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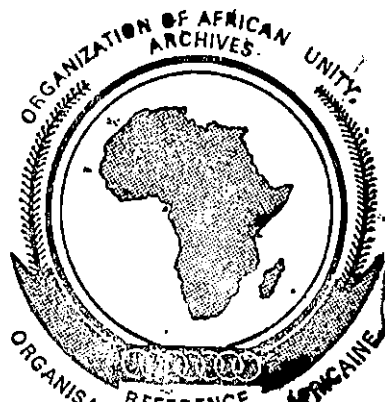
COUNCIL OF MINISTERS

Fifteenth Ordinary Session

Addis Ababa - August 1970.

CM/345 (Part 4)

LAKE CHAD BASIN COMMISSION



CHAD BASIN COMMISSION
B. P. 727. Tel.30.34
FORT-LAMY

4 December 1969

Ref: GBT/AD/9
69/594

The Administrative Secretary-General
Organization of African Unity
Africa Unity House
Addis Ababa

Subject: Observer Status of the O.A.U. for the
Lake Chad Basin Commission

I have the honour to refer to your Note No.ORG.100/2 and to convey to you that at its Tenth Meeting in Fort Lamy, from 20 - 22 December, the Lake Chad Basin Commission has directed me to apply on its behalf for the status of an Observer of your Organization as outlined in the relevant Statute. I have enclosed herewith a copy of our Convention and Interior Regulations, which sets out clearly the composition, the aims and the purpose of our Commission.

A little amendment to the name of the Commission was adopted and ratified at the Eighth Meeting, which changed the Chad Basin Commission to the "Lake Basin Commission."

Also, at the Ninth Meeting the Commission adopted a slight change in the limits of the Convention Basin. This has not yet been ratified, but as there was unanimous agreement concerning its adoption, it may be considered as firm. The new limitations of the member countries are now as described hereunder:-

- Cameroon: A straight line joining Mubi in Nigeria to Dourbey in Northern Cameroon; another straight line from Dourbey to Lere and then a straight line from Lere passing through Ere to Chad.
- Chad: A straight line joining Ere and Niellim in the south approximately along $9^{\circ} 40''$ North latitude; another line joining Niellim northwards to Melfi to Ab Touyoure, to Moussoro to Mao and to Bourgoure on the Niger/Chad frontier, 14° East longitude, $15^{\circ} 12''$ North latitude.
- Niger: A line from the point of intersection of 16° North latitude and 10° East longitude straight to Chad frontier eastwards and another from the same point straight southwards to Matsena in Nigeria.
- Nigeria: A line passing from Matsena south-eastwards to Damaturu on the Maiduguri-Potiskum road, to Mubi and on to Dourbey in Northern Cameroon.

... and a map showing these points is attached herewith for reference.

In trying to achieve its aims as outlined particularly under Article IX of the Statute annexed to its Convention, the Lake Chad Basin Commission has so far undertaken the following:

1. DEVELOPMENT OF NATURAL RESOURCES

A complete documentation into one single report of all available information concerning water resources, which had hitherto been scattered in the various technical departments of member countries. This was carried out by means of a \$479,998 project largely financed by UNDP and executed by UNESCO which included the construction of an electric analogue model of the water resources of the Conventional Basin. This model is said to be the first of its kind in Africa.

With this information assembled, the Lak Chad Basin Commission embarked on a \$3,218,300 project principally financed by the UNDP and executed by the FAO. This project which began in May 1967 is still in operation, its purpose being the compilation of a complete study of all the surface and subterranean water resources of the Conventional Basin and the drawing up of definite feasible projects to be put in execution under the second phase of the undertaking. Copies of both the UNESCO and the FAO Plans of Operation are enclosed herewith for your information.

This aspect of the Commission's work covers much more than is readily appreciable. It includes, for example, all aspects of Animal Husbandry, such as eradication of various bovine diseases, as well as the increase of the total fishing tonnage from the Basin waters by improving not only fishing equipment and gear but also the fish processing and marketing on a commercial scale.

2. TRANSPORT AND TELECOMMUNICATIONS

The Lake Chad Basin Commission is also currently undertaking a study of Transport and Telecommunications links along some principal lines within the Basin. The telecommunications report has just been released and one copy in English and the other in French is enclosed for your reference. The Road feasibility study is in progress but the report of the preliminary reconnaissance survey carried out by the ECA is being sent herewith.

The Commission is also making efforts to start a survey of the navigability of all its waterways (Lake Chad and rivers flowing into it by modern river craft.

3. COMMON REGULATIONS

With respect to the drafting of common regulations, the Commission has asked for the assistance of the FAO Legal Department. The draft common rules concern, in particular, the movement of persons, fishermen, fishing

equipment and products around the Lake, and common rules for the preservation of wildlife as a whole. It is expected that the draft of these regulations will be presented to the Commission very soon. Other rules regarding apportionment of international waters are also envisaged.

4. MINERAL RESOURCES

The Commission also intends to draw up a project for the survey of the entire mineral resources in the Conventional Basin with a view to exploiting them where feasible. The ECA has agreed to send an expert in January 1970 to assist the Secretariat with this project.

With these main outlines concerning our activities, I wish to hereby apply for the O.A.U. Observer Status in the name of the Lake Chad Basin Commission.

I pray you, Mr. Administrative Secretary-General, to accept the assurances of my high consideration.

(Sgd) EL HADJ OUSMANE MEY
Chairman

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CM/345(Part 1)
Annex 1

CONVENTION AND STATUTE RELATING TO THE DEVELOPMENT
OF THE CHAD BASIN

CONVENTION AND STATUTE RELATING TO THE DEVELOPMENT
OF THE CHAD BASIN

The Federal Republic of Cameroon, the Republic of Chad, the Republic of Niger and the Federal Republic of Nigeria,

HAVING noted the Charter of the United Nations Organization of 26 June 1945;

HAVING noted the resolution of the Economic and Social Council of the United Nations Organization relating to international co-operation in the regulation and use of waters, especially no. 417 (XIV) of 2 January 1952, 533(XVIII) of 2 August 1954, 599(XXII) of 3 May 1956 and 675 (XXXV) of 2 May 1958;

HAVING noted the Charter of the Organization of African Unity of 25 May 1963;

RECOGNIZING the need to formulate principles of the utilization of the resources of the Basin for economic purposes, including the harnessing of the water;

CONSIDERING that Member States of the Organization of African Unity have resolved to co-ordinate and intensify their co-operation and efforts to achieve a better life for the people of Africa;

CONSIDERING that since schemes drawn up by the respective Member States for the utilization of the water in the Chad Basin are liable to effect the regime of the Basin and thereby its exploitation by other Member States, it is desirable to create a commission to prepare general regulations, to ensure their effective application to co-ordinate the research activities of Member States, to study projects prepared by Member States, to recommend plans for the execution of surveys and works in the Chad Basin, and, in general, to maintain liaison between the Member States;

RESOLVED to conclude a Convention for the purpose of achieving the foregoing objectives

HAVE AGREED as follows:

ARTICLE I

The Present Convention hereby establishes a CHAD BASIN COMMISSION, hereinafter referred to as "THE COMMISSION".

ARTICLE II

The annexed Statute shall be an integral part of this Convention.

ARTICLE III

1. This Convention shall be subject to ratification by the Member States.
2. The instruments of ratification shall be deposited with the Government of Chad which shall notify the other Member States of such deposit.
3. This Convention shall enter into force immediately upon receipt by the Government of Chad of the last instrument of ratification.

ARTICLE IV

This Convention shall, after due ratification, be deposited by the Government of Chad with the Secretariat of the Organization of African Unity and registered with the Secretariat of the United Nations Organization.

ARTICLE V

The present Convention may be denounced by any one of the Member States after a lapse of ten years from the date of its coming into effect. Denunciation shall take the form of a written notice addressed to the Executive Secretary of the Commission who shall acknowledge its receipt. It shall take effect one year from the date of the acknowledgement of its receipt, if not withdrawn earlier. In the absence of agreement to the contrary, it shall not affect obligations relating to any programme of surveys and works agreed to before such denunciation.

ARTICLE VI

The Convention and the annexed Statute may be amended upon the request of at least two of the Member States giving written notice to that effect to the Executive Secretary of the Commission. Any such proposed amendment shall be approved by the Member States and shall take effect six months from the date of its adoption.

ARTICLE VII

Any dispute concerning the interpretation or application of this Convention which cannot be resolved by the Commission, shall be referred to the Commission of Mediation, Conciliation and Arbitration of the Organization of African Unity, for determination.

ARTICLE VIII

1. The English and French texts of the present Convention shall be equally authentic.
2. The working languages of the Commission shall be if possible African languages, English and French.

IN FAITH WHEREOF, WE, the Heads of States and Governments bordering the Lake Chad Basin, have signed this Convention.

DONE at FORT LAMY this 22nd day of May 1964.

THE FEDERAL REPUBLIC OF CAMEROON

Ahmadou Ahidjo

THE REPUBLIC OF CHAD

Francois Tombalbaye

THE REPUBLIC OF NIGER

Hamani Diori

THE FEDERAL REPUBLIC OF NIGERIA

Abubakar Tafawa Belewa



S T A T U T E
C H A P T E R I

PRINCIPLES AND DEFINITIONS

ARTICLE I

The Member States solemnly declare their desire to intensify their co-operation and efforts in the development of the Chad Basin as defined in Article II.

ARTICLE II

For the purpose of this Convention the Chad Basin shall comprise the area as demarcated on the map annexed to the present Convention.

ARTICLE III

The Chad Basin is open to the use of all Member States parties to the present Convention, without prejudice to the sovereign rights of each, as stipulated in the present Statute, revision thereof, or subsequent relations thereunder of by special agreement.

ARTICLE IV

The development of the said Basin and in particular the utilisation of surface and ground waters shall be given its widest connotation, and refers in particular to domestic, industrial and agricultural development, the collection of the products of its fauna and flora.

C H A P T E R II

DOMESTIC, INDUSTRIAL AND AGRICULTURAL UTILISATION

ARTICLE V

The Member States undertake to abstain from taking, without prior consultation with the Commission, any measures likely to have an appreciable effect either on the extent of the loss of water or on the nature of the yearly hydrogramme and limnigramme and certain other features of the Basin, the conditions subject to which other riparian States may utilize the water in the Basin, the sanitary conditions of the waters or the biological characteristics of its fauna and flora.

In particular, the Member States undertake to abstain from carrying out on the portion of the Basin subject to their respective jurisdiction any hydraulic works of soil scheme likely to have an appreciable effect on the flow of surface and subterranean water in the Basin without adequate notice to and prior consultation with the Commission.

Provided, however, that the Member States shall be at liberty to continue to implement existing schemes and projects or those that are likely to be started within the period of three years after signing this Convention. Provided further that such schemes and projects will not have adverse effect on the regime of the Chad Basin.

ARTICLE VI

In order to achieve maximum co-operation in connection with the provisions of Article V, the Member States undertake to inform the Commission, at the earliest stage, of, all studies and projects upon which they propose to embark.

C H A P T E R I I I N A V I G A T I O N

ARTICLE VII

The Member States shall establish common rules for the purpose of facilitating navigation on the lake and on the navigable waters in the Basin and to ensure the safety and control of navigation.

C H A P T E R I V T H E C H A D B A S I N C O M M I S S I O N

ARTICLE VIII

1. The Chad Basin Commission shall consist of eight Commissioners, two from each Member State.
2. The Commission shall meet at least once a year at its headquarters to be located at Fort Lamy or at any other convenient place.
3. Any two Member States may request a Special Session of the Commission by addressing a joint letter to the Executive Secretary of the Commission.

ARTICLE IX

The Commission shall have the following functions, inter alia:

- a) to prepare general regulations which will permit the full application of the principles set forth in the present Convention and its annexed Statute, and to ensure their effective application;
- b) to collect, evaluate and disseminate information on proposals made by Member States and to recommend plans for common projects and joint research programmes in the Chad Basin;
- c) to maintain liaison between the Member States to ensure the most efficient use of the water of the Basin;
- d) to follow the progress of the execution of surveys and works in the Chad Basin as envisaged in the present Convention, and to keep the Member States informed at least once a year thereon, through systematic and periodic reports which each State shall ~~submit~~ to it.
- e) to draw up common Rules regarding navigation and transport
- f) to draw up Staff Regulations and to ensure their application
- g) to examine complaints and to promote the settlement of disputes and the resolution of differences
- h) generally, to supervise the implementation of the provisions of the present Statute and the Convention to which it is annexed.

ARTICLE X

1. The Commission shall establish its own Rules of Procedure.
2. There shall be a representative from each State before a quorum could be constituted.
3. The decisions of the Commission shall be by unanimous vote.

ARTICLE XI

The common Regulations and the recommendations of the Commission shall be transmitted to the Governments of Member States for decision.

ARTICLE XII

1. The Commission shall, by a majority vote, recommend to the Heads of States and Governments, a candidate for appointment to the office of Executive Secretary from among the candidates proposed by the Member States.

2. Each Member State shall be entitled to nominate a candidate for the office of Executive Secretary.
3. The Executive Secretary shall hold office for three years and shall be eligible for re-appointment. The conditions of his service shall be defined in the Staff Regulations.

ARTICLE XIII

The Executive Secretary shall be assisted in his duties by such staff as the Commission shall determine.

ARTICLE XIV

The Executive Secretary shall be in charge of the staff. He shall exercise such powers and perform such duties as may be determined by the Commission. He shall be responsible to the Commission.

ARTICLE XV

The Commission may by a majority vote, recommend to the Heads of States and Governments that the Executive Secretary should be removed from office. If the recommendation is approved by the Heads of States and Governments, the Executive Secretary shall be removed from office accordingly.

ARTICLE XVI

1. The Commission shall establish a Budget at its first meeting which shall be submitted to Member States for approval.
2. The Member States shall make equal contributions towards the regular budget of the Commission. All the extraordinary expenditures shall be financed by, and after agreement by the interested states.

ARTICLE XVII

1. The Commission shall have for all purposes the status of an international Organization.
2. The Commissioners and the Executive Secretary shall be accorded diplomatic privileges and immunities by the Member States. The other staff of the Commission shall be accorded such privileges and immunities as are accorded to officials of the Organization of African Unity of equivalent status.

RULES OF PROCEDURE OF THE
CHAD BASIN COMMISSION

Pursuant to Article X-1 of the Statutes annexed to the Convention on the economic development of the Chad Basin, signed at Fort Lamy on the 22nd May 1964 by the President of the Federal Republic of Cameroon, the President of the Republic of Niger, the Prime Minister of the Federal Republic of Nigeria and the President of the Republic of Chad, the Chad Basin Commission adopts the following rules of procedure:

RULE 1:

Regular meetings of the Commission shall take place twice yearly in April/May and October/November, at Fort Lamy or in any other place fixed by common agreement. It can meet in special sessions at any time, at the request of two or more member states, by a joint letter addressed to the Executive Secretary,

RULE 2:

The Executive Secretary of the Commission shall send invitations to each meeting at least 60 days in advance, except in urgent cases, indicating the date and the place of the meeting (if it is decided to call the meeting in another place than the usual seat of the Commission), and the provisional agenda accompanied by copies of the basic documents relating thereto.

RULE 3:

The Chairmanship of the Commission shall be ensured by rotation, for one year, in the French alphabetic order of the states, by one of the Commissioners of each member state.

In absence of the Chairman, the other commissioner of the same state shall act as Chairman.

RULE 4:

The meetings are held in private, unless the Commission shall decide otherwise. Permanent or occasional national or international experts may attend the meetings as advisers or observers.

RULE 5:

The Chairman shall convene the sessions and shall declare them open or closed. He may suspend a meeting at the request of any commissioner. He shall lead their debates and shall announce immediately the text of the decisions and eventual result of votes. He shall ensure, generally speaking the enforcement of the present rules of procedure.

RULE 6:

African languages shall also be used, if possible French and English shall be the working languages of the Commission.

RULE 7:

The first items of the provisional agenda of a meeting, after the election of the Chairman, shall be the adoption of the agenda.

RULE 8:

At the beginning of each meeting the Executive Secretary shall receive, on behalf of the Commission, the credentials of the new Commissioners. He shall present a report to the Commission on the Secretariat's working programme for the period of time leading from the previous meeting to the current meeting.

RULE 9:

At the first meeting of the year, the Executive Secretary shall submit to the Commission a programme of work for one year.

RULE 10:

The Secretariat shall draw up the minutes of the Commission's meeting in English and French, and shall distribute them as soon as possible to the Commissioners and to the international or foreign organizations represented at the meeting.

If the Commissioners of the member states do not approve the text of the minutes during the meeting, they have eight weeks from the day of the delivery ~~of~~ despatch of the document to send their observations to the Secretariat. After this time has lapsed, the Executive Secretary may consider the proposed text as adopted by the delegations.

All disputes concerning any alterations shall be submitted to the chairman, whose decision shall be final.

RULE 11:

In the intervals between meetings, the duties of the Secretariat shall be as follows:

- to prepare and organize the meetings of the Commission
- to keep up current correspondence with the delegations of the member states and eventually with the Ministerial Department or the body appointed in each member state as regular correspondent of the Secretariat.
- to inform the member states and the international or foreign organizations concerned, of the results of the work in progress, and of the opinions expressed by the Governments of the member states.
- to ensure the custody of documents in the archives of the Commission.
- to keep the general accountancy of the Commission, with the help of a specialized officer and to prepare a draft budget for the following year:
- generally, to carry out all other work needed by the Commission.

RULE 12:

On receipt of the studies and projects, the Secretariat will ensure other distribution as soon as possible to the Commissioners and appropriate ministerial bodies of the Member States. During the next meeting, ordinary or extraordinary, the Commission will examine these documents.

RULE 13:

In pursuance of Article XVI of the Statutes of the Chad Basin Commission the following regulations are hereby made:

- I) a budget of receipts and expenditure for the running of the Secretariat, which shall include:
- a) Personal emoluments (staff salaries)
 - b) Equipment and maintenance necessary for the efficient running of the Secretariat
 - c) Transport and Travelling.
 - d) Mission expenses of Commissioners
 - e) Entertainment expenses
 - f) any other expenses necessary for the efficient running of the Secretariat.

- II) A budget of receipts and expenditures for common studies and planning, which shall include:
- a) Equipment and maintenance
 - b) Transport and travelling
 - d) Staff salaries
 - d) Other expenses necessary for the efficient conduct of the common studies and project planning.

RULE 14:

The Executive Secretary is charged with the responsibility of general financial control of the Commission.

- b) If the amount allocated to a particular vote in the budget is exhausted, in case of necessity the Executive Secretary is authorized to vire up to 20% from another vote.
- c) The accountant must keep detailed accounts of all payments and receipts of money.
- d) The account of the Commission shall be kept in a recognized bank and all cheques drawn on the account must be signed by the Executive Secretary and the accountant.
- e) The Commissioners shall have the right of access to records of all official bank accounts of the Commission and are entitled to any information they may require in connection with the accounts.

RULE 15:

The Executive Secretary shall present to the Commission an annual balance sheet of all financial transactions certified by independent reputable Auditors who shall be appointed by the Commission at the beginning of each financial year.

RULE 16:

The Commission may modify any provision of the present rules of procedure, or suspend its enforcement.

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