

AGREEMENT¹ CONCERNING THE RIVER NIGER COMMISSION AND THE NAVIGATION AND TRANSPORT ON THE RIVER NIGER. DONE AT NIAMEY, ON 25 NOVEMBER 1964^{2 3}

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,⁴

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 COMMISSION⁵**

...

**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

¹ Entry into force: 12 April 1966.

² United Nations, Treaty Series, vol. 587, No. 8507, p. 19.

³ Signatories: Benin, Cameroon, Chad, Ivory Coast, Guinea, Mali, Niger, Nigeria, Burkina Faso.

⁴ No. 2 above.

⁵ Superseded by the Convention creating the Niger Basin Authority of 21 November 1980 (No. 12 below).

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.