



# Draft water Charter for the Volta River Basin



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# Draft water Charter for the Volta River Basin

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# Draft water Charter for the Volta River Basin

## Preamble

The Republic of Benin,

Burkina Faso,

The Republic of Côte d'Ivoire,

The Republic of Ghana,

The Republic of Mali,

The Republic of Togo,

Hereinafter referred to as "State Parties" to the Water Charter for the Volta River Basin,

**Considering** the Charter of the United Nations Organisation adopted on 26 June 1945;

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

**Considering** the Revised Treaty of the Economic Community of West African States adopted on 24 July 1993;

**Considering** Decision A/DEC.5/10/98 on the regulation of transhumance in the Economic Community of West African States Member States, adopted on 31 October 1998;

**Considering** Regulation C/REG.3/05/2008 harmonizing the rules governing the registration of pesticides in the Economic Community of West African States, adopted on 18 May 2008;

**Considering** the Convention on the status of the Volta River and the creation of the Volta River Basin Authority adopted on 19 January 2007;

**Considering** the Statutes of the Volta Basin Authority adopted on 16 November 2007;



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

- a) The Helsinki Rules on the use of international watercourses, adopted in Helsinki in 1966;
- b) The Declaration of the Conference of the United Nations on the Human Environment, adopted in Stockholm in 1972;
- c) Resolution 34/186 of the United Nations Organisation General Assembly establishing principles for conduct to ensure the conservation and harmonious use of shared natural resources, adopted in New York in 1979;
- d) The Declaration of the International Conference on Water and the Environment and sustainable development, adopted in Dublin in 1992;
- e) The 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;
- f) The Policy Declaration and Plan of Implementation of the World Summit on Sustainable Development, adopted in Johannesburg in 2002;
- g) The Declaration of the Conference of the United Nations on sustainable development, adopted in Rio de Janeiro in 2012;

**Hereby reasserting** the commitment of the State Parties to international agreements on water and the environment, inter alia:

- a) The Convention for internationally important wetlands and the conservation of waterfowl, adopted in Ramsar on 2 February 1971;
- b) The Convention on the protection of world cultural and natural heritage, adopted in Paris on 16 November 1972;
- c) The Convention on the conservation of migrational wildlife species adopted in Bonn on 23 June 1979;
- d) The Convention on the control of transboundary movements of hazardous wastes and their disposal, adopted in Basel on 22 March 1989;
- e) The Convention on the prohibition of hazardous waste imports and the control of their transboundary movement in Africa, adopted in Bamako on 30 January 1991;
- f) The Convention for the protection and utilisation of transboundary watercourses and international lakes adopted in Helsinki on 17 March 1992;
- g) The Framework Convention on Climate Change, adopted in New York on 9 May 1992;



- h) The Convention on Biological Diversity, adopted in Rio de Janeiro on 5 June 1992;
- i) The Convention to combat desertification in countries seriously affected by drought and/or desertification, especially in Africa of adopted in Paris on 17 June 1994;
- j) The Agreement on the conservation of African-Eurasian migratory waterbirds, adopted at The Hague on 14 August 1996;
- k) The Convention on the use of international watercourses for non-navigational purposes, adopted in New York on 21 May 1997.
- l) The Convention on procedure for prior consent for international trade concerning dangerous chemicals and pesticides, adopted in Rotterdam on 10 September 1998;
- m) The Convention on persistent organic pollutants, adopted in Stockholm on 22 May 2001;
- n) The Convention on mercury, adopted in Minamata on 10 October 2013;
- o) The African Convention on the conservation of nature and natural resources, adopted in Maputo on 11 July 2003

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

- a) The Ouagadougou Declaration adopted at the West African Conference on Integrated Water Resources Management on 5 March 1998;
- b) The West African Vision for Water in the 21st Century, in the West African Vision for Action, adopted on 2 March 2000;
- c) Decision A/DEC.5/12/01 on the creation of the Permanent Framework for the Coordination and Monitoring of Integrated Water Resources Management in West Africa, and Decision A/DEC.4/01/06 adopting the constituent instrument of the Permanent Framework for the Coordination and Monitoring of Integrated Water Resources Management in West Africa, adopted on 21 December 2001;
- d) Supplemental Act A/SA. 8/01/07 7 adopting the Economic Community of West African States Disaster Prevention Policy, adopted on 19 January 2007;
- e) Supplemental Act A/SA. 04/12/2008 adopting the environmental policy of the Economic Community of West African States, adopted on 19 December 2008;
- f) Supplemental Act A/SA. 5/12/08 adopting water resource policy in West Africa, adopted on 19 December 2008;

**The wish** to progress towards a universal agreement on transboundary aquifers based on Resolution A/RES/63/124 of the General Assembly of the United Nations Organisation on the law of transboundary aquifers, adopted on 11 December 2008;



**Their shared assessment** of the main transboundary issues challenging the water resources and the environment of the Volta River Basin, formalised in the report entitled “Technical, legal and institutional assessment of the management of water and the environment in the Volta River Basin”, drawn up during the preparation of the present Water Charter for the Volta River Basin and adopted by the regional validation workshop held on 7 March 2018;

**Considering** the major transboundary challenges for the management of water and the environment in the Volta River Basin, inter alia:

- a) The lack of knowledge about and monitoring of surface and groundwater resources, and their associated species and ecosystems;
- b) The high intra-annual and interannual variability of rainfall and hydraulic conditions on the main course of the Volta River and its main tributaries;
- c) The high demographic growth rate and subsequent increase in water requirements, especially for domestic, agricultural and energy production purposes;
- d) The challenges of mobilising, storing and allocating water resources for drinking water supplies, agriculture, hydroelectric power production, industrial activities and tourism without detriment to aquatic and terrestrial ecosystem functioning;
- e) The management of extreme hydrological phenomena such as floods and drought, whose impact can be amplified by human activities such as releasing water from water infrastructure causing transboundary effects;
- f) Agricultural pollution, mining pollution, resulting in particular from industrial and artisanal mining and gold washing, industrial and domestic pollution;
- g) Land degradation, loss of plant cover, biodiversity erosion and loss of associated environmental assets and services;
- h) Increased sedimentation in water courses and its impact on the river regime, ecosystems and the management of hydraulic infrastructure;
- i) Illegal exploitation of species and ecosystem services, including transboundary poaching;
- j) Risks of conflict due to the use of water resources and other natural resources for transhumant herding practices and risks of conflict with other users;
- k) The proliferation of invasive aquatic plant species;
- l) The extreme vulnerability of the people and ecosystems in the Basin to the effects of climate variability, climate change and environmental risks;
- m) Coastal erosion.



**Alarmed** at the potential consequences of such transboundary issues regarding the management of water and the environment in terms of human health, economic development, and the condition of the basin's ecosystems, more particularly the availability of sufficient good quality water resources, the disappearance of animal and plant species, the loss of environmental services, and widespread, accentuated poverty, as well as risks of inter-community and interstate conflict within the basin;

**Aware** of the urgent need to address the main concerns of the Basin, namely the management of water and the environment, in an adequate manner by rendering the Convention on the status of the Volta River and the creation of the Volta River Basin Authority operational in order to deliver the necessary sustainable management of the Volta River Basin;

**Convinced** that the Water Charter for the Volta River Basin is the appropriate legal instrument for the sustainable management of the Volta River Basin, allowing more thorough fulfilment by the Authority of its mandate to achieve the sustainable management and development of the Basin by promoting the integrated management of its transboundary water resources;

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

# Section 1. General provisions

## Chapter 1. Purpose and sphere of application

### Article 1. Purpose

1. The general purpose of the present Water Charter is to set out the principles, procedures, rules and modalities for the equitable, coordinated, sustainable use of shared water resources in the Volta Basin as a contribution to the sustainable development of the Volta Basin, in accordance with the mandate of the Volta Basin Authority.

2. It specifically aims, on the one hand, to refine, supplement and develop the provisions of the Agreement on the status of the Volta River and the creation of the Volta Basin Authority signed on 19 January 2007 and, on the other hand, to promote integrated water resources management, and more particularly to:

- a) Prevent and peacefully settle inter-State disputes related to the use of shared water resources;
- b) Establish a framework for the quantitative and qualitative management of surface and groundwater resources;
- c) Ensure the preservation and the restoration of the Basin's aquatic ecosystems and their biological diversity, including the prevention of pollution, land degradation and the proliferation of invasive aquatic species, and the sustainable management of fisheries;
- d) Promote good governance for the integrated management of shared water resources and the environment.

3. To fulfil the above-mentioned goals, it promotes the following means of intervention:

- a) The recognition of common facilities and facilities of common interest;
- b) The Authority's responsibility for project management and ownership of common facilities and facilities of common interest, for environmental and social impact assessments of hydraulic infrastructure causing transboundary impacts, and for regional projects and programmes for sustainable development;
- c) The promotion and facilitation of dialogue and consultation among the State Parties in the planning, design, implementation and management of hydraulic infrastructure, projects and programmes likely to affect water resources and the environment of the Basin;
- d) The definition of procedure for examining and approving new projects likely to cause significant harm to the quantity and quality of the Basin's water resources;





- e) Harmonizing national policy, legislation, regulations and strategy for the management of water resources and the environment;
- f) The recognition of people's rights in the frame of the sustainable management of the Basin;
- g) The determination of the role and responsibilities of the stakeholders involved in the sustainable management of the Basin;
- h) The determination of procedure for collecting and exchanging data and information on the environment and water resources in the Basin;
- i) The promotion of scientific research, capacity building and environmental education, especially in relation with integrated water resource management.

## Article 2. Sphere of application

1. The Water Charter shall apply to the Volta River and to all surface and groundwater resources and associated ecosystems found within the geographical limits of its catchment area.

2. The present Water Charter shall govern all public and private, ongoing and planned measures and activities in the Basin causing significant transboundary impacts on water resources, in particular those undertaken for:

- j) Better knowledge about shared surface and underground water resources and associated ecosystems,
- k) Better governance of the Basin's shared water resources;
- l) The use and utilization of shared water resources to meet socio-economic and environmental needs likely to affect water resources or the environment;
- m) The protection, preservation and restoration of the ecological condition of water resources and associated ecosystems and the prevention of damage-causing situations.

3. An Appendix to the Water Charter shall establish the Map of the Volta River Basin.

## Chapter 2. Use of terms and concepts

### Article 3. Definitions and use of terms

Unless otherwise specified, the following terms in this Water Charter, wherever they appear, shall have the meaning ascribed to them hereunder:

1. **Aquifer:** Body (layer, rock formation) of permeable rocks comprising a saturated zone – the entire solid medium and the water it contains – with sufficient groundwater conductivity to allow a significant flow out of the groundwater table and the abstraction of appreciable quantities of water;
2. **Agriculture:** the crop production, livestock, fisheries and forestry sub-sectors;
3. **Authority:** Volta River Basin Authority
4. **Basin or Catchment Area or Hydrographic Basin of the Volta River:** the geographic area in which runoff, channelled through a system of rivers, streams and lakes, converges towards the Volta River estuary.
5. **Basic human needs:** the Basin populations' drinking water and sanitation needs;
6. **Water Charter:** the present Agreement and all appendices and ancillary instruments pertaining thereto;
7. **Interparliamentary Committee:** The Interparliamentary Committee of the Volta Basin Authority;
8. **Local community:** the human population in a given geographic area of the Volta River basin enjoying its resources, innovations, practices, knowledge and technologies, partially or totally governed by its own customs, traditions or law;
9. **Assembly:** The Assembly of Heads of State and Government of the Volta Basin Authority;
10. **Council of Ministers:** Council of Ministers in charge of Water Resources in the State Parties of the Volta Basin Authority;
11. **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.
12. **Convention:** the Convention on the status of the Volta River and the creation of the Volta River Basin Authority signed on 19 January 2007;



13. **Watercourse:** a system of surface waters and groundwater constituting by virtue of their physical relationship a unitary whole and normally flowing into a common terminus;

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

15. **Target flows:** the minimum streamflows in a watercourse that are necessary to cover basic human needs and to protect and preserve all associated ecosystems and ecosystem services;

16. **Development of hydraulic infrastructure:** this includes:

- a) Project identification by prioritizing projects and selecting the best alternatives through a strategic planning process, either at the level of the Basin or at national level;
- b) Studies including the preliminary feasibility study, the feasibility study and the final detailed design;
- c) Construction of infrastructure and implementation of social and environmental management plans;
- d) Operation of the infrastructure;

17. **Executive Directorate:** the Executive Directorate of the Volta Basin Authority;

18. **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.

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

20. **State Party:** A State legally bound by the present Water Charter and in whose jurisdiction it is enforceable;

21. **Environmental and social impact assessment:** a process to examine the beneficial and adverse effects of a proposed development project on the environment and human health and to ensure that such effects are duly taken into account in project design;

22. **Environmental and Social assessment:** a process consisting of assessing the risk related to a project for the environment and the effects it is likely to cause in its area of influence, studying project alternatives, identifying ways of improving project selection, location, planning, design and execution by foreseeing, minimising, mitigating or compensating for its adverse effects on the environment and strengthening its beneficial effects. Environmental assessment also includes the process of mitigating and managing nuisance during the construction of a project;

23. **Forum of stakeholders:** Forum of the Parties involved in the development of the Volta Basin of the Volta Basin Authority;

24. **Coordinated management of hydraulic infrastructure:** a set of activities enabling both the managers of hydraulic infrastructure and activities with transboundary impacts and the Authority to control the management of the infrastructure from the collection and transmission of data to the Authority, to the application and control of the effective implementation of the Authority's instructions;

25. **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;

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

27. **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;

28. **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;



29. **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;
30. **Hydraulic infrastructure:** water-related structures or facilities that exist or are under construction or planned, in particular large dams as defined by the World Commission for Large Dams, large irrigation schemes and inter-basin transfer systems;
31. **Planned measure:** structures or infrastructure, activities or works likely to cause significant adverse effects on the water resources of the Volta Basin;
32. **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 structures and 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 comprising the following: the flow in tributaries at key points on the watercourses, the observance of set supplies of water for abstractions and set flow rates, the production of hydroelectric power at the dams if relevant, etc.;
33. **Observatory:** The Volta Basin Observatory;
34. **Grassroots community organisation:** a legal person or entity dedicated to community development, for instance village groups, cooperatives, unions or federations;
35. **Civil society organisation:** a legal person or entity conducting non-profit activities in one or more State Party countries;
36. **Common facilities:** facilities that the State Parties, members of the Volta Basin Authority, have decided, by legal instrument, to be the common, undividable property of all the State Parties or a group of State Parties;
37. **Facilities of common interest:** facilities owned by one State Party but in which two or several State Parties, members of the Volta Basin Authority, have an interest and for which coordinated management has been decided by mutual agreement.

38. **Panel of Independent Experts:** Volta Basin Authority panel of independent experts on water resources and environment;
39. **Environmental and social plans:** environmental and social management plans, resettlement action plans and local development plans;
40. **Project-affected people:** people who have been resettled or who have not been resettled but have lost their land and/or livelihoods due to construction works on dams, access roads, electric lines or to fill reservoirs, as well as the communities hosting the resettled, and the people living downstream of the facilities who are affected by the impacts of the project, both during the construction phase and during the operating phase. The people affected by a project include vulnerable groups such as youths, women, the elderly, widows/widowers and the disabled;
41. **Enforcement of water law and regulations:** all norms, procedures and institutions to ensure the protection of water resources by means of prevention and punishment of infringements in breach of legislation concerning water;
42. **Pollution:** any changes that are detrimental to the composition or quality of the water in the Basin resulting directly or indirectly from human activities;
43. **Transboundary pollution:** pollution emanating from a physical source that is totally or partially located in the national jurisdiction of one State Party, and which causes damaging effects in an area that is in the jurisdiction of another State Party;
44. **Abstraction:** an amount of water withdrawn from the watercourse for use, whatever the purpose, whether or not it is returned, directly or indirectly, to the watercourse at a later point in time;
45. **The public:** one or several natural or legal persons, according to the customs and legislation applicable in the country, and/or associations, organisations or groups formed by such persons;
46. **Pollutant discharge:** the release, directly or indirectly, of substances or energy into the Basin's water resources, which is likely to result in hazards to human health or harm to living organisms and ecosystems and the services they render;
47. **Shared water resources in the Basin:** all the surface and ground water available in the Volta River Basin;
48. **Emergency situation:** situations that either cause or imminently threaten to cause serious damage to Basin countries or other countries and which occur brusquely due to natural events such as flooding, torrential water effects, landslide, earthquakes or locust swarms, or due to human activities such as industrial accidents or humanitarian disasters;
49. **Damage or harm:** results of human activities or natural occurrences that can damage a surface or underground water or the environment in one or more Basin countries, such as floods, water-borne disease, silting, erosion, salt water intrusion, drought or desertification, including the loss of human lives and property;



50. **Sub-basin:** an area in which all the runoff converges through the streams, rivers and possibly lakes towards a specific point on the Volta River;
51. **Statutes:** Statutes of the Volta Basin Authority adopted on 16 November 2007.
52. **Hydrographic basin water resource managing entities:** national integrated water resource management bodies or institutions, whatever their specific name, for instance water or basin agencies, basin committees and local water committees;
53. **Aquifer system:** a series of two or more aquifers which are hydraulically interconnected;
54. **Transboundary transhumance:** seasonal movements of cattle from one country to another, beyond the boundaries of their usual grazing area so that it can use other watering places and grazing land.
55. **Use / Usage:** the consumptive or non-consumptive use of water for sundry purposes especially domestic, industrial, crafts, agriculture, the environment, herding, tourism, mining, sports, fishing and hydroelectric production;
56. **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;
57. **Admissible abstractions:** the amounts of water the State Parties consider reasonable to withdraw from the Basin's water resources to balance the needs of the various usages and without disrupting drinking water supplies and food and energy security while being sure to maintain the minimum requirements necessary to preserve ecosystems;
58. **Buffer zone:** Intermediate space along a watercourse in a rural or urban landscape designed to intercept pollutants from agricultural or mining sources and thereby attenuate contamination of the aquatic environment.

## Article 4. Fundamental principles

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

- a) **The principle of good governance:** all the stakeholders must be involved, aware and feel accountable in the process of developing and implementing action to ensure the balanced management of shared water resources in the Basin;
- b) **The principle of complementarity:** for the purposes of achieving regional integration, it is necessary to make the best possible use of complementarities in the economies of the State Parties in order to achieve sustainable management of water resources;
- c) **The principle of cooperation:** it is necessary to develop relations between the Authority, intergovernmental regional organisations and the State Parties for the integrated, peaceful management of the Basin's water resources and environment in order to gain benefits from the management of the Basin;
- d) **The principle of sustainable development:** the management of the Basin must meet the demands from the present generation without compromising its ability to meet those of future generations, balancing the requirements of economic development, social development and the protection of the environment;
- e) **The principle of coordinated management of hydraulic infrastructure:** the management of hydraulic infrastructure associating all the stakeholders concerned by that infrastructure in the frame of a partnership;
- f) **The principle of management by hydrographic basin, hydrogeological basin or aquifer system:** the principle of management by hydrographic or hydrogeological basin or aquifer system is the appropriate framework for planning, using, managing and protecting water resources;
- g) **The principle of gender equality:** the interests and contributions of women, men and the vulnerable portions of society are taken into account in policy formulation, capacity-building, planning, development and investment on the water sector;
- h) **The principle of information:** every person, group of persons and organisation shall be given a right of access to the information about water and the environment belonging to the States, basin organisations and Sub-Region regional inter-governmental bodies;





- i) **The principle of partnership:** it is appropriate to seek complementarity and synergy with sub-regional and regional intergovernmental bodies, NGOs and associations involved in shared water resources in the action undertaken by the State Parties;
- j) **The principle of participation:** the permanent, responsible involvement of all the stakeholders in the design, development and implementation, and in the monitoring and evaluation of all sustainable management activities for water resources and the environment in the Basin;
- k) **The principle of equitable and reasonable utilisation of shared water resources:** each country has the right to an equitable and reasonable share of water allowing it to draw the maximum benefit while causing the least possible disadvantage to other countries;
- l) **The principle of no-damage to other countries:** the State Parties have a duty to ensure that no activities in their own jurisdiction or under their control cause damage to the water resources or environment in the national territories of other State Parties;
- m) **The cost and benefit sharing principle:** all the State Parties shall contribute to and benefit equitably from transboundary initiative towards managing and developing the Basin's shared water resources;
- n) **The polluter pays principle:** the cost of pollution prevention, control and abatement measures must be covered by the polluter;
- o) **The abstractor pays principle:** fees are levied for the abstraction of water as a contribution to the financing of water services;
- p) **The user pays principle:** this principle covers two types of water use: the use of quantities of water that are abstracted and the use of quantities of water without abstraction. The abstractor pays principle applies to the use of quantities of water that are withdrawn from sources of water. In the case of non-abstracting uses of water, such as hydroelectric power, navigation, tourism and recreation, taxes and/or fees are levied as a contribution to the financing of water-related services.
- q) **The principle of precaution:** the absence of scientific certainty cannot be an excuse to delay measures planned to prevent the exposure of water, the environment and health to transboundary damage or harm;
- r) **The principle of prevention:** 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;

- s) **The principle of progressivity:** the implementation of measures concerning shared water resources shall take account of the need to gradually implement the necessary adjustments;
- t) **The principle of accountability:** the State Parties undertake to implement all their obligations resulting from the present Water Charter in good faith and according to international law;
- u) **The principle of solidarity:** the State Parties, considering their common interests, undertake to manage shared water resources sustainably and to promote peace and development at subregional level, ensuring political and social cohesion within the Basin by supporting underprivileged people and areas in order to gradually iron out inequalities;
- v) **The principle of subsidiarity:** in all areas that do not fall exclusively into its area of competence, the Authority shall only handle matters at the sub-regional level if they cannot be handled more efficiently at the national or local level;



## Chapter 3. General obligations

### Article 5. International cooperation

1. The State Parties to the Water Charter shall cooperate on the basis of the principles of international law within the Authority to fulfil their legally binding obligations to achieve sustainable management of the Basin's water resources and environment.

2. To do so, they shall cooperate among others on:

- a) Promoting integrated transboundary water resource management basin-wide;
- b) Preventing and peacefully settling disputes arising from the management of shared water resources;
- c) Promoting quantitative and qualitative management of shared water resources and the environment;
- d) Preventing and managing the transboundary effects of activities undertaken in the Basin;
- e) Water infrastructure development;
- f) Equitable sharing of the costs and benefits derived from the use and utilisation of shared water resources;
- g) Preventing poverty and improving living standards;
- h) Strengthening sub-regional and regional integration;
- i) The involvement of non-international stakeholders in the sustainable management of the basin;
- j) Enforcing the present Water Charter.

3. The Authority and the State Parties shall cooperate with inter-governmental subregional, regional and universal organisations to achieve the sustainable management of the Basin.

## Article 6. Harmonizing national legislation and strategies

1. The Authority and the State Parties shall ensure that national legislation, regulations and strategies on the management of water resources and the environment are harmonized.
2. Such harmonizing of national legislation and strategies on the management of water and the environment shall concern knowledge about and the utilisation, protection and governance of water resources and the environment.
3. Particular attention shall be paid to cooperation on transboundary waters, gender issues and traditional customary law.

## Article 7. Sustainable self-financing

1. With the cooperation of the State Parties, the Authority, shall, while improving its conventional financing mechanisms, set up sustainable self-financing mechanisms for self-funding that will be capable of securing the institutional and financial sustainability of the Authority.

## Article 8. Promoting good governance

1. With the cooperation of the State Parties, the Authority shall promote good governance in the sustainable management of water resources and the environment in the Basin.
2. Good governance shall be promoted by the following means among others:
  - a) Consideration of the stakeholders' rights and legitimate interests;
  - b) Effective participation of the citizens in the decision-making process through free consent and informed awareness;
  - c) Transparency in the decision-making process and conduct of activities;
  - d) Accountability, at the appropriate level, of each stakeholder in the responsibilities they are entrusted with, and
  - e) The right to administrative and judicial recourse.



## Section 2. Quantitative and qualitative water resource management.

### Chapter 4. Quantitative management of water resources

#### Part 1. Utilisation of water resources

##### Article 9. The types of use of water resources

1. In a coordinated and sustainable manner, the Basin's shared water resources shall be utilised so that they meet the domestic, socio-economic and environmental demands.
2. The types of use of the Basin's shared water resources shall include:
  - a) Drinking water supply and sanitation;
  - b) Agriculture;
  - c) Industry, mines and quarries, and energy;
  - d) Navigation and transport;
  - e) Tourism and recreational activities;
  - f) Ecosystem requirements, and
  - g) Generally speaking any requirements the Authority deems to be necessary or legitimate.

##### Article 10. Relations between types of use

1. Among all the different types of water use in the Basin, no particular use shall be given priority over the others. However, should competing uses of water prevent all the requirements from being met, special attention shall be paid to the basic needs of human beings.
2. Notwithstanding the provision above, the State Parties may by mutual agreement set an order of priority among the different types of use of the Basin's water resources.

## Article 11. Water sharing

1. 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 Volta River Basin.
2. In this respect, the State Parties shall enter into bilateral and multilateral water sharing agreements provided that such agreements comply with the present Water Charter and that the Authority is duly informed of their content.

## Part 2. Equitable and reasonable utilisation

### Article 12. The obligation for equitable and reasonable utilisation

1. Considering their common interests in the sustainable management of the Basin, the State Parties shall equitably and reasonably utilise the Basin's surface and ground water 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 watercourses, aquifers and aquatic and terrestrial ecosystems.
2. Such equitable and reasonable utilisation shall be based on the State Parties' commitment not to exceed the limits specified in Articles 14 and 15 for target flows and maximum admissible quantities abstracted.
3. 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 by another State.

### Article 13. Factors of and criteria for equitable and reasonable utilisation

1. In pursuance of their obligation for equitable and sustainable utilisation of the Basin's shared water resources, 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) People who depend on watercourses, aquifers and/or the associated aquatic or terrestrial ecosystems;
  - d) Ecosystem requirements, in particular in wetlands, and especially the maintenance of target flows to preserve and protect the services rendered by ecosystems;





- e) Impacts on other Basin countries of the utilisation by one Basin country of water from a watercourse, aquifer or aquatic or terrestrial ecosystem in its hydrographic basin;
- f) Present and potential utilisation of the watercourse, aquifers and aquatic and terrestrial ecosystems in the Basin, in particular the cumulative effect of abstractions and pollution;
- g) Conservation, protection, development and savings when using the water resources from the watercourse, aquifers and aquatic and terrestrial ecosystems in their hydrographic basin, and the costs of the related 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) Inter-basin water transfers likely to affect the hydrology and water resources in the Lake and associated watercourses;
- q) The effects of variability and climate change.

2. To determine what corresponds to reasonable and equitable utilisation, all relevant factors must be examined together to reach a conclusion based on all of them. The weight given to each factor depends on its importance compared to other relevant factors.

3. The State Parties, if they deem necessary, shall determine in common other relevant factors to be taken into account considering local circumstances and the various needs for water.



### Article 14. Target flows to be maintained

1. The State Parties agree to maintain target flows at key points in the Basin to allow basic human needs further downstream to be met and to safeguard aquatic ecosystems and the services rendered by such ecosystems without compromising such needs further upstream.
2. To ensure the observance of target flows, it may be necessary to limit abstractions by fixing the maximum amount of water that can be withdrawn in a given portion.
3. The State Parties undertake to define such amounts of water depending on water resource availabilities and on the circumstances and factors described in Article 13.

### Article 15. Admissible amounts of abstractions in the Basin

1. The State Parties undertake to maintain the total amounts abstracted from the water resources in the Basin within a set maximum in order to balance the uses of water while ensuring drinking water supplies, food security and energy security for their people as well as securing the minimum requirements for ecosystems.
2. Pursuant to the present Article, a system for declaring and authorizing abstractions and non-abstracting uses of water described in Articles 17 and 18 shall apply.

### Article 16. Introduction of target flows and maximum admissible abstractions

An appendix to the Water Charter shall determine the target flows to be maintained in the Basin along with the maximum admissible amounts of abstractions from the river at the scale of the Basin and the corresponding implementation procedure.



## Part 3. Management of abstractions and the utilisation of non-abstracted quantities of water

### *Paragraph 1. Prior authorization and declaration of abstractions and the utilisation of non-abstracted quantities of water*

#### Article 17. Prior authorization or prior declaration

1. Abstractions and the utilisation of non-abstracted quantities of water in the Basin, whatever the purpose, shall be subject to either prior authorization or prior declaration.
2. Declarations of abstraction shall take place in accordance with the national law and shall be sent to the Authority on an annual basis.
3. The nomenclature of abstractions and the utilisation of non-abstracted quantities of water subject to prior authorization or prior declaration and the registration procedure applicable with the competent national authorities shall be set out in an appendix to the Water Charter.

#### Article 18. Issuance of authorization to abstract and to engage in the utilisation of non-abstracted quantities of water

1. Authorizations to abstract and to engage in the utilisation of non-abstracted quantities of water 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 internal procedure. Authorization shall take account of the availability of water resources and the intended use.
2. Every year, the State Parties shall send all information about the authorizations they have issued for abstractions and the utilisation of non-abstracted quantities of water in the Basin to the Authority.
3. Authorization to abstract water and otherwise utilise non-abstracted quantities of water in the Basin shall be issued with due concern for maintaining target flows. For this purpose, the Authority shall maintain a database on abstractions from the river. Insofar as it deems necessary, the Authority shall use its hydrological model for Basin-wide water resource allocation in order to decide whether granting such authorization is deemed reasonable or not.

4. Authorization to abstract groundwater shall be subject to due concern for the sustainable use of water resources derived from aquifers. With the cooperation of the State Parties, the Authority 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.

5. Abstractions and the utilisation of non-abstracted quantities of water shall be brought into compliance with the provisions of the Water Charter no later than five years after its coming into force, in full accordance with the declaration and authorization systems.

*Paragraph 2. Taxes and/or fees for abstractions and for the utilisation of non-abstracted quantities of water*

**Article 19. Payment of taxes and/or fees for abstractions and for the utilisation of non-abstracted quantities of water**

All public or private individual persons or entities granted permission to abstract water or for non-abstracting uses of water shall be subject to an annual tax and/or fee as a contribution to the cost of managing water resources to meet socio-economic and environmental needs.

**Article 20. Amount and distribution of taxes and/or fees for abstractions and for the utilisation of non-abstracted quantities of water**

1. The amount of the tax and/or fees for abstractions and for the utilisation of non-abstracted quantities of water shall be determined by each of the State Parties for their respective portion of the Basin.

2. The collection of such taxes and/or fees for abstractions and for the utilisation of non-abstracted quantities of water shall comply with the internal procedure of each State Party.

3. The sharing formula between the Authority and the State Parties for the revenues corresponding to the taxes and/or fees levied and for the reassignment of part of the amount to the Authority as consideration for the performance of its mandate and its duties shall be established by the competent organs of the Authority.



4. The State Parties shall introduce the taxes and/or fees for abstractions and for the utilisation of non-abstracted quantities of water and ensure that they comply with the provisions of the present Article within five (05) years of the date of coming into force of the present Water Charter.

5. An appendix to the Water Charter shall determine the sharing formula between the Authority and the State Parties for the revenues corresponding to the taxes and/or fees levied and for the reassignment of part of the said revenues to the Authority.

### *Paragraph 3. Monitoring of the amounts of water used*

## Article 21. Monitoring and recording of abstractions and utilisation of non-abstracted quantities of water

1. The State Parties shall monitor the amounts of water abstracted from the river and aquifers.
2. A database on abstractions and the utilisation of non-abstracted quantities of water shall be incorporated in the Basin database created under Article 100 of the Water Charter.
3. The State Parties shall on a regular basis provide the Authority with the information required to update its tools for monitoring abstractions and the utilisation of non-abstracted quantities of water from the river and aquifers.

## Part 4. Hydrological monitoring

### Article 22. Strengthening of hydrological monitoring

1. The State Parties shall organise and conduct surface and groundwater resource monitoring in the Volta Basin.
2. They shall ensure the renewal and maintenance of the hydro-meteorological and piezometric monitoring systems in the Basin in such a manner as to attain adequate density in coverage and permanent operation of the systems.

### Article 23. Harmonizing hydrological monitoring

1. The Authority shall provide equipment and methodological assistance to the State Parties towards harmonizing best practices, data collection and storage formats, and analysis tools.
2. Hydrological and hydrogeological data collected shall be sent to the Authority, which shall incorporate them into the Basin Database.

## Chapter 5. Protection and preservation of water quality in the Basin's aquatic and terrestrial ecosystems

### Part 1. Pollution prevention and control

#### *Paragraph 1. General measures to prevent and control pollution*

#### Article 24. General obligation to prevent and control pollution

1. The Authority, the State Parties and the other stakeholders defined in the present Water Charter shall cooperate closely with one another to prevent, abate and control all kinds of pollution in the Basin.

2. They undertake, individually and collectively, to:

- a) Prevent, abate and control the effects of all activities likely to bring about noticeable changes in the properties of the water from the river and aquifers, and the associated aquatic and terrestrial ecosystems in the hydrographic basin, in their sanitary, physical and chemical condition, in their biological characteristics, and generally speaking in the environment;
- b) Establish lists of substances and concentrations prohibited, restricted or subject to detection and prior testing in the waters of the Basin;
- c) Prevent pollution at the source, among others:
  - i. Impose environmental assessment, prior authorization and polluter-pays tax for polluters according to the regulations applicable in each country;
  - ii. Advocate the prevention of pollution in planning documents and, where impossible, reduce pollution to the minimum acceptable rates with the approval of the regulatory bodies involved;
  - iii. Demand that, as of the coming into force of the Water Charter, the operators of existing facilities abate, minimise and control pollution by means of specific, sustainable methods, and
  - iv. Ensure that the regulatory bodies effectively perform controls;





- d) Fix water quality objectives, criteria and standards;
- e) Establish methods and practices to prevent point and non-point pollution;
- f) Protect aquatic habitat which contributes to preserving good quality waters;

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

### Article 25. Water quality monitoring

1. The State Parties shall ensure the monitoring of the quality of the surface and groundwater resources in the Volta River Basin. They shall ensure the renewal, maintenance and strengthening of the water quality monitoring systems in the Basin in such a manner as to attain adequate density in coverage and permanent operation of the systems.

2. Insofar as it deems necessary, the Authority shall provide equipment and methodological assistance to the States towards harmonizing best practices, data collection formats and tools, and data storage.

3. The State Parties hereby agree that by way of prevention, abatement and control of pollution, through the Authority, a regular sub-regional water quality monitoring system shall be put in place across the Basin, the data from which shall be incorporated in the Basin database. In this framework, they shall regularly send all available information on water quality to the Authority.

4. They shall make all necessary arrangements to ensure that, through the Authority, the other Basin countries are informed as soon as possible in the event of accidental pollution and/or modification of the physical, chemical or biological characteristics of the Basin or in the surface or groundwater in the 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.

## Article 26. Establishment and protection of buffer zones

1. Through their cooperation with the Authority, the State Parties, shall determine buffer zones along the Basin's watercourses where activities likely to cause pollution and soil degradation, especially agricultural and mining activities, shall be subject to specific regulations.
2. Such buffer zones are designed to limit the discharge of pollutants into rivers and stream, to attenuate bank erosion and reduce sedimentation, and to protect sensitive riverbank ecosystems and the services rendered to the local riverine communities, in particular gallery forests.

## Article 27. Protect the uppermost parts of the Basin

1. The State Parties and the Authority shall undertake all necessary action to protect the uppermost parts of the catchment areas in the Basin in order to preserve their functions in terms of maintaining minimum low water flows, flood control, aquifer replenishment, purifying water and providing habitat for fauna and flora.
2. They shall therefore create upper catchment protection zones, reforest them and regulate human activities within them, especially agricultural, mining and forestry activities.
3. The areas concerned shall be marked out.

### *Paragraph 2. Management of effluent discharge*

## Article 28. Regulations for effluent discharge

1. In conjunction with the State Parties, the Authority shall set standards for effluent discharge in the Basin in accordance with water quality objectives and best practices. The definition of pollution norms shall take account of the nature of the pollution, pollutant concentrations and the fragility and ecological characteristics of the receiving environments and the uses of water downstream.
2. The State Parties are responsible for compliance with water quality objectives and discharge pollution standards pursuant to the first paragraph in this article, and shall implement the best possible technologies for controlling and abating the discharge of pollutants in the Basin.



3. With the cooperation of the State Parties, the Authority shall harmonize discharge standards, and sampling, analysis and monitoring methods to facilitate comparisons within the Basin. Insofar as it deems necessary, the Authority shall use its hydrological model of the Basin and its knowledge about aquatic habitats to propose the revision of discharge standards in the nomenclature of discharge subject to authorization and declaration.

4. The harmonization of discharge norms and sampling, analysis and monitoring methods shall be effective within five years after the date of coming into force of the Water Charter.

### Article 29. System of prior authorization and prior declaration of pollutant discharge

1. Any discharge of pollutants into the river or aquifers in the Basin shall be subject either to authorization to discharge or to prior declaration, as required by effluent pollutant norms.

2. The discharge of effluents likely to endanger public health and safety or to cause harm to the Basin's biodiversity shall be subject to prior authorization.

3. The terms and conditions for effluent discharge subject to prior authorization or prior declaration and the registration procedure applicable with the competent national authorities shall be set out in an appendix to the Water Charter.

4. Effluent discharge declarations shall be sent to the Authority on an annual basis.

### Article 30. Authorization to discharge

1. 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.

2. Authorization to discharge shall take into account the nature of the pollutants and the fragility and hydrological and ecological characteristics of the receiving environment.

3. Every year, the State Parties shall send all information about the authorizations they have issued for effluent discharge in the Basin to the Authority.



### Article 31. Payment of pollution tax and/or fees

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

### Article 32. Amount and sharing of pollution tax and/or fees

1. The fees and/or tax on pollution shall be determined by the State Parties.
2. The said tax and/or fee shall be levied by the national authorities in accordance with their internal rules and procedures.
3. The sharing formula between the Authority and the State Parties for the revenues corresponding to the taxes and/or fees levied and for the reassignment of part of the amount to the Authority shall be determined by the Authority in cooperation with the State Parties.
4. The Authority and the State Parties shall introduce water pollution tax and ensure that it complies with the provisions of the present Article within five (05) years of the date of coming into force of the Water Charter.
5. An appendix to the Water Charter shall determine the sharing formula between the Authority and the State Parties for the revenues corresponding to pollution tax and/or fees and for the reassignment of part of the said revenues to the Authority as consideration for the performance of its mandate and the achievement of its objectives.

### Article 33. Monitoring of effluent discharge

1. The State Parties shall organise and conduct monitoring of pollution discharged into the river.
2. The Authority shall keep and update a database on effluent discharge within the Basin database.
3. The State Parties shall regularly provide the Authority with the information necessary to update its effluent discharge monitoring tools.

### *Paragraph 3. Measures to prevent and control specific pollution*

#### Article 34. Agricultural pollution

The State Parties undertake to enforce national legislation on the use of pesticides and fertilizer in agriculture in order to reduce pollution caused by such chemicals in the water bodies in the Basin and their adverse effects on the Basin populations and ecosystems.

#### Article 35. Mining pollution

The State Parties undertake to enforce legislation on industrial and artisanal mining and gold-washing activities in order to reduce the discharge of pollutants and the accumulation of sediments in the water bodies in the Basin and their adverse effects on the Basin populations and ecosystems.

#### Article 36. Pollution due to foreign hazardous waste

The discharge of radioactive pollutants and hazardous waste from outside the Basin is prohibited.

#### Article 37. Strengthening the enforcement of relevant international agreements

1. The State Parties agree to strengthen the enforcement of international agreements aiming to prevent and control agricultural and mining pollution, and pollution due to foreign hazardous waste, including:

- a) The Convention on the control of transboundary movements of hazardous wastes and their disposal, adopted in Basel on 22 March 1989;
- b) The Convention on the prohibition of hazardous waste imports and the control of their transboundary movement in Africa, adopted in Bamako on 30 January 1991;
- c) The Rotterdam Convention on procedure for prior consent for international trade concerning dangerous chemicals and pesticides adopted on 10 September 1998;
- d) The Stockholm Convention on persistent organic pollutants adopted on 22 May 2001;
- e) The Minamata Convention on mercury adopted on 10 October 2013.

2. An appendix to the Water Charter on the protection of the environment shall state the modalities for pollution control in the Basin.

## Part 2. Conservation and sustainable utilisation of biological diversity

### Article 38. Obligation to ensure the sustainable conservation and utilisation of biological diversity

1. In accordance with the Convention on Biological Diversity, the State Parties agree to identify, take inventory and regularly keep watch over/monitor the biological diversity of the Basin's aquatic and terrestrial ecosystems and to take all appropriate conservation measures, with special attention to endangered species and species offering the greatest potential for sustainable utilisation.
2. The State Parties undertake to use the biological resources of the Basin in a sustainable manner.

### Article 39. Prevention and control of invasive aquatic species

1. The Authority and the State Parties shall take all necessary measures to prevent the introduction and control the proliferation of new or foreign invasive aquatic fauna or flora species likely to cause harmful effects on the Basin's ecosystems.
2. To do so, they shall implement measures to:
  - a) Identify and prioritize invasive species;
  - b) Control or eradicate priority harmful species;
  - c) Act accordingly to control access in order to prevent the introduction and growth of such species;
3. They shall harmonize their legislation and strategies to prevent and control the proliferation of invasive aquatic species.
4. They shall proceed with equitable sharing of the costs to prevent and control the proliferation of invasive aquatic species.





## Article 40. Control of the introduction of genetically modified, improved or exogenous organisms

The State Parties shall control the introduction of genetically modified or improved organisms and new, imported or exogenous species, in particular in the frame of fisheries and aquaculture, and in accordance with their national legislation and the international agreements they have ratified.

## Article 41. Ecological monitoring

1. The Authority shall keep and update a database on environmental indicators within the Basin database.
2. The State Parties shall regularly provide the Authority with the information necessary to update its ecological monitoring tools.

## Article 42. Internationally listed ecosystems

1. The State Parties shall manage the internationally listed ecosystems in the Basin in accordance with the international agreements they have ratified.
2. This mainly concerns sites or property found on international lists for the protection of biodiversity organised under international agreements including:
  - a) The Convention for internationally important wetlands and the conservation of waterfowl, adopted in Ramsar on 2 February 1971;
  - b) The Convention on the protection of world cultural and natural heritage, adopted in Paris on 16 November 1972.
3. The State Parties further agree to manage biosphere reserve sites in accordance with the principles set for the management of the world biosphere reserve system.
4. An appendix to the Water Charter on the protection of the environment shall state the modalities for the conservation and sustainable utilisation of biodiversity in the Basin.

## Part 3. Prevention and control of soil degradation

### Article 43. Integrated soil conservation strategy

1. The State Parties agree to take 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.

2. They shall therefore:

- a) Adopt land cover plans based on scientific studies and on local knowledge and experience, as well as more specifically on classifications and land potential;
- b) Improve soil conservation and introduce sustainable farming and forestry methods capable of delivering long-term land productivity;
- c) Control erosion due to improper use and poor management of soils, likely to deplete topsoil and plant cover in the long-term;
- d) Prevent pollution caused by agricultural activities;
- e) Ensure that non-agricultural types of use such as public construction works, mining and waste disposal do not facilitate erosion, pollution or any other form of land degradation;
- f) Plan and implement attenuation, remediation, restoration and rehabilitation measures for areas suffering from land degradation.

### Article 44. Special measures for the protection of the Volta River Delta

1. Through their cooperation with the Authority, the State Parties undertake to protect the Volta River Delta against harmful situations.

2. To do so, they shall promote:

- a) The development and sustainable management of the land and the ecosystems in the delta;
- b) The prevention and control of erosion in the delta;
- c) The regulation of human activities in the delta.



## Article 45. Management of vegetation cover

1. The State Parties shall adopt the necessary measures for the protection, conservation, sustainable use and rehabilitation of the vegetation cover in the Basin.
2. They shall therefore:
  - a) Adopt scientifically established land cover plans based on best practices for the conservation, utilisation and development of forests, woodland, pasture land, wetlands and other vegetation-covered areas, taking due account of the social and economic requirements of the populations involved, the importance of plant cover in maintaining a hydrological balance and soil productivity affording conservation for the species concerned and their habitat;
  - b) Take tangible measures to control fire, over-exploitation of forests, land-clearing and over-grazing;
  - c) Create forest reserves and implement reforestation projects and programmes where necessary;
  - d) Restrict grazing in forests at certain times and impose an intensity that will not prevent forest regeneration;
  - e) Develop preventive methods for the management and conservation of existing forest formations, in particular gallery forest and ripisylve;
  - f) Promote strategies to meet the demand for domestic power supply through participatory forest development in order to achieve sustainable fuelwood supplies and use alternative sources of energy;
  - g) Promote studies on biofuels and fodder crops;
  - h) Promote alternative sources of energy in the Basin;
  - i) Use remote sensing and geographical information systems technologies to monitor the evolution of vegetation cover in the Basin.

## Article 46. Monitoring of sedimentation

1. The State Parties shall ensure the monitoring of sedimentation in the river. They shall ensure the renewal and maintenance of sedimentation monitoring systems in such a manner as to attain adequate density in coverage and permanent operation of the systems.
2. Insofar as it deems necessary, the Authority shall provide equipment and methodological assistance to the States towards harmonizing best practices, data collection formats and tools, and data storage.
3. The State Parties hereby agree that by way of prevention, attenuation and control of sedimentation and silting, through the Authority, a regular sub-regional sedimentation monitoring system shall be put in place across the Basin, the data from which shall be incorporated in the Basin database. In this framework, they shall regularly send all available information on sedimentation to the Authority.

## Article 47. Modalities for the prevention and control of soil degradation

An appendix to the Water Charter on the protection of the environment shall state the modalities for the prevention and control of soil degradation in the Basin.

## Chapter 6. Special protection for transboundary aquifers

### Article 48. Improving knowledge about transboundary aquifers

With the support of the Authority, the State Parties shall develop management tools to monitor and manage transboundary aquifers in order to:

- a) Determine aquifer functions, aquifer volume, the quantity of water resources in the aquifer concerned, and the speed of aquifer replenishment;
- b) Improve the understanding of hydrogeology across the entire Basin in terms of flows, recharge and interactions between surface water and groundwater by strengthening the collection of hydrodynamic and hydro-geochemical data, particularly in terms of frequency and regularity of recordings.

### Article 49. Sustainable use

1. The State Parties shall make sustainable use of transboundary aquifers to make the most of their benefits at long term and to preserve the ecosystems depending on them.
2. They shall take the necessary measures to encourage reasonable tapping of transboundary aquifers and aquiferous systems by adjusting groundwater abstractions so that they do not exceed the effective replenishment of the aquifers, thus preventing critical depletion of such resources.

### Article 50. Preserving the quality of transboundary aquifers

1. Through cooperation with the State Parties, the Authority shall take whatever measures are required to prevent the deterioration of conditions in transboundary aquifers and aquiferous systems.
2. It shall organise measures to reverse significant and lasting rises in transboundary aquifer and aquiferous system pollutant content as a result of human activities.
3. It shall also take measures to protect aquifer recharge and tapping zones on transboundary aquifers and aquiferous systems.

## Article 51. Monitoring and evaluation of transboundary aquifers

1. For the quantitative and qualitative preservation of transboundary aquifers, the Authority shall, through cooperation with the State Parties, organise a joint quantity and quality monitoring and evaluation programme for transboundary aquifers.

2. It shall therefore:

- a) Establish common or harmonized monitoring and evaluation standards and methodologies;
- b) Define evaluation criteria and key parameters to be monitored on a regular basis considering the specific features of the said aquifers;
- c) Establish an aquifer monitoring system;
- d) Draw up appropriate hydrogeological maps, vulnerability maps and mathematical models if necessary.

## Article 52. Protection of the interests of States not belonging to the Authority

1. The State Parties, when using transboundary aquifers or aquifer systems extending beyond the spatial scope of the present Water Charter, as described in Article 2, shall make all necessary arrangements to protect the legitimate interests of the Aquifer States who are not members of the Authority, in accordance with the general principles of shared water resource management.

2. In conjunction with the Authority, they shall engage in consultation with such States, transboundary basin organisations and regional community integration organisations to which they belong.



## Chapter 7. Climate change

### Article 53. Climate change mitigation and adaptation

1. The State Parties shall strengthen the implementation of their international obligations regarding the fight against climate change.
2. To do so, they shall promote climate change mitigation and adaptation measures.
3. They shall therefore mainstream such measures into country development goals, in particular through institutional development, capacity building, the strengthening of political and legal frameworks, support to research, education, training and awareness-raising for the general public. They shall ensure sustainable financing for all such measures.

### Article 54. Mitigation of the effects of climate change

1. Through their cooperation with the Authority, the State Parties shall take all necessary measures to attenuate the effects of climate change in the management of the shared water resources and associated ecosystems in the Basin.
2. They shall therefore protect and improve greenhouse gas sinks and carbon storage through the sustainable management of forests, and reforestation, the restoration of areas affected by drought and desertification, and the sustainable management and conservation of coastal, wetland, natural area and other ecosystems in the Basin.

### Article 55. Adaptation to climate change

1. In order to ensure the resilience of the Basin's populations, species and ecosystems to the effects of climate change, the Authority shall, through cooperation with the State Parties, take all necessary measures to:
  - a) Assess the vulnerability of the natural resources in the Volta River Basin to the impacts of climate change in order to promote knowledge about the Basin's ecosystems, including their capacities to store carbon and how they react, now and in the future, to climate change;
  - b) Identify appropriate responses to the impacts of climate change on the natural resources in the Volta River Basin, among others by promoting methods to adapt to climate variability and climate change in the Volta River Basin;
  - c) Strengthen the capacities of all the stakeholders to address climate change and more specifically to formulate and implement the appropriate projects and programmes;



- d) Mainstream the management of the adverse effects of climate change into their programmes, projects and strategies for the sustainable management of the Basin.

### Article 56. Sub-regional strategy

1. The Authority shall design and implement sub-regional strategy for the mitigation of the effects of and adaptation to climate change in the Basin. Such strategy shall be consistent with national, sub-regional and regional programmes and plans.
2. Sub-regional strategy to attenuate the effects of and adapt to climate change shall be subject to the United Nations Framework Agreement on Climate Change signed on 9 May 1992 and the Paris Agreement on Climate Change signed on 12 December 2015.

## Chapter 8. Emergency planning and preparedness to ensure the protection of people, property, the environment and water resources

### Part 1. Managing emergency situations

#### Article 57. Notice of emergency

1. The State Parties shall immediately notify all the other State Parties as well as the Authority and any competent international organisations in the event of natural disasters or disasters caused by human activities affecting the river, aquifers and associated aquatic and terrestrial ecosystems in the hydrographic basin and occurring in their national jurisdictions if such disasters are likely to cause sudden, harmful effects on other State Parties.
2. Upon receipt of notice of emergency, the State Parties shall immediately inform the populations concerned by any suitable means.

#### Article 58. Information required

1. Emergency notice shall contain all information allowing the other State Parties to proceed as necessary to prevent or reduce the effects of the emergency situation on their own national territories, among others:
  - a) The time and exact location if appropriate, and the nature and characteristics of the emergency;
  - b) The alleged or known cause and the predictable evolution of the emergency situation;
  - c) Information about meteorological and hydrological conditions at the time and forecasts required to predict the continuous evolution of the emergency situation;
  - d) The protection measures taken or planned by the State affected to attenuate the consequences of the emergency situation in its own territory;
2. At the appropriate intervals, the State affected shall complete the information issued with any other relevant information on the evolution of the emergency situation, including its ending or when it is expected to end.
3. The affected State shall rapidly answer any requests for additional information or consultations by a State Party that is at threat or already affected so that the consequences of the emergency situation in its territory can be kept to a minimum.

4. There shall be no restriction on the use of information received unless the State affected by the emergency situation declares that it is confidential.

### Article 59. Establishment of emergency preparedness plans

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

2. The populations shall be informed about the emergency preparedness plans, including the relevant emergency warning systems.

3. Emergency preparedness plans and warning systems shall be maintained in operating order.

### Article 60. Assistance to the countries affected

1. Through their cooperation with the Authority, the State Parties shall provide mutual assistance to one another at the request of a State affected by an emergency situation.

2. They shall define and adopt mutually agreed procedures for such mutual assistance in compliance with international law. Such procedures shall cover the following among others:

- a) Steering, control, coordination and supervision of the assistance;
- b) Confidentiality of information disclosed during assistance;
- c) Transit of assistance personnel and equipment;
- d) Favours, immunity and facilities granted to assistance personnel and equipment;
- e) Remedy of loss or damage to third parties while providing assistance;
- f) In some cases, modalities for refunding the cost of assistance services.

## Part 2. Special measures for the management of floods and severely low waters

### Article 61. Specific measures to prevent and manage floods

1. Any State Party likely to be affected by flooding, or in a geographical location allowing it to take part in predicting such risks undertakes, within the framework of the Authority, to:



- a) Inventory and map flood hazards, vulnerability and the risks in all potentially flood prone areas in the territory concerned;
- 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 early warning system based on rain gauges and hydrometric stations;
- d) Establish Emergency Preparedness Plans defining the action conducted in the event of emergency or disaster situations.

2. 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;
- b) Put in place appropriate action to inform their populations as soon as possible and to minimise adverse effects due to flooding. The State Parties specifically undertake, after interpretation of the flood hydrographs, to inform the population living on the banks of the river every year regarding the maximum water level the river can be expected to reach.

## Article 62. Specific measures to prevent and manage severely low river waters and drought

1. Within five (5) years of the coming into force of the present Water Charter, the State Parties undertake to determine target indicators allowing them to classify and anticipate particularly severe low waters likely to prevent the maintenance of the target flows defined in Article 14 of the Water Charter while abstractions of the normally authorized quantities of water continue.



2. Within the same five (5) years, the State Parties undertake to define the measures to be taken in such situations which could 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 encourage careful management of water storage;
- c) Actions to reserve available water for drinking water supplies.

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

4. In the event of a low waters crisis, the State Parties agree 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.

5. Each State Party undertakes to inform the other State Parties, via the Authority, 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 Authority shall, insofar as it deems necessary, be entitled to declare the existence of such a situation itself and shall inform all the other State Parties whatever the circumstances.

6. The Authority 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 address such situations.



## Part 3. Water-related diseases

### Article 63. Prevention of water-related diseases

1. The Authority and the State Parties shall take all necessary measures to prevent water-related diseases in the Basin.
2. Through cooperation with the State Parties and the local populations, the Authority shall adopt and implement sub-regional strategy to prevent water-related diseases, in particular through:
  - a) Effective implementation of the right to water by providing adequate drinking water supplies;
  - b) Promotion of basic sanitation systems and best practices for hygiene and sanitation through information, awareness-raising and training;
  - c) Development of early warning systems to identify water-related diseases and maintaining them in operating condition.

### Article 64. Controlling water-related diseases

1. The Authority and the State Parties shall take all necessary measures to control water-related diseases in the Basin.
2. Through cooperation with the State Parties and the local populations, the Authority shall adopt and implement sub-regional strategy to control water-related diseases.



## Chapter 9. Prevention and repair of transboundary damage

### Article 65. Prevention of transboundary damage

1. When utilising shared water resources in their respective national jurisdictions, the State Parties shall implement all judicial, institutional, operational and other measures to prevent significant harm to other State Parties sharing the same water resources.
2. In particular, they shall avoid:
  - a) Causing damage to the environment with repercussions on the utilisation of shared water resources by another State;
  - b) Jeopardizing the renewable nature of shared water resources;
  - c) Endangering public health in another country.

### Article 66. Repairing transboundary damage

1. Any State Party causing significant harm to another State Party undertakes to immediately consult and if necessary negotiate with the State affected, through the Authority, in order to eliminate or attenuate such adverse effects as quickly as possible.
2. In the event that such consultation or negotiation fails to produce a mutually beneficial agreement to eliminate or attenuate the significant harm, the State Parties shall use the dispute settlement mechanism.
3. In order to preserve the interests of people who have suffered significant transboundary damage as a result of the activities of the State Parties, or who are seriously exposed due to 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.



## Section 3. Managing specific activities affecting water resources

### Chapter 10. Special provisions for navigation

#### Article 67. Freedom to navigate

1. All the State Parties are declared free to navigate on the navigable portions of the Volta River in accordance with the present Water Charter and the laws and regulations of the State Parties.
2. Navigation on the river shall take place according to the rules for the safety and protection of people, property and the environment.

#### Article 68. Maintaining and improving navigability on the river

1. The State Parties shall take all necessary measures to maintain and improve the navigability of the river.
2. They undertake, through their cooperation with the Authority, to remove and eliminate any physical or non-physical barriers likely to obstruct smooth traffic flows and to establish general terms and conditions for the maintenance, operation and supervision of works on inland waterways.
3. In conjunction with the Authority, they shall carry out the works and measures necessary to improve navigability on navigable parts of the river and to render navigable as much of the river as possible with due respect for river hydrology.

#### Article 69. Special pollution prevention and control for navigation

The Authority and the State Parties shall take all necessary measures to control pollution due to navigation activities in the Basin.

### Article 70. Works and facilities

1. The State Parties shall take all necessary measures to ensure that navigation on the river is not obstructed by hydraulic facilities, floating constructions, receptacles, underwater cables, overhead cables or any other obstacle whatsoever.
2. They shall forward the description of all facilities or works likely to obstruct navigation they plan to carry out or to commission on inland waterways to the Authority for communication to the other State Parties.
3. Such communications will include matters likely to arise during the performance of the said works or the operation of the infrastructure built.

### Article 71. Conditions and procedures for navigation

An appendix to the Water Charter shall determine the conditions and procedures applicable to navigation in the Basin.

## Chapter 11. Special provisions for fisheries and aquaculture

### Article 72. Sustainable fisheries and aquaculture

The State Parties shall take all appropriate measures to ensure the sustainable utilisation of the Basin's fisheries resources. The State Parties agree to adopt sustainable, responsible fishing and aquaculture methods in the Basin.

### Article 73. Fisheries resources conservation measures

1. In cooperation with the State Parties, the Authority 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.
2. Through its cooperation with the State Parties, the Authority shall ensure the monitoring of the fishing resources in the Basin.

### Article 74. Harmonizing fisheries and aquaculture regulations

1. The Authority, in cooperation with the State Parties, shall harmonize regulations on fisheries and aquaculture in the Basin.



2. The harmonization of regulations on fisheries shall mainly concern conditions and procedures for issuing fishing permits, fishing periods, methods, machinery and equipment, authorized species composing catch, the rigorous management of fish reserves and temporarily prohibited fishing zones.
3. The harmonization of regulations on aquaculture shall mainly concern the installation of fish-farms, pond improvement or construction works, construction of dams to supply fish farms and fish stock species.
4. The harmonization of regulations on fisheries and aquaculture shall be effective within five (05) years after the date of coming into force of the Water Charter.
5. An appendix to the Water Charter shall harmonize regulations on fisheries and aquaculture in the Basin.

## Chapter 12. Special provisions for transboundary transhumance

### Article 75. Acknowledgement of transboundary transhumance as a right

1. The State Parties acknowledge that the herdsmen in the Basin have the right to practice transhumance, to use pasture land resources, in particular plant, water and mineral resources, to feed their herds, in accordance with applicable community regulations and national legislation.

2. In doing so, they undertake to prevent intercommunity conflict between farmers and herders, among others by:

- a) Establishing, confirming and improving transhumance corridors, entrance points and conditions of stay in hosting places;
- b) Establishing the bearing capacity of the environment and the grazing areas in terms of animals;
- c) Developing cattle watering places along the trails to facilitate transhumance and lessen the chances of conflict with farmers.

### Article 76. Sustainable transhumance

1. The State Parties agree to implement measures so that transhumance is not detrimental to environmental preservation and to promote sustainable transhumance in their concern to preserve the rights of present and future generations.

2. They shall enforce community regulations on transboundary transhumance, including Decision A/DEC-5/10/98 of 31 October 1998 on the regulation of transhumance between the member States of the Economic Community of West African States and Rule C /REG.3/01/03 of 28 January 2003 on the enforcement of transhumance regulations among the member States of the Economic Community of West African States.



# Section 4. Instruments, tools and mechanisms to prevent and manage transboundary impacts

## Chapter 13. Transboundary environmental assessment

### Part 1. Strategic transboundary environmental assessment

#### Article 77. Promotion of strategic transboundary environmental assessment

1. Regional policies, programmes and plans for the development of water resources and the environment in the Basin shall be subject to strategic transboundary environmental assessment prior to their implementation.
2. The Authority and the State Parties shall facilitate regular recourse to strategic sectoral environmental assessment in the Basin.

#### Article 78. Implementation of environmental and social management frameworks

Through their cooperation with the Authority, the State Parties shall effectively implement agreed environmental management frameworks for strategic environmental assessment.



## Part 2. Transboundary environmental and social impact assessments

### Article 79. Promotion of transboundary environmental and social impact assessments

1. Activities conducted by a State Party in its own national jurisdiction, liable to cause adverse transboundary effects on the environment and human health in the Basin shall be subject to transboundary environmental and social impact assessment so as to take account of the effects on other national territories and to identify prevention and/or mitigation measures.
2. The Authority and the State Parties undertake to ensure the quality of transboundary environmental and social impact assessment.

### Article 80. Implementation of environmental and social management plans

The Authority and the State Parties shall ensure effective implementation of environmental and social management plans by enforcing them and conducting monitoring and evaluation.

### Article 81. Compliance with regional community instruments

The performance of transboundary environmental and social impact assessments of projects and programmes with transboundary impacts, and the implementation of environmental and social management plans shall be fully compliant with regional community instruments.

## Part 3. Transboundary environmental audit

### Article 82. Promotion of transboundary environmental audit

The State Parties undertake to perform regular transboundary environmental audits in order to assess the consequences of ongoing activities in the Basin to secure their compliance with all applicable national, sub-regional and regional environmental standards.

### Article 83. Monitoring of the implementation of transboundary environmental audit

The Authority shall ensure the external monitoring of transboundary environmental audits through regular control and checking that measures and recommendations resulting from audits are properly implemented. They shall also ensure the evaluation of the extent to which such measures are implemented.



## Part 4. Management and ownership responsibility for and harmonizing of transboundary environmental assessment

### Article 84. Management and ownership responsibility for transboundary environmental and social impact assessments

1. Through its cooperation with the State Parties, the Authority shall take on management and ownership responsibility for transboundary environmental and social impact assessments in order to be more effective in considering the interests of all the State Parties in projects causing transboundary impacts.
2. Such ownership responsibility for transboundary environmental and social impact assessments mainly concerns quality assurance by the Authority in the following:
  - a) Terms of reference for transboundary environmental assessment;
  - b) Transboundary environmental assessment reports;
  - c) Reports on the implementation of the environmental and social management plans and the monitoring of environmental audits.
3. Such responsibility shall also, as and when appropriate, include fund seeking for the implementation of transboundary environmental assessments.

### Article 85. Harmonizing strategic transboundary environmental assessment

1. The Authority, in cooperation with the State Parties, shall harmonize transboundary environmental assessment procedures in the Basin.
2. An appendix to the Water Charter on the protection of the environment shall state the modalities for the performance of transboundary environmental assessments in the Basin.

## Chapter 14. Prior notification of planned measures

### Article 86. Obligation to issue prior notification

1. All measures planned by a State Party in the Basin and liable to cause significant harmful effects in one or more other Basin countries shall be subject to prior notification to obtain authorization from the Authority, such authorization being issued according to the procedures set out in this Chapter.



2. The Authority shall, in the exercise of its powers for issuing prior authorization for planned measures, set a list of the types of planned measures for which prior notification is compulsory due to the significant harm they are likely to cause in other State Party countries.

3. Planned measures not listed as mentioned above shall be freely undertaken by the State Parties after prior declaration to the Authority. Such planned measures shall be implemented considering firstly the rule for equitable and reasonable utilisation, and secondly the rule for the utilisation of national territory without causing harm to others.

4. The set list of planned measures for which prior notification is compulsory shall be regularly updated by the Authority.

#### Article 87. Timeframe for responding to prior notification

Upon receipt of prior notification of planned measures from a State Party, the Authority shall respond within six (06) months of receipt of such prior notification.

#### Article 88. Prior notification recipient State

When a State Party intends to undertake planned measures liable to cause significant transboundary harm the said measures being on the list of planned measures subject to compulsory notification, it shall timely give written notice to all the State Parties via the Authority.

### Article 89. Content of prior notification

Such written notice shall convey all information and data allowing the Authority and the recipient State Parties to fully understand the transboundary harm the measures planned in the Basin are liable to cause, in particular the environmental and social impact assessment carried out in the frame of the planned measure.

### Article 90. Imposed timeframe for responding to prior notification

1. Upon receipt of notification, the Authority shall make all necessary arrangements to inform the State Parties as swiftly as possible by any written means.
2. The recipient State Parties shall react to the notification within four (04) months after its transmission by sending their comments or their answers concerning the planned measures to the Authority, which shall promptly proceed to inform all the State Parties of such reactions.
3. A lack of response from a recipient State Party within the aforementioned timeframe shall be considered as tacit consent to the implementation of the planned measures.

### Article 91. Examination of notification

1. Upon expiry of the period during which the State Parties are required to react, the Authority shall submit the notification of planned measures and the observations forwarded by the State Parties to the Panel of Independent Experts on the management of water resources and the environment for examination and opinions.
2. Upon receipt of the prior notification submission, the Panel of Independent Experts shall proceed to examine the case based on:
  - a) The data and information in the prior notification submission;
  - b) The observations of the State Parties;
  - c) The data and information derived from the technical tools available at the Authority;
  - d) All relevant data and information in the possession of the members of the Panel.



3. During and to facilitate the examination of prior notification by the Panel of Independent Experts, the Authority shall regularly consult the State Parties concerned and, as and when appropriate, organise consultation to agree on the appropriate prevention or mitigation measures in response to their opposition if voiced.
4. The Panel of Independent Experts shall, insofar as it deems necessary, consult external persons with appropriate skills in water and the environment, who are likely to provide relevant enlightenment.
5. Opinions of the Panel of Independent Experts shall be duly justified.

#### Article 92. Additional information and data

1. During the examination of notification, the Panel of Independent Experts shall, insofar as it deems necessary to accomplish its duties, request additional data and information if available from the State Party having submitted the notification or from notification recipient State Parties.
2. The Panel shall be entitled to ask the Authority to extend the timeframe for examination of notification to allow them to review the additional data and information provided by the State Parties.

#### Article 93. Obligations during the notice period

1. The notifying State Party shall refrain from implementing or authorizing the implementation of the planned measures before the issue of due clearance from the Authority.
2. It shall accept all consultation requested by a State Party or by the Authority.

#### Article 94. Authorization to proceed with planned measures

1. As advised by the Committee, the Authority shall respond in writing to the notifying State Party no later than six months after receipt of the notification documents.
2. If the planned measures receive clearance, the notifying State Party 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.
3. If the planned measures do not receive clearance, the decision to reject them shall be justified in writing.
4. Such justifications shall include, if appropriate, the conditions to be met by the notifying State Party so that the application can be re-examined.



## Article 95. Emergency implementation of planned measures

1. Where the implementation of the planned measures is extremely urgent for reasons of public health and safety or other equally important reasons, the State Party planning the measures shall be entitled, notwithstanding the provisions of articles 86 to 94, to proceed to implement them immediately under the procedure established in the present article.
2. The State Party contemplating such emergency implementation of planned measures shall immediately send the Authority an official declaration of the emergency, accompanied by all relevant data and information.
3. Upon request from any State Party involved, the emergency-declaring State Party shall promptly undertake consultation and negotiation, via the Authority, in compliance with the present Water Charter, in order to clarify the extreme emergency of the situation.
4. If the Authority 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.
5. Clearance for the emergency implementation of planned measures shall not relieve the State Party concerned of its obligation of equitable and reasonable utilisation nor of its obligation not to cause significant harm to other State Parties.

## Article 96. Implementation procedure

An appendix to the Water Charter shall define the nomenclature of planned measures subject to prior notification and the conditions and procedure for implementing prior notification of planned measures in the Basin.



## Chapter 15. Production, collection and exchange of data and information

### Article 97. Production and collection of data and information

1. The State Parties undertake to create conditions in which data can be effectively produced in the Basin.
2. In their respective jurisdictions, they shall regularly collect the data and information that is necessary for greater knowledge about water resources, the environment and the socio-economic conditions in the Basin.

### Article 98. Harmonized data production, collection and processing methods

The Authority and the State Parties shall coordinate to harmonize their methods for producing, collecting and processing data to facilitate its use at the sub-regional scale.

### Article 99. Exchanging data and information

With a view to sustainable management of the Basin, the State Parties undertake to proceed regularly with the exchange of data and information available on the Basin via the Authority in order to improve hydrological, environmental and socio-economic knowledge about the Basin.

### Article 100. Basin database

1. A Regional Database shall be set up henceforth within the Authority and under its control; the Database shall contain all the data and information on the water resources, ecosystems, environment, utilisation of water and socio-economic in the Basin, supplied regularly by the State Parties and intended to meet the needs of the Authority, the State Parties, their partners or any other user.
2. The Volta Basin database shall be managed by the Volta Basin Observatory, which shall disseminate data and information following the procedures agreed by the Authority and the State Parties.

### Article 101. Procedure for producing, collecting, exchanging and utilising data and information

An appendix to the Water Charter shall establish the procedure for producing, collecting, exchanging and utilising data and information in the Basin.

## Section 5. Hydraulic infrastructure

### Chapter 16. Common provisions for hydraulic infrastructure

#### Article 102. Hydraulic infrastructure planning

1. The Authority shall be in charge of planning future hydraulic infrastructure at the scale of the basin through a water resource management and development plan and a master plan, taking into account the national planning documents.
2. To this end, it shall, as and when it deems appropriate, use its hydrological allocation model of the Basin.

#### Article 103. Consultation of the people affected by the development of hydraulic infrastructure

1. The State Parties warrant that their affected citizens will be consulted in an effective and informed way at every stage in the development of hydraulic infrastructure in the Basin.
2. The consultation of project-affected people shall comply with standards and best practices explained to them beforehand so that they can effectively take part in the consultation process in full awareness.

#### Article 104. Involuntary resettlement and relocation

Involuntary resettlement and relocation of project-affected people and the associated compensation due to the development of hydraulic infrastructure shall take place in accordance with all relevant national law, customary law and international best practices.

#### Article 105. Hydraulic infrastructure safety

1. The State Parties warrant and represent that the hydraulic infrastructure constructed in the Basin shall be safe, thus avoiding all danger, threats or risk of damage to people, property and the environment.
2. The safety of hydraulic infrastructure shall be ensured by means of supervision, monitoring and regular maintenance operations on the said infrastructure.
3. The State Parties, in close conjunction with the Authority, shall ensure the previously mentioned functions.



## Article 106. Coordinated management of hydraulic Infrastructure

1. The Authority shall take charge of the coordinated management of hydraulic infrastructure in the Basin when its impacts are transboundary impacts.
2. Coordinated management shall comprise strategic management, tactical management namely seasonal planning, and operational management for the short term and in real time.
3. It specifically aims to ensure:
  - a) Compliance with target flows guaranteeing that requirements for downstream utilisation of water are met and preserving the services rendered by the Basin's aquatic ecosystems;
  - b) Mitigation of adverse transboundary effects of the infrastructure on sites and zones of social, cultural, economic, political and environmental interest;
  - c) Consolidation of the spirit of cooperation and solidarity among the State Parties in the development, utilisation and protection of water resources and ecosystems in the Basin;
4. To this end, it shall, as and when it deems appropriate, use its hydrological allocation model of the Basin.
5. An appendix to the Water Charter shall establish the modalities and conditions for the coordinated management of the hydraulic infrastructure in the Basin.

## Chapter 17. Special provisions for common facilities and facilities of common interest

### Part 1. Common provisions for common facilities and facilities of common interest

#### Article 107. Promotion

1. The State Parties shall prefer the construction of common facilities and facilities of common interest for the sustainable management of the Basin.
2. The State Parties shall therefore, insofar as they deem appropriate, agree to declare future facilities or those which already exist in the Basin Common Facilities or Facilities of Common Interest.

#### Article 108. Financing

1. Capital and operating costs for common facilities are shared between joint-owning State Parties based on the benefits gained by each of the joint-owning State Parties from the operation of the common facilities.
2. Common interest facilities shall be financed by the owner State.

#### Article 109. Benefit-sharing

1. Through the Authority, the State Parties shall ensure the equitable sharing of costs and benefits among themselves for common facilities and facilities of common interest.
2. They shall also ensure the equitable sharing of the benefits resulting from the operation of such facilities with the people affected by the facilities.
3. An appendix to the Water Charter shall determine the procedures for the financing, execution, management and sharing of the benefits of common facilities and facilities of common interest among the States and the populations affected.

### Part 2. Special provisions for common facilities

#### Article 110. Ownership of common facilities

1. Common facilities are the common, undividable property of the joint-owning State Parties.

2. The joint-owning State Parties are entitled to use, enjoy and manage the common facilities.
3. The joint-owning State Parties on whose territory all or part of the common facilities are built shall not prevent any of the other joint-owning State Parties from exercising their rights to use, enjoy and manage the common facilities.

#### Article 111. Immunity and privileges

1. Common facilities shall enjoy all immunity and privileges required for peaceful operation.
2. They shall in no circumstances be subject to search, requisitioning, confiscation, expropriation, nationalisation or any other form of seizure whatsoever by the legislative, executive or judiciary powers in the joint-owning State Parties.

#### Article 112. Asset management and ownership responsibilities for common facilities

1. Asset management and ownership responsibility for common facilities shall be vested in the Authority.
2. Such management of common facilities by the Authority shall include the performance of the technical, environmental and social studies, fund raising, and the implementation, operation and management of such facilities.

### Part 3. Special provisions for facilities of common interest

#### Article 113. Management of facilities of common interest

Facilities of common interest shall be subject to coordinated management in the frame of the Authority.

#### Article 114. Asset management and ownership responsibilities for facilities of common interest

Asset management and ownership responsibility for facilities of common interest shall be vested in the proprietary State, with the exception that asset management and ownership responsibility for environmental and social impact assessments shall be vested in the Authority.



# Section 6. Role of Stakeholders and Local Community Rights

## Chapter 18. Role and responsibility of stakeholders

### Part 1. Public sector stakeholders

#### Article 115. Volta Basin Authority

1. Through its cooperation with the State Parties, the Authority shall:

- a) Monitor, implement and evaluate regional community instruments on water and the environment at the scale of the Basin;
- b) Make sure that the polluter pays, abstractor pays and user pays principles are put into practice;
- c) Develop and enforce instruments or tools for planning, development, management, governance and sustainable financing in the basin, as defined in Chapter 21 of the Water Charter;
- d) Receive prior notification of planned measures and respond within the set timeframe;
- e) Fulfil asset management and ownership duties for common facilities, sub-regional projects and programmes and environmental and social impact assessments, as well as the monitoring of the implementation of environmental audits;
- f) Deliver coordinated management of hydraulic infrastructure causing transboundary impacts;
- g) Develop regular reports on the status of water resources and the environment in the Basin;
- h) Facilitate the organisation of the basin's stakeholders to form networks, thus promoting the exchange of information, data and best practices in the management of water and the environment;
- i) Take part in raising international funding for sub-regional projects undertaken by the Authority itself or for common facilities or common interest facilities on behalf of the States;
- j) Strengthen cooperation with subregional and regional African organisations and with bilateral and multilateral cooperation stakeholders.

2. Through its cooperation with the State Parties, the Authority shall deliver technical, financial and material support in the following:

- a) Setting up and effective running of institutions, bodies and frameworks for consultation in the frame of integrated water resource management within the national portions of the basin;
- b) Rendering IWRM taxes and fees operational, in particular by contributing to financing project preparation studies and drafting instruments on the levying of taxes and fees, on capacity-building for the State Parties regarding the levying of taxes and fees and raising the awareness of the users who have to pay them;
- c) Setting up and effective functioning of National Focal Points;
- d) Collection and exchange of data and information from the State Parties;
- e) Promotion of the people's rights;
- f) Design and implementation of common research programmes and projects and the utilisation and extension of their results regarding sustainable practices for the management of water and the environment;
- g) Rendering operational water law and regulations in the State Party countries;
- h) Involving stakeholders in activities at the sub-regional level, and the national level;
- i) Support to the creation and functioning of civil society organisations whose purpose is to contribute to the sustainable management of water and the environment in the Basin;
- j) Creation, functioning and monitoring of bilateral and transboundary entities to manage water and the environment among the local authorities in the various State Party countries;
- k) Organisation of stakeholders to form information networks promoting best practices in the management of water and the environment.



## Article 116. State Parties

1. The State Parties bear key responsibility for enforcing the present Water Charter in their national portions of the Basin.
2. They shall take all administrative, legal, institutional, operational and other measures to ensure the effective implementation of the Water Charter; to this end, they shall:
  - a) Each adopt national water policy;
  - b) Each within its own respective portion of the Basin, create and render operational bodies or entities in charge of water resource management per hydrographic basin or sub-basin;
  - c) Each at its own national level, create and render operational an interministry coordination body for water resource management to avoid inter-institutional overlapping and competition;
  - d) Guarantee the supply to the users of the amounts of water necessary to meet the different socio-economic demands subject to the availability of water resources;
  - e) Ensure the effective involvement of the other stakeholders in the national portions of the Volta Basin by creating conditions to facilitate their participation in the National Focal Structures and coordinate their activities in order to maintain complementarity and synergy in them;
  - f) Diligently adopt regulations enacting water and environment law and specifications for the different types of hydraulic infrastructure for greater effectiveness of such legislation;
  - g) Effectively introduce integrated water resource management taxes and fees in their respective national territories;
  - h) Set up National Focal Structures and ensure their institutional and financial sustainability;
  - i) Set up operational powers to enforce water law and regulations by preventing and punishing infringements in breach of legislation on water in order to ensure better protection of water as public property;
  - j) Ensure good governance, in particular maintaining integrity in the water sector;
  - k) Take any internal legal measures necessary to ensure dam safety;
  - l) Facilitate pilot IWRM action to encourage greater sharing of experience on shared water resource management; such action shall mainly consist of activities to prevent poverty and to generate income-earning activities;
  - m) Facilitate the adoption of agreements or the creation of institutional frameworks for the management of water resources and the environment between two or more State Parties;
  - n) Facilitate the creation of a platform for civil society organisations and a platform for research workers, both at the national and at the basin levels;



- o) Draw up the national reports on the implementation of the Water Charter in their national portions of the Basin.

### Article 117. Local authorities

1. The local authorities shall assist the State Parties in the implementation of the Water Charter, according to the powers they have been granted by national legislation.

2. They shall therefore:

- a) Assist central and decentralized entities in the sustainable management of water and the environment in the Basin;
- b) Take on asset management and ownership responsibility for drinking water supply and sanitation;
- c) Take part in the resolution of conflict between different communities living in the Basin;
- d) Facilitate the social mobilisation of the local stakeholders through information and awareness-raising on all matters related to the management of water and the environment;
- e) Promote inter-community and inter-regional cooperation on water and the environment in the State Party countries;
- f) Promote transboundary cooperation between the local authorities of the different State Parties, among others through transboundary structures to manage water and the environment;
- g) Contribute to financing activities to manage water and the environment in their respective jurisdictions;
- h) Take part in identifying water-related issues.





## Article 118. National hydrographic basin water resource managing entities

National hydrographic basin water resource managing entities shall, through the National Focal Structures:

- a) Promote integrated water resource management, in their respective jurisdictions;
- b) Organise stakeholder consultation in their national portions of the Basin;
- c) Develop and implement master plans for the development and management of water resources and if necessary water resource management and development plans;
- d) Collect taxes and fees due by application of the polluter pays, abstractor pays and user pays principles;
- e) Supply the Authority with data on water resources and the environment in the Basin so that it can be used by the Volta Basin Observatory;
- f) Take part in information and awareness-raising activities for the local populations in the Basin;
- g) Promote the rational use of water resources, the prevention of pollution and the protection of aquatic habitat across the Basin.

## Article 119. Research institutes

1. Research institutes shall support the Authority and the State Parties mainly in the following manner:

- a) Design and execution of thematic research programmes on major water and environment related issues in the Basin, and the dissemination of their results;
- b) Input to the Basin database;
- c) Development, utilisation and extension of research results regarding sustainable practices for the management of water and the environment in the Basin;
- d) Contribution to capacity-building for the stakeholders, in particular through training and vocational training adapted to their needs;
- e) Development of water saving methods.

2. They shall arrange to form and be part of research networks at both the national level and at the level of the Basin.

## Part 2. Non-state stakeholders

### Article 120. The private sector

1. The private sector shall cooperate with the Authority and the State Parties in the sustainable management of the river basin by providing services and building and operating hydraulic infrastructure.
2. It shall pay all taxes and fees due by application of the polluter pays, abstractor pays and user pays principles.
3. It shall take part in the development of hydraulic infrastructure through public-private partnerships.

### Article 121. Water users

Water users shall contribute to the sustainable management of water resources and the environment in the Basin. They shall therefore:

- a) Support national and regional plans for integrated water resource management;
- b) Facilitate the emergence of local best practices for water management and for water savings in particular.
- c) Pay all integrated water resource management taxes and fees due in accordance with the polluter pays, abstractor pays and user pays principles;
- d) Form users' associations at the various levels of water resource management.

### Article 122. National non-profit and non-governmental organisations

1. Non-profit and non-governmental organisations, grassroots community organisations and the federations and unions to which they belong undertaking activities in the water and sanitation sector, shall cooperate with the Authority and the State Parties to implement integrated transboundary water resource management.
2. They shall therefore:
  - a) Take part in the decision-making process, among others for the development of policy, legislation and strategy to manage water and the environment, and in public consultation mechanisms organised in the frame of environmental assessment;



- b) Take part in the design, development, implementation and monitoring and evaluation of public sector plans, programmes and projects to manage water and the environment;
- c) Design and perform or commission the performance of their own or State programmes and projects on water and the environment for the benefit of the local inhabitants, facilitating among others grassroots community initiative, the empowerment of the populations and access to water and other natural resources;
- d) Keep watch to ensure better governance in the water sector;
- e) Contribute to social mobilisation and to the information and education of the populations regarding the sustainable management of water and the environment;
- f) Contribute to the dissemination of best practices for the utilisation and protection of water resources;
- g) Contribute to fund-raising at the national and international levels in order to implement projects and programmes for the sustainable management of water for the benefit of the people.
- h) Arrange to form and be part of civil society stakeholders' networks at both the national level and at the level of the Basin.

### Article 123. Customary and traditional authorities

1. The Authority and the State Parties acknowledge the importance of the role of customary and traditional authorities in the protection of the environment and water resources because of their familiarity with the local communities and the natural environment.
2. Customary and traditional authorities shall facilitate the promotion of best practices for water and the environment and help prevent and settle conflict between the stakeholders in the water sector.

## Part 3. International partners

### Article 124. Regional community integration organisations

Regional community integration organisations shall:

- a) Design and implement regional community instruments for the management of shared water resources and the environment, among others, subregional policies, directives, regulations, strategies and action plans;
- b) Cooperate with the State Parties and the Authority to implement regional community instruments for the management of water resources and the environment in the Basin;
- c) Take part in international fund-raising for the implementation of projects and programmes for the sustainable management of the Basin;

### Article 125. International non-governmental organisations

International non-governmental organisations shall:

- a) Support local non-governmental organisations in the performance of their activities;
- b) Take part in international fund-raising to finance sustainable management projects and programmes in the Basin;
- c) Take part in the promotion of international best practices for water and the environment.

### Article 126. Technical and financial partners

1. Technical and financial partners for bilateral and multilateral cooperation shall provide financial and technical support to the implementation of the Basin's sustainable management projects and programmes.

2. They shall facilitate the achievement of international goals for development in the Basin.

## Chapter 19. People's rights

### Article 127. The right to water and sanitation

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



2. The right to water and sanitation shall be provided at all times and in all places.
3. The introduction of taxes and/or fees under the polluter pays, abstractor pays and user pays principles and the use of public-private partnerships in the water sector shall be compatible with the protection of people's rights to water and sanitation.
4. Therefore, the State Parties undertake to proceed with legal and institutional reform and the necessary capital investments to secure the right to water and sanitation in an equitable, responsible manner, while securing resources for future generations.

### Article 128. Informing the public

1. The State Parties shall make sure that the people affected by water management measures or by hydraulic infrastructure are properly informed so that they can effectively take part in the public decision-making process regarding shared water resources.
2. They shall therefore ensure that information about the condition of transboundary waters, about measures planned or implemented to prevent, control and attenuate the transboundary impact of the activities and about the efficiency of such measures is available to the public.
3. Through its cooperation with the State Parties, the Authority shall prepare a basin-wide communication plan and strategy.

### Article 129. Public participation

1. The State Parties shall ensure effective participation of the public in the management of the shared water resources in the Basin.
2. Public participation to matters concerning water resources shall comprise:
  - a) Public participation to the decision-making process for the management of shared water resources to afford greater transparency in that process, to obtain better public decisions and enforce them more efficiently thanks to greater support from the public;
  - b) Public participation to the management of shared water resources through the development, implementation and evaluation of plans, programmes and projects on the subject so that the local inhabitants become real partners and beneficiaries.
3. Among others, the State Parties shall ensure the participation of women, young people and vulnerable people.
4. Through its cooperation with the State Parties, the Authority shall prepare a basin-wide stakeholder participation strategy.

### Article 130. Freedom to form associations for water management

The stakeholders involved in the water sector shall be free to organise themselves at the different levels of management of water resources and the environment, as provided for by currently applicable national legislation on the liberty to form associations, for the best possible defence of their interests.

### Article 131. Consideration of gender issues

The Authority and the State Parties undertake to pay special attention to the interests and contributions of women, men and vulnerable people in terms of:

- a) Decision-making about water and the environment, in particular when developing and adopting policy and legislation on water and the environment, and when formulating, performing and assessing development policies, programmes and projects;
- b) The right to water and sanitation;
- c) Capacity building;
- d) Investment operations in the water sector.

### Article 132. Acknowledgement and protection of customary and traditional rights

1. The State Parties acknowledge the importance of traditional customary law on water and the environment through traditional practices, techniques, methods and rules and local know-how compatible with the sustainable management of the Basin's water resources and environment.
2. They shall particularly encourage traditional water sharing systems in the Basin.
3. They shall ensure special protection of sacred waters and forests and of customary fishing.
4. They shall encourage local conventions in the management of water resources and the environment.

### Article 133. Sharing the benefits from the use of genetic resources

1. The State Parties acknowledge and undertake to maintain the rights of the local communities to access genetic resources and to a fair and equitable share of the benefits gained from their use and from the associated traditional know-how, in accordance with the Convention on Biological Diversity adopted on 5 June 1992 and the Nagoya Protocol on access to genetic resources and the fair and equitable sharing of benefits gain from their use adopted on 29 October 2010.
2. They therefore undertake to ensure that:



- a) Local communities have given prior consent in full awareness regarding the utilisation of their genetic resources and associated traditional knowledge;
- b) Local communities obtain a fair and equitable share of the benefit gained from the commercial and industrial exploitation of genetic resources and associated traditional knowledge.

#### Article 134. The right of associations and non-governmental organisations to bring legal action

The State Parties hereby acknowledge that legally formed associations and non-governmental organisations have the right to bring actions and engage in proceedings before a court to defend community interests regarding the environment and water resources.

#### Article 135. The right to recourse

1. The State Parties agree to be careful to preserve the general public right to administrative, legal or other recourse when anyone deems to be suffering any kind of loss whatsoever regarding the exercise of their legitimate rights in the management of water and the environment.
2. They shall introduce adequate legal aid mechanisms to eliminate or limit financial or other obstacles liable to impede the public in the exercise of their aforementioned right to recourse.



# Section 7. Implementation of the Water Charter

## Chapter 20. Specific implementing organs

### Article 136. The creation of specific implementing organs

1. In addition to the bodies created by the Convention and the Statutes, which contribute to the implementation of the present Water Charter, specific organs shall be created to implement the Water Charter.
2. The implementing organs specifically created under the present Water Charter are:
  - a) The Volta Basin Panel of Independent Experts on water resources and environment;
  - b) The Volta Basin Inter-parliamentary Committee.

### Article 137. Panel of Independent Experts on water resources and environment

1. The Panel of Independent Experts on water resources and environment shall be the advisory body in charge of providing the Authority with scientifically justified opinions on all aspects of sustainable management of water and the environment in the Basin.
2. The Authority shall cover the Panel's operating costs.

### Article 138. Interparliamentary Committee

1. The role of the Volta Basin Inter-parliamentary Committee shall be to promote the interests of the Authority to achieve the sustainable management of the Basin, at national, sub-regional, regional and world scales.
2. The operating costs of the Interparliamentary Committee shall be jointly covered by the Authority's and the national parliament budgets.



### Article 139. Equitable representation of gender

Through its cooperation with the State Parties, the Authority shall make sure of the equitable representation of gender in the organs created in the frame of the present Water Charter.

### Article 140. Duties, organisation and functioning

An appendix to the Water Charter shall define the duties, composition, organisation and functioning of the specific organs created by the Water Charter.

## Chapter 21. Instruments and tools for the implementation of the Water Charter

### Article 141. Planning and development instruments

1. Through its cooperation with the State Parties, the Authority shall develop and implement a master plan for the development and management of water at basin scale.
2. Through their cooperation with the Authority, the State Parties shall develop and implement master plans for the development and management of water in their respective national portions of the basin at national sub-basin scale.

### Article 142. Technical management instruments

Through its cooperation with the State Parties, the Authority shall:

- a) Develop a hydrological water resource allocation model at basin level;
- b) Create a Basin Observatory and dot it with adequate resources to allow it to ensure the monitoring of evolution in the river basin, in particular by collecting, formatting, processing and backing-up data, and also to produce regular information on development in the basin by analysing the data gathered and disseminating them among stakeholders and decision-makers.

### Article 143. Scientific management instruments

1. The Authority, in cooperation with the State Parties, undertakes to provide substantial financing for scientific research in the Basin, considering its fundamental role in the production of knowledge about and the utilisation and protection of water resources and the environment as well as in the prevention and settlement of environmental and social disputes in the Basin.

2. It shall therefore encourage national and international research institutes to undertake joint research programmes on the knowledge, utilisation and protection of water resources and ecosystems as a contribution to solving major challenges for sustainable development in the Basin.
3. It shall encourage research institutes to form networks or create research platforms in order to facilitate the exchange of scientific data and information among the members of such networks.
4. It undertakes to extend and economically utilise research findings on the use and protection of transboundary waters through the effective adoption of innovation and technologies developed through research and the industrial and commercial use of such research findings. Special attention shall be paid to extension and to the economic utilisation of water saving techniques.
5. Scientific research in the Basin shall take traditional knowledge and local know-how on the sustainable management of water and the environment into account to build up synergy between research workers and the bearers of traditional expertise.

#### Article 144. Governance instruments

Through its cooperation with the State Parties, the Authority shall be provided, among others, with:

- a) A shared vision of the Basin;
- b) Stakeholder engagement strategy and information plan;
- c) Communication strategy and plan;
- d) Capacity building strategy and plan;
- e) Sustainable financing strategy and plan for the basin;
- f) A short, medium and long-term investment plan.

#### Article 145. Operational instrument

1. Through its cooperation with the State Parties, the Authority shall regularly adopt an Action Plan for the implementation of the Water Charter.
2. The Action Plan shall determine priority actions to be undertaken, deadlines, the stakeholders responsible for each action and the related costs in order to ensure the effective implementation of the Water Charter.



## Article 146. Monitoring and evaluation instrument

1. The Authority and the State Parties shall, as concerned respectively, ensure the monitoring and evaluation of the implementation of the Water Charter.
2. The State Parties shall regularly prepare and send the Authority national reports on the implementation of the Water Charter. National reports on the implementation of the Water Charter shall be developed with the effective involvement of all the stakeholders.
3. The Authority shall regularly proceed with the evaluation of the implementation of the Water Charter at basin scale. The sub-regional evaluation shall be partially based on the national evaluation reports. It shall mainly concern progress in Water Charter implementation, the obstacles encountered and the proposal of solutions to improve its enforcement. The evaluation report shall be submitted to all the Authority bodies for comments. If necessary, the Authority shall perform inspections in the State Party countries in order to collect information on the implementation of the Water Charter in those countries.
4. Through its cooperation with the State Parties, the Authority shall determine the intervals, template and format of the national reports on the implementation of the Water Charter.

## Chapter 22. Promotional measures

### Article 147. Capacity building

1. The State Parties shall develop and implement a plan or a training programme to strengthen the capacities of all the stakeholders involved in the sustainable management of shared water resources and the environment in the Basin.
2. In the frame of such stakeholder capacity-building activities, special attention shall be paid to women, youths and civil society organisations so that they effectively take part in the decision-making process and to make them strategic partners, thus improving the preparation, design and implementation of projects and programmes on the management of water resources and the environment.

### Article 148. Environmental education

The State Parties and the Authority 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 management of water and other natural resources in the Basin.

### Article 149. Promote partnerships with non-profit and non-governmental organisations

The Authority agrees to facilitate the promotion of partnerships with non-profit and non-governmental organisations at the sub-regional, national and local levels in order to improve their contribution to the sustainable management of the basin.

### Article 150. International partnerships

1. In the performance of its mandate, and more specifically in the implementation of the Water Charter, the Authority shall, insofar as it deems appropriate, allow non-member States to take part in its meetings or activities when such attendance contributes to the performance of its mandate.
2. It agrees to facilitate the participation of international organisations involved in the sustainable development of the Basin, in particular regional community integration organisations and neighbouring transboundary basin organisations.
3. It agrees to encourage the attendance of international non-governmental organisations working in the Basin by granting them advisory status.



## Chapter 23. Settlement of disputes

### Article 151. Obligation to settle 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 Water Charter for the Volta Basin, in accordance with the United Nations Charter, the Constitutive Act of the African Union and the United Nations Declaration of international law principles governing friendly relations and cooperation between States.

### Article 152. Friendly settlement

1. The State Parties agree to come to a friendly settlement in the event of disputes concerning the interpretation or application of the Water Charter.
2. They agree to rapidly undertake direct negotiations to reach a peaceful settlement.
3. Negotiations shall be in good faith with the will to come to an agreement based on the community of interests binding the State Parties in the sustainable management of the Volta River Basin.

### Article 153. Dispute resolution by the Authority

1. If the State Parties fail to come to an amicable agreement, any party thereto shall bring the case to the Authority which shall conduct mediation and alternative dispute resolution procedure in an attempt to reach a settlement.
2. During the mediation or alternative dispute resolution procedure conducted by the Authority, the State Parties may bring their case before the Executive Directorate, the Council of Ministers or the Assembly of Heads of State and Government.

### Article 154. Dispute resolution by the regional and continental authorities

If the Authority is unable to settle the dispute, any State Party to the dispute may bring the case respectively before the competent organs of the Economic Community of West African States and the African Union.



### Article 155. Referral to the International Court of Justice

If all the previous dispute resolution mechanisms fail, the States Parties concerned in the dispute shall bring the case for judicial settlement before the International Court of Justice.

### Article 156. Interim measures

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

### Article 157. Validity of non-controversial terms and conditions

1. 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.
2. They shall cooperate with the competent organs of the Authority to enforce such provisions.





## Section 8. Miscellaneous and Final Provisions

### Chapter 24. Miscellaneous

#### Article 158. Asset management and ownership responsibility for sub-regional projects and programmes

1. The Authority shall bear asset management and ownership responsibility for sub-regional sustainable development projects and programmes causing transboundary impacts.
2. The asset management and ownership responsibility for sub-regional sustainable development projects and programmes in the Basin incumbent to the Authority mainly concerns the performance of technical studies, fund seeking, the performance of environmental and social studies and the monitoring and evaluation of such projects and programmes.
3. It is up to the State Parties to facilitate the accomplishment of asset management and ownership duties for sustainable development projects and programmes in the Basin by the Authority.

#### Article 159. Water and environment law and regulations

1. The State Parties shall bear the key responsibility for effective enforcement of water and environment law and regulations in the Basin.
2. The State Parties undertake to ensure the effective application of legislation and regulations on water resources and the environment.
3. To do so, they shall, *inter alia*, implement all necessary internal normative, institutional and operational measures against such infringements in accordance with their national legislation.
4. The Authority shall provide the State Parties with its technical and financial support to the effective enforcement of water and environment law and regulations in the Basin.

### Article 160. Third party and/or criminal liability

1. The payment of abstraction taxes and/or fees for non-consumptive uses of water or for the pollution of water 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 national law of their respective State Party country.
2. The State Parties shall take all necessary measures to repair damage to people and property and to punish infringements or offences in breach of the national legislation adopted in accordance with the Water Charter.

### Article 161. Incentive

Through their cooperation with the Authority, the State Parties undertake to organise administrative, tax and other incentive to support economic operators adopting environment-friendly procedures for their use of water resources.

### Article 162. Appendices

1. The provisions of the Water Charter are refined in Appendices.
2. All such Appendices form an integral part of the Water Charter.
3. The Council of Ministers alone shall be entitled to adopt and revise Appendices to the Water Charter.
4. Appendices adopted or revised by the Council of Ministers shall come into force thirty (30) days after being adopted and in cases of emergency, fifteen (15) days after being adopted.



## Chapter 25. Final provisions

### Article 163. Adoption

The Water Charter is adopted by the Assembly of Heads of State and Government in accordance with its modes of deliberation.

### Article 164. Depository institution

Ratifying instruments shall be deposited with the Government of Burkina Faso which shall inform the other State Parties, members of the Authority.

### Article 165. Ratification

1. The present Water Charter is ratified by the State Parties, members of the Authority, in accordance with their constitutional rules and procedures.
2. Ratification of the Water Charter by the State Parties, members of the Authority shall be effective no later than eighteen (18) months after its adoption by the Assembly of Heads of State and Government.

### Article 166. Date of coming into force

1. The present Water Charter shall come into force thirty (30) days after the fourth deposit of State Party ratifying instruments.
2. It shall remain in force while the Convention and Statutes remain in force.

### Article 167. Registration

The present Water Charter shall be registered with 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 168. Amendments

1. The Water Charter may be amended upon request of any State Party.
2. The request must be in writing to the acting Chairperson of the Assembly of Heads of State and Government, who shall inform the other State Parties.
3. The Assembly shall examine the request for amendment at its earliest convenience and adopt the amendment upon a two thirds majority vote of the State Parties.
4. The amended Water Charter shall enter effect in the same conditions as the present Water Charter.



## Article 169. Withdrawal of a State Party

1. 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 Chair of the Assembly of Heads of State and Government.
2. The Chair of the Assembly of Heads of State and Government shall upon receipt of the written notice of withdrawal from the Water Charter swiftly inform the other State Parties.
3. Written notification of withdrawal from the Water Charter shall be examined by the Assembly of Heads of State and Government at its next session, or in the event of emergency, at an extraordinary meeting convened for the purpose.
4. Withdrawals shall be effective one year after the date of the session of the Assembly where the withdrawal notice was accepted.
5. Prior to its withdrawal from the Water Charter, the State Party shall observe and fulfil all its obligations under the Water Charter including all those resulting from signing it as a State Party and incurred before the date at which its withdrawal is brought into effect.



## Article 170. Authentication

**IN WITNESS WHEREOF**, the Heads of State and Government hereafter have signed the present Water Charter for the Volta River Basin in *[Town/City]*, on *[Date]*, in six (06) original copies, in English and French, both versions being authentic.

For the Republic of Benin

For Burkina Faso

For the Republic of Côte d'Ivoire

For the Republic of Ghana

For the Republic of Mali

For the Republic of Togo



## VOLTA BASIN AUTHORITY



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A component of the VSIP (Volta Strategic action programme  
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