



CONSTITUTION

OF THE

WEST AFRICA RICE DEVELOPMENT

ASSOCIATION

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Revised Text
adopted by the 16th Ordinary
Session of the Governing Council
in December 1986, Dakar - Senegal

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December 1986

PREAMBLE

The Contracting Governments,

BEING AWARE of the importance of improving rice production to meet the food requirements of the people of the countries in West Africa and to promote the development of the economies of those countries;

HAVING REGARD to the need for a joint effort of the countries in West Africa, in cooperation with other countries and with intergovernmental and non-governmental organizations, in order to improve the planning, production, storage and marketing methods of rice, without losing sight of the importance of other crops, and for this purpose to encourage, promote and undertake research at the regional and national levels;

CONSIDERING that these aims can best be achieved by the creation of a regional association through the adoption of a Constitution;

HEREBY AGREE as follows:

ARTICLE 1

ESTABLISHMENT, AIMS AND FUNCTIONS

1. A regional association to be known as the West Africa Rice Development Association (also to be known as WARDA and hereinafter referred to as "the Association") is hereby established.

2. The Association shall assist the Governments of Member States to achieve operational cooperation in the pursuit of the following aims within the countries of West Africa:

- (a) the promotion of rice production;
- (b) the increase of the quantity of rice produced;

- (c) the improvement of the quality of rice produced;
- (d) the encouragement of production and the use of varieties suited to the conditions of these countries and to existing and prospective demand;
- (e) the exploration, introduction and extension of rational production methods adapted to the conditions prevailing in these countries;
- (f) the promotion and implementation of measures for effective phytosanitary controls in relation to rice;
- (g) the improvement of systems of storage and processing, as well as of marketing of rice both within these countries and with respect to external trade in rice.

3. With a view to achieving the aims specified in paragraph 2, the Association shall adopt or promote the adoption of the following measures:

- (a) encouraging, coordinating and undertaking as necessary, basic and applied research programmes in the scientific, technical, economic and sociological fields;
- (b) collecting, analysing and disseminating information on methods applied, experience gained and results obtained both within and outside West Africa;
- (c) organising or arranging for conferences, seminars and training facilities, securing fellowships and establishing, or assisting in the establishment of, advisory services and training and extension facilities;
- (d) elaborating requests for special financial and technical assistance and receiving and administering separately such financial and technical assistance (including movable and immovable property, services, grants and loans), as may be made available under the appropriate programmes of the United Nations, the Specialized Agencies, other organizations or governments desirous to support the aims of the Association;
- (e) providing, as appropriate, regional rice research and development facilities;
- (f) carrying out or promoting any other measures or activities at the regional as well as the national levels for the purpose of developing rice production and marketing in West Africa.

ARTICLE II

LEGAL STATUS, STRUCTURE AND SEAT

1. The Association shall have juridical personality under international law to perform any acts appropriate to its purpose within the powers granted to it by this Constitution. It shall, in particular, have the capacity to conclude agreements, to enter into contracts, to acquire, hold, and dispose of immovable and movable property, to obtain and make loans and grants and to institute legal proceedings.

2. The Association and its staff, as well as persons attending sessions of its organs in an official capacity, shall be granted in the territory of Member States the immunities, privileges and facilities which may be required for the proper exercise of the functions conferred on them by this Constitution, or by virtue of decisions taken thereunder by the appropriate organs of the Association. The scope of privileges and immunities of the Association, its property, funds and assets and its staff shall be determined, mutatis mutandis, in accordance with the provisions of the Convention on Privileges and Immunities of the Specialized Agencies of the United Nations.

3. The organs of the Association shall be:

- (a) the Council of Ministers
- (b) the Board of Trustees
- (c) the Secretariat.

4. The Association shall have its seat in the territory of a Member State. The Council of Ministers shall be empowered to change the seat of the Association, upon recommendation of the Board of Trustees. The Association shall enter into appropriate arrangements with the Government of the Host State concerning the status of the seat of the Association.

ARTICLE III

MEMBERSHIP

1. Membership in the Association shall be open to all African States in accordance with the provisions of this Article and of Article XII of this Constitution.

2. States whose territories are situated within the Region may acquire membership by depositing an instrument of acceptance in accordance with Article XII.1 of this Constitution. For the purposes of the present Constitution, the term "Region" shall be deemed to comprise: Benin, Burkina Faso, Chad, Cote d'Ivoire, The Gambia, Ghana, Guinea, Guinea Bissau, Liberia, Mali, Mauritania, Niger, Nigeria, Senegal, Sierra Leone and Togo.

3. After the coming into force of this Constitution, African States other than those enumerated in Paragraph 2 above, may acquire membership by submitting, in accordance with Article XII.2 of this Constitution, an application for membership and a declaration made in a formal instrument accepting the obligations of the Constitution provided, however, that the admission to membership shall be decided upon by the Council of Ministers.

ARTICLE IV

OBLIGATIONS OF MEMBER STATES

The Member States of the Association shall cooperate in every way with a view to assisting the Association in achieving its aims. They shall in particular:

- (a) facilitate the collection, exchange and dissemination of information;
- (b) submit reports and data as required by the competent organs of the Association;
- (c) make available training and research facilities and land, on such terms and conditions as may from time to time be agreed with the appropriate organs of the Association;
- (d) make available national personnel on such conditions as may be agreed upon with the appropriate organs of the Association;
- (e) supply the Association with such samples of plant material, soils and other material as required;
- (f) ensure effective phytosanitary control, taking into account the decisions and recommendations of the Inter-African Phytosanitary Commission established by Article 2 of the Phytosanitary Convention for Africa South of the Sahara signed at London on 29 July 1954 (as amended by the Protocol signed at London on 11 October 1961);

(g) pay their annual contributions as assessed by the Council of Ministers and such special contributions as may be determined by it or by mutual agreement for programmes or projects carried out in their territories and ensure accounting for any grants or loans received from, or through the good office of, the Association;

(h) accord such facilities, privileges and immunities as may be required under Article II.2 of this Constitution.

ARTICLE V

RELATIONSHIP WITH COOPERATING STATES AND ORGANIZATIONS

1. The Association shall seek and maintain active cooperation with governments of States not parties to this Constitution and with worldwide and regional intergovernmental and non-governmental organizations, as well as other institutions (hereinafter collectively referred to as "Cooperating States and Organizations"), which are desirous of assisting the Association or its Member States in pursuing the aims laid down in Article I of this Constitution.

2. The Association may enter into arrangements with Cooperating States or Organizations, defining methods of cooperation in general or relating to individual activities or projects.

3. Cooperating States and Organizations may be invited to attend sessions or meetings of the Council of Ministers, other organs of the Association and ad hoc meetings thereof.

ARTICLE VI

THE COUNCIL OF MINISTERS

1. The Council of Ministers shall consist of representatives of all Member States of the Association, each Member State appointing one representative.

2. The Council of Ministers shall, at the beginning of each regular session, elect a Chairman and two Vice-Chairmen and may also elect a Rapporteur (hereinafter referred to as the "Officers"), who shall serve until the election of Officers at

the following regular session. Upon completion of their term, they shall be eligible for re-election. The Director General shall act as Secretary of the Council of Ministers.

3. The Council of Ministers shall have the following functions:

- (a) appointment of the Director General upon nomination and selection of the candidate by the Board of Trustees;
- (b) examination of the medium and long-term programme of work of the Association with a view to ensuring the conformity thereof with the agricultural development policies prevailing in the Region;
- (c) examination of the annual and other major reports of the Association as well as of relevant review and evaluation reports;
- (d) provision of assistance in resolving major political issues referred to it by the Board of Trustees;
- (e) approval of the regular and special financial contributions by Member States as recommended by the Board of Trustees;
- (f) establishment of any subsidiary bodies that may be considered necessary for the implementation of its functions.

4. At the end of each session, the Council of Ministers shall adopt a report, which shall be circulated to all Member States, Cooperating States and Organizations, and to the members of the Board of Trustees.

ARTICLE VII

THE BOARD OF TRUSTEES

1. The Board of Trustees shall consist of not less than eight and not more than fourteen members as follows:

- (a) up to seven members, including the Director General, being nationals of Member States;
- (b) the same number of members not being nationals of Member States.

2. The members of the Board of Trustees shall be appointed as follows:

(a) members who are nationals of Member States, except the Director General, shall be nominated by their respective Member State, and selected and appointed by the Board of Trustees;

(b) members who are not nationals of Member States shall be nominated by Cooperating States and Organizations and selected and appointed by the Board of Trustees;

(c) the Director General shall be appointed in accordance with the provisions of Articles VI.3 (a) and IX.1 of this Constitution.

3. Members of the Board of Trustees shall be qualified in such fields as agricultural sciences, technology, training, finance and administration, and management and other appropriate fields as determined by the Board of Trustees. All members of the Board of Trustees shall be selected in their personal capacity and appointed for a term of up to three years, renewable only once.

4. At the beginning of each regular session, the Board of Trustees shall elect a Chairman, a Vice-Chairman and a Rapporteur.

5. The Board of Trustees shall have the following functions:

(a) to consider and approve the annual programme of work and budget of the Association;

(b) to monitor the activities of the Association and its progress towards the achievement of its aims;

(c) to ensure the integrity of the financial management and accountability of the Association, and to appoint the External Auditor of the Association;

(d) to consider and approve the personnel, financial and administrative policies and regulations of the Association;

(e) to nominate and select a candidate to the position of Director General for appointment by the Council of Ministers, any national of the Region, irrespective of residence status, being entitled to apply for candidature;

(f) to approve the appointment of senior professional staff selected by the Director General through international recruitment procedures;

(g) to create such subsidiary bodies as may be necessary to facilitate its work.

6. The Board of Trustees shall consider any other matter referred to it by the Council of Ministers or proposed by any member of the Board of Trustees.

7. At the end of each session, the Board of Trustees shall adopt a report which shall be communicated to all Member States as well as to Cooperating States and Organizations.

ARTICLE VIII

SESSIONS

1. The Council of Ministers shall normally hold one regular session once every two years, and the Board of Trustees one regular session annually. Special sessions may be convened when necessary in accordance with such procedures as may be established by the Council of Ministers or the Board of Trustees.

2. The quorum for taking decisions shall be not less than half the membership of the Council of Ministers or the Board of Trustees.

3. Each member of the Council of Ministers and Board of Trustees, including the Director General, shall have one vote. Decisions of the Council of Ministers or Board of trustees shall be taken by a majority of the members present and voting unless otherwise provided for in the present Constitution or in their respective Rules of Procedure.

4. Representatives and observers attending sessions of the Council of Ministers may be accompanied by alternates and advisers.

5. As a rule, meetings of the Council of Ministers and Board of Trustees shall be private unless the body concerned has decided otherwise. In the event of private meetings, the body

concerned shall decide on the admission of observers invited to attend the session concerned.

6. Subject to the prior approval of the Chairman of the Council of Ministers or Board of Trustees, Cooperating States and Organizations may be invited to attend sessions in an observer capacity. Other States or Organizations maintaining relations with the Association may also be invited to attend sessions or particular meetings of the Board of Trustees in an observer capacity when matters of special interest to them have been included on the agenda of such sessions or particular meetings.

7. The Council of Ministers and the Board of Trustees may adopt and amend Rules of Procedure which shall be consistent with the provisions of the present Constitution.

ARTICLE IX

DIRECTOR GENERAL AND STAFF

1. The Director General shall be appointed by the Council of Ministers on a full-time basis for a term of office of up to five years, renewable only once, on such terms and conditions as shall be recommended by the Board of Trustees.

2. Applications for the position of Director General of the Association shall be submitted to the Chairman of the Board of Trustees. In considering nominations submitted, the Board of trustees shall bear the need for the special managerial and technical qualifications required for discharging the functions incumbent upon the Director General. Only nationals of the Member States of the Association shall be eligible for appointment to this position.

3. Under the authority of the Board of Trustees, and subject to such rules as may be adopted by the Board of Trustees, the Director General shall be responsible for discharging the following functions:

(a) arranging for the convening of sessions of the Council of Ministers, of the Board of Trustees and subsidiary bodies thereof, and preparing and circulating the draft agenda and other documents for sessions of these bodies;

(b) preparing the draft annual programme of work and budget of the Association with a view to their submission to the Board of Trustees for adoption and to Member States for information;

(c) carrying out the approved programme and budget of the Association in accordance with such directions as may be given by the Board of Trustees;

(d) collecting and receiving contributions from Member States and from other sources and administering the property and other assets of the Association;

(e) keeping the accounts and ensuring their timely submission to the External Auditor and Board of Trustees;

(f) representing the Association in its relations with States and organizations and entering into contractual relations, on behalf of the Association, with any individuals, corporations and other bodies or entities as may be necessary for the purpose of executing the approved programme within the limits of the budget of the Association;

(g) appointing, controlling and terminating the appointment of the staff of the Secretariat in accordance with the provisions of such Staff Regulations as may be adopted by the Board of trustees;

(h) carrying out such other duties as are provided for in the present Constitution or in the Rules of Procedure of the Association or as may be conferred on the Director General by the Board of Trustees.

4. The staff of the Secretariat shall be responsible for the exercise of its functions to the Director General.

5. The Director General and the staff of the Secretariat shall neither seek nor accept any instructions, remuneration, gifts or honours from any government or authority or from any source external to the Association, and shall refrain from any action which might reflect on their position as international officials; this shall not preclude the secondment to the Association of Staff by Governments or international organizations.

6. Member States undertake to respect the international character of the responsibilities of the Director General and staff of the Secretariat, and shall not seek to influence any of their nationals in their discharge of such responsibilities.

ARTICLE X

RESOURCES

1. The annual contributions payable by Member States shall be determined on the basis of a scale of contributions which shall be adopted by the Council of Ministers. These contributions shall be based on the programme of work and budget approved by the Board of Trustees. A majority of two-thirds of the members of the Council of Ministers present and voting, representing not less than half the membership thereof, shall be required for the adoption of the scale of contributions.

2. Member States may be required to make special contributions in kind or in cash, in respect of programmes or projects carried out in their territories, the nature and extent of such contributions being determined by the Council of Ministers, upon recommendation of the Board of Trustees, by means of agreements entered into by the Association and the party or parties concerned.

3. The timing, mode of payment and currency of contributions by Member States shall be determined by the Council of Ministers upon recommendation of the Board of Trustees and in accordance with the provisions of the Financial Regulations to be adopted by the Board of Trustees.

4. The Director General shall submit to the Board of Trustees and to the Council of Ministers at each regular session a report on the status of contributions due under paragraphs 1 and 2 of this Article. A Member State which is in arrears in the payment of its contributions to the Association shall have no vote in the Council of Ministers if the amount of its arrears equals or exceeds the amount of contributions due by it for the preceding two financial years.

5. The Association shall have the power to accept gifts, legacies, grants, loans and other contributions in kind or in cash from governments and international or national organizations or institutions and from other sources, provided that such gifts, legacies, grants, loans or other contributions are intended for the furtherance of the aims of the Association. The Board of Trustees shall determine, in the Financial Regulations or otherwise, the conditions under which the Director General may accept gifts, legacies, grants, loans and other contributions and enter into appropriate agreements with donors.

6. The Director General shall inform the Council of Ministers and the Board of Trustees at each regular session of any contributions received and agreements concluded in pursuance of the provisions of paragraph 5 above.

7. The Director General shall be responsible for collecting, receiving and acknowledging contributions under paragraphs 1, 2 or 5 above and for placing them in appropriate accounts, to be available for the purposes laid down in the approved programme of work and budget or in the relevant agreements or similar documents relating to contributions, gifts, legacies, grants or loans referred to in paragraph 2 and 5 respectively.

ARTICLE XI

EXPENSES

1. Expenses may be incurred by the Association for administrative and operational purposes, in accordance with the programme of work and within the limits of the budget as approved by the Board of Trustees. In addition, expenses may be incurred on the basis of gifts, legacies, grants, loans and other contributions received by the Association pursuant to agreements concluded in accordance with Article X.5 of this Constitution.

2. Expenses incurred by members of the Board of Trustees while performing duties for the Association shall be borne by the Association in accordance with such rates as may be determined by the Board of Trustees.

3. Expenses incurred by representatives of Member States or Cooperating States and Organizations and by their alternates and advisers, as well as expenses incurred by observers, for the purpose of attending sessions of the Council of Ministers, shall be borne by their respective governments or organizations.

4. Where the Association disburses funds, in the form of grants or loans, for the purpose of supporting activities or projects carried out by governments or institutions of Member States, it shall make appropriate arrangements for the submission by the recipient of adequate reports and financial statements showing the use of funds, and enter into agreements or contracts for the servicing and reimbursement of any loans so granted.

5. The Director General shall be responsible for authorizing, recording and accounting for all disbursements made by or on behalf of the Association. Detailed provisions shall be laid down in the Financial Regulations.

ARTICLE XII

ACCEPTANCE

1. Acceptance of this Constitution by the Government of any State of the Region shall be effected by the deposit of a formal instrument declaring that the Government accepts and will faithfully observe the obligations of the Constitution. The instrument of acceptance shall be deposited with the Government of the State in which the seat of the Association is established (hereinafter referred to as the "Depositary") and a certified copy of the instrument of acceptance shall be transmitted by the Government of the accepting State to the Director General. The instrument of acceptance shall take effect as from the date of deposit.

2. After the coming into force of this Constitution, any African State outside the Region may submit an application for membership to the Director General who shall immediately transmit copies thereof to all Member States and place it on the Agenda of the next session of the Council of Ministers. The State submitting an application for membership shall at the same time transmit an instrument of acceptance, as provided for in paragraph 1 above, to the Depositary, and a certified copy thereof to the Director General. The decision of the Council of Ministers on a membership application shall be taken by a majority of two-thirds of members present and voting and shall become effective on the date on which it is taken. The Director General shall notify the Depositary of the effective date of the acceptance.

3. Acceptance of this Constitution may not be made subject to any reservations.

4. The Director General shall inform the Governments of all Member States and other States in the Region, as well as Cooperating States and Organizations, of any acceptances which have become effective in accordance with the provisions of this Article.

ARTICLE XIII

AMENDMENTS

1. Subject to the provisions of this Article, this Constitution may be amended at any time after two years of its coming into force.
2. Proposals for amendments may be made by any Member State of the Association or the Board of Trustees. Proposals shall be addressed to the Chairman of the Council of Ministers through the Director General not later than 120 days before the session of the Council of Ministers at which the proposal has to be considered. The Director General shall inform all members of the Board of trustees, Member States and Cooperating States and Organizations of any proposals for amendments within thirty days after receipt thereof.
3. The Board of Trustees shall consider each proposed amendment and make a recommendation thereon to the Council of Ministers.
4. To be accepted, any amendment to this Constitution shall require a vote of two-thirds of the members of the Council of Ministers.
5. Amendments adopted in accordance with the provisions of paragraph 4 above shall take effect as from the date of their adoption.
6. The Director General shall inform all Member States and Cooperating States and Organizations, as well as the Depositary, of the entry into force of any amendment.

ARTICLE XIV

WITHDRAWAL AND SUSPENSION

1. Any Member State may withdraw from the Association at any time after the expiration of one year from the date on which its acceptance took effect or from the date on which the Constitution entered into force, whichever is the later, by giving a written notice of its withdrawal to the Chairman of the Council

of Ministers through the Director General. The Director General shall forthwith inform all Member States of the receipt of any notice of withdrawal and shall transmit to the Depositary the original or a certified copy of such notice.

2. Withdrawal shall become effective one year from the date of receipt by the Director General of the notification of withdrawal, it being understood that any Member State withdrawing from the Association shall remain liable for the fulfilment of its financial obligations to the Association, including the payment of assessed contributions in respect of the entire calendar year in which the notice of withdrawal takes effect.

3. The membership of a Member State failing to meet its financial obligations towards the Association shall be automatically suspended if arrears equal or exceed the amount of contributions due for the preceeding three years. If a Member State fails to fulfil any other obligations under this Constitution, its membership may be suspended by decision of the Council of Ministers by a majority of two-thirds of the members present and voting. The same majority shall be required for a decision to revoke the suspension from membership. A suspension from membership shall not relieve the Member State concerned from the fulfilment of its financial obligations during the period of suspension.

ARTICLE XV

INTERPRETATION AND SETTLEMENT OF DISPUTES

1. Any question in dispute that may arise concerning the interpretation or application of any provision of this Constitution, which cannot be settled by the parties concerned, shall be submitted to the Council of Ministers.

2. If the Council of Ministers cannot reach a conclusion on the question in dispute or if the conclusion of the Council of Ministers is not accepted by the parties concerned, either party to the dispute may request that the matter be submitted to arbitration by an Arbitral Tribunal composed of three members who shall be nominated as follows:

(a) each party shall nominate one arbitrator;

(b) the third arbitrator, who shall be the President of the Arbitral Tribunal, shall be chosen by agreement between the arbitrators nominated by the parties.

3. If the nomination of the members of the Arbitral Tribunal is not made within a period of three months from the date of the request for arbitration, either of the parties to the dispute may request the Chairman of the Council of Ministers to make the necessary nominations, except that, in cases where the Association is a party to the dispute, the nomination shall be made by the Administrative Secretary-General of the Organization of African Unity.

4. The decision of the Arbitral Tribunal shall be binding on the parties to the dispute.

5. The provisions of paragraphs 2, 3 and 4 of this Article shall be without prejudice to the choice of any other mode of settlement that the parties concerned may jointly decide upon.

ARTICLE XVI

TERMINATION

1. This Constitution is established for an unlimited period. It may be terminated by the unanimous decision of a Conference of Plenipotentiaries of Member States, after due consultation with the Board of Trustees and Cooperating States and Organizations. Termination of this Constitution shall entail the dissolution of the Association.

2. Subject to the provisions of paragraph 5 below, this Constitution shall be considered to be terminated if the number of Member States falls below five.

3. Termination shall take effect one year from the date of the decision of the Conference of Plenipotentiaries made in pursuance of paragraph 1 of this Article or from the date of receipt of the notice of withdrawal bringing the number of Member States below the number specified in paragraph 2 of this Article. The Council of Ministers may decide to extend the aforementioned one year period by not more than one further year if such extension is considered desirable for the purpose of ensuring an orderly liquidation of the Association.

4. The Director General shall immediately inform all Member States, Cooperating States and Organizations, Members of the Board of Trustees, and the Depositary, of the decision or

notice of withdrawal, as the case may be, which resulted in the termination of this Constitution.

5. The Council of Ministers shall take all measures necessary for the settlement of outstanding liabilities of the Association, and the proportionate distribution among Member States of its assets, except that installations, equipment and material owned by the Association shall, as far as possible, continue to be used for the purposes for which they had originally been acquired. Installations, equipment and material made available to the Association by Cooperating States and Organizations shall be disposed of in consultation with the States and Organizations concerned.

6. If, in the case of termination pursuant to paragraph 2 above, an instrument of acceptance or a membership application is received during the period referred to in paragraph 3 above, a Conference of Plenipotentiaries shall be convened with a view to determining whether the Constitution should remain in force.

ARTICLE XVII

ENTRY INTO FORCE, DEPOSIT AND REGISTRATION

1. This Constitution shall enter into force as soon as seven States situated within the Region shall have accepted it, in accordance with the provisions of Article XII.1 of this Constitution.

2. Upon its entry into force, this Constitution shall be registered with the Secretary-General of the United Nations in accordance with the provisions of Article 102 of the Charter of the United Nations, and with the Administrative Secretary-General of the Organization of African Unity.

3. The original text of the present Constitution of which the English and French versions are equally authoritative, shall be deposited with the Depositary who shall transmit certified true copies thereof to the Governments of all Member States. The Secretariat shall notify the Secretary-General of the United Nations, the Administrative Secretary-General of the Organization of African Unity of any acceptance, amendments and withdrawals.

IN WITNESS WHEREOF, the following representatives have signed this Constitution.

Gambia
(sign.) M. LAMIN SAHO

Ghana
(sign.) CLEMENT E. TAGOE

Ivory Coast
(sign.) J. AKA

Liberia
(sign.) JAMES T. PHILLIPS Jr.

Mali
(Sign.) A. MAIGA

Mauritania
(sign.) YOUBA

Niger
(sign.) MAHAMANE

Senegal
(sign.) H. THIAM

Sierra Leone
(sign.) S.I. KOROMA

Togo
(sign.) BAGUILMA

Upper Volta
(sign.) L.S. WANTISSE

DONE at Dakar, this fourth day of September 1970, in a single copy in the English and French languages, each text being equally authentic.

16.12.1986