

Chad 2018 Validation under the 2016 EITI Standard

MSG comments on the draft Validation report

Annex 2

Reactions of members of the High-level Committee (see the attached list) on the Chad draft validation report at the meeting of 05/03/2019		
Page of the report	Points	Comments and observations
1	Context	The participants wanted the dates to be revised in accordance with the information on the draft, which can be found on the Swissaid website. NB: For the dates, please take account of the observations of the Association of Petroleum Operators in the annex.
2	“The government has agreed large loans from Glencore to reinvest in oil fields that are reaching maturity.”	The purpose of the loan was to purchase shares of Chevron and not to reinvest in oil fields that are reaching maturity.
2	“devant largement dépendante” [“in front of largely dependent”]	Replace “devant” [“in front of”] by “devenant” [“becoming”]
4	“April 16, 2010 ⁵ ”	Replace by April 16, 2010
4	“The EITI has clearly contributed to enhancing transparency in Chad's petroleum and gas sectors.”	Replace “gas” by “mining”. This applies throughout the document.
8	Recommendation1	Under Decree 1637, Chad EITI will support the actions of civil society that are summarized in the attached document.
9	In view of the dissolution of the Petroleum Revenue Control and Supervision College (CCSRP) in April 2018 and its mandate to report the disbursement and allocation of the 5%, Chad is encouraged to specify which government agencies are responsible for	The prerogatives of the CCSRP have been taken over in part by the Chamber of Accounts, particularly as regards control activities “ex post”. Ex ante” control activities have still to be regulated. The government is giving attention to the matter, which it intends to resolve by means of a law.

	these prerogatives as of 2017	
10	Under Requirement 6.2, Chad is required to develop a reporting process for fuel subsidies and national debt servicing that are not included in the national budget.	According to the table of Public Debt, which is attached, the servicing of the national debt is taken into account in the state budget.

Annex 3

This report makes recommendations for specific improvements that the multi-stakeholder group may consider implementing. A list of strategic recommendations are given below, which could help Chad to optimize its use of the EITI as a tool to accompany reforms.

1. Under Requirement 1.3 and the civil society protocol, Chad must provide an adequate space for active, full and effective participation of civil society in the EITI process, without fear of reprisal. It is recommended that adequate safeguards be put in place to effectively overcome the provisions of laws and regulations (for example, Ordinance 23), which limit the freedom of action of civil society. It is recommended that the scope of the provisions contained in the Presidential Decree, which are intended to protect civil society representatives who are members of the multi-stakeholder group, be extended to include legal protections for all civil society actors who make a substantial contribution to the EITI process.

Answer of the Independent Administrator:

No comments

2. Under Requirement 1.4, Chad should ensure that the procedures set out in the 2018 Decree are implemented in practice. Chad should check that each college publishes its procedures for the appointment and amendment of its respective members of the multi-stakeholder group and that the members have the capacity, which they need in order to carry out their duties. The multi-stakeholder group should clarify its policy and practices regarding per diems and ensure that they do not lead to conflicts of interest. Chad should ensure that meetings of the multi-stakeholder group are announced well in advance and that documents are circulated in a timely manner before being debated and eventually adopted. Chad must ensure that all discussions and resolutions of the multi-stakeholder group are properly documented and their publication online is encouraged. In addition, Chad is encouraged to provide appropriate training to new members of the multi-stakeholder group, to provide adequate funding for EITI implementation and to ensure that the multi-stakeholder group operates in an environment that is favourable for carrying out its mandate, in accordance with Article 24 of the 2018 Decree, thereby enabling Chad EITI to carry out its mandate. In view of the important role of the petroleum sector in Chad, it is also recommended that Glencore appoints a representative to the multi-stakeholder group in order to ensure adequate corporate representation.

Answer of the Independent Administrator:

No comments

3. Under Requirement 2.2, Chad will need to ensure that information on licenses granted and transferred in both sectors is publicly available. Chad is expected to disclose the technical and financial criteria, which were used to grant or transfer licenses. In the case of licenses awarded through a bidding process, Chad is required to disclose the list of applicants and the criteria for application. Chad is also encouraged to disclose comprehensive and timely information on licenses granted before and after the year under review, based on publication of licensing decrees in the Official Gazette. Chad is encouraged to include additional information about licensing in the EITI declaration, together with a commentary on the effectiveness and efficiency of procedures for the awarding of licenses.

Answer of the Independent Administrator:

Chad will need to ensure that information on licenses granted and transferred in both sectors is publicly available:

The list of licenses granted and transferred is available on page 47 of the Report and in Appendix 10 of the report: "Based on our interview with the Director General of the MMGC [Ministry of Mines, Geology and

Quarries] we understand that 40 permits were granted on a direct basis in 2016, details of which can be found in Appendix 10 of this report."

There was no licensing agreement in 2016 in the petroleum sector. In any case, the list of permits granted in 2015 is available in the 2015 EITI Report.

Chad is expected to disclose the technical and financial criteria, which were used to grant or transfer licenses:

Explanation of the technical and financial criteria is included in the report on pages 33, 34 and 47:

Page 33 and 34:

"Technical capacity: According to the Director General at the Ministry of Petroleum, in practice, the company provides a presentation of its activity, its projects (ongoing or already completed) in Chad or elsewhere, as well as its quantified outputs (quantities produced, value of drilling and seismic work carried out in similar projects) in the petroleum sector. Subsequently, managers under the Director General carry out investigations (specifically, internet research) to corroborate this information by means of other external sources and retain the right to request any other document, which they deem useful. According to the Director General, the technical capacity of the company is also verified through an evaluation of the work programme, which was provided by the company when it applied for the permit;

Financial capacity: according to the Director General at the Ministry of Petroleum, the company's financial capacity is proven by a bank guarantee provided to the Ministry and which can be exercised in case of failure to carry out the work programme, and by proof of payment of fixed fees when applying for the permit. This capacity is verified by analysis of the financial reports provided by the applicant. The Economic and Tax Studies Department analyzes the certified financial statements provided by the applicant for the last 3 financial years, paying particular attention to such key data as the level of free capital, total annual investments and the company's revenue in order to obtain sufficient assurance as to the sustainability of the company and its ability to carry out its work programme."

Page 47:

"- as regards technical capacity, the company usually invites Ministry representatives to visit its headquarters in order to carry out an assessment of the equipment, which it has at its disposal; and

- financial capacity is proven by a statement of funds held by the company on its bank accounts."

- Chad is encouraged to disclose comprehensive and timely information on licenses granted before and after the year under review, based on publication of licensing decrees in the Official Gazette.

Information on licenses awarded before and after the year under review is available in the Official Gazette (see page 48 of the Report). It is also available at in previous EITI reports (see the 2015-2014 Reports ...):

Page 48:

"Permit issue orders are published in the Official Gazette of the Republic of Chad 1 (JORT) in French and Arabic. Any interested party can obtain a copy of the JORT for the month of signature of the permit by paying 2000 FCFA (USD 3). Each license order has a separate number and includes the following information:

- The holder of the title;
- Geographic coordinates of the permit;
- The area of the permit; and

- The period of validity of the permit."

Page 31:

"Also, we have pointed out that permit issue orders are published in the Official Gazette of the Republic of Chad 1 (OJ) in French and Arabic. Any interested party can obtain a copy of the JORT for the month of signature of the permit by paying 2000 FCFA (USD 3). Each license order has a separate number and includes the following information:

- The holder of the title;
- Geographic coordinates of the permit;
- The area of the permit; and
- The period of validity of the permit."

4. Under Requirement 2.3, Chad is required to maintain a public register or public cadastre system containing comprehensive data on licenses held by all petroleum, gas and mining companies. Chad might consider using the map currently available on the website of the Ministry of Petroleum and Energy for this purpose. In the meantime, Chad will need to ensure that future EITI Reports provide the information described in Requirement 2.3.b, including the contact details and application and expiry dates of all licenses held by mining and oil and gas companies that have significant revenues. The EITI declaration should also document the government's efforts to strengthen its cadastre system.

Answer of the Independent Administrator:

Chad will need to ensure that future EITI Reports provide the information described in Requirement 2.3.b, including the contact details and application and expiry dates of all licenses held by mining and oil and gas companies that have significant revenues.

Please see page 31:

"In addition, any interested party can consult the petroleum blocks free of charge at the Ministry of Petroleum and Energy or can consult them on the website of the Ministry where a map of the oil blocks is available online, as shown in the map below. Each block has a separate number. When the cursor is passed over the block number, the information corresponding to the block is displayed, including:

- Code of the block;
- Number of the block;
- Name of the Block;
- Area;
- Name of the company that operates the block (if the block has already been assigned);
- Type of contract; and
- Date of signature of the contract.

Petroleum Sector: Please see the tables on pages 131 and 132 which contain the expiry dates of permits and the location of the fields that are being developed (basin and fields);

The map on the Ministry of Petroleum website provides details of petroleum permits.

Mining Sector: the table on pages 133 and 138 provides the location of the permits, the application date and the expiry date of the permits.

The *EITI declaration* should also document the government's efforts to strengthen its cadastre system:

Page 31 and 32

"Also and in compliance with the communiqué issued by the Ministry of Petroleum dated 25 April 2018, the Government has planned its implementation as part of the National Development Plan and of technical assistance, which is currently being negotiated. A pilot version is planned for the end of 2019."

We have noted that Chad is in the process of creating a petroleum cadastre (see Recommendation 7 on page 105 of the Report):

"The Ministry of Mines has a timetable for the creation of its cadastre. The Ministry of Mines drafted terms of reference for the creation of a mining cadastre in February 2018.

A political announcement was made by the Ministry of Petroleum for creation of the cadastre before 31 December 2019. <http://itie-tchad.org/wp-content/uploads/2018/07/Communiqu%C3%A9-sur-la-Politique-de-Publication-des-Contrats.pdf>"

"The Government has obtained a loan from the World Bank to create its petroleum cadastre.

http://www.banquemoniale.org/fr/news/press-release/2018/07/06/chad-world-bank-helps-strengthen-domestic-resource-mobilization-and-management?cid=EXT_WBSocialShare_EXT "

5. Under Requirement 4.6, Chad is expected to reconcile and disclose local revenues if they are significant. Chad should deploy the necessary means to solicit sub-national governments and involve them in the reporting and reconciliation process. Chad should also disclose figures from companies operating in producing areas that are required to make sub-national direct payments in accordance with the regulatory framework. In the absence of a local government, Chad could also specify in which zones payments are made directly to the State Treasury.

Answer of the Independent Administrator to points 5 and 6:

6. Under Requirement 5.2, Chad should ensure that actual sub-national transfers are disclosed by government agencies if they are significant. Chad should provide the specific revenue-sharing formula for calculating the legal shares accruing to each local government, the value of transfers executed by the local government and an assessment of discrepancies compared with the value of sub-national transfers calculated using the formula. Chad is encouraged to ensure that all significant discretionary or ad hoc transfers are also disclosed and, where possible, reconciled. In view of the dissolution of the Petroleum Revenue Control and Supervision College (CCSRP) in April 2018 and of its mandate, which was to report the disbursement and allocation of the 5%, Chad is encouraged to specify which government agencies have been in charge of these prerogatives since 2017. Chad is also encouraged to solicit local governments that benefit from sub-national extractive transfers with a view to bringing together sub-national transfers, bringing together these payments and raising awareness among local communities.

Answer of the Independent Administrator to points 5 and 6:

Chad should also disclose figures from companies operating in producing areas that are required to make sub-national direct payments in accordance with the regulatory framework.

Companies have been asked to disclose payments made at the local level, see the model declaration form on pages 118 and 119.

Chad should provide the specific revenue-sharing formula for calculating the legal shares accruing to each local government, the value of transfers executed by the local government and an assessment of discrepancies compared with value of the sub-national transfers calculated using the formula.

The calculation formula and the reconciliation are provided on pages 99 and 100. The amount transferred is deducted by producing area.

The revenues of the amounts transferred at the local level are published at the level of the State budget.

7. Under Requirement 6.2, Chad is expected to develop a declaration process for fuel subsidies and national debt service that are not included in the national budget. Chad should carry out a thorough review of all petroleum revenue expenditures that are not present in the national budget. Chad should design a reporting process for these expenditures in order to achieve a level of transparency equal to that of other payments and revenue streams. In particular, it is recommended that Chad develop appropriate reporting forms that are capable of presenting the volume and value of crude oil delivered to the refinery for the generation of electricity as well as the quantity of electricity and the corresponding value delivered to the state.

Answer of the Independent Administrator:

The declaration form takes into account the data mentioned, see page 127 (declaration form appendix, details of barter transactions)

The transferred electricity and crude oil values are provided on page 54 of the Report in section 3.3.2 The Barter Agreement with CNPCI Ltd

8. Under Requirement 7.1, Chad should ensure that the EITI statement is understandable, including making sure that it is written in a clear and accessible style and that executive summaries or thematic sub-reports are available and translated into Arabic. Chad should also ensure that adequate funds are available for awareness-raising events, including in regions and communities where extractive activities are taking place, and that local stakeholders benefit from capacity-building actions aimed at improving their understanding of management of the petroleum sector. In addition, Chad should encourage government agencies, companies and civil society to fully engage in the dissemination of EITI Reports, including bilaterally. In order to strengthen implementation, Chad is encouraged to improve the public accessibility of key information on the management of the extractive sector through systematic disclosures of the information required under the EITI Standard, through the usual systems of government and companies.

Answer of the Independent Administrator:

No comments

FW: French versions of the initial evaluation report and outline of the report by the independent validator

Inbox



MORENO Adrian (EEAS-NDJAMENA) <Adrian.MORENO@eeas.europa.eu>

17:39 (6 days ago)

To me, Hyacinthe, BARDON

French

English

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Dear Abadam,

Please find below our comments on the initial evaluation report and outline of the report by the independent validator:

Document	Page	Section title	Paragraph number	Comments
Validation of Chad. Report on Initial Data Collection and Stakeholder Consultation	5	General Conclusions	1, 2, 3 and 4	The first two paragraphs list the impact of the EITI on civil society and the last paragraph of closure the text delineates this impact to some extent, however in the section on the engagement of civil society in the process (Requirement 1.3, pages 21-31) in the Report on Initial Data Collection and Stakeholder Consultation the description of such impact is less optimistic because it analyzes what happened with the SWISSAID report of 2017 (see page 28, 30) and the doubts on the part of CSO which is part of multi-stakeholder group regarding their freedom of expression. Could the General Conclusions be more balanced in this sense?

Validation of Chad. Report on Initial Data Collection and Stakeholder Consultation	14	1. Examination of documents.	1	Madagascar is written instead of Chad.
Validation of Chad. Report on Initial Data Collection and Stakeholder Consultation	25	Documenting of progress	8	"[...] Nevertheless, Chad EITI published a report in August highlighting some of the gaps in transparency regarding the Glencore loan (see Requirements 4.2 and 5.1)." Comment: Requirements 4.2 and 5.1 are "beyond" and "satisfactory", respectively. How can there be gaps in transparency on this issue if those two requirements received the highest levels of progress?

I wish you an excellent weekend and thank you in advance.

Yours sincerely,

Adrián MORENO

Attaché – Head of Programmes
Delegation of the European Union in the Republic of Chad

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Tahiny judicael

Fri. 1 March 12:30
 (6 days ago)

To Guidimti, Amina, me

French
 English

[Translate the message](#)

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Dear Abadam,

Sorry for the late response, I am on a mission to Madagascar for the EITI 2017 and 2018 report with Ernst & Young. Concerning this report, I find that the direct sub-national payments do not apply to Chad, but it will be necessary to provide documentation, such as the testimony of company representatives, that the companies do not make direct payments to municipalities and

provinces. You could ask the representative of oil companies to provide a confirmation letter stating that sub-national direct payments are not significant or are rare.

Best regards

TAHINY Judicaël

Finance and Budget Ministry

Remarks on Validation of Chad : Report on initial data collection and stakeholder consultation

In response to the transmission for our comments of the Report on Initial Data Collection and Stakeholder Consultation, please make amendments as follows:

1. The list of abbreviations is not exhaustive. All abbreviations used in the document should be listed, including those already defined in it.
2. The figures for government revenues in 2015 on pages 13 (1st paragraph) and 21 (1st paragraph) are not correct. Should they be **500 million US dollars and not 500 US dollars? Since, according to the regulatory law of 2013, total receipts were 1 745.238 billion FCFA.**
3. At the end of the same first paragraph on page 13, there is a reference to "... Chad's creditor, Glencore". Does Chad's creditor, by definition, mean Glencore? Is Glencore the only creditor? It would be preferable simply to say "Glencore".
4. The Validation start date should be specified (page 14) to enable the reader to make a link with the Validation procedures which, in normal circumstances, do not take account of actions carried out after that date.
5. In several places, including pages 16, 17, 54 and 86, the text has "Finance Ministry" instead of "Finance and Budget Ministry".

6. There is an inconsistency, which needs to be corrected, between the date on which the EITI International Secretariat posted the link to the controversial SWISSAID report on 13 June 2018, and the date when this report was removed from the EITI site, on 30 January 2018 (see the last paragraph on page 23).
7. The term "law on finances" is used several times (Pages 47 and 48). This should be "finance law".
8. Pages 51 and 52 have the same content.
9. Page 53: "... the Ministry for Petroleum and Energy has communicated ..." and not "... the Ministry for Petroleum and Energy have communicated ...".
10. Page 59, last paragraph: "... 15% in the PCM-Glencore-SHT consortium and 25% in the PCM-Glencore-SHT consortium ...". You surely meant to refer to another consortium in the first/second case and not the same consortium. Please correct this mistake.
11. Page 75, 2nd paragraph: "... ces omissions n'affectent *pas* ..." (instead of "par"). In the third paragraph on this same page it should be stated in which year the amount of non-reconciled discrepancies was USD 371 683. More generally, years are often not specified as regards the revenue part, and in some places the years 2017 and 2018 are mentioned although the information comes from the 2016 EITI Report.
12. There seems to be a mistake in this sentence: "... the delivery of crude oil at a fixed price for production to generate electricity " (Page 80).

Table VIII: PUBLIC DEBT (thousand FCFA)

ITEMS	[Arabic]	LF 2018	Implemented, end Sept 2018	P/LF 2019	DISCREPANCIES	
					AMOUNT	%
Financial debt charges	[Arabic]	123 422 410	23 960 000	77 000 000	- 46 422 410	-38%
Internal interest	[Arabic]	24 843 513	20 164 000	22 000 000	- 2 843 513	-11 %
External interest	[Arabic]	98 578 897	3 796 000	55 000 000	- 43 578 897	-44%
of which, Glencore	Glencore [Arabic]	84 000 000	-	43 000 000	- 41 000 000	-49%
AMORTIZATION	[Arabic]	392 291 714	29 797 000	126 580 000	- 265 711 714	-68%
Internal interest	[Arabic]	180 904 812	13 494 000	29 580 000	- 151 324 812	-84%
External interest	[Arabic]	211 386 902	16 303 000	97 000 000	- 114 386 902	-54%
of which, Glencore	Glencore [Arabic]	150 000 000	-	35 000 000	- 115 000 000	-77%
TOTAL PUBLIC DEBT	[Arabic]	515 714 124	53 757 000	203 580 000	- 312 134 124	-61%

ANALYSIS OF ORDINANCE 23 ON THE REGIME OF ASSOCIATIONS

Following the signing on 27 June 2018 by the President of the Republic of Ordinance No. 23 on associations, civil society organizations carried out a point-by-point examination and analysis of all the provisions of the Ordinance.

The table below identifies points, which create obstacles to freedoms of association that are enshrined in the Constitution and in international and regional human rights instruments, to which Chad is a party.

Articles	Comments/Observations	National and international provisions
<p>Article 3 paragraph 2: <i>“Associations of a regionalist or community nature are prohibited”</i></p>	<p>This provision is contrary to the freedom of association and to laws relating to decentralization, which advocate grassroots development.</p>	<p>This provision infringes the rights and freedoms recognized and guaranteed by the Constitution of 4 May 2018.</p> <p>It also violates Article 22 of the International Covenant on Civil and Political Rights and Article 20 of the Universal Declaration of Human Rights.</p> <p>As well as Articles 10 and 11 of the African Charter on Human and Peoples' Rights</p>
<p>Articles: 4, 5, 8, 9 “Associations obey a regime of authorization”</p> <p>Section II : On the creation of associations</p>	<p>The present trend favours a regime based on notification and not on authorization.</p> <p>The authorization regime should be an exception for certain categories of associations (foreign, religious)</p>	<p>This provision infringes Article 28 of the Constitution of 4 May 2018, which guarantees freedom of association for all and which can only be limited by the rights and freedoms of others and the imperative of safeguarding national unity, public order and morality.</p>
<p>Article 11 : On delay of authorization</p>	<p>The delay of 5 days is unreasonable. It is also unacceptable that amendments and changes in the leadership of associations requires a new authorization.</p> <p>The administrative authority should only need to be informed of such amendments and changes.</p>	

<p><u>Article 17 paragraph 3:</u> "Any association which is regularly authorized can manage, within the limits of its statutes, and the donations, bequests or subsidies that it may receive ... The administrative authority may control by any appropriate means the sound management of the property of the association within the limits above. It may at any time require presentation of the records and accounting documents."</p>	<p>Associations cannot be prevented from taking advantage of legitimate private financing in the form of donations, bequests and public subsidies in order to carry out their activities.</p> <p>No control can be imposed by another person, including an administrative authority, who is not a member of the association, but only by a judicial ruling.</p>	
<p><u>Article: 18, paragraph 2 and 3</u></p>	<p>Written using vague and inexact terms. Paragraphs 2 and 3 require clarification</p>	
<p><u>Section IV: Different forms of association</u></p>	<p>Why should associations be categorized (youth associations, school associations, etc.)? There should be conformity with the definition given in Section I, Article 2.</p> <p>Grouping into three categories is required: common law associations, non-governmental organizations, foreign associations, and religious associations</p>	<p>This provision infringes the rights and freedoms recognized and guaranteed by the Constitution of 4 May 2018.</p> <p>It also violates Article 22 of the International Covenant on Civil and Political Rights and Article 20 of the Universal Declaration of Human Rights.</p> <p>Articles 10 and 11 of the African Charter on Human and Peoples' Rights</p>
<p><u>Articles :</u> 19; 20, 21 and 22</p>	<p>Should be subject to the provisions of common law on associations</p>	
<p><u>Articles :</u> 23 et 24</p>	<p>The definition of a foreign association is vague and inadequate.</p> <p>Foreign associations that are regularly constituted and recognized by the national laws of Chad cannot be subject to a new authorization from the administrative authority. The agreement on establishment of the association in Chad is sufficient for its exercise.</p> <p>The functioning and the right of foreign associations to own property may be regulated in the agreement on establishment.</p>	

<u>Article : 25</u>	Seriously infringes the freedom of religious associations	This article violates the provisions of Article 55 of the Constitution of 4 May 2018
<u>Article : 27</u>	Subjecting NGOs to the sphere of economic and social development is restrictive. NGOs may have diverse and diverse domains, which can evolve according to the circumstances	This provision infringes Article 28 of the Constitution of 4 May 2018, which guarantees freedom of association for all and can only be limited by the rights and freedoms of others and the imperative of safeguarding national unity, public order and morality
<u>Article : 28</u>	<p>Subject them to the common law system. Prohibiting associations in general and in particular human rights groups from expressing their views on matters of a political nature is contrary to international and national texts, which enshrine freedom of opinion and expression.</p> <p>Human rights associations work on eminently political issues, such as preparation of the alternative report of the Universal Periodic Review (UPR). Preventing them from expressing their views on political issues entails that they should not submit alternative reports in the framework of the UPR and for the education and encouragement of citizens to be politically aware in order to participate in public life.</p> <p>Human rights associations cannot be asked to promote human rights as advocated by international conventions and national law at the same time as limiting their field of intervention. The positioning of human rights associations is based on the defence and promotion of the rights and freedoms guaranteed by the Constitution</p>	This provision infringes Article 28 of the Constitution of 4 May 2018, which guarantees freedom of association for all and can only be limited by the rights and freedoms of others and the imperative of safeguarding national unity, public order and morality
<u>Article : 29</u>	<p>Associations can be formed into platforms or networks independently of their initial purpose.</p> <p>Legally recognized associations, which have grouped together in a union or platform, cannot be required to seek authorization to operate.</p> <p>Notification to the ministry in charge of associations is sufficient.</p>	<p>This also violates Article 22 of the International Covenant on Civil and Political Rights and Article 20 of the Universal Declaration of Human Rights.</p> <p>Articles 10 and 11 of the African Charter on Human and Peoples' Rights</p>

	Application for authorization may be appropriate for platforms and networks that wish to have a status as a legal entity to match the period of their activities and their objectives.	
<u>Article : 30</u>	The operation and structuring of an association are defined by its statutes. The break-up of an association cannot be subject to a new administrative authorization.	
<u>Article : 31</u>	Contrary to the principle of notification	
<u>Article : 32</u>	Contrary to the principle of freedom of association and meeting.	This provision infringes Article 28 of the Constitution of 4 May 2018 which guarantees freedom of association for all and can only be limited by the rights and freedoms of others and the imperative of safeguarding national unity, public order and morality
<u>Article : 34</u>	The dissolution of an association is the responsibility of a judge and a judge cannot be given an injunction to pronounce such dissolution.	This provision infringes Article 31 of the Constitution of 4 May 2018, under which dissolution occurs as provided for by the statutes of associations or by judicial means.
<u>Article : 35</u>	Contrary to the principle of double jurisdiction, which gives parties remedy against judicial decisions.	This provision infringes Article 31 of the Constitution of 4 May 2018, under which dissolution occurs as provided for by the statutes of associations or by judicial means. Under Article 1, "Chad is a Republic ... based on the principles of democracy, the rule of law and justice."
<u>Article : 38</u>	Contrary to freedom of association. An association cannot be dissolved by administrative order. Dissolution of an association depends on application to a judge.	This provision infringes Article 31 of the Constitution of 4 May 2018, under which dissolution occurs as provided for by the statutes of associations or by judicial means.

Article : 39	Contrary to the principle of non-interference of the territorial administration in the dissolution of associations. Application for the dissolution of an association must be made to a judge.	This provision infringes Article 31 of the Constitution of 4 May 2018, under which dissolution occurs as provided for by the statutes of associations or by judicial means.
Article : 41 ; 42 ; 43 and 44	<p>Contrary to freedom of meeting and association.</p> <p>A discriminatory provision, which seeks to distance associations from their original objectives.</p>	<p>This provision infringes Article 28 of the Constitution of 4 May 2018 which guarantees freedom of association for all and can only be limited by the rights and freedoms of others and the imperative of safeguarding national unity, public order and morality.</p> <p>Article 14, paragraph 1 provides that that "the State shall ensure equality for all before the law without distinction of origin, race, sex, religion, political opinion or position."</p>

Examination of the order shows that it is contrary to the provisions of the Constitution of 4 May 2018 and to international and regional instruments and conventions of human rights, which enshrine freedom of association as a relevant indicator of the promotion of human rights and of good governance.

A favourable legal and regulatory framework for associations enables citizens to contribute effectively to the political, economic and social development of the country.

Based on the foregoing, we the signatory organizations hereby request the pure and simple withdrawal of this Ordinance and request the Government of the Republic of Chad to adhere to a participatory and inclusive initiative for reform of the legislative framework for the associations, in particular Ordinance No. 27/INT/SUR of 28 July 1962 on the Regulation of Associations, which was approved as part of the Programme for Support to Civil Society (PASOC), which was implemented by the Ministry for Territorial Administration, Public Safety and Local Governance.

Signatory organizations :

Organization	Position	Signatory

