Title: Convention and Statutes relating to the development of the Chad Basin
Parties: Cameroon, Chad, Niger, Nigeria
Basin: Lake Chad
Date: 5/22/1964

CONVENTION 9/ AND STATUTES RELATING TO THE DEVELOPMENT OF THE CHAD BASIN. SIGNED AT FORT LAMY, ON 22 MAY 1964 10/1, 11/

I. CONVENTION

Recognising the need to formulate principles for the utilisation of the resources of the Chad Basin for economic ends, including harnessing of the waters,

Considering that as the projects formulated by the High Contracting Parties for the utilisation of the Chad Basin waters are capable of modifying its system and in consequence its exploitation by other Member States, it is desirable to set up a Commission for the purposes of preparing general regulations, co-ordinating the research activities of Member States, examining the schemes prepared by the latter, recommending a plan with a view to the realisation of studies and works in the Chad Basin and, in general, maintaining contacts between the Member States,

Resolved to conclude a Convention for the purpose of attaining the aforesaid objectives,

HEREBY AGREE AS FOLLOWS:

Article 1

There shall be set up under the present Convention a Chad Basin Commission hereinafter referred to as "The Commission".

Article 2

The Statutes appended hereto shall form an integral part of this Convention.

Article 3

1. This Convention shall be subject to ratification by the Member States;

2. The instruments of ratification shall be deposited with the Chad Government who shall notify the other Member States thereof;

3. This Convention shall enter into force upon the receipt by the Chad Government of the last instrument of ratification.

Article 4

The present Convention shall, after ratification, be deposited by the Chad Government with the Secretariat of the Organisation of African Unity and registered with the Secretariat of the United Nations Organisation.

Article 5

Each of the Member States may terminate the present Convention upon the expiry of a period of ten years to run from its entry into force. Termination shall be effected in the form of a written notice transmitted to the Executive Secretary of the Commission who shall acknowledge receipt thereof. Such notice of termination shall take effect one year after the date of acknowledgement of receipt unless such notice has been withdrawn beforehand. Unless agreed to the contrary, such notice shall not be prejudicial to any commitments entered into concerning a studies or works programme which has been agreed upon before the notice of termination.

Article 6

The Convention and Statutes appended hereto may be revised upon the written application of at least two Member States, transmitted to the Secretariat of the Commission. Any project for revision shall be approved by all the Member States and shall take effect six months after the date of its adoption.

Article 7

Any dispute concerning the interpretation of implementation of the present Convention, which has not been determined by the Commission, shall be submitted to the Commission of Mediation, Conciliation and Arbitration of the Organisation of African Unity for the purposes of decision.

II. STATUTES

CHAPTER I

Principles and definitions

Article 1

The Member States solemnly affirm their determination to intensify their co-operation and efforts towards the development of the Chad Basin as defined by article 2.

Article 2

The Chad Basin shall mean the area delimited by the map appended to this convention.

Article 3

The Chad Basin shall be open to the exploitation of all Member States who are parties to the Convention, in respect for the sovereign rights, of each of them and in accordance with the terms and conditions of the present Statutes, subsequent revisions or regulations or special agreements.

Article 4

The exploitation of the Chad Basin and especially the utilisation of surface and underground waters has the widest meaning and refers in particular to the needs of domestic and industrial and agricultural development and the collecting of its fauna and flora products.

CHAPTER II

The domestic, agricultural and industrial utilisation of water resources

Article 5

The Member States undertake a refrain from adopting, without referring to the Commission beforehand, any measures likely to exert a marked influence either upon the extent of water losses, or upon the form of the annual hydrograph and limnograph and certain other characteristics of the Lake, upon the conditions of their exploitation by other bordering States, upon the sanitary condition of the water resources or upon the biological characteristics of the fauna and the flora of the Basin.

In particular, the Member States agree not to undertake in that part of the Basin falling within their jurisdiction any work in connection with the development of water resources or the soil likely to have a marked influence upon the system of the water courses and levels of the Basin without adequate notice and prior consultations with the Commission, provided always that the Member States shall retain the liberty of completing any plans and schemes in the course of execution or such plans and schemes as may be initiated over a period of 3 years to run from the signature of the present Convention.

Article 6

With a view to obtaining the closest possible co-operation on the matters specified in article 5, the Member States agree to inform the Commission of any studies and schemes which they propose to undertake, as from their initial stage.

CHAPTER III

Navigation

Article 7

The Member States shall draw up common rules to facilitate as far as possible navigation and transport on the Lake and the navigable waterways of the Basin and to ensure the security and control thereof.

CHAPTER IV

The Chad Basin Commission

Article 8

1. The Chad Basin Commission shall consist of eight Members in the portion of two per member State;

2. The Commission shall meet at least once a year at its head Office which shall be situated at Fort-Lamy, or in any other place which it deems suitable;

3. The Commission shall meet exceptionally at the request of two Member States who shall address a joint letter to the Executive Secretary.

Article 9

The Commission shall have the following terms of references:

(a) Preparing joint rules, permitting the complete application of the principles affirmed under the present Statutes and the Convention to which it is appended, and ensuring an effective implementation of such rules;

(b) Assembling, examining and diffusing information on the projects prepared by Member States and recommending the planning of joint works and research programmes within the Chad Basin;

(c) Maintaining liaison between the Member States with a view to the most efficient utilisation of the waters of the Basin;

(d) Following up the execution of works and studies in the Chad Basin falling within the present Convention and keeping Member States informed at least once a year through the exploitation of systematic periodic reports which each state undertakes to address to it;

(e) Formulating common rules concerning navigation;

(f) Establishing regulations governing its personnel and ensuring their application;

(g) Examining complaints and assisting in settling disputes;

(h) Supervising the implementation of the provisions of the present Statutes and the Convention to which it is appended.

Article 10

1. The Commission shall draw up its own rules of procedure;

2. The Commission may only validly conduct business if at least one member of each State is present;

3. Decisions of the Commission shall be adopted unanimously.

Article 11

The joint regulations and recommendations of the Commission shall be transmitted to the Governments of the Member States for their decision.

Article 12

l. The Commission shall, by a simple majority, recommend to the Heads of State and Government, for the purposes of appointment, a candidate for the post of Executive Secretary from among the candidates presented by the Member States;

2. Each Member State shall have the right to present one candidate for the post of Executive Secretary;

3. The term of Office of the Executive Secretary shall be three years and may be renewed. The conditions of employment of the Executive Secretary shall be governed by the service rules and regulations governing the personnel.

Article 13

The Executive Secretary shall be assisted in his task by the necessary personnel as fixed by the Commission.

Article 14

The Executive Secretary shall be in charge of the personnel. He shall exercise the powers and duties fixed by the Commission and shall be responsible to it.

Article 15

The Commission may, by a simple majority, recommend the dismissal of the Executive Secretary to the Heads of State and Government. If such recommendation is accepted by the Heads of State and Government, the decision shall be final.

Article 16

1. The Commission shall draw up its budget at its first meeting which shall be submitted for the approval of the Member States;

2. The Member States shall contribute on an equal basis to the ordinary budget of the Commission. Any extraordinary expenditures shall be financed by and with the agreement of the Governments concerned.

Article 17

1. The Commission shall, in all respects, enjoy the status of an international body;

2. The Members and the, Executive Secretary shall enjoy the diplomatic privileges and immunities granted by the Member States. The personnel of the Commission shall enjoy the privileges and immunities normally accorded to the Officials of equivalent status of the Organisation of African Unity.

9/ No information is available regarding the entry into force of this Convention.

10/ Journal Officiel de la Republique Federale du Cameroun, 15 septembre 1964, p. 1003.

11/ Signatories: Cameroon, Chad, Niger, Nigeria.