

**State Party:** any of the contracting parties to the present Water Charter, in other words, a State having ratified the present Water Charter, which has therefore come into force in the country concerned;

**Strategic Action Programme:** the Strategic Action Programme for the Lake Chad Basin adopted on 11 June 2008;

**Strategic management of hydraulic infrastructure or of a catchment area:** a set of decisions made to provide or utilise resources and to define long-term allocation policies, especially sharing among the different usages;

**Sub-basin:** an area in which all the runoff converges through the streams, rivers and possibly lakes towards a specific point on a watercourse, usually a lake or a tributary;

**Summit of Heads of State and Government:** The Summit of Heads of State and Government of the Lake Chad Basin Commission.

**Tactical management of hydraulic infrastructure:** year-to-year or lesser interval forecasts concerning resources and their allocation and/or resource allocation decisions taken at a relatively short time scale, typically weekly or fortnightly;

**Technical Committee:** the technical committee of the Lake Chad Basin Commission;

**The public:** one or several individual or legal persons, according to the legislation applicable in the country, and/or associations, organisations or groups formed by such persons;

**The right to water:** supplies of physically accessible, clean water of acceptable quality at an affordable cost, in sufficient amount to meet every person's personal and domestic needs. Adequate amounts of clean water are necessary to prevent dehydration-caused mortality and to reduce water-borne disease, as well as for cooking and for personal and domestic hygiene;

**Transboundary impact:** any significant harmful effect on the environment in an area situated in the jurisdiction of another party, caused by the modification of transboundary water conditions, as a result of human activities physically originating, either partly or entirely, within an area under the jurisdiction of one of the parties. There can be various effects of this kind on the environment, such as harm to human health or safety, harm to flora and fauna, soils, air, water, climate, landscape, historical monuments or other buildings, or interactions of several of these factors; such effects also include adverse effects on cultural heritage or socio-economic conditions due to the modification of such factors;

**Tributaries of Lake Chad:** watercourses flowing into Lake Chad, therefore supplying it with water;

**Usage/Use:** the use of water for sundry purposes especially domestic, industrial, crafts, agriculture, the environment, herding, tourism, mining, sports, fishing and hydroelectric production;

**Vision 2025:** Vision 2025 of the Lake Chad Basin, adopted by the Lake Chad Basin Commission in 2000;

**Water Charter:** the present Agreement, and all appendices, protocols and ancillary instruments pertaining thereto;

**Water Resources Advisory Committee:** The Committee of Water Resources Experts of the Lake Chad Basin Commission;



**Watercourse:** a surface or underground channel through which there is a continuous or temporary flow of water.

### **Article 3. General objective of the Water Charter**

The Water Charter constitutes a binding framework the global purpose of which is the sustainable development of the Lake Chad Basin by means of integrated, equitable, coordinated management of the Basin's shared water resources and environment.

This framework advocates good governance, subregional cooperation and solidarity based on the common interests of the Member States in this management.

### **Article 4. Specific objectives**

The Water Charter aims to fulfil the following specific goals:

- a) Quantitative surface water resource management. This takes into account:
  - (i) The establishment of principles and quantitative management rules for water resources by limiting abstractions from the Lake itself and on its tributaries to minimise the effect of such abstractions on the Lake water level.
  - (ii) The establishment of environmental flows to be maintained in watercourses during low waters periods in order to maintain the aquatic habitat in good condition;
  - (iii) The introduction of "abstractor pays" principles throughout the Basin;
- b) The qualitative management of wetlands. This takes into account:
  - (i) The establishment of principles and rules on the preservation and protection of the aquatic systems in the Basin and their biological diversity, in particular pollution control and sustainable management of fisheries;
  - (ii) The introduction of "polluter pays" principles throughout the Basin;
  - (iii) The performance of environmental audits and environmental impact assessment;
- c) Groundwater management along with the establishment of principles and rules on transboundary groundwater management;
- d) Ecosystem and biodiversity conservation;
- e) The management of navigation, along with the establishment of principles and rules governing navigation on the Lake and its tributaries, in particular guaranteeing the freedom of navigation for the Lake Chad Basin States;
- f) The definition of procedure for examining and approving new projects likely to cause significant harm to the quantity and quality of the Lake Chad Basin's water resources;
- g) The recognition of common facilities and facilities of common interest and project asset management and ownership by the Commission;
- h) The determination of the responsibilities of the national and regional authorities regarding:
  - (i) The issue of abstraction and discharge authorization;
  - (ii) The enforcement of water rights and regulations;
  - (iii) Surveillance;
  - (iv) Planning and scheduling;
- i) Exchanging data and information and participation, which comprise:
  - (i) The determination of procedure for collecting and exchanging data and information on the environment and water resources in the Basin:
  - (ii) The definition of the framework and procedures for non-state stakeholder information and participation, in particular the private sector, civil society organisations and grassroots community organisations, for greater involvement in the decisions made by the public authorities on the development and management of the water resources and the environment of Lake Chad;



- (iii) Facilitating activities promoting the sustainable management of the Basin;
- j) Preventing conflict with guarantees of efficient prevention and inter-state shared water resource-related dispute resolution.
- k) Improving the socio-economic conditions of the populations, which includes:
  - (iv) Food security, ensuring safe, regular food supplies to all people,
  - (v) Poverty eradication and improved life-styles to raise living standards and maintain conditions for peaceful cooperation in the member States.

### **Article 5. Sphere of application**

The Water Charter applies to all public and private, ongoing and planned measures and activities in the Basin, undertaken for (i) better knowledge about surface and underground water resources and ecosystems, (ii) their use or utilisation to meet socio-economic and environmental needs likely to affect water resources or the environment and (iii) the protection and preservation of water resources and the environment and the prevention of damage-causing situations.

The Water Charter applies to the parts of the Member Countries lying in the hydrographic basin and hydrogeological basin of Lake Chad.

The map of the hydrographic basin is represented in Appendix no1.

### **Article 6. Connection with the legal and political instruments of the Commission**

The Water Charter falls under the framework set by the Convention for the creation of the Lake Chad Basin Commission and the Statute of the Commission signed on 22 May 1964 at Fort Lamy, which it refines and supplements.

It is a contribution to the implementation of Vision 2025 and the Strategic Action Programme.

### **Article 7. Principles**

To implement the present Water Charter, the State Parties shall be guided by the following fundamental principles:

- a°) the **sustainable development** principle, by which the management of the basin shall meet the demands from the present generation without compromising its ability to meet those of future generations, balancing the requirements of economic development, the protection of the environment and social development;
- b°) the principle of **prevention**, by which the adverse effects of a planned project on the environment and human health shall be examined and assessed and appropriate measures designed to eradicate or at least alleviate the anticipated harmful effects;
- c°) the **abstractor pays** principle, by which fees are levied for non-domestic usages of water as a contribution to the financing of water services;
- d°) the **polluter pays** principle, by which the cost of pollution prevention, control and abatement measures shall be entirely or partially covered by the polluter;
- e°) the **cost and benefit sharing** principle, by which all the State Parties shall contribute to and benefit equitably from transboundary initiative in the Basin;
- f°) the **principle of subsidiarity**, by which State Parties and Commission actions shall be respectively situated at the most relevant levels;
- g°) the principle of **information and participation**, by which the public shall be given a right of access to the public authorities' information so that they can effectively take part in the national decision-making process;





- h°) the principle of **precaution**, by which the absence of scientific certainty cannot be an excuse to delay measures planned to protect the quality and quantity of the water resources and the environment in the Basin;
- i°) the **principle of solidarity**, by which subregional inter-State cooperation on the sustainable management of the Basin shall be based on the concept that Lake Chad and the watercourses, aquifers and aquatic ecosystems contained in its hydrographic basin is common property or heritage that the State Parties undertake to preserve for the benefit of all the States concerned, and shall promote peace and development at subregional level and ensure political and social cohesion within the Basin by supporting underprivileged people and areas in order to gradually iron out inequalities;
- j°) the **principle of cooperation** by which it is necessary to develop relations between States, basin organisations and regional organisations for integrated, peaceful management of the environment and water resources in the basin in order to manage the basin with positive benefits;
- k°) the **principle of partnership**, by which it is appropriate to seek complementarity and synergy with national and intergovernmental organisations, NGOs, associations and all stakeholders involved in the environment for greater efficiency in the action undertaken;
- l°) the **principle of equity**, by which the States shall manage the Basin's shared water resources with due consideration for all the legitimate needs of all the Basin countries;
- m°) the **principle of management by hydrographic sub-basin**, by which the hydrographic sub-basin is the most appropriate geographic unit for implementing actions at local scale;
- n°) the **principle of gender consideration**, by which the benefit and contribution of men and women, youths and vulnerable social groups are taken into account in the formulation, execution and monitoring of projects and programmes on water resource management and environmental protection in the Basin;
- o°) the **principle of accountability** by which the State Parties undertake to implement all their obligations resulting from the present Water Charter in good faith and according to international law;
- p°) the principle of **good governance for the environment**, by which (i) the exercise of political, economic and administrative authority to manage affairs in the Basin shall take account of the legitimate concerns of all the different layers of its populations, and (ii) all the methods and practices distributing power and managing public resources and public issues relating to water and the environment in the Basin shall integrate its populations;
- q°) the **principle of complementarity**, by which, for the purposes of achieving regional integration, it is necessary to make the best possible use of complementarities in the economies of the member States, based on the present or potential comparative advantages within the member States of the Commission;
- r°) the **principle of progressivity**, by which the implementation of measures to manage water resources and to protect the environment shall take account of the need to gradually implement the necessary adjustments.

### **Article 8. General obligation to cooperate**

The State Parties to the Water Charter shall cooperate within the Commission on the basis of reciprocal benefits and good faith to achieve optimal utilisation of water resources, adequate protection of water resources and the environment and efficient settlement of disputes concerning shared water resources in the Basin.

They shall harmonise their positions within the Commission to ensure coordinated participation to multilateral negotiation on the management of water resources and the environment.



### **Article 9. Planning concerning the Basin**

In close conjunction with the State Parties, the Commission shall establish and implement sustainable water resource and environment planning, conservation, management and development policy.

## **CHAPTER 2. QUANTITATIVE MANAGEMENT OF SURFACE AND GROUNDWATER RESOURCES**

### **Section 1      EQUITABLE AND REASONABLE UTILISATION IN TERMS OF QUANTITY**

#### **Article 10. Obligation to utilise water in an equitable and reasonable manner**

The State Parties shall equitably and reasonably utilise the Basin's surface water and aquifers in their respective national jurisdictions to obtain optimal, sustainable benefits that are compatible with the legitimate interests of all the countries in the Basin and with the protection of the Lake Chad and the watercourses, aquifers and aquatic ecosystems contained in its hydrographic basin.

Regarding ground water, such equitable and reasonable utilisation shall be based on the State Parties' commitment not to exceed the limits specified in Article 11 as the maximum quantities abstracted.

Regarding surface water, such equitable and reasonable utilisation shall be based on the State Parties' commitment not to exceed the limits specified in Articles 11 and 12 for the maximum abstraction volumes and the minimum flows during low waters periods and during high waters periods.

The maximum abstractions are determined in Appendix no2 to the present Water Charter and the minimum low water flows and minimum flows during high water periods are determined in Appendix no3 to the present Water Charter.

If the values determined in Appendices no2 and no3 to the Water Charter are modified, or if minimum flows are determined for different places, or maximum volumes withdrawn from specific portions are established, the State Parties undertake to abide by the relevant factors and criteria set forth in Article 13 to determine the equitable and reasonable utilisation of the water resources in the Basin.

#### **Article 11. Admissible volume of abstractions in the Basin**

Considering that an uncontrolled increase in abstractions could cause significant effects and seriously reduce the volume and surface area of the Lake, the State Parties undertake that the total amount of water used from the Lake's tributaries, their alluvial aquifers, aquifers linked to the Lake and the Lake itself shall not exceed the limit stipulated in Appendix no2 to the present Water Charter.

The Lake Chad Basin Commission shall arbitrate on the distribution of the volumes between the State Parties with reference to the permission to abstract described in Article 17.

The State Parties undertake to restrict groundwater abstractions to adapt them to the capacities of the aquifers or transboundary aquifer systems in the Basin to ensure sustainable use. Such capacities shall be determined by the State Parties.

In pursuance of the present Article, a system for declaring and authorizing abstractions described in Articles 14 to 17 shall apply.



## **Article 12. Minimum flows to be maintained**

The State Parties undertake to maintain environmental flows at key points in the Basin to protect and preserve the aquatic ecosystems and services rendered by such ecosystems.

The environmental flows during low waters and high waters and the modalities for their implementation are defined in Appendix no 2 of the present Water Charter.

To ensure observance of the set environmental flows, it may be necessary to limit abstractions by fixing the maximum amount of water that can be withdrawn in a given portion. The State Parties undertake to define these amounts of water depending on water resource availabilities and on the circumstances and factors described in Article 13.

## **Article 13. Factors and criteria to be used**

In pursuance of their obligation of equitable and sustainable utilisation, the State Parties shall effectively take into account the following circumstances and factors, among others:

- a°) Geographical, hydrographic, hydrological, hydrogeological, climate, ecological and other natural factors;
- b°) The economic and social needs of the State Parties;
- c°) Ecosystem requirements, in particular in wetlands, and especially the maintenance of environmental flows to preserve and protect the services rendered by ecosystems;
- d°) The population depending on the Lake Chad or the watercourses, aquifers and aquatic ecosystems contained in its hydrographic basin;
- e°) The effects of the utilisation by one of the States, in other Basin States, of the Lake Chad or the watercourses, aquifers and aquatic ecosystems contained in its hydrographic basin;
- f°) The existing and potential utilisation(s) of the Lake Chad and the watercourses, aquifers and aquatic ecosystems contained in its hydrographic basin, in particular the cumulated effect of abstractions and pollution;
- g°) Conservation, protection, development and careful use of the water resources of the Lake Chad or the watercourses, aquifers and aquatic ecosystems contained in its hydrographic basin and the costs of the corresponding measures;
- h°) The existence of other options of similar value, able to replace any given, present or planned utilisation;
- i°) Planning to develop the Basin;
- j°) Sharing water resources among all users, aquatic systems and associated ecosystems;
- k°) The availability of other resources and the cost of using them as a replacement;
- l°) The need to avoid wastage whatever the use of the water in the basin;
- m°) The principle that a State obliged to drop plans in order to avoid conflicting usages is entitled to compensation;
- n°) The damage or harm likely to be caused by a new usage or extended usage;
- o°) The right to water for all the people living in the Basin;
- p°) The endorheic nature of the Lake which increases risks of (i) accumulating pollution and (ii) a cumulated effect on the water level in the Lake of abstractions from the Lake, its tributaries, their alluvial aquifers, or aquifers linked to the Lake;



- q°) Inter-basin water transfers likely to affect the hydrology and water resources in the Lake and associated watercourses;
- r°) The effects of climate variability and climate change.

The weight given to each factor depends on its importance compared to other relevant factors. To determine what corresponds to reasonable and equitable utilisation, all relevant factors shall be examined together to reach a conclusion based on all of them. The State Parties may agree to determine other relevant factors to be taken into account considering local circumstances and the various needs for water.

## **Section 2 ABSTRACTION MANAGEMENT**

### **Article 14. Relations between different usages**

No usage of water from Lake Chad or from the surface or underground waters of its hydrographic basin can be considered to have priority over the other usages.

However, the State Parties hereby agree that essential human needs among the populations in the Lake Basin shall be given priority over all the other usages.

### **Article 15. Future utilisation**

None of the State Parties shall reserve future rights to utilise the Basin's water resources to the detriment of the existing equitable and reasonable utilisation.

### **Article 16. Prior authorization and declaration of abstractions**

In pursuance of Articles 10 to 12, the abstraction of water from the Lake or the surface or underground waters of its hydrographic basin is subject to authorization or shall be declared prior to implementation.

Existing abstractions shall be formalized within five years of the coming into force of the present Water Charter.

The limit between abstractions subject to authorisation or declaration is described in the Appendix no4 to the present Water Charter.

### **Article 17. Issuance of authorization to abstract**

Authorizations to abstract shall be issued by the State Parties to any public or private individual person or entity having duly applied for such authorization in accordance with national procedure.

Authorization to abstract shall take account of the availability of water and the intended use.

The State Parties shall submit all applications for authorization to abstract made to them to the Commission to obtain its opinion. The Commission shall examine the issues within three months and express its opinion that shall be binding. During this interim period, the State Party shall refrain from replying to the applicant. After the said period, the State Party may proceed to respond to the applicant without the opinion of the Commission.

Authorization to abstract surface water and ground water shall be issued after due consideration of environmental flow restrictions. For this purpose, the Commission shall maintain a database on surface water and alluvial aquifer abstractions and use its hydrological model for Basin-wide water resource allocation in order to decide whether or not such authorization to abstract should be granted.



Authorization to abstract groundwater shall be subject to due concern for the sustainable use of the aquifers. In cooperation with the State Parties, the Commission undertakes to improve understanding of the hydrogeology in the Basin, aquifer capacity and aquifer recharge. It shall maintain a data base on groundwater abstractions and develop management and decision aid tools to monitor and plan aquifer piezometric water levels basin-wide in order to be able to determine targeted abstraction quantities and allow the State Parties to issue authorization to abstract with due consideration of aquifer capacity.

The State Parties shall regularly provide the Commission with the information necessary to update its surface and groundwater abstraction monitoring tools.

The surface water and alluvial groundwater abstraction data base and the groundwater abstraction data base shall be incorporated in the Regional Database created and provided for in Article 66.

### **Article 18. Tax on abstractions**

All public or private individual persons or entities granted permission to abstract water shall be subject to an annual tax contributing to the cost of exploiting water resources to meet socio-economic and environmental needs.

The said tax shall be levied by the national authorities in accordance with their financial rules and procedures.

The amount of the tax on abstractions and the sharing formula between the Commission and the State Parties shall be determined by the Commission.

### **Article 19. Water sharing**

None of the provisions in this Section shall be detrimental to the rights of the State Parties to a share of the waters or part of the waters from the Lake Chad Basin.

The State Parties are free to reach bilateral and multilateral water sharing agreements provided that such agreements comply with the present Water Charter and that the Commission is duly informed of their content.

## **Section 3 SPECIAL PROVISIONS FOR GROUND WATER**

### **Article 20. Protection of the interests of States not belonging to the Commission**

The State Parties, when using transboundary aquifers or aquifer systems extending beyond the spatial scope of the present Water Charter, as described in Article 5, shall make all necessary arrangements to protect the legitimate interests of the aquifer States who are not members of the Commission.

## **CHAPTER 3. PROTECTION AND PRESERVATION OF WATER QUALITY IN THE BASIN'S AQUATIC ECOSYSTEMS**

### **Section 1 PREVENTION OF POLLUTION**

#### **Article 21. General obligation to prevent pollution**

The State Parties shall closely cooperate with each other and with the Commission to prevent, control and mitigate pollution. Accordingly, they shall:



- a) individually and collectively through the Commission, control and prevent actions likely to have a noticeable effect on the Lake and associated watercourses, on their health condition and physical and chemical composition, their biological characteristics and on the environment in general.
- b) take all necessary measures to preserve groundwater quality in the Basin to ensure sustainable use.
- c) prevent pollution at the source. To achieve this, they undertake to:
  - (i) advocate the prevention of pollution in planning documents and, where this is not feasible, reduce pollution to the minimum acceptable levels with the approval of the regulatory bodies involved;
  - (ii) demand that, as from the coming into force of the Water Charter, the operators of existing facilities abate, minimise and control pollution by means of specific, sustainable methods.

### **Article 22. General measures to prevent pollution**

The State Parties shall cooperate with the Commission to decide on and employ mutually acceptable methods to prevent, abate and control pollution in the Basin, namely:

- a) Fixing water quality objectives and criteria;
- b) Establishing methods and practices to prevent point and non-point pollution;
- c) Establishing lists of substances and concentrations prohibited, limited or subject to research and testing in the waters of the Basin;
- d) Protecting aquatic habitat that contributes to preserving good quality waters.

Each State Party shall timely inform the Commission in the event of pollution emanating from its national jurisdiction and likely to cause noticeable harmful effects on water resources or the environment in one or several other national jurisdictions of State Parties.

### **Article 23. Regulations for pollutant discharge**

In cooperation with the State Parties, the Commission shall set standards for pollutant discharge in accordance with the objectives defined by way of enforcement of the previous Article and in accordance with best practices in the sector concerned, in order to prevent pollution.

The definition of pollution norms takes account of the nature of the pollution, pollutant concentrations and the fragility and ecological characteristics of the receiving environments.

It is prohibited to discharge radioactive contaminants in the Basin.

The State Parties are responsible for compliance with water quality objectives and discharge pollution standards in accordance with the first paragraph of the present Article, and shall implement the best possible technologies for such purpose in the Basin.

### **Article 24. Prior authorization and declaration of pollutant discharge**

The discharge of pollutants into the Lake or the surface or underground waters of its hydrographic basin is subject either to authorization to discharge or to prior declaration, in compliance with the norms set for pollution control.

The standards for pollutant discharge subject to authorization or declaration shall be determined by the Commission.

The discharge of pollutants likely to endanger public health and safety or to cause harmful effects on the Basin's biodiversity is subject to authorization.

Existing discharge of pollution shall be formalized within five years of the coming into force of the present Water Charter.



### **Article 25. Issuance of authorization to discharge**

Authorizations to discharge shall be issued by the State Parties to any public or private individual person or entity having duly applied for such authorization in accordance with national procedure.

The State Parties shall submit all applications for authorization to discharge made to them to the Commission to obtain its opinion. The Commission shall examine the issues within three months and express its opinion that shall be binding. During this interim period, the State Party shall refrain from responding to the applicant. After the said period, the State Party may proceed to respond to the applicant without the opinion of the Commission.

Authorization to discharge shall take into account the nature of the pollutants and the fragility and hydrological and ecological characteristics of the receiving environment. For this purpose, the Commission shall maintain a database on pollutant discharge as part of the Regional Database, and use its hydrological model of the Basin and its knowledge about its aquatic habitats to decide whether or not such authorization to discharge should be granted.

The State Parties shall regularly provide the Commission with the information necessary to update its pollutant discharge monitoring tools.

### **Article 26. Pollution tax**

All persons, private or public, including other legal entities granted permission to abstract water shall be subject to an annual tax contributing to the cost of measures undertaken by the public authorities to prevent, abate and control pollution.

The said tax shall be levied by the national authorities in accordance with their financial rules and procedures.

The payment of pollution tax shall not relieve public or private individuals or entities of their third party liability in the event of damage to people or property, nor of their criminal liability for any act whatsoever against the law of their country.

The amount of the tax on pollution and the sharing formula between the Commission and the State Parties shall be determined by the Commission.

### **Article 27. Water quality monitoring**

The State Parties hereby undertake that by way of prevention, abatement and control of pollution, through the Commission, a regular regional water quality surveillance system shall be introduced for the Basin, the data from which shall be incorporated in the Regional Database.

In this framework, they shall regularly send all available information on water quality to the Commission.

They shall make all necessary arrangements to ensure that, through the Commission, the other Basin States are informed as soon as possible in the event of accidental pollution and/or modification of the physical, chemical or biological characteristics of the Lake, or the surface or underground waters of its hydrographic basin in their national jurisdiction, whether such pollution or modification has already occurred, is in the process of occurring or is likely to occur due to natural causes or human activities.



## Section 2      CONSERVATION OF BIOLOGICAL DIVERSITY

### **Article 28. Obligation to ensure the sustainable conservation and utilisation of biological diversity**

The State Parties undertake to identify, inventory and regularly keep watch over the biological diversity of the Basin's aquatic ecosystems and to take all appropriate conservation measures, with special attention to endangered species and species offering the greatest potential for sustainable utilisation.

The State Parties undertake to use the biological resources of the Basin in a sustainable manner.

### **Article 29. Obligation to prevent environmental harm**

The State Parties and the Commission undertake all necessary measures to prevent damage-causing situations affecting the ecosystems in the Lake Chad Basin, such as silting, erosion, bank degradation, flooding, drought, desertification or deforestation.

### **Article 30. Control of invasive aquatic species**

The State Parties shall take all necessary measures to control the introduction of new or foreign invasive aquatic fauna or flora species likely to cause harmful effects on the Basin's ecosystems.

### **Article 31. Prevention of soil degradation**

The State Parties undertake all necessary measures to prevent and control soil degradation by adopting long-term, integrated soil conservation and sustainable management strategies, and to control erosion, improper use of soils and the degradation of their physical, chemical, biological and economic properties.

### **Article 32. Management of vegetation cover**

The State Parties shall adopt the necessary measures for the protection, conservation, sustainable use and rehabilitation of the vegetation cover in the Basin.

Such measures shall include adopting management plans taking into account the social and economic needs of the people concerned, the importance of the vegetation cover for soil and water conservation and the part it plays for animal species.

## Section 3      SPECIAL PROVISIONS FOR FISHERIES

### **Article 33. Fisheries resources conservation measures**

The State Parties shall take all appropriate measures to ensure the sustainable utilisation of the Basin's fisheries resources.

In cooperation with the State Parties, the Commission shall establish fisheries conservation areas by creating fishing reserves and prohibiting access to parts of the aquatic domain in order to allow fish stock reproduction.

### **Article 34. Harmonised legislation and institutions concerning fishing**

The State Parties hereto undertake to adopt sustainable, responsible fishing methods in the Basin.

In cooperation with the State Parties, the Commission shall establish harmonised national legislation and institutions concerning fishing in the Lake and associated watercourses.





The harmonisation of legislation on fishing concerns in particular the conditions and procedures for issuing fishing permits, fishing periods, methods and equipment, authorized species composing catch, the rigorous management of fishing reserves and temporarily prohibited fishing zones.

## **Section 4 Special provisions for herding**

### **Article 35. Recognition of herding rights**

The State Parties acknowledge that the herdsmen in the Basin are entitled to use pastureland resources, such as plant, water and mineral resources, to feed their herds.

They shall ensure the necessary conditions for the effective exercise of pastureland usage rights in keeping with national regulations.

### **Article 36. Sustainable herding practices**

The State Parties undertake to implement measures so that herding activities are not detrimental to environmental preservation and to promote sustainable herding practices to preserve the rights of present and future generations.

## **CHAPTER 4. EMERGENCY PLANNING AND PREPAREDNESS TO ENSURE THE PROTECTION OF PEOPLE, THE ENVIRONMENT AND WATER RESOURCES**

### **Article 37. Notice of emergency**

The State Parties shall immediately notify all the other Basin Countries and the Commission in the event of natural disasters or disasters caused by human activities affecting the Lake or the watercourses, aquifers and aquatic ecosystems contained in its hydrographic basin and occurring in their national jurisdiction if such disasters are likely to cause sudden, harmful effects in other Basin countries.

Emergency notice shall contain a description of the emergency situation, the measures taken by the State Party to attenuate its consequences in its national jurisdiction and all other information allowing the other Basin States to proceed as necessary to prevent or reduce the effects of the emergency situation on their own national territories.

### **Article 38. Emergency preparedness plans**

In order to prevent and control emergency situations, the State Parties shall, in cooperation with the Commission, jointly develop and enforce emergency plans and disaster response plans to attenuate, eliminate or reduce the damage likely to be caused to the population, the environment and the water resources in the Basin by such emergency situations.

### **Article 39. Assistance to the countries affected**

The Basin States undertake to provide mutual assistance in emergency situations.

Assistance to countries affected shall comply with the terms and conditions previously agreed between the State Parties and in accordance with the rules and principles of international law.



#### **Article 40. Special flood prevention and flood management measures**

Any State Party likely to be affected by flooding from the Lake or its tributaries, or in a geographical location allowing it to take part in predicting such risks undertakes to:

- a) inventory and map flood hazards, vulnerability and the risks in all potentially flood prone areas in its national jurisdiction,
- b) inventory remarkable flood events in a data base and keep a record of feedback on the management of those events,
- c) develop and maintain a forecasting and warning system comprising rain gauges and hydrometric stations, and
- d) establish Emergency Preparedness Plans defining the action conducted in the event of emergency or disaster situations.

During ongoing or future flooding, the State Parties undertake to:

- a) manage hydraulic infrastructure in such a manner as to attenuate the risks or to avoid accentuating them, as specified in clause 1, Article 71,
- b) put in place appropriate action to inform the population as soon as possible and to minimise adverse effects due to flooding. The State Parties specifically undertake, after interpretation of the flood hydrographs for the Chari and the Logone Rivers, to inform the population living on the banks of the Lake every year regarding the maximum water level the Lake waters can be expected to reach.

#### **Article 41. Special measures to prevent and manage severely low waters and drought**

The State Parties undertake to establish within five years after the coming into force of the present Water Charter, objective indicators allowing them to classify and anticipate particularly severe low water levels likely to prevent the observance of the target flows defined in Article 12 while abstractions of the normally authorized quantities of water continue.

Within the same five years, the State Parties undertake to define the measures to be taken in such situations. These measures may include:

- a) careful management of the demand by introducing measures to save water and regular checking of abstraction flow rates,
- b) establishing rules to prioritize recipients of water available in reservoirs and to promote careful management of water storage,
- c) actions to reserve available water for drinking water supplies.

Until such indicators and measures have been established for the whole basin, indicators in regional documents may be used.

In the event of a low waters crisis, the State Parties undertake to coordinate their actions in order to limit the effects of the low water levels and to take exceptional measures previously defined, as stated in clause 2 of this Article, or any other adequate measures.

Each State Party undertakes to inform the other Basin Countries, through the Commission, that the situation is extreme, as soon as the severity of the situation has been confirmed thanks to the criteria mentioned in the first paragraph of the present Article. The Commission may declare the existence of such a situation itself; it shall inform the other Basin States whatever the circumstances.

The Commission shall be timely informed of effects resulting from a low waters crisis and of the exceptional measures taken by any of the State Parties to face such situations.



## CHAPTER 5. BAN ON SIGNIFICANT HARM TO OTHERS

### **Article 42. Prevention**

The State Parties utilizing the Lake, or the surface or underground waters of its hydrographic basin, in their own respective territories shall implement all judicial, institutional, operational and other measures to prevent significant harm to other State Parties.

### **Article 43. Consultation**

Any State Party causing significant damage to another State Party notwithstanding the obligation to prevent significant transboundary harm undertakes to immediately consult the State affected in order to eliminate or attenuate such effects as quickly as possible.

The State Parties shall consult one another as and when necessary to repair significant transboundary damage to other State Parties as a result of their utilisation of the Lake, or the surface or underground waters of its hydrographic basin, in their own respective territories.

Remedies in the event of transboundary damage shall be in accordance with international law.

### **Article 44. No discrimination when remedying damage**

In order to preserve the interests of people who have suffered significant transboundary damage as a result of the activities of the State Parties in the Basin, or who are seriously threatened by the risk of such damage, the State Parties shall not discriminate on the basis of nationality, place of residence or place of occurrence of the damage when paying compensation or otherwise remedying damage caused to the people affected.

### **Article 45. Environmental impact assessment**

Activities conducted by a State Party in its own national jurisdiction, liable to cause adverse effects on the environment shall be subject to environmental and social impact assessment so as to identify the damaging impacts and adopt prevention or mitigation measures.

Activities liable to cause significant harm to the territory of other Basin States shall be subject to environmental and social impact assessment so as to take account of effects external to the national jurisdiction and to identify prevention or mitigation measures.

### **Article 46. Environmental audits**

The State Parties undertake to proceed to regular assessments of the consequences of ongoing activities in the Basin to ensure that they comply with all applicable environmental norms.

### **Article 47. Strategic environmental assessment**

Policies, programmes and plans for the development of water resources and the environment in the Basin shall be subject to strategic environmental assessment prior to implementation.

### **Article 48. Harmonised legislation on environmental assessment**

The Commission shall harmonise legislation on environmental assessment.

Until such harmonisation has been accomplished, environmental assessment shall be subject to currently applicable existing national legislation or, failing such, to the directives of the competent international organisations.



## CHAPTER 6. WATER-BORNE DISEASE

### **Article 49. Prevention of water-related diseases**

The State Parties and the Commission shall develop and enforce programmes and strategies to prevent and eradicate water-related diseases in the Basin in coordination with the competent international organisations.

## CHAPTER 7. NAVIGATION

### **Article 50. Freedom to navigate**

The State Parties shall be free to navigate on the Lake and associated watercourses and on the shared watercourses in the Lake Chad Basin.

Navigation on the Lake shall observe all rules and regulations regarding the safety and the protection of people, property and the environment.

### **Article 51. Navigability of Lake Chad and associated watercourses**

The State Parties shall take appropriate measures to ensure the navigability of the Lake and associated navigable watercourses.

They shall ensure that navigation on the Lake is not obstructed by hydraulic facilities, floating constructions, receptacles, underwater cables or overhead cables or any other obstacle whatsoever.

## CHAPTER 8. PRIOR NOTIFICATION OF PLANNED MEASURES

### **Article 52. Obligation to issue prior notification and authorization**

All measures planned by a State Party concerning the Lake or associated watercourses and liable to cause significant harmful effects in another Basin country shall be subject to prior authorization from the Commission issued upon recommendation of the Water Resources Advisory Committee and the Environment, Science and Planning Advisory Committee.

The Commission shall list the types of planned measures for which prior notification is compulsory due to the significant harm they are likely to cause in other Basin States.

The list of planned measures for which prior notification is compulsory shall be regularly updated by the competent body of the Commission.

### **Article 53. Obligation of prior declaration**

Planned measures not listed as mentioned above shall be freely undertaken by the State Parties after prior declaration to the Commission.

Such planned measures shall obey the rule of equitable and reasonable utilisation.

### **Article 54. Notification via the Commission**

Whenever a State intends to undertake planned measures liable to cause significant transboundary harm and listed as planned measures subject to compulsory notification, it shall give notice via the Commission to all the State Parties.



Such written notice shall be given sufficiently early and shall contain all information and data allowing the Commission and the recipient States to fully understand the possible negative transboundary impact of the planned measures.

Any legally required environmental impact assessments of the planned measures shall be included.

### **Article 55. Imposed timeframe for responding to notification**

Upon receipt of notification, the Commission shall make all necessary arrangements to inform the State Parties as swiftly as possible by any written means, no later than one month after receipt of all the documents and information required for the purpose of notification.

The recipient States shall react to the notification within four months after receipt of the same by sending their comments on the planned measures to the Commission, which shall promptly proceed to inform all the State Parties of such reactions.

A lack of response from a recipient State within the aforementioned timeframe shall be considered as tacit consent to the implementation of the planned measures.

### **Article 56. Examination of notification**

Upon expiry of the period during which the States are required to submit reactions, the Commission shall submit the notification of the planned measures and the observations forwarded by the States to the Water Resources Advisory Committee and the Environment, Science and Planning Advisory Committee for examination and opinions.

The examination of notification shall consist of studying the information and data in the notification, considering the comments of the other State Parties so that their concerns can be taken into account and taking into account any other relevant data or information in possession of the members of the two committees.

The Water Resources Advisory Committee and the Environment, Science and Planning Advisory Committee shall conduct such investigations with due consideration of all the factors and criteria relevant to the Lake Chad Basin.

During and to facilitate the examination of notification by the two committees, the Commission shall regularly consult the States concerned and, as and when appropriate, hold hearings to agree on the prevention or mitigation measures necessary if oppositions are voiced.

The committees may consult any external persons with the necessary skills in water and the environment if they are likely to provide relevant enlightenment on the matter.

The opinions of the competent bodies within the Commission shall be duly justified.

### **Article 57. Further information and data**

During the examination of notification, the Water Resources Advisory Committee and the Environment, Science and Planning Committee may request further data and information if available from the State having submitted the notification or from notification recipient States, as and when necessary, in order to accomplish their duties.

They may ask the Commission to extend the timeframe for examination of notification by one month to allow them to review the data and information provided by the State Parties contacted.

### **Article 58. Obligations during the notice period**

The notifying State shall refrain from implementing or authorizing the implementation of the planned measures before the issue of due clearance from the Commission.



It shall respond to any consultation requests from the Commission.

### **Article 59. Authorization to proceed with planned measures**

As advised by the competent bodies, the Commission shall respond in writing to the notifying State no later than six months after receipt of notification.

If the planned measures receive clearance, the notifying State shall implement the planned measures in compliance with the rule for the equitable and reasonable utilisation of water resources and the rule prohibiting significant harm to other State Parties.

If the planned measures do not receive clearance, the decision to reject them shall be justified in writing.

Such justifications shall include, where appropriate, the conditions to be met by the notifying State so that the application can be re-examined.

### **Article 60. Emergency implementation of planned measures**

Where the implementation of the planned measures is extremely urgent for reasons of public health and safety or other equally important reasons, the State planning the measures may, notwithstanding the provisions of Articles 54 to 59, proceed to the implement them immediately under the procedure established in the present Article for emergency implementation of planned measures.

The State Party contemplating such emergency implementation of planned measures shall immediately send the Commission an official declaration of the emergency, accompanied by all relevant data and information.

Upon request from any State involved, it shall promptly undertake consultation and negotiation, via the Commission, in compliance with the present Water Charter, in order to understand the extreme emergency.

If the Commission confirms the extremely urgent nature of the situation, it shall employ emergency procedure to examine the notification and issue clearance for the emergency implementation of the planned measures.

Clearance for the emergency implementation of planned measures shall not relieve the State Party concerned of its obligations under Articles 10 and 42.

## **CHAPTER 9. ENFORCEMENT OF ENVIRONMENT, WATER, FISHING AND NAVIGATION RIGHTS AND REGULATIONS**

### **Article 61. Obligation to prevent the infringement of environment, water, fishing and navigation rights and regulations**

The State Parties undertake to prevent infringements of the Water Charter regarding fishing, navigation and the protection and conservation of the environment and water resources and, in particular, compliance with authorizations to abstract water and to discharge pollutants and the maintenance of environmental flows and water quality in the Basin.

To do so, they shall implement all necessary internal normative and institutional measures against such infringements in accordance with their national legislation.

Enforcement measures shall only be implemented after unsuccessful formal notice.



**Article 62. Harmonising legislation on the enforcement of environment, water, fishing and navigation rights and regulations**

In cooperation with the State Parties, the Commission shall harmonise national legislation on the enforcement of environment, water, fishing and navigation rights and regulations so that infringements breaching the provisions of the Water Charter are effectively prevented.

## **CHAPTER 10. COLLECTION AND EXCHANGE OF DATA AND INFORMATION**

**Article 63. Harmonised data gathering and processing methods**

The Commission and the State Parties shall coordinate to harmonise their methods for gathering and processing data to facilitate its use at regional scale.

Methods for collecting and exchanging data and information shall be defined in the Appendix no5 to the present Water Charter.

**Article 64. Obligation to collect data and information**

The State Parties shall regularly collect data and other relevant information in their own jurisdictions concerning knowledge on water resources and the environment in the Basin.

**Article 65. Obligation to exchange data and information**

With a view to sustainable management of the Basin, the State Parties undertake to exchange data and information that is available on the Basin via the Commission in order to improve hydrological, environmental and socio-economic knowledge on the Basin.

**Article 66. Regional database**

A Regional DataBase (RDB) shall be set up henceforth within the Commission and under its authority; the Database shall contain all the data and information on the Basin supplied principally by the State Parties and intended to meet the needs of the Commission, the member States and their partners or any other user.

The Regional Database shall be managed by the Lake Chad Basin Observatory.

## **CHAPTER 11. COMMON FACILITIES, FACILITIES OF COMMON INTEREST AND INFRASTRUCTURE ASSET MANAGEMENT AND OWNERSHIP**

**Article 67. Common facilities or common interest facilities**

The State Parties may decide to undertake the construction of common facilities or facilities of common interest for the sustainable management of the Basin.

The parties may decide to declare facilities which already exist in the Basin Common Facilities or Facilities of Common Interest.



### **Article 68. Basin-wide infrastructure planning**

The Commission has a duty of strategic management for the Lake Chad Basin area as a whole, including the planning of the construction of common facilities and facilities of common interest. To this end, it shall use its basinwide hydrological allocation model.

### **Article 69. Delegation of infrastructure asset management and ownership**

The State Parties agree that, in appropriate circumstance, the Commission shall be mandated to take on asset management and ownership responsibility for common facilities and facilities of common interest.

### **Article 70. Asset management and ownership responsibility for projects and programmes**

The Commission shall bear asset management and ownership responsibility for regional projects for sustainable development in the Basin.

The State Parties shall facilitate the accomplishment of asset management and ownership duties for sustainable development projects and programmes by the Commission.

### **Article 71. Coordinated management of hydraulic infrastructure**

The Commission shall coordinate the management of hydraulic infrastructure in the Basin when its impacts are transboundary impacts. Coordination shall comprise tactical management namely seasonal planning and operational management for the short term and in real time.

Surveillance, inspection and maintenance of hydraulic infrastructure are the responsibility of the infrastructure owner.

## **CHAPTER 12. RIGHTS OF THE BASIN POPULATIONS**

### **Article 72. The right to water and sanitation**

The State Parties acknowledge that their people have a right to water and sanitation, which is a fundamental human right and is necessary for human dignity.

They shall take all normative, institutional and operational measures necessary to guarantee that the said right is effectively implemented.

### **Article 73. Public information and participation**

By means of public consultation, the State Parties shall ensure that information about the state of water resources and the environment and about the measures planned or adopted by the State Parties in the Basin is accessible to the general public so that they can effectively take part in the consultation processes organised by the public authorities to make decisions regarding water resources and the protection of the environment.

They shall ensure that their populations have effective access to administrative and legal recourse for the implementation of the said rights.

In order to implement the provisions of the present Article, the Commission shall establish a Public Participation Plan determining the methods for public information and participation on water resource management in the Basin.





#### **Article 74. Special attention to gender**

The State Parties undertake to pay special attention to the needs of women, youths and vulnerable social groups regarding the management of water resources and the environment in the Basin.

#### **Article 75. Acknowledgement and protection of local and traditional knowledge and know-how**

The State Parties acknowledge the importance of traditional methods and local know-how on environmental protection, which are compatible with the sustainable management of the Basin's natural resources and the role of the traditional and customary authorities in the protection of the environment and water resources.

Among others, they undertake to encourage traditional water sharing systems in the Basin.

They shall take the measures necessary to protect local know-how and encourage greater involvement of the customary and traditional authorities in the management of water and the environment.

#### **Article 76. Sharing the benefits from the use of genetic resources**

The State Parties acknowledge and undertake to maintain the rights of the local population to an equitable share of the benefit gained, among others, from the commercial and industrial use of the genetic resources in the Basin in accordance with relevant applicable international agreements.

#### **Article 77. The right of civil society organisations to bring actions and proceedings**

The State Parties hereby acknowledge that legally formed civil society organisations and grassroots community organisations have the right to bring actions and proceedings before a court to defend community interests regarding the environment and water resources.

## **CHAPTER 13. PROMOTIONAL ACTIONS**

#### **Article 78. Support for the creation and functioning of civil society organisations and grassroots community organisations**

To effectively implement the rights of the local populations, the Commission shall facilitate the creation of civil society organisations and grassroots community organisations at Basin scale with national and local branches.

Civil society organisations and grassroots community organisations taking part in the sustainable management of the Basin shall receive the technical and financial support of the Commission.

#### **Article 79. Capacity building**

The State Parties shall develop and implement training programmes to build on the capacities of all the stakeholders involved in the sustainable management of shared water resources and the environment in the Basin.

In the frame of the said capacity-building activities, special attention shall be paid to women, youths, civil society organisations and grassroots community organisations.



### **Article 80. Scientific research**

The Commission and the State Parties shall encourage scientific research in the basin, considering its fundamental role in knowledge about and the protection of water resources and the environment and in the settlement of environmental and social disputes in the Basin.

They shall therefore encourage national and international research institutes and organisations to undertake joint research programmes on the knowledge, utilisation and protection of water resources and ecosystems as a contribution to the sustainable development of the Basin.

Scientific research in the basin shall take traditional knowledge and local know-how into account to build up synergy between research workers and the bearers of local expertise.

### **Article 81. Environmental education and awareness-raising in local communities**

The State Parties, in cooperation with the Commission, shall take the measures needed to encourage and facilitate awareness-raising in local communities to increase accountability and awareness with a view to better participation in the integrated, sustainable management of water and other natural resources in the Basin.

They hereby acknowledge the fundamental role of the National Agencies of the Lake Chad Basin Commission in implementing activities to promote sustainable development in the Basin.

## **CHAPTER 14. IMPLEMENTATION OF THE CHARTER**

### **Article 82. Organs responsible for the implementation of the Charter**

The main organs responsible for the implementation of the Water Charter are:

- a) The Summit of Heads of State,
- b) The Council of Ministers,
- c) The Executive Secretariat of the Commission.

They shall be supported by the following subsidiary organs for the implementation of the present Water Charter:

- a) The Technical Committee,
- b) The Regional Parliamentary Committee,
- c) The Water Resources Advisory Committee,
- d) The Environment, Science and Planning Advisory Committee,
- e) National Agencies of the Lake Chad Basin Commission (National LCBC Agencies),
- f) The Lake Chad Basin Forum of Sustainable Development Partners.

### **Article 83. Country level enforcement**

The State Parties shall make all necessary internal arrangements, in particular judicial, institutional, operational and financial arrangements, to ensure effective enforcement of the present Water Charter.

They shall regularly prepare and send to the Commission national reports on the implementation of the Water Charter.

National reports on the implementation of the Water Charter shall be forwarded for review to all the Commission bodies.



The Commission shall determine the intervals, template and format of the national reports on the implementation of the Water Charter.

#### **Article 84. International enforcement**

Every two years, the Executive Secretary shall assess the implementation of the Water Charter.

The assessment shall mainly concern progress in Water Charter implementation, the use of the tax collected, the obstacles encountered and the proposal of solutions to improve its enforcement.

The assessment report shall be presented to all the Commission bodies for comments.

If necessary, the Executive Secretary, with the permission of the Council, shall perform an inspection in the State Party countries in order to collect information on the implementation of the Water Charter in that country.

## **CHAPTER 15. SETTLEMENT OF DISPUTES**

#### **Article 85. Obligation to settle inter-state disputes on a friendly basis**

The State Parties undertake to settle their differences in a peaceful manner in the event of disputes arising from the application or interpretation of the present Water Charter, in accordance with the United Nations Charter, the Constitutive Act of the African Union and the Declaration of international law principles governing friendly relations and cooperation between States.

#### **Article 86. Friendly settlement**

In the event of dispute between State Parties regarding the interpretation or application of the present Water Charter, the parties concerned undertake to seek solutions by means of direct negotiation.

Such negotiation shall be conducted in good faith with a desire to come to an agreement.

#### **Article 87. Dispute resolution by the Lake Chad Basin Commission**

If the parties fail to come to an agreement after negotiation, any party thereto shall bring the case to the Commission, which shall conduct good offices or mediation procedure in attempt to reach a settlement.

#### **Article 88. Dispute resolution by the regional and sub-regional authorities**

If the Commission is unable to settle the dispute, any party to the dispute may bring the case before the competent regional and sub-regional authorities, which shall in turn undertake the conduct of good offices or mediation procedures.

#### **Article 89. Judicial dispute resolution**

If all the aforementioned dispute resolution mechanisms fail, the States concerned in the dispute shall bring the case for arbitration or judicial dispute resolution by the International Court of Justice.

#### **Article 90. Interim measures**

During the dispute resolution period, the State Parties undertake to abstain from any act likely to aggravate matters or constitute an impediment to the definitive, peaceful settlement of the dispute.



### **Article 91. Validity of non-controversial terms and conditions**

During the dispute settlement procedure, the State Parties involved in the dispute shall abide by all the other non-contested provisions of the Water Charter.

## **CHAPTER 16. PARTNERSHIP**

### **Article 92. Participation of Non-member States**

In the performance of its tasks and duties and especially under the implementation of the Water Charter, the Commission may allow other countries, which are not members of the Commission, to take part in its activities.

Non-member States likely to receive permission to take part in the Commission's activities or meetings shall be observer States, associated States and partial participation States.

### **Article 93. Participation of international organisations**

The Commission may confer observer status upon intergovernmental organisations particularly interested in the sustainable development of the Basin.

It may confer consultative status upon non-governmental organisations working in the basin.

## **CHAPTER 17. FINAL PROVISIONS**

### **Article 94. Depository state**

The instruments ratifying the Water Charter shall be handed in and placed under the custody of the State of Chad which shall duly notify all the other member States in the Commission.

### **Article 95. Date of coming into force**

The present Water Charter shall be ratified by the State Parties to the Agreement in accordance with constitutional rules and procedures and with the 1964 Convention and Statute and shall come into force within thirty days of the deposit of two-thirds of the Member States' ratified instruments.

It shall remain in effect until the term of the Convention for the development of the Lake Chad Basin and the Statute of the Lake Chad Basin Commission of 22 May 1964.

### **Article 96. Registration**

The present Water Charter shall be registered with the African Union and the General Secretariat of the United Nations Organisation immediately upon coming into force, as required under Article 102 of the Charter of the United Nations.

### **Article 97. Appendices**

The appendices to the present Water Charter are an integral part of the Charter since they contain specific provisions.



Appendices concerning the protection of the environment, emergency and disaster situations, navigation, prior notification, facilities and the bodies and mechanisms involved in the implementation of the Water Charter, as well as on the conditions of participation of international organisations in the Commission's activities, shall be subsequently adopted by the Council of Ministers.

Appendices established when the Water Charter has already come into force shall be subsequently adopted by the Council of Ministers.

The Council of Ministers alone is entitled to revise the Appendices to the Water Charter.

Appendices adopted or revised by the Council of Ministers shall come into force thirty days after being adopted.

### **Article 98. Amendments**

The Water Charter may be amended upon request of any State Party.

The request shall be in writing to the current Chairperson of the Summit of Heads of State and Government, who shall inform the other State Parties.

The Summit shall examine the request for amendment at its earliest convenience and adopt the amendment upon a two thirds majority vote of the State Parties.

The amended Water Charter shall come into force in the same conditions as the present Water Charter.

### **Article 99. Withdrawal of a State Party**

Three years after the coming into force of the present Water Charter for a State Party, the said State Party may withdraw from the Water Charter after written notice to the depository State.

Withdrawals shall be effective one year after the date of receipt of notice of withdrawal by the depository institution, or at any other later date indicated in the withdrawal notice.

Prior to withdrawal, the State Party shall continue to observe and fulfil all its obligations under the present Water Charter and those resulting from signing the Charter as a State Party until the date of effective withdrawal.

### **Article 100. Authentication**

IN WITNESS WHEREOF, the Heads of State and Government hereafter have signed the present Water Charter for the Lake Chad Basin in \_\_\_\_\_, in six (06) original copies, in English, Arabic and French, all three versions being authentic.

Done at \_\_\_\_\_ . this \_\_\_\_\_ day of \_\_\_\_\_ 20 \_\_\_\_\_ by the undersigned: (*written out in full*)





# APPENDICES





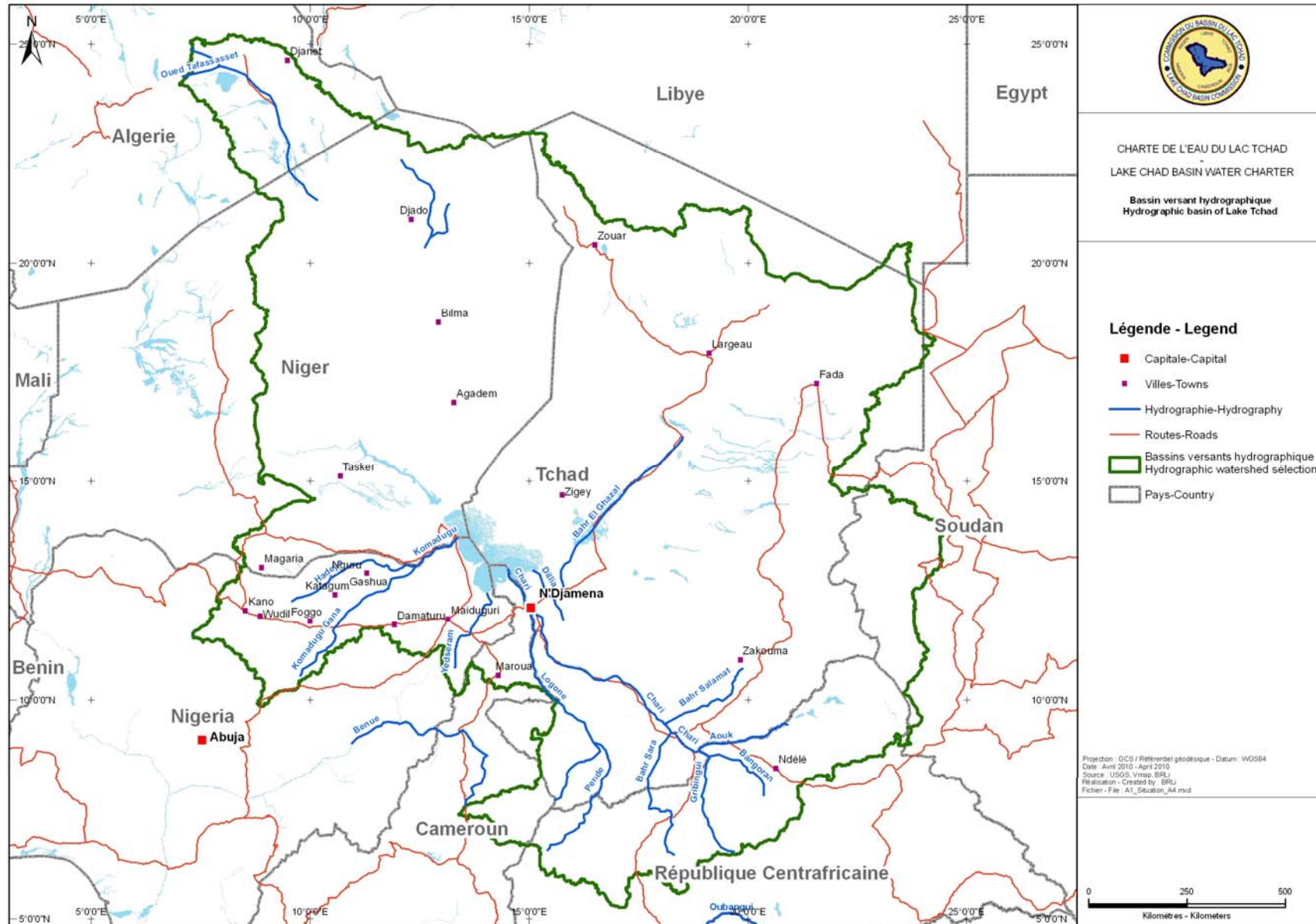


# Appendix n° 1

## Map of the hydrographic Basin of Lake Chad









## **Appendix n° 2 setting basin-wide limits for abstractions from the Lake, tributaries and alluvial groundwater**





### **Article 2.1. Purpose**

This Appendix establishes the maximum quantities of water abstracted from the Lake's tributaries, their alluvial aquifers, aquifers linked to the Lake and the Lake itself by application of Article 11 of the Water Charter for the Lake Chad Basin.

### **Article 2.2. Annual inflow and abstractions**

The assessment conducted in preparation of the Lake Chad Basin Water Charter and presented in the document entitled "*The Common Challenge - Managing Shared Water Resources and Ecosystems*" established that:

- The mean annual inflow to the lake is approximately 46 km<sup>3</sup> in the 20th century (40 km<sup>3</sup> from tributaries and 6 km<sup>3</sup> from direct rainfall), but only 25 km<sup>3</sup> in the period between 1971 and 1990. There was therefore a 21 km<sup>3</sup> deficit in the inflow to the lake between 1971 and 1990.
- Water consumption computed from abstractions from the lake, its tributaries and alluvial groundwater is estimated at approximately 2.5 km<sup>3</sup> in 2010 (0.5 km<sup>3</sup> for drinking water, 1.8 km<sup>3</sup> for irrigation and 0.2 km<sup>3</sup> for cattle-watering).

These factual quantities lead to the following conclusion:

- The mean annual water consumption in the Lake Chad Basin in 2010 is relatively low based on the Lake water balance,
- Until 2010, the Lake water level variations are principally due to fluctuation in rainfall.

The model used for Lake Chad in the above-mentioned document showed that while consumption of water abstracted from the Lake's tributaries, their alluvial aquifers, aquifers linked to the Lake and the Lake itself remains below approximately 7 km<sup>3</sup> (i.e. an increase of 5 km<sup>3</sup> compared to present-day abstractions), the impact of abstractions on the water level in Lake Chad is acceptable in the hydrological conditions encountered between 1971 and 2009.

In other words, without additional inflows, if abstractions increase beyond the specified limits, they could cause very serious effects and significantly reduce the volume and surface of the Lake.

### **Article 2.3. Goals**

Considering that an uncontrolled increase in abstractions could cause significant effects and seriously reduce the volume and surface area of the Lake, the State Parties hereby agree that the total annual amount of water used from the Lake's tributaries, their alluvial aquifers, aquifers linked to the Lake and the Lake itself shall not exceed 6 km<sup>3</sup> (which represents an increase of 4 km<sup>3</sup> over and above present-day abstractions).

If the hydro-meteorological conditions are subject to high variations, if the catchment basin receives externally originating inflows, or if knowledge about the hydrology and the usages improves, this Appendix shall be amended.

N.B. The proposed limit for abstractions is less than the volumes mentioned in Article 2.2 of the present Appendix for safer values.







# **Appendix n° 3**

## **establishing environmental flows at key stations in the Basin and abstractions from reaches between key stations**





### **Article 3.1. Purpose**

This Appendix establishes the environmental flows to be maintained in the tributaries of Lake Chad by application of Article 12 of the Water Charter for the Lake Chad Basin.

### **Article 3.2. Goals**

The Lake tributaries are subject to very high inter-annual flow variations. Their regimes consist of periods of high waters and low waters.

To preserve the aquatic ecosystems and services rendered, this appendix has the following objectives:

- Determine key stations in the catchment area for environmental flows to be maintained during low waters,
- Determine key stations in the catchment area for environmental flows to be maintained during high waters,
- Determine modalities for implementing them.

### **Article 3.3. Minimum flows to be maintained during low water periods**

To maintain good ecological conditions in watercourses and to meet the basic needs of the local inhabitants, it is necessary to maintain a minimum environmental flow during low waters in watercourses where natural flow exists.

The State Parties therefore agree to maintain environmental flows at key stations in the Basin to protect and preserve the aquatic ecosystems and services rendered by such ecosystems in watercourses where natural flow exists.

Establishing environmental flows during low water periods may lead to limiting abstractions in certain reaches of a watercourse and to the adoption of rules allowing the set flows to be achieved for regulation facilities. The State Parties hereby agree to define such amounts of water depending on availabilities and in accordance with the terms and conditions of the Water Charter.

Key stations shall be situated at existing gauging stations to facilitate flow control. Environmental flows for low waters periods are as follows:

<b>Measuring station</b>	<b>River</b>	<b>Country</b>	<b>Low waters environmental flow</b>
Moundou	Logone	Chad	13 m <sup>3</sup> /s (*1)
Doba	Pendé	Chad	1 m <sup>3</sup> /s (*1)
Bongor	Logone	Chad - Cameroon	25 m <sup>3</sup> /s (*1)
Logone-Gana	Logone	Chad - Cameroon	12 m <sup>3</sup> /s (*1)
Manda	Bahr Sara	Chad	12 m <sup>3</sup> /s (*1)
Sahr	Chari	Chad	3 m <sup>3</sup> /s (*1)
Tarangara	Salamat	Chad	0 m <sup>3</sup> /s (*2)
Chagoua	Chari	Chad	12 m <sup>3</sup> /s (*1)
N'Djamena	Chari	Chad - Cameroon	22 m <sup>3</sup> /s (*1)
Diffa	Yobe	Niger-Nigéria	0 m <sup>3</sup> /s (*2)
Gashua	Burum Gana	Nigéria	12 m <sup>3</sup> /s (*2)
Gapchi	Komadugu-Gana	Nigéria	1 m <sup>3</sup> /s (*2)



Source : Flows indicated in the above table are based, (\*1) either on the assessment formalised in the document "*The Common Challenge - Managing Shared Water Resources and Ecosystems*" drawn up during the preparation of the present Charter and adopted during the Lake Chad Basin Commission workshop held on 28 April 2010", (\*2) or on values proposed by the countries during the Lake Chad Basin Commission workshop held on 1, 2 and 3 March 2011.

### **Article 3.4. Abstractions per reach**

*To be specified according to the results of the model used in the frame of the LCBC/EU/BRLI technical assistance services contract.*

### **Article 3.5. Minimum flows to be maintained during high water periods**

Many permanent and temporary wetland areas in the Basin are due to natural flooding during high waters when the Lake's tributaries overflow beyond their normal river beds.

Their overflow takes place when a minimum flow is reached and beneath that level, there is no flooding.

In order to preserve good conditions in the wetland areas without reducing their surface area, the State Parties agree to maintain minimum high water flows at key stations in the Basin to ensure wetland flooding during high waters.

The maintenance of environmental flows depends on the existence of a higher rate of natural flow in the watercourse that the amount fixed and can be challenged in the event of certain climatic occurrences.

Establishing environmental flows during high water periods may lead to the adoption of rules allowing the set flows to be achieved for regulation facilities.

Key stations shall be situated at existing gauging stations to facilitate flow control. Environmental flows for high waters periods are as follows:

Measuring station	River	Country	High waters environmental flow
Laï	Logone	Chad	1 900 m <sup>3</sup> /s (*1)
Eré	Logone	Chad	1 750 m <sup>3</sup> /s (*1)
Bongor	Logone	Chad - Cameroon	1 500 m <sup>3</sup> /s (*1)
Gashua	Burum Gana	Nigeria	80 m <sup>3</sup> /s (*2)
Dapchi	Komadugu-Gana	Nigeria	20 m <sup>3</sup> /s (*2)

Source: Flows indicated in the above table are based, (\*1) either on the assessment formalised in the document "*The Common Challenge - Managing Shared Water Resources and Ecosystems*" drawn up during the preparation of the present Charter and adopted during the Lake Chad Basin Commission workshop held on 28 April 2010", (\*2) or on values proposed by the countries during the Lake Chad Basin Commission workshop held on 1, 2 and 3 March 2011.

### **Article 3.6. Location of key stations**

The existing gauging stations where environmental flows are imposed are shown on the following map.

### **Article 3.7. Implementation**

The data of flows at key stations shall be transmitted on a weekly basis to the LCBC.



When the flow at a key station is below the corresponding environmental flow value, the Commission shall inform the States of restrictions on abstractions or releases from dams necessary, respecting proportions that will raise the flows in excess of the environmental flows, or, in the case of exceptionally low waters, to minimise the gap between existing flows and environmental flows.

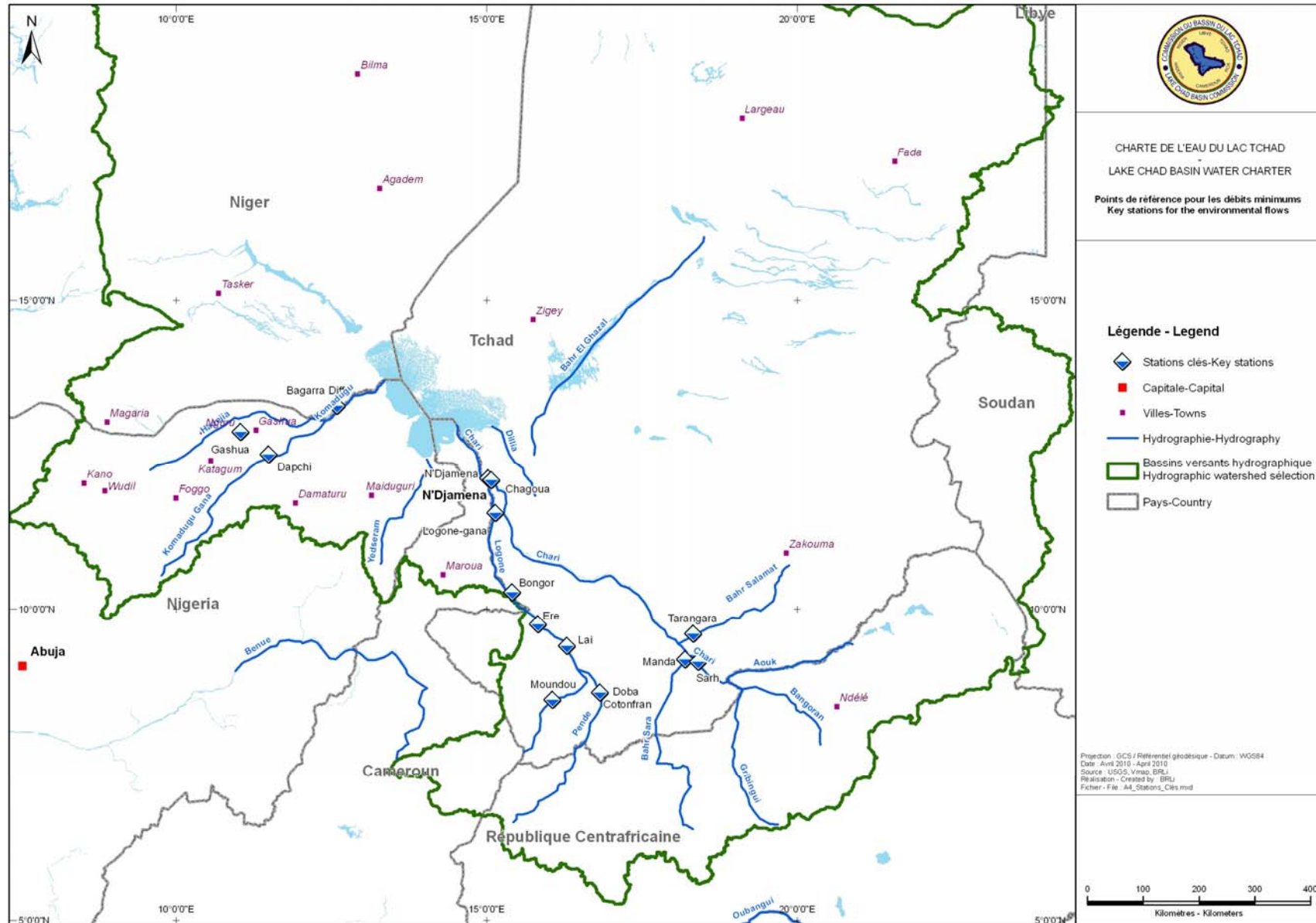
When issuing orders to restrict abstractions, the Commission agrees to pay special attention to meeting essential human needs as required by the right to water.

### **Article 3.8. Facilities in the Basin**

The modalities for managing water management facilities, especially water control and transfer facilities, shall follow the natural hydrographs of the watercourses, namely with a flood period and a low waters period.











# Appendix n° 4 establishing procedures for recording abstractions





### **Article 4.1. Purpose**

This Appendix determines how abstractions from the Lake or the surface or underground waters of its hydrographic basin shall be registered by application of Article 16 of the Water Charter for the Lake Chad Basin. It determines the procedures applicable to existing abstractions - authorization or declaration procedure - and their implementation.

### **Article 4.2. Authorization and declaration procedures**

All abstractions of water from the Lake or the surface or underground waters of its hydrographic basin must be registered with the Lake Chad Basin Commission.

Abstractions shall be subject to:

- authorization to abstract if the annual volume abstracted is equal to or in excess of 3 million m<sup>3</sup>, or if the flow capacity of the offtake facilities exceeds 100 l/s (360 m<sup>3</sup>/h);
- declaration of abstraction if the annual volume abstracted is below 3 million m<sup>3</sup>, and if the flow capacity of the offtake facilities is below 100 l/s (360 m<sup>3</sup>/h).

Existing abstractions must be formalized no later than five (5) years after the signature of the present Water Charter.

### **Article 4.3. Issuance of authorization to abstract**

Any person natural or cooperate wishing to abstract water shall file an application with the competent national body, which shall submit the application to the Lake Chad Basin Commission for consideration. The Commission shall examine the application within three months and express its opinion. Beyond this period, the State shall no longer be obliged to wait for the Commission's opinion.

The State party shall issue the authorization to abstract a maximum volume of water per year and specify the maximum permissible off-take capacity; these provisions shall be applicable for 5 years maximum.

### **Article 4.4. Recording of declarations and authorization to abstract at the LCBC**

Compliant declarations received and authorizations issued by the States shall be communicated to the LCBC for information.

### **Article 4.5. Obligation to measure authorized abstractions**

The State Parties shall ensure that abstracting parties equip their offtakes with measuring apparatus to measure the amount of water withdrawn from the Lake, its tributaries or their alluvial aquifers.

The State Parties shall be entitled to exercise controls to verify the exact amounts abstracted.

### **Article 4.6. Obligation to declare the amount of water abstracted to the LCBC**

Every year, the State Parties shall inform the LCBC of the amounts of water withdrawn from the Lake or the surface or underground waters of its hydrographic basin on a monthly basis subject to authorization.

### **Article 4.7. Penalties**

Abstracting parties failing to comply with the authorizations issued or with the declarations submitted, shall be liable to penalties.





# **Appendix n° 5**

## **on the exchange of data and information within the Lake Chad Basin Commission**



### **Article 5.1. Purpose**

This Appendix on the modalities for exchanging data and information within the Lake Chad Basin Commission enacts the obligation to exchange information within the Commission introduced by Article 63 of the Water Charter for the Lake Chad Basin.

### **Article 5.2. Goals**

The aim of this appendix is:

- to establish the obligation for the State Parties to collect information and data;
- to develop and institutionalise the exchange of data and information on various aspects related to water resources and the environment in the Basin among the State Parties through a Regional Database (RDB) managed by the LCBC Observatory;
- to establish procedures for the collection, functioning, verification and supply of data to RDB by the State Parties;
- to define the role and functions of the LCBC in receiving, operating, verification and dissemination of data and information management;
- to establish rules of accessibility of data in the RDB.

### **Article 5.3. Area of application of the obligation to exchange data and information**

The exchange of data and information concerns data and information necessary to acquire better knowledge about the condition of the water resources and the environment in the Basin.

Defence and national security information are not concerned under the obligation to exchange data and information. The State Parties shall cooperate in good faith to supply as much information as possible, circumstances permitting, notwithstanding the above terms and conditions whenever they receive a request for data and information which are vital for national defence.

### **Article 5.4. Minimum content**

The LCBC shall gradually, through its Observatory, establish its own regional database with access for all users based on modalities previously agreed by the State Parties.

The minimum content of the RDB shall be as follows:

- Information on surface water and groundwater resources in the Basin, both qualitative and quantitative;
- Information on the utilisation of Basin water, including the quantities abstracted and the amounts of pollutant discharge;
- Information on water providing facilities;
- Information about the use and condition of the soils in the basin (soil, vegetation, erosion);
- Information about climate/meteorological conditions and observations in the Basin;
- Information on the environmental aspects of the Basin;
- Information on navigation on the Lake and the associated navigable watercourses;
- Information on the socio-economic conditions of the populations in the Basin;
- Information on the water and environment policies and legislation and agreements pertaining to the subject which are binding for the States.



Inter alia, the data to be supplied by the State Parties for the RDB are the following:

Type of information	Data required	Location	Time steps	Transmission frequency
Water resources	River and stream flows	Gauging station measurements	Instant or daily	Weekly
	Piezometric readings	Existing piezometers	Weekly or at least monthly	Monthly
Abstraction	Location, volume, authorized flow, owner,...	Abstraction points subject to authorization	Monthly	Quarterly
Meteorology	Temperature Evapotranspiration Humidity	Meteorological stations	Daily	Monthly
	Rainfall	Rain gauging stations	Daily	Weekly
Quality	Parameters and characteristics listed in the appendix on water quality (including physical, chemical and bacteriological quality and data on sedimentation and solid transport)	Authorized pollutant discharge, and other points	At least monthly	Annual
Pollutant discharge	Parameters and characteristics listed in the appendix on water quality	Discharge subject to authorization	At least monthly	Annual
Irrigation schemes	Equipped area, cropped area during the dry season and rainy season, cropping patterns	Schemes subject to authorization to abstract	Quarterly	Annual
Laws	Legal instruments and policies and strategies related to water and the environment	Volumes of national laws of the State Parties	Annual	Annual
Land occupancy and soil conditions	Maps and documents on vegetation, erosion, soils...	Field-checking of data by technicians	Annual	Annual



Type of information	Data required	Location	Time steps	Transmission frequency
Environmental issues	Data and documents (including the characteristics and condition of wetlands and protected areas)	State Parties administrations	Annual	Annual
Water providing facilities	Characteristics, inflows, outflows, storage capacity and level		Daily or weekly	Annual
Navigation	Type of barges, number of passengers, total weight of loads	Boarding/embarkments points	Quarterly	Annual
Socio-economic conditions	demographic and socio-economic data.		Every 2 years	As soon as data is available

The Council of Ministers may decide to extend the scope of the data to be supplied and stored in the RDB.

### **Article 5.5. National Focal Structure**

Data from each of the State Parties shall be supplied to the Commission at the frequencies indicated in the previous table, via a National Focal Structure in each country.

### **Article 5.6. Responsibility of the National Focal Structure (NFS)**

The National Focal Structure (NFS) shall maintain the interface between the LCBC Observatory Regional Data Base and the State Party.

The NFS shall be in charge of the following:

- Collecting data from various national and regional entities;
- Validating the data collected and formatting it to the required LCBC format;
- Transmission of the data collected to the Regional Data Base at the frequency specified in the above table and in the agreed format;
- Acting as an interface between the LCBC and the State Party for specific data requests, such as permission to disseminate information to third parties who are not State Parties, or requests to collect additional data.

The present appendix shall not prevent the National Focal Structure from creating a national database using the data collected from the institutions in their own territory.

The National Focal Structure and all his/her contact details shall be officially notified to the Commission by the corresponding State First Commissioner.

### **Article 5.7. Expenses for the collection and transmission of data**

The data collected by the National Focal Structure shall be provided free of charge to the RDB.

The State Parties shall cover the cost of collecting data and information in their own jurisdictions, verification by the NFS and transmission to the RDB.





### **Article 5.8. Access to the RDB**

The State Parties shall be entitled to free, unlimited access to the RDB contents.

Third parties shall also have access to the RDB information subject to terms and conditions defined by the LCBC and approved by the NFS having supplied the information.

### **Article 5.9. Use of the RDB**

Unless otherwise specified by the NFS s involved, the RDB is unrestricted in terms of use and dissemination in agreement with the present Water Charter.

Restrictions on the use of the data shall be justified by reasons of national safety and defence only and shall be immediately notified to the Executive Secretary for communication to the Council.

### **Article 5.10. Data format**

The Council shall determine data format as the circumstances progress.

Data and information shall be supplied at the frequencies determined in the table in Article 5.4.

They shall be sent in both via the Internet and in hard copies.

### **Article 5.11. Other bilateral agreements for the exchange of information**

The present agreement shall not prevent the State Parties from involvement in any other bilateral agreements to exchange data and information on other areas than those covered by the present agreement.

### **Article 5.12. Procedure for data and information non available in the RDB**

Whenever a State Party requests for data and information on the sustainable management of the basin external to the RDB, it shall forward the request to the Commission, indicating, as appropriate, the countries likely to provide the information and data required.

The Commission shall inform the State Parties of the request for data and information. If it cannot meet the request directly, it shall invite the States mentioned by the requesting State or any other State it considers able to answer the request to supply the data and information.

A timeframe specified in the request shall be set for the supply of the data and information to the Commission, which shall duly communicate the information to the requesting State and inform the other States.

A State receiving a request for data and information may, via the Commission, solicit additional details from the requesting State in order to respond as best possible to the original request.

Failure to supply data and information by a State Party upon request shall be duly justified.

### **Article 5.13. Role of the LCBC concerning the RDB**

The RDB shall be managed by the Lake Chad Basin Observatory.

Through the Observatory, the Commission shall be responsible for organising the RDB, namely its structure, the receipt of data from the NFS s, data integration in a uniform, accessible manner, and the validation, interpretation and dissemination of the data.

The Council of Ministers shall approve an annual budget for the creation, development and operation of the RDB.

The Executive Secretariat shall issue an annual report to the Council of Ministers on RDB activities.



**Article 5.14. Harmonising the collection of data and information**

The data and information shall be collected and stored in the RDB so as to facilitate use by the other States.

In pursuit of this aim and through its Observatory, the Commission shall ensure that the collection, transmission and processing of data and information on the Basin is harmonised.

**Article 5.15. Technical and financial assistance**

The Commission shall provide technical support to the States for the collection and processing of data and information, and capacity building.

