

No. 20735

**GAMBIA
and
SENEGAL**

**Agreement concerning the establishment of a Senegambia
Confederation. Signed at Dakar on 17 December 1981**

Authentic texts: English and French.

Registered by the Confederation of Senegambia on 9 February 1982.

**GAMBIE
et
SÉNÉGAL**

**Pacte instituant la Confédération de la Ségambie. Signé à
Dakar le 17 décembre 1981**

Textes authentiques : anglais et français.

Enregistré par la Confédération de la Ségambie le 9 février 1982.

AGREEMENT¹ BETWEEN THE REPUBLIC OF THE GAMBIA AND THE REPUBLIC OF SENEGAL CONCERNING THE ESTABLISHMENT OF A SENEGAMBIA CONFEDERATION

The Republic of the Gambia and the Republic of Senegal,

Aware that they constitute a single people divided into two States by the vicissitudes of History;

Taking due account of the geographical fact of their ties;

Conscious of the historical, moral and material imperatives which unite the two countries;

Considering the many past and present experiments made with a view to rapprochement, solidarity and sub-regional and regional cooperation;

Respectful of the Charter of the United Nations, the Charter of the Organisation of African Unity² and the Treaty of the Economic Community of West African States;³

Affirming their devotion to the rights of their peoples declared in the Universal Declaration of Human Rights of 1948; in the United Nations Covenants on Human Rights;⁴ and in the African Charter of Human and Peoples Rights of 1981;

Intending to strengthen the unity of their defence and their economies and co-ordination of their policies in other fields;

Resolved to establish an institutional framework, consistent with national sovereignty and democratic principles, within which these intentions may be gradually realized,

Have decided to create a Confederation and have agreed as follows:

[SECTION I]. PRINCIPLES

Clause 1. By this Agreement a Confederation of the Republic of the Gambia and the Republic of Senegal [is] constituted with the name of the Senegambia Confederation.

Clause 2. The Republic of the Gambia and the Republic of Senegal shall constitute the Confederation known as Senegambia. Each State maintaining its independence and sovereignty.

The Confederation shall be based on:

—The integration of the armed forces and of the security forces of the Gambia and the Republic of Senegal, to defend their sovereignty, territorial integrity and independence;

¹ Came into force on 1 February 1982, i.e., the first day of the month following the date of the exchange of the instruments of ratification, which took place at Banjul on 11 January 1982, in accordance with clause 19.

² United Nations, *Treaty Series*, vol. 479, p. 39.

³ *Ibid.*, vol. 1010, p. 17.

⁴ *Ibid.*, vol. 993, p. 3; vol. 999, p. 171, and vol. 1059, p. 451 (corrigendum to vol. 999, p. 171).

- Development of an economic and monetary union;
- Co-ordination of policy in the field of external relations;
- Co-ordination of policy in the field of communications and in all other fields where the Confederated States may agree to exercise their jurisdiction jointly;
- Joint institutions.

Clause 3. The institutions of the Confederation shall be as follows:

- The President and Vice-President of the Confederation;
- The Council of Ministers of the Confederation;
- The Confederal Parliament.

Clause 4. The official languages of the Confederation shall be

- Such African languages as are specified by the President and Vice-President of the Confederation;
- English and French.

Clause 5. Within the framework of this Agreement the Confederated States shall enter into protocols of implementation for the realization of the purposes set out in Clause 2.

SECTION II. THE PRESIDENT AND VICE-PRESIDENT OF THE CONFEDERATION

Clause 6. The President of the Republic of Senegal shall be the President of the Confederation.

The President of the Republic of the Gambia shall be the Vice-President of the Confederation.

Clause 7. In agreement with the Vice-President, the President shall decide on the policy of the Confederation on matters of Defence and Security.

He shall co-ordinate the policies of the Confederated States on matters within the responsibilities of the Confederation.

In agreement with the Vice-President, the President of the Confederation shall make appointments to all confederal posts.

Clause 8. The President of the Confederation shall command the Armed Forces and the Security Forces of the Confederation. He shall be responsible for the Defence and Security of the Confederation.

A protocol shall establish the modalities of implementation of this provision in accordance with the constitutional requirements of each State.

The President of the Republic of the Gambia shall continue to be Commander in chief of the Armed Forces of the Republic of the Gambia in accordance with its constitutional requirements.

Clause 9. The President of the Confederation shall preside over the Defence and Security Council of the Confederation.

The Defence Council shall comprise the President and Vice-President of the Confederation and such other persons as the President in agreement with the Vice-President of the Confederation may determine.

SECTION III. THE COUNCIL OF MINISTERS

Clause 10. There shall be a Council of Ministers of the Confederation whose members shall be appointed by the President of the Confederation in agreement with the Vice-President.

The President and the Vice-President of the Confederation shall be the President and the Vice-President of the Council of Ministers respectively.

The Council of Ministers shall deal with matters submitted to their consideration by the President of the Confederation.

SECTION IV. THE CONFEDERAL PARLIAMENT

Clause 11. The Representative Parliament of the Confederation shall be known as "the Confederal Parliament".

Its members shall have the title "Member of the Confederal Parliament".

One third of the members of the Confederal Parliament shall be selected by the House of Representative[s] of the Gambia from among its members, and the other two thirds shall be selected by the National Parliament of Senegal, from among its members.

The Confederal Parliament shall select its President.

The Confederal Parliament shall establish its rules of procedure.

Clause 12. The Confederal Parliament shall deliberate on matters of common interest.

Furthermore, the President of the Confederation or the Vice-President of the Confederation, may consult the Confederal Parliament by submitting to its vote any other matter of social, economic or financial interest to the Confederation.

Clause 13. Only the President of the Confederation, the Vice-President of the Confederation and the members of the Confederal Parliament can initiate matters or proposals.

The Confederal Parliament shall convene when matters are submitted to it by the President or Vice-President or at the request of one third of the members of the Confederal Parliament.

Clause 14. The rules governing submission of matters to the Confederal Parliament by the President or the Vice-President of the Confederation, voting matters or propositions and promulgation of such rules by the President shall be drawn up in a protocol of implementation.

SECTION V. SETTLEMENT OF DIFFERENCES

Clause 15. Any difference arising out [of] the interpretation and the implementation of this Agreement shall be submitted to the President of the Confederation for settlement, in agreement with the Vice-President.

In the event that the President of the Confederation and the Vice-President are unable to agree upon the settlement of a difference submitted to them either of them may refer the matter to arbitration.

A protocol of implementation shall lay down rules for constituting an arbitration tribunal for the settlement of a difference and for regulating its procedure.

SECTION VI. INTERNATIONAL TREATIES AND AGREEMENTS

Clause 16. Where authority is granted to the Confederation pursuant to this Agreement and its protocols for the conclusion of an International Agreement, the Agreement shall be negotiated by the President of the Confederation in agreement with the Vice-President. Subsequent to authorization by the Confederal Parliament and enactment by the Confederated States of any legislation necessary for its implementation the President of the Confederation may ratify the Agreement.

Clause 17. Each Confederated State may conclude International Agreements in accordance with its constitutional requirements. Without prejudice to article 103 of the United Nations Organisations Charter, if any disagreement arises between this Agreement and any other international obligation, the provisions of this Agreement shall prevail.

[SECTION VII. FINAL CLAUSES]

Clause 18. RATIFICATION. This Agreement shall be ratified by the Parties in accordance with their constitutional requirements.

Clause 19. ENTRY INTO FORCE. This Agreement shall come into force on the first day of the month following that in which instruments of ratification are exchanged.

Clause 20. AMENDMENT. Each Confederated State may submit proposals for the amendment of the Agreement to the depositories of the Agreement. The depositories of the Agreement shall submit the proposals to the Confederal Parliament for its opinion.

When the Confederal Parliament has delivered an opinion on the proposals the Confederated States shall enter into negotiations for the purpose of determining by common accord the amendments to be made to the Agreement.

Any amendments agreed shall enter into force after being ratified by the Confederated States in accordance with their respective constitutional requirements.

The foregoing procedure shall not apply to protocols of implementation which may be amended from time to time by agreement between the Confederated States.

Clause 21. REVIEW. The Confederal Parliament shall convene every two years and shall prepare a Report on the functioning of the Confederation for submission to the President and the Vice-President of the Confederation and the Confederated States. If requested by a Confederated State following the submission of a Report a Conference of representatives of the Government of both Confederated States shall be summoned to review the Agreement.

Clause 22. [STATUS OF THE PROTOCOLS OF IMPLEMENTATION]. Status of the Protocols of Implementation shall be an integral part of the Agreement, and, unless otherwise specified, any reference to the Agreement shall also constitute a reference to these protocols.

Clause 23. DEPOSITORIES. The President and the Vice-President of the Confederation shall be the depositories of this Agreement, and of the protocols and the amendments relating thereto.

Clause 24. AUTHENTIC TEXTS. The Agreement, done in the English and French languages[s], both texts being equally authentic, shall be communicated to the Secretary General of the United Nations for the purpose of registration.

IN WITNESS WHEREOF, the President of the Republic of the Gambia and the President of the Republic of Senegal have signed the present Agreement.

At Dakar, on 17 December 1981.

For the Republic of the Gambia:

Sir DAWDA KAIRABA JAWARA
President of the Republic

For the Republic of Senegal:

ABDOU DIOUF
President of the Republic