

Agreement concerning the River Niger commission and the navigation and transport on the River Niger

The Contracting Parties

Having adopted at the Conference of the Riparian States of the River Niger, its tributaries and sub-tributaries, held at Niamey from the 24th to the 26th October, 1963, an Act regarding the navigation and economic co-operation between the States of the River Niger Basin,

Desirous of giving effect to Article 5 of the said Act, by which they have undertaken to establish an Inter-Governmental Organization entrusted with the fostering, the promotion and the co-ordination of studies and programmes relating to the utilization and development of the resources of the River Niger Basin,

Desirous of specifying some questions relating to navigation and transportation on the River,

Have agreed as follows:

CHAPTER I RIVER NIGER COMMISSION

Article 1

There shall be established an Inter-Governmental Organization as mentioned in Article 5 of the Act of Niamey of October 26, 1963, which shall be called River Niger Commission.

Article 2

The Commission shall have the following functions, in particular:

a) prepare General Regulations which will permit the full application of the principles set forth in the Act of Niamey, and to ensure their effective application.

The General Regulations and other decisions of the Commission shall, after approval by the riparian States and after a time-limit fixed by the Commission, have binding force as regards relations among the States as well as their internal regulation.

b) to maintain liaison between the riparian States in order to ensure the most effective use of the waters and resources of the River Niger basin.

c) to collect, evaluate and disseminate basic data on the whole of the basin, to examine the projects prepared by the riparian States, and to recommend to the Governments of the riparian States plans for common studies and works for the judicious utilization and development of the resources of the basin.

d) to follow the progress of the execution of studies and works in the basin and to keep the riparian States informed, at least once a year thereon, through systematic and periodic reports which each State shall submit to it.

- e) to draw up General Regulations regarding all forms of navigation on the River.
 - f) to draw up staff regulations and to ensure their application.
 - g) to examine complaints and to promote the settlement of disputes and the resolution of differences.
 - h) generally, to supervise the implementation of the provisions of the Act of Niamey and the present Agreement.
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Article 3

The Commission shall consist of nine Commissioners on for each riparian State. The Commissioners may be assisted by experts. The Commission shall establish its own Rules of Procedure.

Article 4

The quorum of the Commission shall be six Commissioners. The decisions of the Commission shall be taken by a majority of two-thirds of the Commissioners present and voting.

Article 5

The Commission shall meet in ordinary session once a year. It may meet in extraordinary session at the joint request of any three riparian States by notification addressed to the Administrative Secretary.

The Headquarters of the Commission shall be at Niamey. The meetings of the Commission may take place in the territory of any of the riparian States.

Article 6

The Commission shall have an Administrative Secretary.

The Commission shall, by a two-thirds majority vote, appoint the Administrative Secretary from among the candidates proposed by the riparian States.

Each riparian State shall be entitled to nominate a candidate for the office of Administrative Secretary.

The Administrative Secretary shall hold office for three years and shall be eligible for re-appointment. The conditions of his service shall be defined in the Staff Regulations.

Article 7

The Administrative Secretary shall be assisted in his duties by such staff as the Commission shall determine. The conditions of employment of the Staff shall be defined in the Staff Regulations.

Article 8

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

Article 9

The Commission may, by a two-thirds majority vote, remove the Administrative Secretary from office.

Article 10

The riparian States shall make contributions towards the regular Budget of the Commission in the proportions to be determined by the Commission. The Commission shall establish an annual Budget and shall submit it to the riparian States for approval.

Any expenditure incurred in respect of special services rendered to a State by the Commission shall be paid by that State.

Article 11

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

CHAPTER II AGRICULTURAL AND INDUSTRIAL UTILIZATION AND DEVELOPMENT

Article 12

In order to achieve maximum co-operation in connection with the matters mentioned in Article 4 of the Act of Niamey, the riparian States undertake to inform the Commission as provided for in Chapter I of the present Agreement, at the earliest stage, of all studies and works upon which they propose to embark. They undertake further to abstain from carrying out on the portion of the River, its tributaries and sub-tributaries subject to their jurisdiction any works likely to pollute the waters, or any modification likely to affect biological characteristics of its fauna and flora, without adequate notice to, and prior consultation with, the Commission.

CHAPTER III NAVIGATION AND TRANSPORT

Article 13

The taxes and duties payable by the vessels and goods using the River, its tributaries and sub-tributaries, and facilities thereof, shall be in proportion to the services rendered to navigation, and shall in no way be discriminatory.

Article 14

The roads, railways and lateral canals that may be constructed for the special purpose of avoiding the non-navigable portions of the River or of improving certain sections of the waterways, shall be considered in their use as means of communication, as integral part of the River Niger, and shall be equally open to international traffic within the framework of specific regulations set up by the Commission and approved by the riparian States.

On these roads, railways and canals only such tolls shall be collected as are calculated on the cost of construction, maintenance and management. As regards such tolls, the nationals of all States shall be treated on the basis of complete equality.

Article 15

The River Niger Commission shall establish general regulations to ensure the safety and control of navigation on the understanding that such regulations shall be designed to facilitate, as much as possible, the movement of vessels and boats.

CHAPTER IV GENERAL PROVISIONS

Article 16

This Agreement shall form an integral part of the Act of Niamey, and shall enter into force immediately after its ratification by all the signatory States. The instruments of ratification shall be deposited with the Government of the Republic of Niger who shall notify the deposit of these instruments to each riparian State.

Article 17

The Act of Niamey together with this Agreement may be denounced by any one of the riparian States after the expiration of a period of ten years from the date of its coming into force. Denunciation shall take the form of a written notice addressed to the Government of the Republic of Niger who shall acknowledge its receipt and shall inform the other contracting States and the Administrative Secretary of the Commission. It shall take effect one year from the date of acknowledgement of its receipt, if not withdrawn earlier. In the absence of agreement to the contrary it shall not affect obligations relating to any program of studies and works agreed to before such denunciation.

Article 18

The Act of Niamey and this Agreement may be amended upon the written request of one third of the riparian States addressed to the Government of the Republic of Niger. Any proposal for revision shall require the approval of two thirds of the riparian States, and shall take effect six months after the date of its adoption.

Article 19

Upon the coming into force of the present Agreement, the Government of the Republic of Niger shall register it in accordance with Article 102 of the United Nations Charter.

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

DONE at Niamey on the 25th day of November, 1964, one copy in English and one in French to be deposited in the archives of the Government of the Republic of Niger and certified copies thereof to be sent to each signatory State, and one copy to be deposited with the Secretariat of the Organization of African Unity and one with the Secretariat of the United Nations.

Federal Republic of Cameroon:

Sanda OUMAROU

Republic of the Ivory Coast:

Souleymane TOURE

Republic of Dahomey:

Francois APLOGAN

Republic of Guinea:

Traoré N'KI

Republic of Upper Volta:

Yacouba BAMBARA

Republic of Mali:

Aliou DEM

Republic of Niger:

Léopold KAZIENDE

Federal Republic of Nigeria:

T.O. ELIAS

Republic of Tchad:

S. SELINGAR