

# Convention on the status of the Volta River and the Establishment of Volta Basin Authority

Preamble

The Heads of State,

of the Republic of Benin,

of Burkina Faso,

of the Republic of Cote d'Ivoire,

of the Republic of Ghana,

of the Republic of Mali,

of the Republic of Togo,

Considering the United Nations Organization Charter;

Considering the Treaty establishing the African Union;

Considering the revised Treaty of the Economic Community of West African States (ECOWAS);

Considering the African Convention on the Conservation of Nature and Natural Resources adopted in Algiers in 1968 and revised in Maputo in 2003;

Considering the International Convention on Internationally Important Wetlands serving especially as Habitat for water birds, adopted in Ramsar (Iran) in 1971;

Considering the sub-regional, regional and international Conferences and Initiatives, in particular, the commitments made within international frameworks such as:

The West African Conference [March 1998) on Integrated Water Resources Management (IWRM) whose "Ouagadougou Declaration" requires the Countries sharing a river basin to "create or strengthen their basin organization";

The Assembly of the Heads of State and Government of the ECOWAS, which during its 24th Session held in Bamako in December 2000, adopted the Regional Action Plan for Integrated Water Resources Management in West Africa (RAP/IWRM/WA ) in which one component concerns the management of trans-boundary basins.

The Assembly of the Heads of State and Government of the ECOWAS, which during its 25th Meeting held in Dakar in December 2001, established within the ECOWAS the

Water Resources Coordinating Unit (WCRU) whose major role is to promote IWRM in West Africa:

The United Nations Conferences on the Management of Water Resources and Environment and in particular that on:

- i. Water and Environment held in Dublin (1992), which established the basic IWRM principles;
- ii. Environment and Development in Rio (1992), during which a consensus emerged on a "new plan of action for the better management of fresh water resources on Earth", stated in Agenda 21:
- iii. Water and Sustainable Development held in Paris (1998), which reinforced the recognition of the major principles aimed at promoting a sustainable management of water resources and aquatic environment adopted in Rio:
- iv. World Summit on Sustainable Development held in Johannesburg (2002), during which the International Community renewed and specified its commitment to IWRM.

Considering the need for promoting sustainable socio-economic development in their respective countries for increasing the standard of living of their peoples:

Considering that, in spite of the existence of important projects and programmes related to research and socio-economic development activities, there is continuous degradation of the natural resources of the Volta basin, especially its water resources, as a result of climate change and variations of the past decades, on the one hand, and by the negative impacts of the human activities carried out throughout the basin on the other hand;

Convinced that the creation of an inter-States organization for the management of the Volta basin is essential to reinforce dialogue between the riparian countries and to effectively coordinate development action and promote sustainable water resources management in the Volta basin:

Hereby agree as follows:

## I. GENERAL PROVISIONS

Article 1:

Definition of terms:

- i. Riparian States: Riparian states of the Volta include Benin, Burkina Faso, Cote d'Ivoire, Ghana, Mali and Togo.
- ii. State Parties: The riparian states who have ratified this Convention.

Article 2:

The Parties herein declare that Volta River including its tributaries and sub-tributaries within the territories of the Republic of Benin, Burkina Faso, the Republic of Cote d'Ivoire, the Republic of Ghana, the Republic of Mali, and the Republic of Togo, is an international river.

Article 3:

1. For the purpose of ensuring international cooperation for the rational and sustainable management of the water resources of the Volta basin and for the socio-economic integration

among the Parties herein, there is hereby established an organization called the Volta Basin Authority (VBA) hereinafter referred to as the "Authority".

2. The Authority shall have the status of an international organization enjoying thereto the privileges and immunities of an international legal entity

## II. PRINCIPLES

### Article 4:

The Parties commit themselves to cooperate closely for the rational and sustainable utilization of the water resources of the Volta Basin on the basis of the following principles:

- (a) The use of the water resources of the basin and the participation in their development in an equitable and reasonable manner;
- (b) The general obligation to co-operate for the States sharing the same river basin;
- (c) The regular exchange of data and information among the State Parties;
- (d) The notification of planned activities that can have negative effects as well as the related consultations and negotiations;
- (e) Precaution and prevention;
- (f) The protection and conservation of ecosystems;
- (g) The obligation not to cause damage;
- (h) The notification of emergency situation;
- (i) The freedom of navigation on the river.

### Article 5:

- 1. Parties may enter into agreements on any portion of the Volta basin for a project, a program or any other utilization of the water resources of the Volta basin.
- 2. Such agreements shall be consistent with the provisions of this Convention.

## III. MANDATE AND JURISDICTION

### Article 6:

The mandate of the Authority as regards water resources and which shall be performed on the basis of the principles set forth in Article 4 of this Convention shall be:

- 1. To promote permanent consultation tools among the parties for the development of the basin;
- 2. To promote the implementation of integrated water resources management and the equitable distribution of the benefits resulting from their various utilizations:

3. To authorize the development of infrastructure and projects planned by the stakeholders and which could have substantial impact on the water resources of the basin;
4. To develop joint projects and works;
5. To contribute to poverty alleviation, the sustainable development of the Parties in the Volta basin and for better socioeconomic integration in the sub-region.

Article 7:

The Authority in the performance of its functions shall have jurisdiction over the Volta River, its tributaries and sub-tributaries, the reservoirs and lakes, groundwater and wetlands as well as the aquatic and land ecosystems linked to the basin, the estuary of the river including the zone of coastal and oceanic influence.

#### IV. ORGANS, SPECIFIC OBJECTIVES AND OPERATING RULES

Article 8:

The following shall constitute the permanent administrative organs of the Authority

- a) The Assembly of Heads of State and Government;
  - b) The Council of Ministers in charge of Water Resources;
  - c) The Forum of the Parties involved in the Volta basin development;
  - d) The Committee of Experts;
  - e) The Executive Directorate of the Authority.
2. The Council of Ministers may, as and when necessary, establish any other organ of the Authority.
  3. The Executive Director of the Authority shall enjoy all the privileges and immunities granted to Heads of Diplomatic missions.

Article 9:

The Council of Ministers shall define in the Statutes of the Authority the specific objectives and the rule relating to the operation of its organs.

#### V. AMENDMENTS

Article 10:

1. This Convention may be amended upon the request of any State Party.
2. Such a request for amendment shall be sent in written form to the Chairman of the Assembly who shall submit it to the Assembly of Heads of State and Government for consideration.
3. A proposed amendment shall be approved by two-thirds majority of the State Parties.

4. Any amendment to this Convention shall enter into force under the same conditions as set out in this Convention.

## VI. ADMISSION

### Article 11:

1. Upon the coming into force of the Convention, a Riparian State may join the Authority by ratifying the Convention and shall file the ratification instrument with the Government of Burkina Faso which shall thereupon inform the State Parties accordingly:
2. The Riparian State shall become a State Party thirty (30) days after the ratification instruments are deposited.

### Article 12:

1. Any State which withdraws from the Authority may apply for readmission.
2. The State shall send such a request to the Chairman of the Assembly which shall inform the other States Parties accordingly.
3. Upon the receipt of such request, the Assembly of Heads of State and Government shall examine the request at its next appropriate session and shall declare the membership to the Authority upon the votes of two-thirds of the Parties
4. The Riparian State shall become a State Party thirty (30) days after the ratification instruments are deposited.

## VII DISPUTE SETTLEMENT, WITHDRAWAL AND DISSOLUTION

### Article 13:

1. Any dispute arising among the Parties shall be resolved in conformity with the provisions of the Charter of the United Nations Organization.
2. Any dispute arising among the Parties from the interpretation or enforcement of this Convention shall be resolved through conciliation and mediation within the Authority.
3. In the absence of an amicable settlement, the Parties shall submit the matter to one of the competent organs of ECOWAS or African Union and thereafter to the International Court of Justice.

### Article 14:

1. A State party may withdraw from the Authority provided that such state shall inform in writing the President of the Assembly of Heads of State and Government who shall immediately notify the other State Parties.
2. The State shall enter into negotiations with the Authority on the one hand and the interested third Parties on the other hand for the settlement of all existing rights and obligations as set forth in this Convention.
3. The withdrawal of a State shall become effective only after settlement agreements are signed by the Authority on the one hand and the interested third parties on the other hand.

4. The withdrawal of a Party does not mean the dissolution of the Authority.

Article 15:

1. The Authority may be dissolved upon the request of at least two of the Parties.
2. Upon the receipt of such request the Assembly of Heads of State and Government shall examine the request in an extraordinary session convened within a period of one year and shall declare the dissolution of the Authority upon the votes of two-thirds of the Parties.
3. The Assembly, upon the dissolution of the Authority, shall define the modalities for the distribution of the assets and liabilities of the Authority.
4. The dissolution shall become effective only after all settlement agreements have been signed between the Parties and other interested third parties

#### VIII. HEADQUARTERS AND WORKING LANGUAGES

Article 16:

The Authority shall have its headquarters in Ouagadougou, BURKINA FASO provided that the headquarters may be relocated to any other State Party upon the decision of the Assembly of Heads of State and Government.

Article 17:

The working language of the Authority shall be English and French.

#### IX. FINAL PROVISIONS

Article 18:

This Convention shall be ratified by the Parties in conformity with their constitutional rules and procedures.

Article 19:

The Convention as well as the ratification instruments shall be filed with the Government of BURKINA FASO which shall inform the Parties accordingly.

Article 20:

This Convention shall enter into force thirty (30) days after the ratification instruments are deposited by the fourth State.

Article 21:

This Convention shall be forwarded to the United Nations General Secretariat for registration after it enters into force, in conformity with Article 102 of the United Nations Charter.

IN WITNESS WHEREOF, the Heads of States listed below have signed this Convention in Ouagadougou (Burkina Faso), on the 19th of January 2007 in six (6) original copies in English and French. Both versions shall be deemed authentic.

For the Republic of Benin

For the Republic of Burkina Faso

For the Republic of Cote d'Ivoire

For the Republic of Ghana

For the Republic of Mali

For the Republic of Togo