

**CONVENTION RELATING TO THE CREATION OF THE
GAMBIA RIVER BASIN DEVELOPMENT ORGANIZATION
SIGNED AT KAOLACK ON 30 JUNE 1978¹**

I. PREAMBLE

The Heads of State and Government of

The Republic of the Gambia,
The People's Revolutionary Republic of Guinea,
The Republic of Senegal,²

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

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

AND HAVING regard to the International Convention concerning the status of the River Gambia,³ notably Article 11.

DESIROUS to promote and to intensify co-operation and economic exchange and to pursue in common their efforts for economic development of the resources of the River Gambia.

RESOLVED to maintain and reinforce between their States the favourable condition for the realization of these objectives.

HAVE AGREED TO THE FOLLOWING:

II. PURPOSE OF THE ORGANIZATION

Article 1. - There is hereby created a Joint Organisation of Co-operation for the Development of the Gambia River Basin, whose headquarters shall be located at Kaolack in the Republic of Senegal. It can be transferred to any other location by a decision of the Heads of State and Government.

This Organisation is charged with the responsibility:

- (1) To apply the Convention relating to the status of the River Gambia.
- (2) To promote and to co-ordinate the studies and works for the development of the Gambia River Basin within the national territories of the member States of the organization.
- (3) To execute such technical and economic projects as the member States would wish to assign to it. In order to realize this objective, the Organisation may receive donations, obtain loans and launch appeals for technical assistance with the consent of the Council of Ministers.

Article 2. - This Organization shall in no way act as an obstacle to the creation, the existence and the workings of national or regional organizations embracing different or larger areas of co-operation.

¹ 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. Guinea Bissau also became a party to the Convention by virtue of resolution 9/CEG 5DS of 28 July 1983 of the Government of Heads of States and Government of the Gambia River Basin Development Organization.

² As amended by resolution 4/CEG/CG of 6 June 1981 of the Conference of Heads of State and Government.

³ No. 9 above.

III. PERMANENT ORGANS

Article 3. - The permanent bodies of the Organisation for the Development of the Gambia River Basin shall be:

1. The Conference of Heads of State and Government
2. The Council of Ministers
3. The High Commission
4. The Permanent Water Commission
5. Such other organs which may be deemed necessary for the realisation of the programme of the Organisation.

IV. CONFERENCE OF HEADS OF STATE AND GOVERNMENT

Article 4. - The Conference of Heads of State and Government of the Organisation shall be the supreme organ of the Organisation. It shall define the policies of co-operation and development of the Organisation. It shall take decisions concerning the political, economic, and general interests of the Organisation and all decisions relating to its objectives.

Article 5. - The Conference of Heads of State and Government of the Organisation shall hold its ordinary session once a year. It may be convened into an extraordinary session on the initiative of its Chairman or at the request of a member State.

Decisions shall be taken by the unanimous vote of all members.

Article 6. - The decisions adopted by the Conference shall be binding on all member States, who are obliged to see to their implementation.

Article 7. - The Chairmanship of the Conference of Heads of State and Government shall be in rotation and shall last for two years for each Head of State and Government.

V. THE COUNCIL OF MINISTERS

Article 8

(1) The Council of Ministers shall consist of a single Minister representing each member State. The Ministers may be accompanied by members of their respective governments.

(2) The Council of Ministers shall define the general policies for the development of the Gambia River Basin, for the utilisation of its resources and for co-operation between contracting States and shall exercise overall control of the Organisation.

(3) The Council of Ministers may create any new organs which it deems necessary for the proper functioning of the Organisation.

(4) The order of priority of projects for the development and exploitation of the resources of the Gambia River shall be determined by the Council of Ministers.

(5) River basin development programmes which are of interest to one or more member States shall be submitted for the approval of the Council of Ministers prior to execution.

(6) The Council of Ministers shall decide the work programme of the Organisation and shall approve its operating budget, deciding the financial contributions of each member State thereto.

(7) The decisions of the Council of Ministers shall be taken unanimously and shall be binding on all member States.

The Council of Ministers shall approve the internal regulations of the High Commission .

Article 9. - The Chairmanship of the Council of Ministers of the Organisation shall rotate amongst member States and shall last two years.

Article 10. - The Council of Ministers of the Organisation shall meet in ordinary sessions twice a year, and shall be convened by its Chairman into extraordinary sessions at the request of a member State.

The Chairman of the Council of Ministers shall control and preside at the ordinary and extraordinary sessions.

Meetings shall take place in rotation in each member State. Each State shall be obliged to attend meetings of the Council of Ministers.

The Council of Ministers shall report to the Conference of Heads of State and Government by the intermediary of its Chairman assisted by the High Commissioner.

VI. THE HIGH COMMISSION

Article 11. - Between sessions of the Council of Ministers, the High Commissioner shall represent the Organisation.

He shall take all decisions within his capacity in accordance with the directives of the Council of Ministers and within the limits of the powers bestowed on him.

Article 12. - The High Commission of the Organisation shall be directed by a High Commissioner. The High Commissioner shall be appointed by the Conference of Heads of State and Government on recommendation of the Council of Ministers for a period of 4 years which is renewable. He shall relinquish his duties in the same manner.

The High Commission shall be the executive organ of the Organisation. It shall apply the decisions of the Council of Ministers of the Organisation and report regularly as regards the execution of these decisions and of all the initiatives that it has been called upon to take in conformity with the directives given by the Council of Ministers.

The structure of the High Commission shall be fixed by the Council of Ministers proposed by the High Commissioner.

Article 13. - The High Commissioner of the Organisation shall be responsible for the financial operations of the Organisation notably its operating budget, its study and its construction budgets.

Article 14. - The High Commissioner shall be responsible to the Council of Ministers to whom he shall report on his management and the activities of the High Commission.

Article 15. - The High Commissioner may be charged by one or more member States to find funds for the implementation of programmes connected with the development of the Gambia River Basin.

Article 16. - The High Commissioner shall represent member States in their relations with international and bilateral aid institutions with reference to the Gambia River Basin.

In this regard he is empowered to negotiate and to make contacts within the ambit of his powers which are delegated to him by the Council of Ministers in the name of all the member States of the organisation.

The High Commissioner shall examine the projects evolved by the States for the development of the Gambia River Basin and shall submit them with his opinions to the Council of Ministers of the Organisation.

The High Commissioner may be charged by one or several member States with the execution of studies and the actual control of works linked to the implementation of the scheme.

Article 17⁴ - The High Commissioner shall be seconded by a Secretary General, by Directors and Advisers. The High Commissioner may delegate authority to the Secretary General and to the Directors if he judges it necessary for the smooth functioning of the Organisation, however, he shall remain ultimately responsible.

Article 18⁴ - The Secretary General, Directors and Advisers shall be appointed by the Council of Ministers on the recommendation of the High Commissioner. Their functions shall be terminated in like manner.

The Secretary General, who is senior in rank to the Directors, shall act for the High Commissioner in the event of absence or indisposibility.

The Secretary General and Directors, aside from their attributions, shall assume the following functions:

- the complete briefing of the High Commissioner on the running of the services;
- the programming, follow-up and execution of programmes and projects formulated in

⁴ As amended by resolution 6/CEG/CG of 6 June 1981 of the Conference of Heads of State and Government.

relation to the development of the Gambia River Basin submitted to them by the High Commissioner.

VII. THE PERMANENT WATER COMMISSION

Article 19. - The Permanent Water Commission shall be charged with the responsibility of defining the principles and modalities of the utilization of the Gambia River waters between the States and between sectors using the water: industry, agriculture and transport.

The Commission shall be composed of the Representatives of member States of the Organisation.

It shall serve as a consultative organ for the Council of Ministers.

It shall meet when required and convened by the High Commissioner.

VIII. BUDGETS

Article 20. - The operating budget, the implementation budgets of the Organisation shall be paid for by member States and from all other resources, either internal or obtained from external sources by the Council of Ministers.

IX. VARIOUS PROVISIONS

Article 21. - Any riparian State of the River Gambia may join the Organisation. To this effect it shall address a written request to the State retaining the instruments of ratification, who will inform the other member States.

Article 22. - The present convention may be revised at the request of a member State. The request for a revision shall be written and addressed to the Chairman of the conference of Heads of State and Government .

Article 23. - In the absence of agreement between States, all differences which might arise between member States in relation to matters of interpretation or the implementation of the present convention shall be resolved by discussion and mediation. In the absence of agreement, the member States shall inform the Commission of Conciliation and Arbitration of the Organisation of African Unity. As a last resort the member States shall seek the assistance of the International Court of Justice at The Hague.

Article 24. - Any member State that wishes to leave the Organisation shall in writing inform the Chairman of the Conference of Heads of State and Government who will immediately notify the other member States.

The present convention shall then cease to apply to such a State after a delay of six months following the date of notification without affecting the obligations previously contracted.

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