

No. 22674

**NIGER, BENIN, CHAD, GUINEA, IVORY COAST,
MALI, NIGERIA, UNITED REPUBLIC
OF CAMEROON and UPPER VOLTA**

**Agreement revising the Agreement concerning the Niger
River Commission and the navigation and transport on
the River Niger of 25 November 1964. Adopted at
Niamey on 15 June 1973**

Authentic texts: English and French.

Registered by the Niger on 13 January 1984.

**NIGER, BÉNIN, CÔTE D'IVOIRE, GUINÉE,
HAUTE-VOLTA, MALI, NIGÉRIA, RÉPUBLIQUE-
UNIE DU CAMEROUN et TCHAD**

**Accord portant révision de l'Accord relatif à la Commission
du fleuve Niger et à la navigation et aux transports sur le
fleuve Niger du 25 novembre 1964. Adopté à Niamey le
15 juin 1973**

Textes authentiques : anglais et français.

Enregistré par le Niger le 13 janvier 1984.

AGREEMENT¹ CONCERNING THE RIVER NIGER COMMISSION AND THE NAVIGATION AND TRANSPORT ON THE RIVER NIGER REVISED ON 2ND FEBRUARY, 1968 AND 15TH JUNE, 1973²

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,³

Desirous of giving effect to article 5 of the said Act, by which they have undertaken to establish an Inter-Governmental Organisation 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:

HEADING I. RIVER NIGER COMMISSION

Chapter I. NATURE OF THE COMMISSION

Article 1. There shall be established an Intergovernmental Organisation as mentioned in article 5 of the Act of Niamey of October 26, 1963, which shall be called River Niger Commission.

The headquarters of the Commission shall be at Niamey.

Article 2. The Commission shall have for all purposes the status of an international organisation.

Chapter II. OBJECTIVES AND FUNCTIONS OF THE COMMISSION

Article 3. The Commission is entrusted with the task of encouraging, promoting and the coordination of studies and programmes concerning the exploitation and the development of the resources of the Basin.

Article 4. The Commission shall have the following functions:

(a) To 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 the other decisions of the Commission shall, after approval by Member 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;

¹ Came into force on 15 December 1973, i.e., six months after its adoption, in accordance with article 25.

² Approved on 15 June 1973 by two thirds of the Member States of the Niger River Commission, various amendments and revisions made to the Agreement of 25 November 1964* are incorporated into the present text.

* United Nations, *Treaty Series*, vol. 587, p. 19, and vol. 636, p. 418.

³ United Nations, *Treaty Series*, vol. 587, p. 9.

- (b) To maintain liaison between Member States in order to ensure the most effective use of the 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 Member States, and to recommend to the Governments of the Member 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 Member 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 including coastal trade;
- (f) To draw up staff regulations and to ensure their application;
- (g) To examine complaints and to promote the settlement of differences;
- (h) To make request for financial and technical assistance on a bilateral, multilateral or international basis for the execution of studies and works for the development of the River Niger Basin and to enter into agreement for the same provided that any such agreements involving financial obligations from Member States shall become binding only after approval by the Member States concerned;
- (i) To supervise the implementation of the provisions of the Act of Niamey and the present Agreement.

Article 5. In order to achieve maximum co-operation in connection with the matters mentioned in article 4 of the Act of Niamey, the Member States undertake to inform the Commission, as provided for in article 4 (d) hereabove, 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 subtributaries 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.

Article 6. The taxes and duties payable by the vessels and goods using the river, its tributaries and subtributaries, and facilities thereof, shall be in proportion to the services rendered to navigation, and shall in no way be discriminatory.

Article 7. 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 Member 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 8. 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.

HEADING II. THE ORGANS OF THE COMMISSION

Article 9. The Commission shall have the following organs :

- The Council of Ministers,
- The Executive Secretariat.

Chapter I. COUNCIL OF MINISTERS

Article 10. The Council of Ministers shall be the organ for orientation and of decision of the Commission.

It shall consist of Ministers, one for each Member State. Each Minister may be assisted by experts.

Article 11. The quorum of the Council of Ministers shall be six. The decisions of the Council of Ministers shall be taken by a majority of two thirds of the Member States of the Commission.

Article 12. The Council of Ministers shall meet in ordinary session once a year on the invitation of the Chairman. It may meet in extra-ordinary session at the joint request of any three Member States by notification addressed to the Chairman of the Council.

The meetings of the Council of Ministers may take place either at the Headquarters of the Commission or in any of the Member States. Each meeting shall be preceded by a meeting of experts of the Member States.

Article 13. The Council of Ministers shall elect a Chairman in rotation among the Member States and he shall hold office for a period of one year.

The Chairman of the Council of Ministers shall represent the Commission between two sessions of the Council of Ministers.

He shall take decisions within his competence, and within the limit of the powers delegated to him, on the directives of the Council of Ministers.

Article 14. The Council of Ministers shall establish the Rules of Procedure for the Commission.

Chapter II. EXECUTIVE SECRETARIAT

Article 15. The Executive Secretariat shall be the organ of execution of the Commission.

Article 16. The Council of Ministers shall, by a two-thirds majority vote of Member States, appoint the Executive Secretary from among the candidates proposed by Member States.

Each Member State is entitled to nominate a candidate for the office of Executive Secretary.

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

Article 17. The Executive Secretary exercises such powers and performs such duties as may be determined by the Council of Ministers. He is responsible to the Council.

The Executive Secretary shall carry out the decisions of the Council of Ministers and shall report regularly on the execution of the decisions to the Chairman of the Council.

Article 18. The Council of Ministers may, by a two-thirds majority vote, remove the Executive Secretary from office.

Article 19. The Executive Secretary shall be assisted in the performance of his duties by such staff according to the Staff provision approved by the Council of Ministers. The conditions of service of the staff shall be defined in the Staff Regulations.

Article 20. The Executive Secretary shall be in charge of the Staff of the Commission.

Article 21. The Executive Secretary shall be accorded diplomatic privileges and immunities by the Member States. The other staff of the Commission shall be accorded such privileges and immunities as accorded to officials of the Organisation of African Unity of equivalent status.

HEADING III. GENERAL PROVISIONS

Article 22. The Council of Ministers shall establish an annual Budget for the Commission.

The Member States shall make contributions towards the regular Budget of the Commission in proportions to be determined by the Commission.

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

Article 23. This Agreement forms 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 Member State.

Article 24. The Act of Niamey together with this Agreement may be denounced by any one of the Member 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 Executive Secretary. 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 to any programme of studies and works agreed to before such denunciation.

Article 25. The Act of Niamey and this Agreement may be amended upon the written request of one third of the Member States addressed to the Government of the Republic of Niger. Any proposal for revision shall require the approval of two thirds of the Member States, and shall take effect six months after the date of its adoption.

Article 26. 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 authorized by their respective Governments have signed the present Agreement.

DONE at Niamey on the 25th day of November, 1964.

REVISED at Niamey, on the 15th of June, 1973. 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 Organisation of African Unity and one with the Secretariat of the United Nations.

United Republic of Cameroon:

[ROBERT NAAH]¹

Republic of Ivory Coast:

[SIRANSY TOURÉ]

Republic of Dahomey:

[ISSAKA DANGOU]

Republic of Guinea:

Republic of Upper Volta:

[PIERRE GUIQUEMDE]

Republic of Mali:

[LAMINE KEITA]

Republic of Niger:

[Dr. HAROUNA BEMBELLO]

Federal Republic of Nigeria:²

Republic of Chad:

¹ Names of signatories have been supplied by the Government of the Niger.

² Nigeria joined the above-mentioned States by an instrument of approval from its Ministry of Foreign Affairs dated 8 November 1973, signed by the Permanent Secretary, Harold O. I Monu, and registered with the Secretariat of the Commission on 16 November 1973. (Information supplied by the Government of the Niger.)