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Gambia River Convention 1978

Convention relating to the status of the River Gambia signed at Kaolack, on 30 June 1978³²

(³² Guinea became a party to the Convention by virtue of resolution 2/CEG/CG of 6 June 1981 of the Conference of Heads of State and Government of the Gambia River Basin Development Organization.)

The Heads of State and Government of
The Republic of the Gambia,
The People's Revolutionary Republic of Guinea,
The Republic of Senegal,³³

(³³ As amended by resolution 3/CEG/CG of 6 June 1981 of the Conference of Heads of State and Government.)

HAVING regard to the United Nations Charter, signed the 26th June 1945.

HAVING regard to the Charter of the Organisation of African Unity, signed the 25th May 1963.

HAVING regard to the treaty of Association of 19th April 1967.

HAVING regard to the revised agreement for the integrated development of the Gambia River Basin of 31st July 1968.

HAVING regard to the Convention signed on the 16th April 1976, creating the co-ordinating committee of the Gambia River Basin.

Considering that the co-ordinated development of the Gambia River for the rational exploitation of its natural resources offers prospects for fruitful economic co-operation.

Considering the agreement of the member States to proceed through stages of regulation to the general development of the Gambia River and to the utilisation of its

water with the triple objective mainly of developing energy production, irrigation and navigation.

Considering that the joint exploitation of the river implies freedom of navigation and equal treatment for all contracting States in conformity with the provisions of this present convention.

Have agreed on the following:

PART I - PRINCIPLES AND DEFINITIONS

Article 1

Within the framework of the provisions of the present agreement the Gambia River and its tributaries is declared a river of regional interest within the national territories of the riparian States.

Article 2

The contracting States solemnly express their determination to set up a close cooperation which will facilitate the rational exploitation of the resources of the Gambia River.

Article 3

The utilization of the River Gambia shall be open to each contracting State according to the procedures established in this Agreement.

PART II - AGRICULTURAL AND INDUSTRIAL EXPLOITATION

Article 4³⁴

No project which is likely to bring about serious modifications on the characteristics of the river's regime, on its navigation conditions, the agricultural and industrial exploitation of the river, the sanitary state of the waters, the biological characteristics of its fauna and its flora, as well as its water level, will be implemented without the prior approval of the contracting States. Such approval should be received within six months. Beyond this deadline the State concerned may, as of right, proceed with the execution of its project.

(³⁴As amended by resolution 5/CEG/CG of 5 June 1981 of the Conference of Heads of State and Government.)

The contracting States will be duly informed of any project in connection with the exploitation of the river.

Article 5

A special agreement between the contracting States shall clearly define the conditions governing the execution and exploitation of any works of common interest as well as the mutual obligations of the States concerned.

Upon ratification by the Governments of the contracting States, copies of such agreements shall be forwarded to the General Secretariat of the United Nations Organisation and to the Organisation of African Unity.

PART III - NAVIGATION AND TRANSPORT

Article 6

On the national territories of the contracting States, navigation on the River Gambia and its tributaries, which will be indicated later on, shall be open to nationals, merchant ships

and goods of the contracting States, to vessels chartered by one or more contracting States, and this on equal basis as far as port charges and commercial navigation dues are concerned.

Article 7

The contracting States agree to keep the part of the river situated within their national territories' limits navigable.

The financing method for works or projects aimed at improving navigation conditions of the River Gambia as well as procedures for the maintenance, exploitation of the river, and the amortization of the costs of projects shall be defined either by special agreement or by utilization regulations.

Article 8

Charges and dues to be paid by ships or goods making use of the river including the estuary and its tributaries shall be related to the services rendered to navigation and facilities provided and shall exclude any form of discrimination.

Traffic along the river shall be dealt with in a joint regulation approved by the contracting States.

Article 9

Roads, railways, lateral canals which may be built as a substitute for the non-navigability or imperfections of the water-way in certain sections of the river, its tributaries, branches and derivatives may be considered, in the context of special regulations approved by the contracting States, as dependent on the river navigation and as such open to all traffic.

Lakes may under the same conditions be considered as open to- all traffic.

Tolls and other charges shall be calculated on the basis of the costs of construction, maintenance, replacement and administration.

As to the rate of these tolls and charges nationals of the contracting States shall be equally treated.

Article 10

The contracting States shall set up a common system in order to guarantee safety of and control over navigation on the river.

PART IV – IMPLEMENTATION

Article 11

The contracting States agree to set up a joint organization for co-operation which will be responsible for the implementation of this Agreement, the promotion and co-ordination of studies and projects for the development of the River Gambia.

Article 12

The Statute of this organ, its structure, conditions of operation, as well as the powers that the contracting States will invest on the officer responsible for this organ within the framework of the general development of the River Gambia shall be dealt with in a special agreement.

PART V – MISCELLANEOUS

Article 13

Any riparian State of the River Gambia may adhere to this Agreement. In this connection, an application in writing shall be forwarded to the State retaining the instruments of ratification. This State shall notify the other member States.

Article 14

The present agreement may be amended at the request of one of the contracting States, such a request shall be forwarded in writing to the State retaining the instruments which shall notify the other contracting States.

Article 15

The present agreement may be denounced by one of the contracting States after a period of 60 years starting from the day of its entry into force. The denunciation shall be forwarded in writing to the State retaining the instruments which will notify the other contracting States.

It shall take effect after a period of six months. Unless there is a contrary agreement, this denunciation shall not affect any commitments undertaken prior to this notification.

Article 16

Any dispute that may arise between the contracting States regarding the interpretation or implementation of the present agreement shall be settled through conciliation or mediation. If no agreement is reached, the contracting States shall place the matter before the Conciliation and Arbitration Committee of the OAU. As a last resort, they shall have recourse to the International Court of Justice at The Hague.

In the event of an emergency, the Institution mentioned in Article 11 shall take all necessary measures designed mainly to safeguard the principles of the agreement pending the settlement of the dispute.

Article 17

Provisions contained in treaties, conventions and agreements relative to the development of the Gambia River Basin and which are contradictory to the dispositions of the present convention are abrogated.