

## **Act regarding navigation and economic co-operation between the states of the Niger basin**

The Federal Republic of Cameroon, the Republic of Chad, the Republic of Dahomey (now the People's Republic of Benin), the Republic of Guinea, the Republic of the Ivory Coast, the Republic of Mali, the Republic of Niger, the Federal Republic of Nigeria, the Republic of Upper Volta (now Burkina Faso).

CONSIDERING their attainment of independence and the need for regulating by new agreement the question of the utilisation of the River Niger, its tributaries and sub-tributaries of which they are the riparian States;

DESIROUS of developing close co-operation for the judicious exploitation of the resources of the River Niger Basin as well as to guarantee the freedom of navigation on the River, its tributaries and sub-tributaries and to ensure equality of treatment to those who use it;

CONSIDERING that, in the wake of technical progress, several of the riparian States have already drawn up plans for hydraulic developments such as irrigation, water supply, hydroelectric installations, civil works, soil and river basin improvement, and also plans for dealing with the problems of water pollution, exploitation of fishery resources, the improvement of agricultural practices and industrial development of the basin;

CONSIDERING that the schemes planned in each State are likely to affect the regime of the River and the use of its water by other riparian States;

CONSIDERING the need to establish a joint institution to increase co-operation amongst the States interested in common projects concerned with the Basin of the River Niger and to ensure the maintenance and application of the agreed major principles;

SOLEMNLY AFFIRM the following principles which will govern the measures of cooperation for the purpose of achieving the objectives of the present Act and declare that:

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### **Article 1**

The General Act of Berlin of 26th February, 1885, the General Act and Declaration of Brussels of 2nd July, 1890, and the Convention of Saint-Germain-en-Laye of 10th September 1919 are and remain abrogated as far as they concern the River Niger, its tributaries and sub-tributaries.

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### **Article 2**

The utilisation of the River Niger, its tributaries and sub-tributaries, is open to each riparian State in respect of the portion of the River Niger basin lying in its territory and without prejudice to its sovereign rights in accordance with the principles defined in the present Act and in the manner that may be set forth in subsequent special agreements.

The utilisation of the said River, its tributaries and sub-tributaries, shall be taken in a wide sense, to refer in particular to navigation, agricultural and industrial uses, and collection of the products of its fauna and flora.

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### **Article 3**

Navigation on the River Niger, its tributaries and sub-tributaries, shall be entirely free for merchant vessels and pleasure craft and for the transportation of goods and passengers. The ships and boats of all nations shall be treated in all respects on a basis of complete equality.

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### **Article 4**

The riparian States undertake to establish close co-operation with regard to the study and the execution of any project likely to have an appreciable effect on certain features of the regime of the River, its tributaries and sub-tributaries, their conditions of navigability, agricultural and industrial exploitation, the sanitary conditions of their waters, and the biological characteristics of their fauna and flora.

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### **Article 5**

In order to further their co-operation for the attainment of the objectives of this Act, the riparian States undertake to establish an Inter-Governmental Organisation which will be entrusted with the task of encouraging, promoting and co-ordinating the studies and programmes concerning the exploitation of the resources of the River Niger basin. The composition, the functions and the procedures of such Inter-Governmental Organisation shall be the subject of a subsequent agreement.

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### **Article 6**

The Inter-Governmental Organisation of the River Niger shall establish appropriate close relations with the competent specialised agencies of the Organisation of African Unity and shall also maintain useful relations with the United Nations Organisation, its specialised agencies, and other international organisations.

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### **Article 7**

Any dispute that may arise between the riparian States regarding the interpretation or application of the present Act shall be amicably settled by direct agreement between them or through the Inter-Governmental Organisation referred to in Articles 5 and 6 above.

Failing such settlement, the dispute shall be decided by arbitration, in particular by the Commission of Mediation, Conciliation and Arbitration of the Organisation of African Unity, or by judicial settlement by the International Court of Justice.

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### **Article 8**

The present Act, the French and English texts of which are equally authentic, shall be submitted for ratification to the signatory States and shall come into force immediately after ratification by all the signatory States.

The instruments of ratification shall be deposited with the Government of the Republic of Niger which shall notify each signatory State of the deposit of the said instruments.

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## **Article 9**

The Government of the Republic of Niger shall register the present Act, upon its coming into force, in accordance with Article 102 of the Charter of the United Nations.

IN WITNESS WHEREOF the plenipotentiaries being duly authorised by their respective Governments have signed the present Act.

DONE at Niamey on the 26th day of October, 1963 one copy each in English and French to be deposited in the archives of the Government of the Republic of Niger, authentic copies thereof to be distributed to each of the signatory States, and one copy to be deposited with the Secretariat of the Organisation of African Unity and one with the Secretariat of the United Nations.

Federal Republic of Cameroon: M. NDINE

Republic of the Ivory Coast: Kouassi KOUADIO

Republic of Dahomey: GBAGUIDI

Republic of Guinea: Alioune DRAME

Republic of Upper Volta: Edouard OUEDRAOGO

Republic of Mali: Madeira KEITA

Republic of Niger: Leopold KAZIENDE

Federal Republic of Nigeria: T. O. ELIAS

Republic of Tchad: Marcel DUHOUX