



NATIONAL CAPACITY BUILDING WORKSHOP IN NIGERIA ON THE 1992 WATER CONVENTION

WATER CONVENTION AND LAKE CHAD BASIN WATER CHARTER

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Presentation outline

- **Introduction to the Lake Chad Basin Commission**
- **Opportunities and Challenges of the Lake Chad Region**
- **LCB Water Charter: Principles and Obligations**
- **Benefits of transboundary cooperation in LCB**
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Introduction to the LCBC

- The **Lake Chad Basin Commission (LCBC)** was created on **22nd May 1964** by the four riparian countries of Lake Chad (Cameroon, Niger, Nigeria and Chad) through the Fort Lamy (now N'Djaména) Convention.
- The **Central African Republic** joined the organization in **1996** and **Libya** was admitted as a member state in **2008**
- Sudan, Egypt, the Republic of Congo and the Democratic Republic of Congo have observer status.
- The **headquarters** of the **Commission** is located in **N'Djamena, Chad**.

The Lake Chad « Basin »

- The surface area of the Lake Chad **Hydrological Basin** is estimated at 2,500,000 km² (about 8% of the surface area of the African continent)
- The "**Conventional Basin**", which is the area of jurisdiction of the LCBC, covers a surface area estimated at 967,000 km², i.e. about 40% of the surface area of the hydrological Basin.



Mandate

- To **manage** the waters of Lake Chad and the other **transboundary water resources** in the Lake Chad basin in a **sustainable and equitable** way
- To **conserve the ecosystems of the** conventional basin
- To promote **regional integration** and **safeguard peace and security** in the conventional basin

LAKE CHAD VISION 2025

The Lake Chad – “**common heritage**” - and other wetlands **maintained at sustainable levels** to ensure the **economic security of the freshwater ecosystem resources**, sustained biodiversity and aquatic resources of the basin, the **use of which should be equitable** to serve the needs of the population of the basin thereby reducing the poverty level

Common challenges

- **Conflict.** Spread of violence from armed groups in Nigeria to neighboring countries, disrupting livelihoods and destroying property. Inter-communal conflicts over natural resources
- **Demographic pressure.** One of highest fertility rates in Africa, resulting in increased pressure on limited natural resources
- **Climate variability and change.** The impacts of climate variability and change have been exacerbating tensions over access to natural resources across the basin





Shared Opportunities

- **A shared resource for the basin.** About 50 million people from across five countries benefit from the Lake Chad Basin's rich natural resources.
- An area with **high agricultural** (fishing, farming and livestock) and **environmental potential**
- **Strong regional interdependencies and cross-border dynamics** due to cultural and linguistic linkages, as well as seasonal mobility
- **One of the youngest and fastest growing populations in Africa**, which could be a driver of economic growth.
- **Availability of a consultative framework (LCBC)** due to the political will of the riparian states.

LAKE CHAD Basin Water Charter

- The Lake Chad Basin Water Charter (LCB WC) was adopted on 13th April 2012 in Ndjamena, Chad. <https://cblt.org/download/policy-document/>
- The Water Charter falls under the framework set by the Convention for the creation of the LCBC and the Statute of the Commission signed on 22 May 1964 at Fort Lamy, **which it refines and supplements.**
- 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.**
- The 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 LCBC.
- In its preamble, the Water Charter refers to the two UN Global Water Conventions, **which are fully aligned and complementary.** The LCB WC specifies general provisions to the basin
- The LCB WC defines Principles and Obligations for transboundary cooperation in the Lake Chad Basin

Principles and Obligations of Lake Chad Basin Water Charter



Article 7. Principles

- ***To implement the Water Charter, the State Parties shall be guided by the following fundamental principles, amongst others :***
 - a. the **sustainable development principle**, by which management of the basin shall meet the demands from the present generation without compromising its ability to meet those of future generations;
 - 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 precaution**, by which the absence of scientific certainty cannot be an excuse to delay measures planned to protect quality and quantity of water resources and environment in the Basin;

Obligations

Article 8. General obligation to Cooperate:

States Parties to the Water Charter **shall cooperate within the Commission**, on the basis of the principles of mutual benefit and good faith, to achieve optimal use of water resources, adequate protection of water resources and the environment and **effective settlement of disputes** related to the shared water resources of the Basin.

Article 19. Water sharing

States Parties are free to conclude bilateral or multilateral water-sharing agreements, **provided that they are in conformity with this Water Charter and that the Commission is informed of their content.**



Article 10. Obligation to Utilise Water in an Equitable and Reasonable manner:

- 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 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.



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 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**
- **Article 17. Issuance of authorization to abstract:** 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.

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.*

Obligations: 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.



Obligations: 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.

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 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 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.

Obligation: Data and Information

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.

Benefits of transboundary cooperation in LCB

Social and Environmental

- Construction of social infrastructure (water supply, schools, hospitals, etc)
- Restoration of degraded lands, reforestation, fight against desert encroachment, etc

Data and information sharing

- Hydro-meteorological network densification, and monitoring
- Regional database (LIS) and basin wide modelling

Regional Economic Integration

- Build political trust and strengthen political cooperation,
- Joint project development
- Investment in roads (connectivity), telecommunications, etc
- Facilitate Cross border trade and exchange of goods and services

Peace and security

- Conflict prevention and management;
- Fight against armed robbery and arms trafficking, terrorist groups (MNJTF), etc
- Joint strategy for stabilisation (RSS)

Collaboration between LCBC and UNECE

❖ Capacity building

- Accession by LCBC member states to 1992 UN Water Convention
- Facilitating monitoring and reporting on SDG 6.5.2
- Supporting establishment of new TBRB arrangements
- Trainings on transboundary water resources management: IWRM, fundraising, etc

❖ Elaboration of guidance documents

- Active participation of LCBC in Water Convention Subsidiary bodies (working groups, expert groups)

❖ Knowledge sharing and exchange

- Active participation of LCBC in Water Convention Meeting of Parties (MoPs)



Conclusion



- Although the LCB Water Charter **has not yet “come into force”**, there is a general consensus on its contents from State Parties. The ratification and deposition of instruments by the State Parties is very advanced and will come into force soon;
- The Water Charter will assist Member States achieve their shared vision and successfully implement the LCBC mandate;
- Consensus and ensuring that all stakeholders are on board (**“leaving no one behind”**) is very important for the implementation of the Water Charter ;
- The decision for state parties to be bound by an international agreement should be based **not only on an in-depth analysis and assessment of the benefits** to be derived from such commitment, but **also on the constraints** it imposes;
- Global conventions play a critical role in **harmonizing applicable rules**, particularly with basins spread between different economic regions (ECCAS & ECOWAS for LCBC)
- Continued support from Global mechanisms to member states through the R/LBO will be critical.

THANK YOU FOR YOUR KIND ATTENTION

