

PREAMBLE

WE, Heads of State and Government of:

The Republic of Angola,
The Republic of Cameroun,
The Republic of Congo,
The Democratic Republic of Congo
The Republic of Equatorial Guinea,
The Republic of Gabon,
The Federal Republic of Nigeria,
The Democratic Republic of Sao Tome and Principe'.

DESIROUS to reinforce and consolidate the fraternal relations existing among our peoples;

PROMPTED by the desire to establish and develop close and multifaceted cooperation among our States and to establish our relations on a basis of mutual understanding, good neighbourliness and strong bonds of friendship;

RESOLVED to remove obstacles likely to impede our cooperation, to create and maintain conditions of peace and security among our countries;

CONSCIOUS of the need to put the natural resources of our countries at the service of economic development and social progress of our peoples;

CONVINCED in this regard that our common and concerted action is the sure guarantee for a harmonious, rational and peaceful exploitation of our natural resources;

DESIROUS to harmonise our economic policies, bearing in mind the sovereignty of our States;

REAFFIRMING our commitment to the principles and objectives of the Charters of the United Nations and of the Organisation of African

Unity/African Union, as well as to the provisions of the Treaty establishing the African Economic Community;

BEARING IN MIND the provisions of the United Nations Convention on the Law of the Sea which was concluded at Montego Bay, Jamaica on 10 December 1982;

CONVINCED that the sub-regional and regional entities constitute the vital links of a united, integrated and strong Africa;

RECOGNISING that the Gulf of Guinea is replete with natural resources which could contribute to the economic development of all the coastal states and to the general well-being of our peoples;

DESIROUS to tap these resources to ensure the economic development of our States and the well-being of our peoples;

MINDFUL of the International commitments we have made on bilateral and multilateral levels;

ANXIOUS to settle our disputes by peaceful means;

CONVINCED that dialogue and negotiation remain the best ways of resolving permanently any dispute in accordance with the provisions of the Charters of the United Nations and the Organisation of African Unity/African Union;

CONSCIOUS of the need to put in place an appropriate dialogue and consultation mechanism for the prevention, management and resolution of conflicts connected to the delimitation of borders, to the economic and commercial exploitation of the natural resources within the territorial boundaries, particularly in the overlapping Exclusive Economic Zones (EEZ) of our States.

Pursuant to the relevant provisions of the Final Communiqué of the Summit of the Heads of State and Government of the Gulf of Guinea held in Libreville on 19 November 1999;

HEREBY AGREE AS FOLLOWS:

ARTICLE 1

Definitions

For the purposes of this Treaty:

- "AEC" shall mean the African Economic Community;
- "COMMISSION" shall mean the Gulf of Guinea Commission;
- "COMMITTEES" shall mean Specialised Committees"
- "ASSEMBLY" shall mean the Assembly of Heads of State and Government;
- "COUNCIL" shall mean the Council of Ministers;
- "GULF" shall mean the Gulf of Guinea;
- "High Contracting Parties" shall mean the Member States represented by Heads of States and Government or their duly accredited plenipotentiaries;
- "Member States" shall mean a Member State of the Commission;
- "OAU" shall mean the Organisation of African Unity;
- "AU" shall mean the African Union;
- "UN" shall mean the United Nations;
- "Secretariat" shall mean the Secretariat;
- "AD. HOC ARBITRATION MECHANISM" shall mean the Ad Hoc Arbitration Mechanism;
- "Treaty" shall mean the present Treaty.

ARTICLE 2

Establishment of the Gulf of Guinea Commission

A Commission, hereinafter referred to as the Gulf of Guinea Commission (GGC) shall be established.

The membership of the Commission shall be Sovereign States bordering the Gulf of Guinea and parties to the present Treaty.

The Commission shall constitute a framework of consultation among the countries of the Gulf of Guinea for cooperation and development, as well as for the prevention, management and resolution of conflicts that may arise from the delimitation of borders and the economic and commercial exploitation of natural resources within the territorial boundaries, particularly in the overlapping Exclusive Economic Zones (EEZ) of our States:

ARTICLE 3

Objectives

The objectives of the Commission shall be:

- ✓ a) To strengthen ties of cooperation and solidarity existing among Member States;
- ✓ b) To create conditions of mutual confidence, peace and security conducive to the harmonious development of States;
- ✓ c) To promote close consultation in the exploitation of the natural resources of the Gulf, with a view to ensuring the economic development of Member States and the well-being of their peoples;
- ✓ d) To promote co-operation in the different sectors within the framework of the Treaty establishing the African Economic Community and the African Union and thereby contribute to the development of the continent;

- e) To harmonise the respective policies of States regarding matters of common interest, particularly concerning the exploitation of natural resources;
- f) To protect, preserve and improve the natural environment of the Gulf of Guinea and cooperate in the event of natural disaster;
- g) To formulate a concerted immigration policy and find appropriate solutions to the problem which might arise there from;
- h) To strengthen cooperation in the area of communications, especially maritime communications, with a view to facilitating ties and trade among Member States and their peoples;
- i) To this end, to develop a wide communications network and ensure the integration of transport networks.

ARTICLE 4

Principles

In pursuit of the objectives stated above, the High Contracting Parties solemnly reaffirm their firm commitment to respect the principles enshrined in the Charters of the United Nations and of the OAU/the Constitutive Act of the African Union, particularly:

- a) Sovereign Equality of all Member States;
- b) Non-interference in the internal affairs of Member States;
- c) Peaceful settlement of disputes;
- d) Inviolability of borders inherited from colonialism;
- e) Non-aggression;
- f) Non-utilisation of the territory of one State for activities directed against the sovereignty and territorial integrity of another Member State.

ARTICLE 5

Areas of Cooperation

In pursuit of the objectives stated above, the High Contracting Parties undertake to pool their efforts towards the harmonisation of their respective policies in the areas of common interest. To this end, they pledge to identify areas of common interest in the geographical area of the Gulf and map out common policies, particularly in the areas of peace and security, exploitation of hydrocarbons, fishery and mineral resources, the environment, movement of peoples and goods, development of communications, promotion of the economic development and integration of the Gulf region.

Member States shall strive to develop other activities that they consider necessary to promote the objectives of the Commission.

ARTICLE 6

Organs

For the purpose of the Implementation of the above objectives, the following organs shall be established:

- a) The Assembly of Heads of State and Government;
- b) The Council of Ministers;
- c) The Secretariat;
- d) The Ad Hoc Arbitration Mechanism.

ARTICLE 7

The Assembly

The Assembly shall be the supreme organ of the Commission. It shall be composed of the Heads of State and Government or their duly accredited representatives. It shall meet at least once a year in a regular session and at any time in extra-ordinary session, subject to approval by two-thirds majority of Member States of the Commission.

ARTICLE 8

Functions of the Assembly

It shall:

- a) Define the general policy and the major guidelines of the Commission;
- b) Oversee the functioning of the Commission;
- c) Examine the report of the Council and take relevant decisions;
- d) Decide as a last resort about all matters on which the Council has not been able to take a decision;
- e) Establish any organ of the Commission or specialized Committees;
- f) Adopt the budget of the Commission;
- g) Appoint and remove the Executive Secretary;
- h) Decide on the location of the headquarters of the Commission.

ARTICLE 9

Decisions

The Assembly shall take its decisions by consensus or, failing which, by two-thirds majority of the members present.

The quorum for meetings of the Assembly shall be two-thirds of the Member states.

ARTICLE 10

Rules of Procedure of the Assembly.

The Assembly shall adopt its Rules of Procedure.

ARTICLE 11

The Council

The Council shall be composed of Ministers responsible for Foreign Affairs or other Ministers for Economy and Finance, Hydrocarbons, Fishery Resources, Mines, Environment or all such Ministers as are designated by Member States can also meet as need be. The Council shall meet twice a year in a regular session. At the request of any Member State and subject to approval by a two thirds majority of the Member States of the Commission, it shall meet in Extra-Ordinary Session:

ARTICLE 12

Functions of the Council

The Council shall be answerable to the Assembly. It shall be entrusted with the responsibility of:

- a) Preparing the sessions of the Assembly;
- b) Promoting all activities geared towards the attainment of the objectives set forth in Article 2 of this Treaty, within the framework of the general policy defined by the Assembly;
- c) To this end, it shall formulate and propose general policy measures ;
- d) Take cognisance of any matter referred to it by the Assembly;
- e) Implement the co-operation policy in accordance with the general policy defined by the Assembly;
- f) Create committees and determine their areas of competence;

The Council shall be assisted in the accomplishment of its tasks by Specialised Committees of this Treaty.

ARTICLE 13

Decisions

The Council shall take its decisions by consensus or, failing which, by a two-thirds majority of the members present.

The quorum shall be two-thirds of the Member States.

ARTICLE 14

Rules of Procedure of the Council

The Council shall adopt its Rules of Procedure.

ARTICLE 15

Specialised Committees

At the request of the Assembly or the Council, the Assembly shall establish Specialised Committees to deal with specific matters pertaining to the realisation of the objectives set forth in this Treaty.

The Assembly may, if it deems it necessary, restructure the existing Committees or create new ones according to the needs of the Commission.

The Commission may, where necessary, set up sub-regional Committees to assist in accomplishing its mandate and shall determine the composition thereof.

ARTICLE 16

The Secretariat

The Secretariat shall be headed by an Executive Secretary appointed by the Assembly of Heads of State for a term of three years renewable once.

ARTICLE 17

Functions of the Secretariat

The Secretariat shall carry out the following functions:

- a) to ensure the day to day functioning of the Commission;
- b) to implement the decisions of the Assembly and the Council;
- c) to prepare the reports, draft decisions and agreements for the attention of the Assembly and the Council;
- d) to formulate the recommendations that might enhance the efficient and harmonious functioning and development of the Commission;
- e) to provide technical services for the sessions of the Assembly and the Council as well as the Specialised Committees;
- f) to play the role of custodian of the documents and assets of the Commission;
- g) to prepare the budget of the Commission;
- h) To carry out any other duties that may be assigned to it by the Assembly or the Council.

ARTICLE 18

The Ad Hoc Arbitration Mechanism

An Ad Hoc Arbitration Mechanism of the Commission shall be established.

The Rules of Procedure and other matters pertaining to the Ad Hoc Arbitration Mechanism shall be defined by the Council and approved by the Assembly.

ARTICLE 19

Budget and Resources

The financial resources of the Commission shall come mainly from Member States' contributions, gifts and bequests.

For each financial year, the Secretariat shall prepare a draft budget and shall submit it to the Council for consideration. The latter shall present it together with its recommendations to the Assembly for approval.

The Assembly shall determine the contributions of Member States to the budget of the Commission and the currencies in which the contributions shall be paid.

The Assembly shall, on the Council's recommendation, approve the financial rules and regulations governing the implementation of the provisions of this article.

ARTICLE 20

Settlement of Disputes

Member States shall act collectively to guarantee peace, security and stability as prerequisites to the realisation of the objectives set forth in this Treaty. To this end, they undertake to settle their disputes amicably. Failing which, either party shall refer the matter to the Ad Hoc Arbitration Mechanism of the Treaty or any Mechanism for peaceful resolution of conflicts stated by the Charters of the United Nations, the Organisation of African Unity and the African Union.

ARTICLE 21

Official Languages

The official languages of the Commission shall be English, Spanish, French and Portuguese.

ARTICLE 22

Statutes, Privileges and Immunities.

The Commission shall have legal status and the power to:

- a) Enter into contracts;
- b) Purchase and assign movable and immovable property;
- c) Be party to judicial and other legal proceedings.

To this end the Commission shall be represented by the Executive Secretary.

The privileges and immunities granted to the Secretariat shall be the same as those enjoyed by diplomats in the country hosting the headquarters of the Commission and in Member States.

ARTICLE 23

Establishment of Institutions

At its inaugural meeting, which will take place within a period of one month, starting from the day of entry into force of this Treaty, the Assembly shall appoint the Executive Secretary, determine where the Headquarters of the Commission shall be and, if necessary, take the measures to set up a Provisional Secretariat, pending the establishment of the Permanent Secretariat.

ARTICLE 24

Relations with other Organisations

In the pursuit of its objectives as set forth in this Treaty, the Commission may enter into cooperation agreements with other Regional Organisations, Inter-governmental Institutions and third parties, provided that such agreements are not incompatible with the provisions of this Treaty.

In case of incompatibility between the provisions of this Treaty and those of previous agreements concluded before it comes into force, the provisions of this Treaty will prevail, except for the imperative rules of general international law.

ARTICLE 25

Relations with the OAU/AU, AEC and the Regional Economic Communities.

The Commission shall work with the OAU/AU/AEC and the Regional Economic Communities for the realisation of effective integration and African Union objectives. To this end, it may establish consultation mechanisms and conclude agreements with these Organisations.

ARTICLE 26

Ratification and Entry into Force

The Treaty shall be ratified by the High Contracting Parties in accordance with their respective national legislations. It shall enter into force thirty (30) days after the deposit of the Instruments of Ratification by two-thirds of the parties, signatories of this Treaty.

ARTICLE 27

Accession and Admission

Any State bordering the Gulf of Guinea which has not signed this Treaty at the time of its entry into force may, at any time, notify the Executive Secretary of its intention to accede to this Treaty...

The Executive Secretary shall, upon receipt of such notification, transmit copies thereof to all Member States.

The vote of each Member State shall be transmitted to the Executive Secretary. Upon receipt of the required number of votes, the Executive

Dennis Sassou Nguesso (Signed)
President of the Republic of Congo.

Joseph KABILA
President of the Democratic Republic of Congo.

Theodoro OBIANG NGUËMA MBASOGO
President of the Republic of Equatorial Guinea.

EL Hadj Omar BONGÓ (Signed)
President of the Republic of Gabon.

Chief Olusegun OBASANJO (Signed)
President of the Federal Republic of Nigeria.

Miguel TROVOADA (Signed)
President of the Democratic Republic of Sao Tome and Principe.