

No. 12123

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**MULTILATERAL**

**Convention creating the African Groundnut Council (with annexed Articles of the African Groundnut Council). Concluded at Dakar on 18 June 1964**

**Statutes of the African Groundnut Council. Revised at Niamey on 27 October 1968**

*Authentic texts : English and French.*

*Registered by Niger on 31 October 1972.*

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**MULTILATÉRAL**

**Convention portant création du Conseil africain de l'arachide (avec, en annexe, les Statuts du Conseil africain de l'arachide). Conclue à Dakar le 18 juin 1964**

**Statuts du Conseil africain de l'arachide. Révisés à Niamey le 27 octobre 1968**

*Textes authentiques : anglais et français.*

*Enregistrés par le Niger le 31 octobre 1972.*

## CONVENTION<sup>1</sup> CREATING THE AFRICAN GROUNDNUT COUNCIL

The States parties to the present Convention,

a) Wishing to establish a basis for an ever closer union between African States;

b) Desiring to promote the economic and social progress of their peoples;

c) Recognising the importance of the place of groundnut in the economy of many producing countries in Africa;

d) Further recognising the existence of substitutes for groundnut and its by-products;

e) Believing that international action by producers of groundnut is necessary to ensure a reasonable price for their produce;

f) Desiring to contribute by means of adequate joint action to the stabilisation of prices of groundnut in the world market at a remunerative level, and

g) Wishing that all African countries members of O.A.U. which export groundnut will join in this common effort;

Have decided to create an African Groundnut Council and for that purpose have designated their plenipotentiaries :

<sup>1</sup> The Convention and the Articles of the African Groundnut Council came into force on 11 December 1965, i.e. one month after the Governments of three African countries members of the Organization of African Unity exporting groundnut, including those of Nigeria and Senegal, had deposited their instrument of ratification with the Government of Niger, in accordance with article V of the Convention and article XII of the Articles. The instruments were deposited as follows :

<i>State</i>	<i>Date of deposit</i>
Senegal . . . . .	15 March 1965*
Nigeria . . . . .	13 October 1965
Niger . . . . .	11 November 1965

Subsequently, the Convention and the Articles came into force for the following States on the respective dates on which their instruments of ratifications were deposited or their accessions were effected with the Government of Niger (see articles III and IV) :

<i>State</i>	<i>Date of deposit of instrument of ratification or date of accession (a)</i>
Upper Volta . . . . .	25 January 1966
Mali . . . . .	7 July 1967 <sup>a</sup>
Sudan . . . . .	23 November 1967 <sup>a</sup>

\* Date of signature of the letters of ratification which were transmitted through the Secretariat of the African Groundnut Council.

1. Republic of Upper Volta :  
Mr. Henri Adoua, Directeur de Cabinet du Ministère du Commerce,<sup>1</sup>
  2. Republic of Niger :  
Mr. Amadou Gaoh, Député, Président Directeur général de la Société nigérienne de commercialisation de l'arachide (Sonara),<sup>2</sup>
  3. Federal Republic of Nigeria :  
Mr. E. E. Nsefik, Deputy Secretary (Commerce), Federal Ministry of Commerce and Industry,
  4. Republic of Senegal :  
Mr. Habib Thiam, Ministre du Plan et du Développement, Ministre du Commerce et de l'Industrie p. i.<sup>3</sup>
- Who, after having presented their credentials in acceptable form, have agreed as follows;

#### *Article I*

An African Groundnut Council is established, the Articles of which are herewith annexed to this Convention.

#### *Article II*

The High Contracting Parties declare that they subscribe to these Articles with all its obligations and engagements.

#### *Article III*

The present Convention is subject to ratification by the signatories according to the internal laws of each Contracting Party. The instruments of ratification shall be deposited with the Government of the Niger Republic which will notify all the other Contracting Parties.

#### *Article IV*

The present Convention shall remain open for accession by any African State, member of the O.A.U., which exports groundnut. The instrument of accession shall be deposited with the Government of the Niger Republic.

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<sup>1</sup> Director of the Cabinet of the Ministry of Commerce.

<sup>2</sup> President Director General of the Nigerian Society for the Commercialization of Groundnut (Sonara).

<sup>3</sup> Minister of Planning and Development, Minister of Commerce and Industry a.i.

*Article V*

The present Convention shall come into force one month after the Federal Republic of Nigeria, the Republic of Senegal and any other African State, member of the O.A.U., which exports groundnut, deposit their instruments of ratification with the Government of the Niger Republic.

*Article VI*

The Convention done in Niamey on the 8th of January 1963,<sup>1</sup> having the same objective as this present one, is hereby cancelled.

*Article VII*

The original of the present Convention, of which the English and French texts are equally authentic, shall be deposited with the Government of Niger Republic which shall supply, on request, to any State qualified to accede to this Convention certified copies thereof.

IN WITNESS WHEREOF, the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have initialled the present Convention.

Dated at Dakar on the 18th June 1964.

For the Republic  
of Upper Volta :

HENRI ADOUA

For the Federal Republic  
of Nigeria :

E. E. NSEFIK

For the Republic  
of Niger :

AMADOU GAOH

For the Republic  
of Senegal :

HABIB THIAM

ARTICLES OF THE AFRICAN GROUNDNUT COUNCIL<sup>2</sup>*Article I*

## NAME

The African States parties to this Agreement hereby establish an organisation to be known as the African Groundnut Council hereinafter called the Council.

<sup>1</sup> The Convention of 8 January 1963 did not come into force. (Information supplied by the Government of the Niger.)

<sup>2</sup> These Articles were replaced by the Statutes of the African Groundnut Council, which came into force on 21 November 1971 : see page 230 of this volume.

*Article II*

## DEFINITION

Groundnut in this context shall mean groundnut kernels and groundnut oil. In the absence of evidence to the contrary, a given weight of groundnut oil shall be accepted to be equivalent to half the weight of groundnut kernels used in producing the given weight of oil.

*Article III*

## OBJECTIVES

The Council shall pursue the following objectives :

1. To ensure through adequate joint action remunerative price for groundnut and its by-products in the world market;
2. To promote the expansion of consumption of groundnut;
3. To organise exchange of technical and scientific information on research on matters relating to the production, marketing and possible uses of groundnut;
4. To establish continuous liaison, discuss problems of mutual interest and advance social and economic relations among the Contracting Parties.

*Article IV*

## MEMBERSHIP

Membership of the Council shall be open to all African countries members of the OAU which export groundnut.

*Article V*

1. The Council shall be empowered, during an interim period of three years from the coming into force of the Agreement on the establishment of the African Groundnut Council, to make to the Contracting Governments recommendations relating to the marketing on the international market of groundnut and its by-products exported by the participating countries;

2. At the end of the interim period the Agreement will be reconsidered so as to give the Council the power to take binding decisions relating to the policy of marketing on the international market of groundnut and its by-products exported by the participating countries;

3. The Council shall undertake studies on problems concerning groundnuts and other oil seeds and make recommendations if necessary;

4. To carry out its mission, the Council may establish direct relations with any African or other international organizations, including the United Nations and its specialized agencies;

5. The Council shall appoint observers to Inter-African or International conferences unless otherwise decided by the Council;
6. The Council shall have such other powers and perform such other functions as may be necessary for the operation of this Agreement;
7. The Council shall have power to appoint committees as may be necessary;
8. The Council shall establish its own rules of procedure.

### *Article VI*

#### VOTING

1. Subject to the provisions of paragraph 2 of this article each member State shall have one vote in the Council and the decisions of the Council shall be taken by means of a simple majority. But in the case of tie the Chairman shall have a casting vote;

2. Decisions affecting :

(a) minimum export price

(b) hold-ups

(c) budget and financial matters of the Council shall be decided in accordance with the following voting rights :

Nigeria . . . . .	25 votes
Senegal . . . . .	25 votes
All other member States . . . . .	50 votes

The 50 votes of all other countries shall be distributed proportional to the volume of their exports provided no one country has more than 25 votes;

3. Decisions under paragraph 2 (*a, b, c*) of this article must carry four fifths of the votes cast;

4. Any member State may be represented by another member State. This representation at every meeting must be notified to the Council. Representation by proxy may not be granted to the same member at more than two successive meetings of the Council.

### *Article VII*

#### HEADQUARTERS

The seat of the Council shall be . . .

### *Article VIII*

#### CHAIRMANSHIP OF THE COUNCIL

The Chairmanship of the Council shall be held by each Contracting Party in rotation for a term of one year in the order of accession to this Agreement.

*Article IX*

## MEETING OF THE COUNCIL

1. The Council shall meet at least once every quarter;
2. Other meetings of the Council may be held at other times at the request of any member, provided always that after this request has been circulated to other members the majority of them as determined by the voting strength "1" of article VI, do not oppose it;
3. The Council may validly deliberate whenever two-thirds of its members are present or represented.

*Article X*

## SECRETARIAT

1. The Council shall have an executive secretary who shall :
  - (a) report on the sessions;
  - (b) prepare the proceedings of the Council and its committees;
  - (c) circulate decisions reached and other documents useful to members;
2. The executive secretary, who must be a national of one of the participating countries, shall be appointed by the Council by a majority of two-thirds of the members of the Council;
3. The executive secretary and his staff shall not be appointed from persons who have had at any time private or personal interests in the trade in groundnut and its by-products;
4. The Council shall take all useful steps to insure that no member or employee of the Council discloses any information relating to the enforcement or administration of the present Agreement.
5. The executive secretary and the members of the secretariat shall give a written undertaking, upon their appointment, not to request or receive any instructions concerning the performance of their duties from any individual Government or any other authority outside the Council.
6. The officers shall also undertake to have no personal interests or carry out any activity in private firms or organisations connected with the trade in groundnut and its by-products.

*Article XI*

## FINANCE

1. The Council shall meet the expenses of the secretariat from annual contributions by member Governments in proportion to their voting rights as defined in article VI, paragraph 2;
2. All other expenses shall be met by contributions from member Governments in proportions to be determined by the Council in each case;
3. The Council may receive subsidies and other funds and shall determine how such funds be appropriated;

4. The surplus at the end of each year shall be paid to a reserve fund, the use of which shall be determined by the Council.

*Article XII*

RATIFICATION

The present Agreement shall come into operation one month after the Governments of the Federal Republic of Nigeria and the Republic of Senegal and any other African country exporting groundnut have deposited their instruments of ratification with the Government of Niger.

*Article XIII*

DISPUTES AND COMPLAINTS

1. Any dispute concerning the interpretation or application of the Agreement shall, at the request of any country party to the dispute, be referred to the Council for decision;

2. If the Council is unable to settle the dispute, the matter shall be referred to the Commission of mediation, conciliation and arbitration of the Organization of African Unity for decision.

*Article XIV*

EXPULSION

Any member State which fails to pay its contribution for two years, or which fails to participate at three successive sessions, shall be liable to expulsion. The decision to expel a member country shall be taken by a majority of four-fifths of the members of the Council excluding the member being expelled.

*Article XV*

AMENDMENTS

The provisions of the present Agreement may only be amended by a unanimous vote of the Council. Such amendments come into operation after ratification by the Contracting Governments.

*Article XVI*

WITHDRAWAL AND DISSOLUTION

1. Any party to this Agreement may withdraw from the Council after giving six months' notice.

2. The Council may be dissolved at any time if 80 per cent of the votes as determined in paragraph 2 of article VI desires the dissolution;

3. The assets and liabilities of the Council shall be disposed of as directed at the extraordinary general meeting of the Council expressly called for this purpose.



## STATUTES<sup>1</sup> OF THE AFRICAN GROUNDNUT COUNCIL

### Article I

#### NAME

The African States parties to this Agreement hereby established an organisation to be known as the African Groundnut Council (hereinafter called "the Council").

### Article II

#### DEFINITION

Groundnut in this context shall mean groundnut kernels, groundnut oil and groundnut cakes. In the absence of evidence to the contrary, a given weight of groundnut oil shall be accepted to be equivalent to the weight of groundnut kernels used in producing the given weight of oil.

### Article III

#### OBJECTIVES

The Council shall pursue the following objectives :

1. To ensure through adequate joint action remunerative prices for groundnut and its by-products in the world market;
2. To promote the expansion of consumption of groundnut;

<sup>1</sup> Came into force on 21 November 1971, in respect of the following States, i.e. one month after the Governments of three African countries producing groundnut, including those of Nigeria and Senegal, had deposited their instrument of ratification with the Government of Niger, in accordance with article XII of the said Statutes. The instruments of ratification or acceptance were deposited as follows :

<i>State</i>	<i>Date of deposit of instrument of ratification or acceptance (A)</i>
Nigeria . . . . .	21 February 1969
Gambia . . . . .	10 March 1969 <sup>A</sup> *
Niger . . . . .	25 March 1969
Sudan . . . . .	12 January 1971
Mali . . . . .	23 April 1971
Senegal . . . . .	21 October 1971

\* Acceptance of revised Statutes, deemed to entail *ipso facto* accession to the African Groundnut Council.

3. To organise exchange of technical and scientific information on research relating to the production, marketing and possible uses of groundnut;
4. To establish continuous liaison, discuss problems of mutual interest and advance social and economic relations among the Contracting Parties.
5. To promote solidarity among the member States; in particular in favour of the member States most handicapped by natural or accidental conditions concerning groundnuts.

#### *Article IV*

##### STRUCTURE OF THE COUNCIL

1. *A Council of Ministers* shall be the supreme body of the Council. It shall take final decisions on the policy of the Council.
2. *A Council of Representatives* shall be responsible for the smooth running of the Council. Its members shall be the representatives of the Governments of the member States.
3. *Specialized committees* shall mainly deal with technical duties.
4. *The executive secretariat and its branch offices.*

#### *Article V*

1. The Council shall be empowered to make to the Contracting Governments, recommendations relating to the marketing on the international market of groundnuts and its by-products exported by the participating countries.
2. The Council of Ministers shall be empowered to take binding decisions. These decisions so arrived at must be unanimous.  
In certain grave and exceptional circumstances, for example exceptionally low prices, the Chairman of the Council of Ministers may convene the Council.
3. The Council shall undertake studies on problems concerning groundnuts and other oilseeds and make recommendations, if necessary;
4. To carry out its mission, the Council may establish direct relations with any African or other international organisations, specially the United Nations and its specialized agencies;
5. The Council may appoint observers to inter-African or international conferences unless otherwise decided by the Council;
6. The Council shall have such other powers and perform such other functions as may be necessary for the good operation of this Agreement;

7. The Council shall have power to appoint committees as may be necessary;
8. The Council shall establish its own rules of procedure.

### *Article VI*

#### VOTING

1. Subject to the provisions of paragraph 2 of article V and of paragraph 2 of this article, each member State shall have one vote in the Council and the decisions of the Council shall be taken by means of a simple majority. But, in the case of an equality of votes, the Chairman shall have a casting vote;

2. Concerning *recommendations* affecting minimum export price, hold-ups, and creation of special funds, and concerning *decisions* affecting the budget, the Contracting Governments shall have voting rights based on the production average of the last five consecutive years. The figures shall be based on F.A.O. statistics.

In the absence of such figures, the exports shall be taken into consideration. But if a member country participates financially more than provided for, its voting rights shall be modified proportionately.

### *Article VII*

#### HEADQUARTERS

The headquarters of the Council shall be in one of the Council's member States. The location shall be determined by a majority of two-thirds of the Council of Representatives.

### *Article VIII*

#### CHAIRMANSHIP OF THE COUNCIL

The Chairmanship of the Council shall be held by each Contracting Party in rotation for a term of one financial year in the order of accession to this Agreement.

### *Article IX*

#### MEETINGS OF THE COUNCIL

- A. *Council of Ministers* : The Council of Ministers shall meet in accordance with its rules of procedure.
- B. *Council of Representatives and specialized committees*

1. *Ordinary meetings*
  - a) The Council of Representatives shall meet at least twice yearly; (March/April and September/October).
  - b) The specialized committees shall meet in accordance with their own rules of procedure but at least once a year.
2. *Emergency meetings* : The Council of Representatives and specialized committees may hold emergency meetings at the request of one of the member States, provided at least  $\frac{2}{3}$  (two-thirds) of the member States give their agreement.
3. *Quorum* : The Council of Representatives and the specialized committees may validly deliberate whenever  $\frac{2}{3}$  (two-thirds) of the member States are present.

### *Article X*

#### SECRETARIAT

1. The Council shall have an executive secretariat headed by an executive secretary who shall :

- a) record the minutes of meetings;
- b) prepare the agenda for meetings as well as organize proceedings of the Council and its committees;
- c) circulate decisions reached and other documents to members; and
- d) perform such other functions as may be assigned to him by the Council.

2. The Council shall have an executive secretary who must be a national of one of the member States.

The Council shall appoint the executive secretary by a majority of  $\frac{2}{3}$  (two-thirds).

The other posts of the secretariat shall be fairly distributed among the member States.

3. The executive secretary and his staff shall not be appointed from persons who have had at any time private or personal interest in the trade in groundnut and its by-products;

4. The Council shall take all necessary steps to ensure that no member or employee of the Council discloses any information relating to the enforcement or administration of the present Agreement.

5. The executive secretary and the members of the secretariat shall give a written undertaking, upon their appointment, not to request or receive any instructions concerning the performance of their duties from any individual Government or any authority external to the Council.

6. The officers shall also undertake to have no personal interests or carry out any activity in private firms or organisations connected with the trade in groundnut and its by-products.

7. The Council shall have a deputy executive secretary who shall assist the executive secretary and shall assume all his functions in his absence.

#### *Article XI*

##### FINANCE

1. The Council shall meet the expenses of the secretariat and branch offices from annual contributions by member governments in proportion to their voting rights as defined in article VI, paragraph 2.

2. The Council may receive subsidies and other funds and shall determine how such funds may be appropriated;

3. The surplus at the end of each year shall be paid to a reserve fund, the disposition of which shall be determined by the Council.

#### *Article XII*

##### RATIFICATION

The present Agreement shall come into operation one month after the Governments of the Federal Republic of Nigeria and of the Republic of Senegal, and of any other African country producing groundnut have deposited instruments of ratification with the Government of the Niger Republic.

#### *Article XIII*

##### MEMBERSHIP

Membership of the Council shall be open to all African countries members of the O.A.U. which produce groundnuts. The instruments of adhesion shall be deposited with the Government of the Republic of Niger.

#### *Article XIV*

##### DISPUTE AND COMPLAINTS

1. Any dispute concerning the interpretation or application of the Agreement shall, at the request of any country party to the dispute, be referred to the Council of Ministers for a decision;

2. If the Council of Ministers is unable to settle the dispute, the matter shall be referred to the Commission of mediation, conciliation and arbitration of the Organisation of African Unity for a decision.

#### *Article XV*

##### EXPULSION

Any member State which fails to pay its contribution for two years, or which fails to participate at three successive sessions, shall be liable to expulsion.

The decision to expel a member country shall be taken by a majority of four-fifths of the members of the Council excluding the member being expelled.

### *Article XVI*

#### AMENDMENTS

The provisions of the present Agreement may be amended by a  $\frac{2}{3}$  (two-thirds) majority vote by the Council of Representatives. The amendments shall come into force after approval by  $\frac{2}{3}$  (two-thirds) of the member States.

### *Article XVII*

#### WITHDRAWAL AND DISSOLUTION

1. Any Party to this Agreement may withdraw from the Council after giving six (6) months notice.
2. The Council may be dissolved at any time if 80 per cent of the votes as determined in paragraph " 2 " of article VI favour a dissolution;
3. The assets and liabilities of the Council shall be disposed of as directed at the extraordinary general meeting of the Council specially called for the purpose.

### *Article XVIII*

Upon entry into force of these Statutes and their amendments the Government of the Niger Republic shall register them with the Secretary-General of the Organization for African Unity and the Secretary-General of the United Nations.

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