

**THE TREATY OF THE ECONOMIC
COMMUNITY OF WEST AFRICAN
STATES (ECOWAS)
AND ITS ADMINISTRATIVE AND
SUPPLEMENTARY ACTS**

Published by the Ministry of Foreign Affairs, NIGERIA

(Vol. 1)

**THE TREATY OF THE
ECONOMIC COMMUNITY OF
WEST AFRICAN STATES
(ECOWAS)
AND ITS ADMINISTRATIVE AND
SUPPLEMENTARY ACTS**

(Vol. 1)

Ministry of Foreign Affairs, Abuja, NIGERIA

Published 2014

All rights reserved. This book is copyright and no part of it may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, electrostatic, magnetic tape, photocopying, recording or otherwise, without the prior written consent of the copyright owner.

ISBN: 978-978-53411-0-2

THIS VOLUME CONTAINS THE FOLLOWING:

- 1. The 1975 Treaty of ECOWAS**
- 2. The 1984 Amendment to the 1975 Treaty**
- 3. The 1993 Revised Treaty of ECOWAS**
- 4. Amendments to the Revised Treaty**
- 5. Protocol Relating to the Institutions of ECOWAS and its Technical and Specialised Institutions**
- 6. Protocol on the Definition of Community Citizen**
- 7. Convention on Privileges and Immunities of ECOWAS**
- 8. Supplementary Act A/SA.14/02/12
on the Modalities of Allocation of the Position of the President,
Vice President, other Commissioners of the Commission and
other Statutory Appointees of ECOWAS Commission**
- 9. Supplementary Act A/SA.15/02/12
on the Rotation Schedule for the Chairmanship of the
Authority of Heads of State and Government**

TABLE OF CONTENTS

FOREWORD	vii
PREFACE	ix
ACKNOWLEDGEMENT	xii
PART 1:	
THE 1975 TREATY OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES AND 1984 AMENDMENT	1
CHAPTER ONE	
The 1975 Treaty of the Economic Community of West African States	3
CHAPTER TWO	
Supplementary Protocol A/SP.1/11/84 Amending Article 9 Paragraph 1(c) of the Treaty of the Economic Community of West African States	27
PART II:	
THE REVISED TREATY OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES	31
PART III:	
AMENDMENTS TO THE REVISED TREATY OF ECOWAS	71
CHAPTER ONE	
Supplementary Protocol A/SP.1/06/06 Amending the Revised ECOWAS Treaty (2006)	73
CHAPTER TWO	
Supplementary Act A/SA.9/01/07 Amending Articles 1, 3, 6 and 21 of the Revised Treaty (2007)	81
CHAPTER THREE	
Supplementary Act A/SA.5/01/08 Amending Articles 19, New Paragraph 3, and 89 of the ECOWAS Treaty (2008)	87
CHAPTER FOUR	
Supplementary Act A/SA.3/01/10 Amending New Article 9 of the ECOWAS Treaty as Amended by Supplementary Protocol A/SP1/06/06 (2010)	93
CHAPTER FIVE	
Supplementary Act A/SP.14/02/12 On the Modalities of Allocation of the Positions of the President, Vice President other Commissioners of the Commission, and other Statutory Appointees of ECOWAS Institutions	99

CHAPTER SIX	
SUPPLEMENTARY ACT A/SA.15/02/12	
On the Rotation Schedule for the Chairmanship of the Authority of Heads of State and Government	109
PART IV:	
PROTOCOLS RELATING TO THE INSTITUTIONS OF ECOWAS AND ITS TECHNICAL AND SPECIALISED INSTITUTIONS	115
CHAPTER ONE	
Additional Protocol Amending Article 4 of the Treaty of the Economic Community of West African States Relating to the Institutions of the Community.	117
CHAPTER TWO	
Supplementary Protocol Amending Articles 4 and 9 of the Treaty Establishing the Economic Community of West African States Relating to the Institutions of the Community and its Technical and Specialised Commissions Respectively.	121
PART V:	
RELATING TO THE DEFINITION OF COMMUNITY CITIZEN	125
CHAPTER ONE	
PROTOCOL Relating to the Definition of Community Citizen.	127
PART VI:	
THE GENERAL CONVENTION ON PRIVILEGES AND IMMUNITIES OF ECONOMIC COMMUNITY OF WEST AFRICAN STATES	133
CHAPTER ONE	
Protocol Relating to the General Convention on Privileges and Immunities of ECOWAS.	135

FOREWORD

In the nearly forty years of its existence, the Economic Community of West African States (ECOWAS) has become a standard flag bearer and a model in Regional Economic integration on the continent of Africa and beyond. ECOWAS was established, on the 28th of May, 1975 by 15 Member states. The ECOWAS founding fathers showed great foresight and courage in overlooking the obvious but minor differences in the post-colonial structures and politics of its Member States. They worked with single-mindedness and with one accord to lay the structures which, has become an international reference point in not just an economic union, but platform for socio-cultural, political fusion and interchange of practices and ideas.

ECOWAS has today become a huge regional investment of fifteen (15) Member States to harness the abundant human and natural resources in the region, by transforming same, into viable developmental projects and programs for the welfare and security of its people. However, the formation, growth and development of ECOWAS was a complex and painstaking process that passed through various phases and stages.

The first stage started with the creation of the legal framework which found expressions in the various landmark Treaties, Protocols, Conventions and Supplementary Acts, presently numbering over 130 Community acts. The second stage witnessed the building of ECOWAS institutional structures like the ECOWAS Commission, ECOWAS Parliament and the ECOWAS Court of Justice amongst many others. During this stage, many of the key institutions of ECOWAS were re-structured, strengthened and empowered for effectiveness.

The third stage resulted in the formulation of numerous people-centered programs and projects along viable and beneficial sectoral lines like the ECOWAS Common Agricultural Policy (ECOWAP), the ECOWAS Common Industrial Policy, the ECOWAS Common Investment Market Initiative, the ECOWAS Trade Liberalization Scheme (ETLS) and Common External Tariff), the ECO-AIR and ECOMARINE, the Common ECOWAS Passport and Visa initiative, ECOWAS Biometric identity card, energy policy and others too numerous to mention here. These programs and projects underpin ECOWAS regional integration processes. Presently, ECOWAS is in the full implementation stage of these programs and projects - a stage where respective Member States based on their specific needs partner with relevant institutions of ECOWAS and international partners, and on the basis of country-specific needs, to implement projects and programs that will benefit its people.

In our capacity as the coordinating Ministry and focal point of ECOWAS matters in Nigeria, the Ministry of Foreign Affairs has worked methodically over the years to enlighten and sensitize Nigerians on these developmental but rich history of ECOWAS, with the aim of enabling Nigerians participate as well as reap from our collective investments in ECOWAS. Thus, in 2006, the defunct Ministry of Cooperation and Integration in Africa became the first Ministry in charge of Regional Integration in the Member States to collate, compile and publish all the Treaty, Protocols, Conventions and Supplementary Acts of ECOWAS in one volume.

This publication soon became a handy resource material for Ministries, Departments, Agencies of Government, students, researchers and ECOWAS Desk Implementation Officers. The Interest exhibited by Nigerians to access the publication necessitated a review and update of the publication by the Ministry of Foreign Affairs between 2006-2010 upon the assumption of all the responsibilities of the defunct Ministry of Cooperation and Integration in Africa.

From the awareness created by the Ministry many Nigerians, professionals, students and stakeholders of different sectors are now interested in utilizing this publication. These ECOWAS Legal Instruments has now evolved into concrete developmental strategies for Nigeria and Nigerian end-users. It is for this reason that my Ministry has decided to streamline the publication into relevant subject and program areas along the lines of the established ECOWAS programmes and projects. Accordingly, while previous publications focused mainly on general themes and the specific programme areas and projects which the legal instruments seek to actualize. This compilation is therefore meant to provide a programme specific tooling device which will enable Nigerian stakeholders easily locate and understand the internal structures, institutions, programs and projects of ECOWAS.

Through this publication, the Nigerian stakeholders will have little difficulty in identifying and accessing the many untapped facilities, resources and rich potentialities which ECOWAS provides.

I strongly believe that the publication will assist Nigerians to develop a regional competitive edge, by providing a fair share of the ECOWAS wealth and resources, leading ultimately to entrepreneurship, job creation sustainable growth. Our work in this regard will not end with this thematic publication, as the publication will signal the beginning of a programmed plan of which ultimately aims to enabling Nigerians to be well informed about ECOWAS programmes and projects in all the six geo-political zones of the country.



Dr. Nuruddeen Muhammad
Hon. Minister of State II For Foreign Affairs.

PREFACE

In its continuing determination to enlighten Nigerian citizens and encourage stakeholders' participation in ECOWAS developmental projects and programs, the Ministry of Foreign Affairs have decided to serialize and publish all, the key ECOWAS Legal Instruments into distinctive program areas and subject-related volumes. The serialization entails thematic classification and publication of all the ECOWAS Treaty, Protocols, Conventions and Supplementary Acts into different subject-related heads or sectoral themes along the lines of existing institutional programs, projects and policies of the ECOWAS. This approach is intended to simplify and enhance citizen's understanding of ECOWAS legal instruments and optimize stakeholders' utilization of ECOWAS facilities and its many untapped resources.

To achieve this set objective, the Ministry constituted a publication and editorial team which was mandated to identify and classify all the key Legal Instruments of the ECOWAS into distinctive subject heads and sectoral themes. In carrying out this assignment, the classification method adopted by the publication and editorial team is not arbitrary. The team took into consideration the subject matter(s) of each legal instrument vis-a-vis all the existing and established institutional programs, projects and policies of ECOWAS. Each subject head or themes constitute a volume of the publication, while each volume covers a range of program-specific as well as program-related subject matter which are not mutually exclusive. Following this procedure, the editorial team classified all the legal instruments into 10 distinctive subject heads, covering subjects, institutions and programs such as administration, agriculture, trade and industry, transportation, energy, banking and finance, security and governance, education, health, judiciary and the parliament.

Each of the 10-Volume publication is appropriately titled to reflect its contents and subject matter. These thematic publications will therefore be a handy material for program implementation officers who may need to work on specific policies or programs and other sectoral projects of the ECOWAS. It will also be very useful to Nigerian citizens, ECOWAS stakeholders and end-users' who often get confused in the sheer number and volume of existing ECOWAS Treaty, Protocols, Conventions and Supplementary Acts, presently numbering over 130 Legal Instruments. It is worth explaining here that these key Legal Instruments which comprises the Treaty, Protocols, Conventions and Supplementary Acts generally constitute the applicable laws of the ECOWAS. They are products of key biannual contractual decisions of the ECOWAS Heads of State and Government which are published in volumes of the ECOWAS Journals after its biannual summits from 1975 to date.

Volume One of these publications is titled *The Treaty of the Economic Community of West African States and its Administrative and Supplementary Acts*. The volume comprises some of the foundation legal instruments which set the context for the formation and establishment of ECOWAS. This include the 1975 landmark Treaty of ECOWAS which is the first Treaty signed by the founding fathers of ECOWAS - along with all its subsequent revisions and amendments. Although the 1975 Treaty of ECOWAS was wholly revised and amended in 1993, its provisions remain relevant in tracing the authority and sources of most ECOWAS institutions, programs, projects as well as numerous Community Protocols, Conventions and Supplementary Acts. The volume also covers wide-ranging administrative and institutional provisions relating to ECOWAS citizenship, privileges and immunities as well as technical and specialized institutions of the Community. Volume one therefore captures the early history and gives insight into some of the primary institutions of the Community, including early administrative arrangements and structures that transformed ECOWAS to what it has become today.

Volume Two covers some of the key Community legal instruments which form the core of the economic integration agenda of the ECOWAS. Aptly titled ***ECOWAS Protocols on Trade, Customs, Industry and Commerce***, the volume comprises some of the earliest as well as the most recent policy documents which underpin the Community aspirations for an industrial and infrastructural growth, inspired by a competitive intra-community trade. These legal instruments helped in the consolidation of the ECOWAS free trade area through implementation of the ECOWAS Trade Liberalization Scheme (ETLS) as well as the adoption of Common External Tariff (CET).

Volume Three is titled ***ECOWAS Protocols on Free Movement of Persons, Immigration, Road Transportation, Motor Vehicle Insurance and Aviation***. It encompasses all ECOWAS programs, projects and policies which aim to eliminate all internal borders through the harmonization of the immigration laws of Member States with the ultimate objective of creating a single community space where citizens can move, settle and trade freely in any country without let or hindrance. The volume also contains the flagship Protocol of the Community relating to the Free Movement of Persons covering all its three key components and phases, namely the Right to Free Movement, the Right of Residence and the Right of Establishment within the ECOWAS sphere.

Volume Four covers key priority policy and program areas of the ECOWAS which relates to the social security of its citizenry. Titled ***ECOWAS Protocols on Labour, Social Security, Natural Resources and Agriculture*** the volume comprises Protocols and Supplementary Acts which underpins ECOWAS determination to address the chronic food security challenges in the region, encourage job creation, implement a robust labour and employment policy and management of water resources.

The **Fifth Volume** of the publication encompasses threshold legal instruments relating to ***Security***, Non-aggression, and Mutual Assistance on ***Defence***, Mutual Assistance in Criminal Matters, ***Extradition***, and Strategy for Combating Terrorism, Small Arms and Light Weapons, ***Fight against Corruption***, Mechanism for Conflict Prevention, and Sanctions Against erring Member States and ***Democracy and Good Governance***. The subject matters of these legal instruments combine to provide a twin platform for both the peace and security structures of the Community as well as the constitutional convergence principles which are based on shared values of democracy, freedom of association and speech, popular participation, free market and democratic control of the armed forces.

Volume Six comprises a long list of legal instruments which drive Community policies and projects in the emerging sectors of the ***Information and Communication Technology, Telecommunications as well as the rapidly growing energy sector***. Prominent on this list are the *Protocols on Energy*, the West African Power Pool, Electronic Transactions within ECOWAS, Personal Data Protection, Regional Electricity Regulatory Authority, the Management of the Radio-Frequency Spectrum, Legal Regime Applicable to Network Operators and Service Providers as well as the Protocol on the Harmonization of Policies and Regulatory Framework for the Information and Communication Technology among others.

Volume Seven is titled ***Protocols and Supplementary Acts on Education, Science and Technology, Youth, Sports and Cultural Affairs***. It contains legal instruments which prepares the ECOWAS Member States and its citizenry for the certain challenges it faces in the future. The volume covers developmental Protocols on Education and Training, sports, the regional Policy on Science, Technology and Innovation, the Youth and Child Policies with their respective strategic plans of action, the ECOWAS Research Policy as well as its cultural framework agreement amongst others.

The **Eight Volume** of the publication is titled ***Protocols and Supplementary Acts on the Community Court of Justice and the ECOWAS Parliament***. In the context of true democracy and principles of separation of powers, this volume provide a governance balance in that it comprises two principal legal instruments (namely, the 1991 Protocol on the 'Community Court of Justice and the 1994 Protocol relating to the Community Parliament) which complemented the executive powers being exercised by the ECOWAS Heads of State and Government through the ECOWAS Commission.

Volume Nine is titled ***Protocols and Supplementary Acts on Banking and Investment, the Budget of the Community, Community Levy, Taxation and Monetary Matters***. The volume incorporates legal instruments that underlie ECOWAS determination to achieve a financial and monetary union which will lead ultimately to the creation of the ECOWAS single currency '*the Eco*' by year 2020. This will be achieved through a combination of sound macroeconomic policies, strict banking policy supervision , fiscal and budgetary transparency, good corporate governance and the application of the principles of best practices.

The **final volume** of these compilations relates to a subject matter of current significance to the region and the world at large. Titled ***Protocols and Supplementary Acts on Health, Environment and Humanitarian Policies***, the volume encompasses sign-post legal instruments which deals with the health and environmental concerns of the Community as well as the humanitarian policy responses to address them. Faced with numerous environmental challenges, vulnerability to climate change and the spread of life-threatening diseases, this volume highlights the growing importance of health and environment issues and the need for a robust but targeted regional policy and institutional framework to contain it.

In order to facilitate easy references to its contents, each volume of these compilations has been conveniently divided into different parts with appropriate sub-titles to reflect the contents of each part. Thus, each part covers a program-specific legal instrument(s) with all its relevant supplementary enactments, revisions, amendments and policy documents wherever appropriate. Although each part covers a program-specific subject matter, none should be used or read in isolation, but with reference to other interrelated subject matter(s), program(s) and policies that are covered in other parts or volumes of the 10-volume publications.

These 10-volume compilations accordingly represent a conscious effort and an attempt by the Ministry of Foreign Affairs to systematically codify all ECOWAS Legal Instruments in a way that will simplify and bring the knowledge of ECOWAS to the door steps of our people. It is hoped that this aspiration is realized and that the citizen is effectively mobilized in the building and development of ECOWAS and its people.



Ambassador Martin Ihoeghian Uhomobhi
Permanent Secretary, Ministry of Foreign Affairs.

January, 2015

ACKNOWLEDGEMENT

The decision to compile and publish the ECOWAS Treaty, Conventions, Protocols and Supplementary Acts in ten distinctive volumes in line with established ECOWAS Programmes and Sectoral Projects was approved by the Honourable Minister of State II, Ministry of Foreign Affairs. The thematic nature of the publications invariably necessitated a team work of various professionals, departments, individuals and entities in the collation, classification and the production of the Ten (10) Volume Publications.

Appreciations are extended to Ambassador Ali Ocheni, Head ECOWAS National Unit; Ambassador Ahmed Bala, Director Office of the Honourable Minister of State II, Nura Umar, Special Assistant to the Honourable Ministers of State II, Mr. O.O. Orevba, Director ECOWAS Division, Mr. Ahmed Bashir, Mrs. Maria Ngozi Okonkwo, Mrs. Josephine Onyia-Okwuba and Mrs. Blessing Ekefre.

Our appreciation goes to Chigozie Claris Eruchalu, Principal Partner, GOZIEM CHAMBERS, that assembled a project team comprising Akaka I. Emmanuel (Esq.), Emretane Urerime Chambers Secretary, Dr. Kingsley C. Megwa, Dr. Chris Soleye, Linda I. Nnabugwu, Gertrude Amaechi Akaka and Mehmet Kasap whose various research, editorial efforts and professional advice resulted in these publications.

Special thanks also to the personnel and Staff of ECOWAS Commission, particularly the President, the Commissioners, Messrs Daniel Lago, Director Legal Affairs, Mr. Haruna A. Wakani and Henry Nwagboso of the Documentation Section of the Commission for the release of all recent Supplementary Acts and other relevant documents of the ECOWAS Commission to the Collation and Compilation team.

The technical, typesetting and printing of the work was handled by Thonimartins Limited under the guide and direction of Messrs. Anthony Oshoke, Bar. Joseph Oshoke, Felicia Ozemoya and Hamza Isede. To them all, we say thank you.

PART I

THE 1975 TREATY OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) AND 1984 AMENDMENT

CHAPTER ONE

**THE 1975 TREATY OF THE
ECONOMIC COMMUNITY OF
WEST AFRICAN STATES
(ECOWAS)**

PREAMBLE

The President of the Republic, Head of State, Head of the Revolutionary Military Government, and President of the National Council of the Revolution of Dahomey;

The President of the Republic of Gambia;

The Head of State and Chairman of the National Redemption Council of the Republic of Ghana;

The Head of State and Commander-in-Chief of the People's Revolutionary Armed Forces, President of the Republic of Guinea;

The President of the Republic of Guinea Bissau;

The President of the Republic of Ivory Coast;

The President of the Republic of Liberia;

The Chairman of the Military Committee of National Liberation, President of the Republic of Mali;

The President of the Islamic Republic of Mauritania;

The Head of State and President of the Supreme Military Council of the Republic of Niger;

The Head of the Federal Military Government, Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria;

The President of the Republic of Senegal;

The President of the Republic of Sierra Leone;

The President of the Togolese Republic;

The President of the Republic of Upper Volta;

CONSCIOUS of the overriding need to accelerate, foster and encourage the economic and social development of their States in order to improve the living standards of their peoples;

CONVINCED that the promotion of harmonious economic development of their States calls for effective economic co-operation largely through a determined and concerted policy of self-reliance;

RECOGNISING that progress towards sub-regional economic integration requires an assessment of the economic potential and interests of each State;

ACCEPTING the need for a fair and equitable distribution of the benefits of co-operation among Member States;

NOTING that forms of bilateral and multilateral economic co-operation existing in the sub-region give hope for wider co-operation;

RECALLING the Declaration of African Co-operation, Development and Economic Independence adopted by the Tenth Assembly of Heads of State and Government of the Organisation of African Unity;

BEARING IN MIND that efforts at sub-regional co-operation should not conflict with or hamper similar efforts being made to foster wide co-operation in Africa;

AFFIRMING as the ultimate objective of their efforts accelerated and sustained economic development of their States and the creation of a homogeneous society, leading to the unity of the countries of West Africa, by the elimination of all types of obstacles to the free movement of goods, capital and persons;

DECIDE for the purpose of the foregoing to create an Economic Community of West African States, and AGREE AS FOLLOWS:

NOTE

- i. *The Republic of CAPE VERDE has adhered to the Treaty of the Community in accordance with the provisions of paragraph 2 Article 6 of the Treaty.*
- ii. *The Treaty of the Community shall be binding on the Republic of CAPE VERDE as from 1977 (date of submission of its membership document to the Federal Military Government of Nigeria).*
- iii. *The Revolutionary Military Republic of Dahomey became the Peoples' Republic of BENIN in 1975.*

CHAPTER I : PRINCIPLES

ARTICLE 1

Establishment and Membership of the Community

1. By this Treaty the HIGH CONTRACTING PARTIES establish among themselves an Economic Community of West African States (ECOWAS), hereinafter referred to as "the Community"
2. The members of the Community, hereinafter referred to as "the Member States", shall be the States that ratify this Treaty and such other West African States as may accede to it.

ARTICLE 2

Aims of the Community

1. It shall be the aim of the Community to promote co-operation and development in all fields of economic activity particularly in the fields of industry, transport, telecommunications, energy, agriculture, natural resources, commerce, monetary and financial questions and in social and cultural matters for the purpose of raising the standard of living of its peoples, of increasing and maintaining economic stability, of fostering closer relations among its members and of contributing to the progress and development of the African continent.
2. For the purposes set out in the preceding paragraph and as hereinafter provided for in this Treaty, the Community shall by stages ensure:
 - (a) the elimination as between the Member States of customs duties and other charges of equivalent effect in respect of the importation and exportation of goods;
 - (b) the abolition of quantitative and administrative restrictions on trade among the Member States;
 - (c) the establishment of a common customs tariff and a common commercial policy towards third countries;
 - (d) the abolition as between the Member States of the obstacles to the free movement of persons, services and capital;
 - (e) the harmonisation of the agricultural policies and the promotion of common projects in the Member States notably in the fields of marketing, research and agro-industrial enterprises;

- (f) the implementation of schemes for the joint development of transport, communication, energy and other infrastructural facilities as well as the evolution of a common policy in these fields;
- (g) the harmonisation of the economic and industrial policies of the Member States and the elimination of disparities in the level of development of Member States;
- (h) the harmonisation required for the proper functioning of the Community of the monetary policies of the Member States;
- (i) the establishment of a Fund for Co-operation, Compensation and Development; and
- (j) such other activities calculated to further the aims of the Community as the Member States may from time to time undertake in common.

ARTICLE 3
General Undertaking

The Member States shall make every effort to plan and direct their policies with a view to creating favourable conditions for the achievement of the aims of the Community; in particular, each Member State shall take all steps to secure the enactment of such legislation as is necessary to give effect to this Treaty.

CHAPTER II
INSTITUTIONS OF THE COMMUNITY

ARTICLE 4
Institutions

1. The institutions of the Community shall be:
 - (a) the Authority of Heads of State and Government;
 - (b) the Council of Ministers;
 - (c) the Defence Council;
 - (d) the Executive Secretariat;
 - (e) the Tribunal of the Community; and
 - (f) the following Technical and Specialised Commissions:
 - the Trade, Customs, Immigration, Money and Payments Commission;
 - the Industry, Agriculture and Natural Resources Commission;
 - the Transport, Communications and Energy Commission;
 - the Social and Cultural Affairs Commission;
 - the Defence Commission;
 - the Administration and Finance Commission and such other Commissions or bodies as may be established by the Authority of Heads of State and Government or are established or provided for by this Treaty.
2. The institutions of the Community shall perform the functions and act within the limits of the powers conferred upon them by or under this Treaty and by Protocols thereto.

ARTICLE 5
***Authority of Heads of State and Government Establishment,
Composition and Functions***

1. There is hereby established the Authority of Heads of State and Government of the Member States referred to in this Treaty as "the Authority" which shall be the principal governing institution of the Community.
2. The Authority shall be responsible for, and have the general direction and control of the performance of the executive functions of the Community for the progressive development of the Community and the achievement of its aims.
3. The decisions and directions of the Authority shall be binding on all institutions of the Community.
4. The Authority shall meet at least once a year. It shall determine its own procedure including that for convening its meetings, for the conduct of business thereat and at other times, and for the annual rotation of the office of Chairman among the members of the Authority.

ARTICLE 6
***Council of Ministers Establishment,
Composition and Functions***

1. There is hereby established a Council of Ministers which shall consist of two representatives of each Member State.
2. It shall be the responsibility of the Council of Ministers:
 - (a) to keep under review the functioning and development of the Community in accordance with this Treaty;
 - (b) to make recommendations to the Authority on matters of policy aimed at the efficient and harmonious functioning and development of the Community;
 - (c) to give directions to all subordinate institutions of the Community; and
 - (d) to exercise such other powers conferred on it and perform such other duties assigned to it by this Treaty.
3. The decisions and directions of the Council of Ministers shall be binding on all subordinate institutions of the Community unless otherwise determined by the Authority.
4. The Council of Ministers shall meet twice a year and one of such meetings shall be held immediately preceding the annual meeting of the Authority. Extraordinary meetings of the Council of Ministers may be convened as and when necessary.
5. Subject to any directions that the Authority may give, the Council of Ministers shall determine its own procedure including that for convening its meetings, for the conduct of business thereat and at other times, and for the annual rotation of the office of Chairman among the members of the Council of Ministers.
6. Where an objection is recorded on behalf of a Member State to a proposal submitted for the decision of the Council of Ministers, the proposal shall, unless such objection is withdrawn, be referred to the Authority for its decision.

ARTICLE 7
Decisions of the Authority and the Council of Ministers

The Authority shall determine the procedure for the dissemination of its decisions and directions and those of the Council of Ministers and for matters relating to their coming into effect.

ARTICLE 8
The Executive Secretariat

1. There shall be established an Executive Secretariat of the Community.
2. The Executive Secretariat shall be headed by an Executive Secretary who shall be appointed by the Authority to serve in such office for a term of four (4) years and be eligible for reappointment for another term of four (4) years only.
3. The Executive Secretary shall only be removed from office by the Authority upon the recommendation of the Council of Ministers.
4. The Executive Secretary shall be the principal executive officer of the Community. He shall be assisted by two Deputy Executive Secretaries who shall be appointed by the Council of Ministers.
5. In addition to the Executive Secretary and the Deputy Executive Secretaries, there shall be a Financial Controller and such other officers in the Executive Secretariat as the Council of Ministers may determine.
6. The terms and conditions of service of the Executive Secretary and other officers of the Executive Secretariat shall be governed by regulations that may be made by the Council of Ministers.
7. In appointing officers to offices in the Executive Secretariat due regard shall be had, subject to the paramount importance of securing the highest standards of efficiency and technical competence, to the desirability of maintaining an equitable distribution of appointments to such posts among citizens of the Member States.
8. The Executive Secretary and officers of the Executive Secretariat, in the discharge of their duties, owe their loyalty entirely to the Community.
9. The Executive Secretary shall be responsible for the day to day administration of the Community and all its institutions.
10. The Executive Secretary shall:
 - (a) as appropriate, service and assist the institutions of the Community in the performance of their functions;
 - (b) keep the functioning of the Community under continuous examination and, where appropriate, report the results of its examination to the Council of Ministers;
 - (c) submit a report of activities to all sessions of the Council of Ministers and all meetings of the Authority; and
 - (d) undertake such work and studies and perform such services relating to the aims of the Community as may be assigned to him by the Council of Ministers and also make such proposals thereto as may assist in the efficient and harmonious functioning and development of the Community.

ARTICLE 9
***Technical and Specialised Commissions Establishment,
Composition and Functions***

1. There shall be established the following Commissions:
 - (a) the Trade, Customs, Immigration, Monetary and Payments Commission;
 - (b) the Industry, Agriculture and Natural Resources Commission;
 - (c) the Transport, Communications and Energy Commission;
 - (d) the Social and Cultural Affairs Commission;
 - (e) the Defence Commission;
 - (f) the Administration and Finance Commission.
2. The Authority may from time to time establish other Commission as it deems necessary.
3. Each Commission shall consist of representatives designated one each by the Member States. Such representatives may be assisted by advisers.
4. Each Commission shall:
 - (a) submit from time to time reports and recommendations through the Executive Secretary to the Council of Ministers either on its own initiative or upon the request of the Council of Ministers or the Executive Secretary; and
 - (b) have such other functions as are imposed on it under this Treaty.
5. Subject to any directions which may be given by the Council of Ministers, each Commission shall meet as often as necessary for the proper discharge of its functions and shall determine its own procedure, including that for convening its meetings and the conduct of business thereat and at other times.

ARTICLE 10
External Auditor

1. There shall be an External Auditor of the Community who shall be appointed and removed by the Authority on the recommendation of the Council of Ministers.
2. Subject to the provisions of the preceding paragraph, the Council of Ministers shall make regulations governing the terms and conditions of service and powers of the External Auditor.

ARTICLE 11
Tribunal of the Community

1. There shall be established a Tribunal of the Community which shall ensure the observance of law and justice in the interpretation of the provisions of this Treaty. Furthermore, it shall be charged with the responsibility of settling such disputes as may be referred to it in accordance with Article 56 of this Treaty.
2. The composition, competence, statutes and other matters relating to the Tribunal shall be prescribed by the Authority.

NOTE:

*For Composition and Functions of the Defence Council and the Defence Commission.
(See) PROTOCOL relating to Mutual Assistance on Defence, signed on the 29th May 1981.*

**CHAPTER III
CUSTOMS AND TRADE MATTERS**

**ARTICLE 12
*Liberalization of Trade***

There shall be progressively established in the course of a transitional period of fifteen (15) years from the definitive entry into force of this Treaty, and as prescribed in this Chapter, a Customs Union among the Member States. Within this Union, customs duties or other charges with equivalent effect on imports shall be eliminated. Quota, quantitative or like restrictions or prohibitions and administrative obstacles to trade among the Member States shall also be removed. Furthermore, a common customs tariff in respect of all goods imported into the Member States from third countries shall be established and maintained.

**ARTICLE 13
*Customs Duties***

1. Member States shall reduce and ultimately eliminate customs duties and any other charges with equivalent effect except duties notified in accordance with Article 17 and other charges which fall within that Article, imposed on or in connection with the importation of goods which are eligible for Community tariff treatment in accordance with Article 15 of this Treaty. Any such duties or other charges are hereinafter referred to as "import duties".
2. Within a period of two (2) years from the definitive entry into force of this Treaty, a Member State may not be required to reduce or eliminate import duties. During this two-year period, Member States shall not impose any new duties and taxes or increase existing ones and shall transmit to the Executive Secretariat all information on import duties for study by the relevant institutions of the Community.
3. Upon the expiry of the period of two (2) years referred to in paragraph 2 of this Article and during the next succeeding eight (8) years, Member States shall progressively reduce and ultimately eliminate import duties in accordance with a schedule to be recommended to the Council of Ministers by the Trade, Customs, Immigration, Monetary and Payments Commission. Such a schedule shall take into account, inter alia, the effects of the reduction and elimination of import duties on the revenue of Member States and the need to avoid the disruption of the income they derive from import duties.
4. The Authority may at any time, on the recommendation of the Council of Ministers, decide that any import duties shall be reduced more rapidly or eliminated earlier than is recommended by the Trade, Customs, Immigration, Monetary and Payments Commission.

However, the Council of Ministers shall, not later than one calendar year preceding the date in which such reductions or eliminations come into effect, examine whether such reductions, or eliminations shall apply to some or all goods and in respect of some or all the Member States and shall report the result of such examination for the decision of the Authority.

**ARTICLE 14
*Common Customs Tariff***

1. The Member States agree to the gradual establishment of a common customs tariff in respect of all goods imported into the Member States from third countries.
2. At the end of the period of eight (8) years referred to in paragraph 3 of Article 13 of this Treaty and during the next succeeding five (5) years, Member States shall gradually, in accordance with a schedule to be recommended by the Trade, Customs, Immigration, Monetary and Payments Commission, abolish existing differences in their external customs tariffs.

3. In the course of the same period, the above-mentioned Commission shall ensure the establishment of a common customs nomenclature and customs statistical nomenclature for all the Member States.

ARTICLE 15
Community Tariff Treatment

1. For the purposes of this Treaty, goods shall be accepted as eligible for Community tariff treatment if they have been consigned to the territory of the importing Member State from the territory of another Member State and originate in the Member States.
2. The definition of products originating from Member States shall be the subject of a protocol to be annexed to this Treaty.
3. The Trade, Customs, Immigration, Monetary and Payments Commission shall from time to time examine whether the rules referred to in paragraph 2 of this Article can be amended to make them simpler and more liberal. In order to ensure their smooth and equitable operation, the Council of Ministers may from time to time amend them.

ARTICLE 16
Deflection of Trade

1. For the purposes of this Article, trade is said to be deflected if,
 - (a) imports of any particular product by a Member State from another Member State increase:
 - i. as a result of the reduction or elimination of duties and charges on that product, and
 - ii. because duties and charges levied by the exporting Member State on imports of raw materials used for manufacture of the product in question are lower than the corresponding duties and charges levied by the importing Member State; and
 - (b) this increase in imports causes or would cause serious injury to production which is carried on in the territory of the importing Member State.
2. The Council of Ministers shall keep under review the question of deflection of trade and its causes. It shall take such decisions, as are necessary, in order to deal with the causes of this deflection.
3. In case of deflection of trade to the detriment of a Member State resulting from the abusive reduction or elimination of duties and charges levied by another Member State, the Council of Ministers shall study the question in order to arrive at a just solution.

ARTICLE 17
Revenue Duties and Internal Taxation

1. Member States shall not apply directly or indirectly to imported goods from any Member State fiscal charges in excess of those applied to like domestic goods or otherwise impose such charges for the effective protection of domestic goods.
2. Member States shall eliminate all effective internal taxes or other internal charges that are made for the protection of domestic goods not later than one (1) year after the period of two (2) years referred to in paragraph 2 of Article 13 of this Treaty. Where by virtue of obligations under an existing contract entered into by a Member State and such a Member State is unable to comply with the provisions of this Article, the Member State shall duly notify the Council of Ministers of this fact and shall not extend or renew such contract at its expiry.

3. Member States shall eliminate progressively all revenue duties designed to protect domestic goods not later than the end of the period of eight (8) years referred to in paragraph 3 of Article 13 of this Treaty.
4. Each Member State shall, not later than the end of the period of two (2) years referred to in paragraph 2 of Article 13 of this Treaty, notify the Council of Ministers of any duty it wishes to apply under the provisions of paragraph 3 of the aforementioned Article.

ARTICLE 18

Quantitative Restrictions on Community Goods

1. Except as may be provided for or permitted by this Treaty, each of the Member States undertakes to relax gradually and to remove ultimately in accordance with a schedule to be recommended by the Trade, Customs, Immigration, Monetary and Payments Commission and not later than ten (10) years from the definitive entry into force of this Treaty, all the then existing quota, quantitative or like restrictions or prohibitions which apply to the import into that State of goods originating in the other Member States and thereafter refrain from imposing any further restrictions or prohibitions.
2. The Authority may at any time, on the recommendation of the Council of Ministers, decide that any quota, quantitative or like restrictions or prohibitions shall be relaxed more rapidly or removed earlier than is recommended by the Trade, Customs, Immigration, Monetary and Payments Commission.
3. A Member State may, after having given notice to the other Member States of its intention to do so, introduce or continue to execute restrictions or prohibitions affecting:
 - (a) the application of security laws and regulations;
 - (b) the control of arms, ammunition and other war equipment and military items;
 - (c) the protection of human, animal or plant health or life, or the protection of public morality;
 - (d) the transfer of gold, silver and precious and semi-precious stones; or
 - (e) the protection of national treasures;

provided that a Member State shall not so exercise the right to introduce or continue to execute the restrictions or prohibitions conferred by this paragraph as to stultify the free movement of goods envisaged in this Article.

ARTICLE 19

Dumping

1. Member States undertake to prohibit the practice of dumping goods within the Community.
2. For the purposes of this Article, "dumping" means the transfer of goods originating in a Member State to another Member State for sale:
 - (a) at a price lower than the comparable price charged for similar goods in the Member States where such goods originate (due allowance being made for the differences in the conditions of sale or in taxation or for any other factors affecting the comparability of prices); and
 - (b) under circumstances likely to prejudice the production of similar goods in that Member State.

ARTICLE 20
Most Favoured Nation Treatment

1. Member States shall accord to one another in relation to trade between them the most favoured nation treatment and in no case shall tariff concessions granted to a third country under an agreement with a Member State be more favourable than those applicable under this Treaty.
2. Copies of such agreements referred to in paragraph 1 of this Article shall be transmitted by the Member States which are parties to them, to the Executive Secretariat of the Community.
3. Any agreement between a Member State and a third country under which tariff concessions are granted, shall not derogate from the obligations of that Member State under this treaty.

ARTICLE 21
Internal Legislation

Member States shall refrain from enacting legislation which directly or indirectly discriminates against the same or like products of another Member State.

ARTICLE 22
Re-exportation of Goods and Transit Facilities

1. Where customs duty has been charged and collected on any goods imported from a third country into a Member State such goods shall not be re-exported into another Member State except as may be permitted under a Protocol to this Treaty entered into by the Member State.
2. Where goods are re-exported under such a Protocol, the Member States from whose territory such goods are re-exported shall refund to the Member State into whose territory such goods are imported the customs duties charged and collected on such goods. The duties so refunded shall not exceed those applicable on such goods in the territory of the Member State into which such goods are imported.
3. Each Member State, in accordance with international regulations, shall grant full and unrestricted freedom of transit through its territory of goods proceeding to or from a third country indirectly through that territory to or from other Member States; and such transit shall not be subject to any discrimination, quantitative restrictions, duties or other charges levied on transit.
4. Notwithstanding paragraph 3 of this Article,
 - (a) goods in transit shall be subject to the customs law; and
 - (b) goods in transit shall be liable to the charges usually made for carriage and for any services which may be rendered, provided such charges are not discriminatory.
5. Where goods are imported from a third country into one Member State, each of the other Member States shall be free to restrict the transfer to it of such goods whether by a system of licensing and controlling importers or by other means.
6. The provisions of paragraph 5 of this Article shall apply to goods which, under the provisions of Article 15 of this Treaty, fail to be accepted as originating in a Member State.

ARTICLE 23
Customs Administration

Member States shall, upon the advice of the Trade, Customs, Immigration, Monetary and Payments Commission, take appropriate measures to harmonise and standardise their customs regulations and procedures to ensure the effective application of the provisions of this chapter and to facilitate the movement of goods and services across their frontiers.

ARTICLE 24
Drawback

1. Member States may, at or before the end of the period of eight (8) years referred to in paragraph 3 of Article 13 of this Treaty, refuse to accept as eligible for Community tariff treatment, goods in relation to which drawback is claimed or made use of in connection with their exportation from the Member States in the territory of which the goods have undergone the last process of production.
2. For the purposes of this Article:
 - (a) "drawback" means any arrangement, including temporary duty-free admission, for the refund of all or part of the duties applicable to imported raw materials, provided that the arrangement, expressly or in effect, allows such refund or remission if goods are exported but not if they are retained for home use;
 - (b) "remission" includes exemption from duties for goods imported into free ports, free zones or other places which have similar customs privileges; and
 - (c) "duties" means customs duties and any other charges with equivalent effect imposed on imported goods, except the non-protective element in such duties or charges.

ARTICLE 25
Compensation for Loss of Revenue

1. The Council of Ministers shall, on the report of the Executive Secretary and recommendation by the appropriate Commission or Commissions, determine the compensation to be paid to a Member State which has suffered loss of import duties as a result of the application of this Chapter.
2. A protocol to be annexed to this Treaty shall state precisely the methods of assessment of the loss of revenue suffered by Member States as a result of the application of this chapter.

ARTICLE 26
Safeguard Clause

1. In the event of serious disturbances occurring in the economy of a Member State following the application of the provisions of this chapter, the Member State concerned shall after informing the Executive Secretary and the other Member States take the necessary safeguard measures pending the approval of the Council of Ministers.
2. These measures shall remain in force for a maximum period of one year. They may not be extended beyond that period except with the approval of the Council of Ministers.
3. The Council of Ministers shall examine the method of application of these measures while they remain in force.

CHAPTER IV
FREEDOM OF MOVEMENT AND RESIDENCE

ARTICLE 27
Visa and Residence

1. Citizens of Member States shall be regarded as Community citizens and accordingly Member States undertake to abolish all obstacles to their freedom of movement and residence within the Community.

2. Member States shall by agreements with each other exempt Community citizens from holding visitors' visas and residence permits and allow them to work and undertake commercial and industrial activities within their territories.

CHAPTER V
INDUSTRIAL DEVELOPMENT AND HARMONIZATION

ARTICLE 28
General Principles

For the purposes of this chapter, Member States shall achieve their industrial development and harmonization in the three stages as set out in Articles 29,30 and 31.

ARTICLE 29
Stage I: Exchange of Information on Major Industrial Projects

Member States undertake to:

- (a) furnish one another with major feasibility studies and reports on projects within their territories;
- (b) furnish one another, on request, reports, on the performance of prospective technical partners who have developed similar projects in their territories;
- (c) furnish one another, on request, reports on foreign business groups operating in their territories;
- (d) furnish one another, on request, with reports on their experiences on industrial projects and to exchange industrial research information and experts;
- (e) commission, where appropriate, joint studies for the identification of viable industrial projects for development within the Community; and
- (f) finance, where appropriate, joint research on the transfer of technology and the development of new products through the use of raw materials common in some or all of the Member States and on specific industrial problems.

ARTICLE 30
***Stage II: Harmonization of Industrial Incentives
and Industrial Development Plans***

Member States undertake to:

- (a) harmonize their industrial policies so as to ensure a similarity of industrial climate and to avoid disruption of their industrial activities resulting from dissimilar policies in the fields of industrial incentives, company taxation and Africanisation; and
- (b) co-operation with one another by exchanging their industrial plans so as to avoid unhealthy rivalry and waste of resources.

ARTICLE 31
Stage III: Personnel Exchange, Training and Joint Ventures

Member States shall:

- (a) exchange, as may be necessary, skilled, professional and managerial personnel in the operation of projects within the Community;
- (b) provide places for training in their educational and technical institutions for Community citizens; and

- (c) engage, where appropriate, in joint development of projects including those which entail the execution of complementary parts of such projects in different Member States.

ARTICLE 32
Remedial Measures

1. The Council of Ministers shall keep under constant review in the implementation of the provisions of this Chapter, the disparity in the levels of industrial development of the Member States and may direct the appropriate Commission of the Community to recommend measures to remedy such disparity.
2. In the implementation of the aims of the Community, the Council of Ministers shall recommend measures designed to promote the industrial development of Member States and shall take steps to reduce gradually the Community's economic dependence on the outside world and strengthen economic relations among themselves.
3. The Council of Ministers shall further recommend measures designed to accelerate the industrial integration of the economies of the Member States.

CHAPTER VI
CO-OPERATION IN AGRICULTURE AND NATURAL RESOURCES

ARTICLE 33
Co-operation among Member States

Member States shall co-operate as set out in this Chapter in the development of their natural resources particularly agriculture, forestry, animal husbandry and fisheries.

ARTICLE 34
Stage I: Harmonisation of Agricultural Policies

1. Member States undertake to work towards the harmonisation of their internal and external agricultural policies in their relations with one another;
2. Member States shall exchange regularly information on experiments and results of research being carried out in their respective territories and on existing rural development programmes; and
3. Member States shall formulate, as appropriate, joint programmes for both basic and in-service training in existing institutions.

ARTICLE 35
Stage II: Evolution of a Common Agricultural Policy

Member States undertake to take all measure necessary for the creation of a common policy especially in the fields of research, training, production, processing and marketing of the products of agriculture, forestry, animal husbandry and fisheries. For this purpose, the Industry, Agriculture and Natural Resources Commission shall, as soon as possible, after its establishment meet to make recommendations to the Council of Ministers for the harmonisation and exploitation of natural resources of the Member States.

CHAPTER VII
CO-OPERATION IN MONETARY AND FINANCIAL MATTERS

ARTICLE 36

Co-operation in Monetary and Fiscal Matters

1. It shall be the responsibility of the Trade, Customs, Immigration, Monetary and Payments Commission, among other things, to:
 - (a) as soon as practicable, make recommendations on the harmonisation of the economic and fiscal policies of the Member States,
 - (b) give its constant attention to the maintenance of a balance of payments equilibrium in the Member States; and
 - (c) examine developments in the economies of the Member States.
2. The recommendations of the Trade, Customs, Immigration, Monetary and Payments Commission under this Article shall be made to the Council of Ministers.

ARTICLE 37

Settlement of Payments Between Member States

The Trade, Customs, Immigration, Monetary and Payments Commission shall make recommendations, to the Council of Ministers on the establishment, in the short term, of bilateral systems for the settlement of accounts between the Member States and, in the long term, of a multilateral system for the settlement of such accounts.

ARTICLE 38

Committee of West African Central Banks

1. For the purpose of overseeing the system of payments within the Community, there is hereby established a Committee of West African Central Banks, which shall consist of the Governors of the Central Banks of the Member States or such other persons as may be designated by Member States. This Committee shall, subject to this Treaty, determine its own procedures.
2. The Committee of West African Central Banks shall make recommendations to the Council of Ministers from time to time on the operation of the clearing system of payments and on other monetary issues of the Community.

ARTICLE 39

Movement of Capital and Capital Issues Committee

1. For the purpose of ensuring the free flow of capital between the Member States consistent with the objectives of this Treaty, there is hereby established a Capital Issues Committee, which shall consist of representatives designated one each by the Member States and shall, subject to this Treaty, determine its own procedure.
2. The Member States, in designating their representatives referred to in paragraph 1 of this Article, shall designate persons with financial, commercial, banking or administrative experience or qualifications.
3. In the exercise of its functions under paragraph 1 of this Article, the Capital Issues Committee shall:
 - (a) seek to achieve the mobility of capital within the Community through the interlocking of any capital markets and stock exchanges;

- (b) ensure that stocks and shares floated in the territory of a Member State are quoted on the stock exchanges of the other Member States;
 - (c) ensure that nationals of a Member State are given the opportunity of acquiring stocks, shares and other securities or otherwise investing in enterprises in the territories of other Member States;
 - (d) establish a machinery for the wide dissemination in the Member States of stock exchange quotations of each Member State;
 - (e) organise and arrange the quotation of prices, timing, volume and conditions of issue of securities of new enterprises in the Member States;
 - (f) ensure the unimpeded flow of capital within the Community through the removal of controls on the transfer of capital among the Member States in accordance with a timetable, to be determined by the Council of Ministers; and
 - (g) seek to harmonise the rates of interest on loans prevailing in the Member States so as to facilitate the investment of capital from a Member State in profitable enterprises elsewhere within the Community.
4. The capital envisaged in the provisions of this Article is that of Member States or their citizens.
5. With regard to capital other than that referred to in paragraph 4 of this Article, the Capital Issues Committee shall determine its movement within the Community.

CHAPTER VIII INFRASTRUCTURAL LINKS IN THE FIELDS OF TRANSPORT AND COMMUNICATIONS

ARTICLE 40 *Common Transport and Communications Policy*

Member States undertake to evolve gradually common transport and communications policies through the improvement and expansion of their existing transport and communications links and the establishment of new ones as a means of furthering the physical cohesion of the Member States and the promotion of greater movement of persons, goods and services within the Community.

ARTICLE 41 Roads

The Transport, Communications and Energy Commission shall formulate plans for a comprehensive network of all-weather roads within the Community with a view to promoting social and unimpeded commercial intercourse between the Member States through the improvement of existing roads to, and the construction of new ones of international standards. In the formulation of these plans, the Transport, Communications and Energy Commission shall give priority to a network of roads traversing the territories of the Member State.

ARTICLE 42 Railways

The Transport, Communications and Energy Commission shall for the purpose of connecting the railways of the Member States formulate plans for the improvement and re-organisation of such railways.

ARTICLE 43
Shipping and International Waterways

1. The Transport, Communications and Energy Commission shall formulate plans for the harmonisation and rationalisation of policies on shipping and international waterways of the Member States.
2. Member States undertake to do their utmost to form multinational shipping Companies for both maritime and river navigation.

ARTICLE 44
Air Transport

Member States shall use their best endeavour to bring about the merger of their national airlines in order to promote efficiency and profitability in the air transportation of passengers and goods within the Community by aircraft owned by the Governments of the Member States and/or their citizens. To this end, they shall co-ordinate the training of their nationals and policies in air transport and standardize their equipment.

ARTICLE 45
Telecommunications

1. Member States shall re-organise and improve, where necessary, their national telecommunications network to meet standards required for international traffic.
2. Member States undertake to establish a direct, modern, efficient and rational system of telecommunications among themselves.

ARTICLE 46
Pan-African Telecommunications Network

The Transport, Communications and Energy Commission shall make urgent recommendations for the rapid realisation in the West African Section of the Pan-African Telecommunications network and, in particular, the establishment of links necessary for the economic and social development of the Community. Member States shall co-ordinate their efforts in this field and in the mobilisation of national and international financial resources.

ARTICLE 47
Postal Services

1. The Transport, Communications and Energy Commission shall study and make recommendations to the Council of Ministers on proposals for speedier, cheaper and more frequent postal services within the Community.
2. Member States undertake to:
 - (a) promote close collaboration among their postal administrations;
 - (b) harmonise routes of mails; and
 - (c) establish among themselves a system of postal remittances and preferential tariffs which are more favourable than those envisaged by the Universal Postal Union.

**CHAPTER IX
ENERGY AND MINERAL RESOURCES**

**ARTICLE 48
*Co-operation in Energy and Mineral Resources***

1. The Transport, Communications and Energy Commission shall engage in consultations on, and the co-ordination of the policies and activities of the Member States in the field of energy and submit its recommendations to the Council of Ministers.
2. Member States undertake to:
 - (a) co-operate, consult on and co-ordinate their policies, regarding energy and mineral resources;
 - (b) harmonise their energy and mineral resources policies especially as regards the production and distribution of energy, research, production and processing of mineral resources;
 - (c) exchange information on the results of research being carried out;
 - (d) plan joint programmes for training technicians and personnel; and
 - (e) formulate a common energy and mineral policy especially in the field of production, distribution of energy, research, production and processing of mineral resources.

**CHAPTER X
SOCIAL AND CULTURAL MATTERS**

**ARTICLE 49
*Co-operation in Social and Cultural Matters***

Subject to any directions that may be given by the Council of Ministers, the Social and Cultural Affairs Commission shall examine ways of increasing exchange of social and cultural activities among the Member States and of developing them, provide a forum for consultation generally on social and cultural matters affecting the Member States and make recommendations to the Council of Ministers.

**CHAPTER XI
FUND FOR CO-OPERATION,
COMPENSATION AND DEVELOPMENT**

**ARTICLE 50
*Establishment***

There is hereby established a Fund to be known as the Fund for Co-operation, Compensation and Development hereinafter referred to as the "the Fund".

**ARTICLE 51
*Resources of the Fund***

1. The Fund shall derive its resources from:
 - (a) contributions of Member States;
 - (b) income from Community enterprises;
 - (c) receipts from bilateral and multilateral sources as well as other foreign sources; and
 - (d) subsidies and contributions of all kinds and from all sources.

2. The contributions of Member States referred to in sub-paragraph (a) of the preceding paragraph shall be determined by the Council of Ministers and shall be of such minimum and maximum amounts as the Council of Ministers may determine.
3. The method of determining the contribution to be paid by Member States, the regulations governing the payment and the currencies in which they shall be effected, the operation, organisation, management, status of the funds and matters related and incidental thereto shall be the subject of a protocol to be annexed to this Treaty.

ARTICLE 52
Uses of the Fund

The Fund shall be used to:

- (a) finance projects in Member States;
- (b) provide compensation to Member States which have suffered losses as a result of the location of Community enterprises;
- (c) provide compensation and other forms of assistance to Member States which have suffered losses arising out of the application of the provisions of this Treaty on the liberalisation of Trade within the Community.
- (d) guarantee foreign investments made in Member States in respect of enterprises established in pursuance of the provisions of this Treaty on the harmonisation of industrial policies;
- (e) provide appropriate means to facilitate the sustained mobilisation of internal and external financial resources for the Member States and the Community; and

CHAPTER XII
FINANCIAL PROVISIONS

ARTICLE 53
Budget of the Community

1. There shall be established a budget of the Community.
2. All expenditures of the Community, other than those in respect of the Fund for Co-operation, Compensation and Development, established under Chapter XI of this Treaty, shall be approved in respect of each financial year by the Council of Ministers and shall be chargeable to the budget.
3. Resources of the budget shall be derived from annual contributions by Member States and such other sources as may be determined by the Council of Ministers.
4. The budget shall be in balance as to revenues and expenditures.
5. A draft budget for each financial year shall be prepared by the Executive Secretary and approved by the Council of Ministers.
6. There shall be special budgets to meet extraordinary expenditures of the Community.
7. The Administration and Finance Commission shall consider the draft budget of the Community as well as all administrative and financial matters of the community institutions and shall submit recommendations on this subjects to the council of ministers.

ARTICLE 54
Contributions by Member States

1. A protocol to be annexed to this Treaty shall state the mode by which the contribution of Member States shall be determined and the currencies in which the contribution is to be paid.
2. The Member States undertake to pay regularly their annual contributions to the budget of the Community.
3. Where a Member State is in arrears at the end of the financial year in the payment of its contributions for reasons other than those caused by public or natural calamity or exceptional circumstances that gravely affect its economy, such Member States may, by a resolution of the Authority, be suspended from taking part in the activities of the institutions of the Community.

ARTICLE 55
Financial Regulations

The Council of Ministers shall make financial regulations for the application of the provisions of this Chapter.

CHAPTER XIII
SETTLEMENT OF DISPUTES

ARTICLE 56
Procedure for the Settlement of Disputes

Any dispute that may arise among the Member States regarding the interpretation or application of this Treaty shall be amicably settled by direct agreement. In the event of failure to settle such disputes, the matter may be referred to the Tribunal of the Community by a party to such disputes and the decision of the Tribunal shall be final.

CHAPTER XIV
GENERAL AND FINAL PROVISIONS

ARTICLE 57
Headquarters of the Community

The Headquarters of the Community shall be determined by the Authority.

ARTICLE 58
Official Languages

The official languages of the Community shall be such African languages declared official by the Authority and English and French.

ARTICLE 59
***Relations with other Regional Associations
and Third Countries***

1. Member States may be members of other regional or sub-regional associations, either with other Member States or non-Member States, provided that their membership of such associations does not derogate from the provisions of this Treaty.
2. The rights and obligations arising from agreements concluded before the definitive entry into force of this Treaty between one or more Member States on the one hand, and one Member State and a third country on the other hand, shall not be affected by the provisions of this Treaty.

3. To the extent that such agreements are not compatible with this Treaty, the Member State or States concerned shall take all appropriate steps to eliminate the incompatibilities established. Member States shall, where necessary, assist each other to this end and shall, where appropriate, adopt a common attitude.
4. In applying the agreements referred to in paragraph 1 of this Article, Member States shall take into account the fact that the advantages accorded under this Treaty by each Member State form an integral part of the establishment of the Community and are thereby inseparably linked with the creation of common institutions, the conferring of powers upon them and the granting of the same advantages by all the other Member States.

ARTICLE 60
Status, Privileges and Immunities

1. The Community, as an international organisation, shall enjoy legal personality.
2. The Community shall have in the territory of each Member State:
 - (a) the legal capacity required for the performance of its functions under this Treaty; and
 - (b) power to acquire, hold or dispose of movable or immovable property.
3. In the exercise of its legal personality under this Article, the Community shall be represented by the Executive Secretary.
4. The privileges and immunities to be granted to the officials of the Community at its Headquarters and in the Member States shall be the same as are accorded to diplomatic persons at the Headquarters of the Community and in the Member States. Similarly, the privileges and immunities granted to the Secretariat at the Headquarters of the Community shall be the same as granted to diplomatic missions at the Headquarters of the Community and in the Member States. Other privileges and immunities to be recognised and granted by the Member States in connection with the Community shall be determined by the Council of Ministers.

ARTICLE 61
Setting up of the Institutions

1. The Authority shall at its first meeting after the entry into force of this Treaty:
 - (a) appoint the Executive Secretary;
 - (b) determine the Headquarters of the Community; and
 - (c) give such directions to the Council of Ministers and other institutions of the Community as are necessary for the expeditious and effective implementation of this Treaty.
2. Subject to the provisions of the preceding paragraph, the Council of Ministers shall, within two months of the entry into force of this Treaty, hold its first meeting to:
 - (a) appoint persons to offices in the Executive Secretariat in accordance with the provisions of this Treaty;
 - (b) give directions to other subordinate institutions;
 - (c) give directions to the Executive Secretary as to the implementation of the provisions of this Treaty; and
 - (d) perform such other duties as may be necessary for the expeditious and effective implementation of this Treaty.

ARTICLE 62

Entry into Force, Ratification and Accession

This Treaty and the protocols which shall be annexed and which shall form an integral part of the Treaty shall respectively enter into force provisionally upon the signature by Heads of State and Government and definitively upon ratification by at least seven signatory States in accordance with the constitutional procedures applicable for each signatory State.

Any West African State may accede to this Treaty on such terms and conditions as the Authority may determine. Instruments of accession shall be deposited with the Federal Military Government of Nigeria which shall notify all other Member States. This Treaty shall enter into force in relation to an acceding State on such date as its Instrument of accession is deposited.

ARTICLE 63

Amendments and Revisions

1. Any Member State may submit proposals for the amendment or revision of this Treaty.
2. Any such proposals shall be submitted to the Executive Secretary who shall communicate them to other Member States not later than thirty days after the receipt of such proposals. Amendments or revisions shall be considered by the Authority after Member States have been given one month's notice thereof.

ARTICLE 64

Withdrawal

1. Any Member State wishing to withdraw from the Community shall give to the Executive Secretary one year's written notice. At the end of this period of one year, if such notice is not withdrawn, such a State shall cease to be a member of the Community.
2. During the period of one year referred to in the preceding paragraph, such a Member State shall nevertheless observe the provisions of this Treaty and shall remain liable for the discharge of its obligations under this Treaty.

ARTICLE 65

Depositary Government

The present Treaty and all Instruments of ratification and accessions shall be deposited with the Federal Military Government of Nigeria which shall transmit certified true copies of this Treaty to all Member States and notify them of the dates of deposits of the Instruments of ratification and accession and shall register this Treaty with the Organisation of African Unity, the United Nation's Organisation and such other Organisations as the Council of Ministers shall determine.

**IN FAITH WHEREOF, WE, THE HEADS OF STATE
AND GOVERNMENT IN WEST AFRICA, HAVE SIGNED THIS TREATY.**

DONE AT LAGOS THIS 28TH DAY OF MAY, 1975.

**IN SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES,
BOTH TEXTS BEING EQUALLY AUTHENTIC.**

.....
H.E. Lt Mathieu KEREKOU
President of People's Republic of Dahomey

.....
H.E. Lt. Col. R.J.A FELLI
*Commissioner for Economic Planning
for and on behalf of the Head of State and
Chairman of the National Redemption
Council of the Republic of Ghana*

.....
H.E. Sir DAWDA JAWARA
President of the Republic of Gambia

.....
H.E. DR. LANSANA BEAVOGUI
*Prime Minister for and on behalf of the Head
of State and Commander-in-Chief of the
People's Revolutionary Armed Forces,
President of the Republic of Guinea*

.....
H.E. MR. LUIZ CABRAL
President of the Republic of Guinea Bissau

.....
H.E. LT. COL. SEYNI KOUNTCHE
*Head of State and President of the
Supreme Military Council, Head of State of
the Republic of Niger*

.....
H.E. Mr. Felix HOUFHOUE-BOIGNY
President of the Republic of Ivory Coast

.....
H.E. GENERAL YAKUBU GOWON
*Head of the Federal Military Government,
Commander-in-Chief of the Armed Forces
of the Federal Republic of Nigeria*

.....
H.E. DR WILLIAM R. TOLBERT, JR
President of the Republic of Liberia

.....
H.E. MR. ABDOU DIOUF
*Prime Minister,
for and on behalf of the President
of the Republic of Senegal*

.....
H.E. MAJOR BABA DIARRA
*Vice-Chairman, for and on behalf of the
Chairman of the Military Committee of
National Liberation,
President of the Republic of MALI*

.....
H.E. DR. SIAKA STEVENS
President of the Republic of Sierra Leone

.....
H.E. GENERAL GNASSINGBE EYADEMA
President of the Togolese Republic

.....
H.E. GENERAL A. SANGOULE LAMIZANA
President of the Republic of Upper Volta

.....
H.E. MOKTAR OULD DADDAH
President of the Islamic Republic of Mauritania

CHAPTER TWO

**SUPPLEMENTARY PROTOCOL A/SP.1/11/84
AMENDING ARTICLE 9 PARAGRAPH I (C) OF THE
TREATY OF THE ECONOMIC COMMUNITY OF
WEST AFRICAN STATES**

THE HIGH CONTRACTING PARTIES,

MINDFUL of Articles of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 9, paragraph 1 (c) of the ECOWAS Treaty establishing The Transport, Telecommunications and Energy Commission;

CONSIDERING that most Member States have separated Post and Telecommunications into two distinct entities;

ANXIOUS to conclude a Supplementary Protocol amending Article 9 paragraph 1 (c) of the Treaty of the Economic Community of West African States signed in Lagos on 28 May, 1975;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

Article 9, paragraph 1 (c) of the Treaty of the Economic Community of West African States signed in Lagos 28 May, 1975 is hereby amended as follows:

Article 9, new paragraph 1 (c)

"The Transport, Communications and Energy Commission"

ARTICLE 2

Deposit and Entry into Force

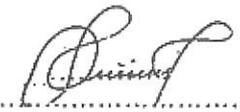
- 1 This Supplementary Protocol shall enter into force provisionally upon signature by Heads of State and Government of Member States and definitely upon ratification by at least seven (7) signatory States in accordance with the constitutional procedure applicable to each Member States.
- 2 This Supplementary Protocol and all instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies of this Supplementary Protocol to all Member States and notify them of the dates of deposits of these instruments of ratification and shall register this Supplementary Protocol with the Organisation of African Unity, the United Nations and such Organisations as the Council shall determine.
- 3 This Supplementary Protocol shall be annexed to and shall form an integral part of the Treaty.

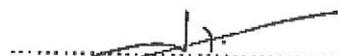
**IN WITNESS WHEREOF WE THE HEADS OF STATE AND GOVERNMENT OF THE
ECONOMIC COMMUNITY OF WEST AFRICAN STATES HAVE SIGNED THIS
SUPPLEMENTARY PROTOCOL**

DONE AT LOME THIS 23RD DAY OF NOVEMBER, 1984

**IN ONE SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES,
BOTH TEXTS BEING EQUALLY AUTHENTIC.**


.....
H.E. BRIGADIER MATHIEU KEREKOU
President of the People's Republic of BENIN

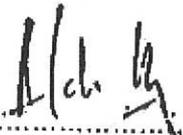

.....
H.E. SAMUEL KANYON DOE
*Commander-in-Chief, Chairman of
The People's Redemption Council and
Head of State of the Republic of
LIBERIA*



H.E. Captain Thomas Sankara
President of FASO

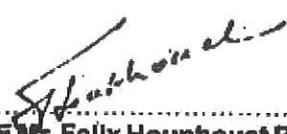


HON. Mr. Oumar Coulibaly
Minister of Economic Affairs and
National Planning for and on behalf of
the President of the Republic of MALI



HON. Mr. Pedro Verona Pires
Prime Minister, for and on behalf
of the President of the Republic
OF CAPE VERDE

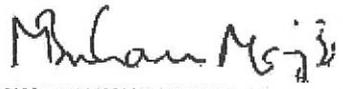
Mr. Sidi Ould Ahmed Deya
For, and on behalf of His Excellency
The President of the Islamic Republic of
MAURITANIA



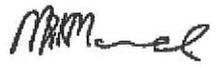
H.E. Mr. Felix Houphouet Boigny
President of the Republic of
IVORY COAST



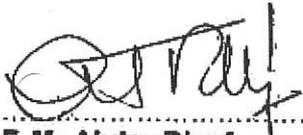
H.E. Colonel Senyi Kountche
President of the Republic of
NIGER.



H.E. General Muhammadu Buhari
Head of State of the Federal
Republic of NIGERIA



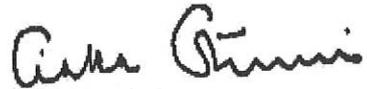
Hon. Dr. Momodou S.K. Manneh
Minister of Economic Planning and
Industrial Development for and on
behalf of the President of the GAMBIA



H.E. Mr. Abdou Diouf
President of the Republic of
Senegal



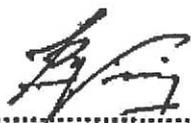
Hon. Mr. J.F. Annan
Vice Chairman of the Provisional
National Defence Council, for and
on behalf of the Head of State of the
Republic of GHANA



H.E. Dr. Siaka Stevens
President of the Republic of
SIERRA LEONE



H.E. Colonel Lansana Conte
President of the Republic of
Guinea



H.E. Brigadier Joas Bernado Vieira
President of the Republic of Guinea Bissau



H.E. General Gnassingbe Eyadema
President of the Republic of TOGO

PART II

THE REVISED TREATY OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)

PREAMBLE

We, the Heads of State and Government of the Member States of the Economic Community of West African States (ECOWAS):

The President of the Republic of BENIN

The President of BURKINA FASO

The Prime Minister of the Republic of CAPE VERDE

The President of the Republic of COTE D'IVOIRE

The President of the Republic of The GAMBIA

The President of the Republic of GHANA

The President of the Republic of GUINEA

The President of the Republic of GUINEA BISSAU

The President of the Interim Government of National Unity of the Republic of LIBERIA

The President of the Republic of MALI

The President of the Islamic Republic of MAURITANIA

The President of the Republic of NIGER

The President of the Federal Republic of NIGERIA

The President of the Republic of SENEGAL

The Head of State and Chairman of the National Provisional Ruling Council of the Republic of SIERRA LEONE

The President of the TOGOLESE Republic

REAFFIRMING the Treaty establishing the Economic Community of West African States signed in Lagos on 28 May, 1975 and considering its achievements;

CONSCIOUS of the over-riding need to encourage, foster and accelerate the economic and social development of our States in order to improve the living standards of our peoples;

CONVINCED that the promotion of harmonious economic development of our States calls for effective economic co-operation and integration largely through a determined and concerted policy of self-reliance;

BEARING IN MIND the African Charter on Human and People's Rights and the Declaration of Political Principles of the Economic Community of West African States adopted in Abuja by the Fourteenth Ordinary Session of the Authority of Heads of State and Government on 6 July, 1991;

CONVINCED that the integration of the Member States into a viable regional Community may demand the partial and gradual pooling of national sovereignties to the Community within the context of a collective political will;

ACCEPTING the need to establish Community Institutions vested with relevant and adequate powers;

NOTING that the present bilateral and multilateral forms of economic cooperation within the region open up perspectives for more extensive cooperation;

ACCEPTING the need to face together the political, economic and socio-cultural challenges of the present and the future, and to pool together the resources of our peoples while respecting our diversities for the most rapid and optimum expansion of the region's productive capacity;

BEARING IN MIND ALSO the Lagos Plan of Action and the Final Act of Lagos of April 1980 stipulating the establishment, by the year 2000, of an African Economic Community based on existing and future regional economic communities;

MINDFUL OF the Treaty establishing the African Economic Community signed in Abuja on 3 June, 1991;

AFFIRMING that our final goal is the accelerated and sustained economic development of Member States, culminating in the economic union of West Africa;

BEARING IN MIND our Decision A/DEC.10/5/90 of 30 May, 1990 relating to the establishment of a Committee of Eminent Persons to submit proposals for the review of the Treaty:

AWARE that the review of the Treaty arises, inter alia, from the need for the Community to adapt to the changes on the international scene in order to derive greater benefits from those changes;

CONSIDERING ALSO the need to modify the Community's strategies in order to accelerate the economic integration process in the region;

ACCEPTING the need to share the benefits of economic co-operation and integration among Member States in a just and equitable manner;

HAVE DECIDED to revise the Treaty of 28 May, 1975 establishing the Economic Community of West African States (ECOWAS) and have accordingly agreed as follows:

CHAPTER I DEFINITIONS

ARTICLE 1

For the purpose of this Treaty,

"Arbitration Tribunal" means the Arbitration Tribunal of the Community established under Article 16 of this Treaty;

"Authority" means the Authority of Heads of State and Government of the Community established by Article 7 of this Treaty;

"Chairman of the Authority" means the current Chairman of the Authority of Heads of State and Government of the Community, elected in accordance with the provisions of Article 8.2 of this Treaty;

"Council" means the Council of Ministers of the Community established under Article 10 of this Treaty;

"Commission" means the Specialised Technical Commission established under Article 22 of this Treaty;

"Community" means the Economic Community of West African States referred to under Article 2 of this Treaty;

"Community citizen or citizens" means any national (s) of Member States who satisfy the conditions stipulated in the Protocol defining Community citizenship;

"Court of Justice" means the Court of Justice of the Community established under Article 15 of this Treaty;

"Import Duties" means customs duties and taxes of equivalent effect, levied on goods by virtue of their importation;

"Executive Secretary" means the Executive Secretary appointed in accordance with the provisions of Article 18 of this Treaty;

"Economic and Social Council" means the Economic and Social Council established under Article 14 of this Treaty;

"Executive Secretariat" means the Executive Secretariat established under Article 17 of this Treaty;

"Export Duties" means all customs duties and taxes of equivalent effect levied on goods by virtue of their exportation;

"Fund" means the Fund for Co-operation, Compensation and Development established under Article 21 of this Treaty;

"Member State" or **"Member States"** means a Member State or Member States of the Community as defined in paragraph 2 of Article 2 of this Treaty;

"Non-Tariff Barriers" means barriers which hamper trade and which are caused by obstacles other than fiscal obstacles;

"Parliament of the Community" means the Parliament established under Article 13 of this Treaty;

"Protocol" means an instrument of implementation of the Treaty having the same legal force as the latter;

"Region" means the geographical zone known as West Africa as defined by Resolution CM/Res.464 (XXVI) of the OAU Council of Ministers;

"Statutory Appointees" includes the Executive Secretary, Deputy Executive Secretaries, Managing Director of the Fund, Deputy Managing Director of the Fund, Financial Controller and any other senior officer of the Community designated as such by the Authority or Council;

"Third Country" means any State other than a Member State;

"Treaty" means this revised Treaty.

CHAPTER II ESTABLISHMENT, COMPOSITION, AIMS AND OBJECTIVES AND FUNDAMENTAL PRINCIPLES OF THE COMMUNITY

ARTICLE 2 ESTABLISHMENT AND COMPOSITION

1. THE HIGH CONTRACTING PARTIES, by this Treaty, hereby reaffirm the establishment of the Economic Community of West African States (ECOWAS) and decide that it shall ultimately be the sole economic community in the region for the purpose of economic integration and the realisation of the objectives of the African Economic Community.
2. The members of the Community, hereinafter referred to as "the Member States," shall be the States that ratify this Treaty.

ARTICLE 3 AIMS AND OBJECTIVES

1. The aims of the Community are to promote co-operation and integration, leading to the establishment of an economic union in West Africa in order to raise the living standards of its peoples, and to maintain and enhance economic stability, foster relations among Member States and contribute to the progress and development of the African Continent.

2. In order to achieve the aims set out in the paragraph above, and in accordance with the relevant provisions of this Treaty, the Community shall, by stages, ensure;
 - (a) the harmonisation and co-ordination of national policies and the promotion of integration programmes, projects and activities, particularly in food, agriculture and natural resources, industry, transport and communications, energy, trade, money and finance, taxation, economic reform policies, human resources, education, information, culture, science, technology, services, health, tourism, legal matters;
 - (b) the harmonisation and co-ordination of policies for the protection of the environment;
 - (c) the promotion of the establishment of joint production enterprises;
 - (d) the establishment of a common market through:
 - i) the liberalisation of trade by the abolition, among Member States, of customs duties levied on imports and exports, and the abolition among Member States, of non-tariff barriers in order to establish a free trade area at the Community level;
 - ii) the adoption of a common external tariff and a common trade policy vis-à-vis third countries;
 - iii) the removal, between Member States, of obstacles to the free movement of persons, goods, services and capital, and to the right of residence and establishment;
 - (e) the establishment of an economic union through the adoption of common policies in the economic, financial social and cultural sectors, and the creation of a monetary union.
 - (f) the promotion of joint ventures by private sectors enterprises and other economic operators, in particular through the adoption of a regional agreement on cross-border investments;
 - (g) the adoption of measures for the integration of the private sectors, particularly the creation of an enabling environment to promote small and medium scale enterprises;
 - (h) the establishment of an enabling legal environment;
 - (i) the harmonisation of national investment codes leading to the adoption of a single Community investment code;
 - (j) the harmonisation of standards and measures;
 - (k) the promotion of balanced development of the region, paying attention to the special problems of each Member State particularly those of landlocked and small island Member States;
 - (l) the encouragement and strengthening of relations and the promotion of the flow of information particularly among rural populations, women and youth organisations and socio-professional organisations such as associations of the media, businessmen and women, workers, and trade unions;

- (m) the adoption of a Community population policy which takes into account the need for a balance between demographic factors and socio-economic development;
- (n) the establishment of a fund for co-operation, compensation and development; and
- (o) any other activity that Member States may decide to undertake jointly with a view to attaining Community objectives.

ARTICLE 4 FUNDAMENTAL PRINCIPLES

THE HIGH CONTRACTING PARTIES, in pursuit of the objectives stated in Article 3 of this Treaty, solemnly affirm and declare their adherence to the following principles:

- a) equality and inter-dependence of Member States;
- b) solidarity and collective self-reliance;
- c) inter-State co-operation, harmonisation of policies and integration of programmes;
- d) non-aggression between Member States;
- e) maintenance of regional peace, stability and security through the promotion and strengthening of good neighbourliness;
- f) peaceful settlement of disputes among Member States, active co-operation between neighbouring countries and promotion of a peaceful environment as a prerequisite for economic development;
- g) recognition, promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights;
- h) accountability, economic and social justice and popular participation in development;
- i) recognition and observance of the rules and principles of the Community;
- j) promotion and consolidation of a democratic system of governance in each Member State as envisaged by the Declaration of Political Principles adopted in Abuja on 6 July, 1991; and
- k) equitable and just distribution of the costs and benefits of economic co-operation and integration.

ARTICLE 5 GENERAL UNDERTAKINGS

1. Member States undertake to create favourable conditions for the attainment of the objectives of the Community, and particularly to take all necessary measures to harmonise their strategies and policies, and to refrain from any action that may hinder the attainment of the said objectives.
2. Each Member State shall, in accordance with its constitutional procedures, take all necessary measures to ensure the enactment and dissemination of such legislative and statutory texts as may be necessary for the implementation of the provisions of this Treaty.
3. Each Member State undertakes to honour its obligations under this Treaty and to abide by the decisions and regulations of the Community.

**CHAPTER III
INSTITUTIONS OF THE COMMUNITY
ESTABLISHMENT, COMPOSITION AND FUNCTIONS**

**ARTICLE 6
INSTITUTIONS**

1. The Institutions of the Community shall be:
 - a) the Authority of Heads of State and Government;
 - b) the Council of Ministers;
 - c) the Community Parliament;
 - d) the Economic and Social Council;
 - e) the Community Court of Justice;
 - f) the Executive Secretariat;
 - g) the Fund for Co-operation, Compensation and Development;
 - h) Specialised Technical Commissions; and
 - i) Any other institutions that may be established by the Authority.
2. The Institutions of the Community shall perform their functions and act within the limits of the powers conferred on them by this Treaty and by the Protocols relating thereto.

**ARTICLE 7
AUTHORITY OF HEADS OF STATE AND GOVERNMENT
ESTABLISHMENT, COMPOSITION AND FUNCTIONS**

1. There is hereby established the Authority of Heads of State and Government of Member States which shall be the supreme institution of the Community and shall be composed of Heads of State and/or Government of Member States.
2. The Authority shall be responsible for the general direction and control of the Community and shall take all measures to ensure its progressive development and the realisation of its objectives.
3. Pursuant to the provisions of Paragraph 2 of this Article, the Authority shall:
 - a) determine the general policy and major guidelines of the Community, give directives, harmonise and co-ordinate the economic, scientific, technical, cultural and social policies of Member States;
 - b) oversee the functioning of Community institutions and follow-up implementation of Community objectives;
 - c) prepare and adopt its Rules of Procedure;
 - d) appoint the Executive Secretary in accordance with the provisions of Article 18 of this Treaty;
 - e) appoint, on the recommendation of Council, the External Auditors;
 - f) delegate to the Council, where necessary, the authority to take such decisions as are stipulated in Article 9 of this Treaty;

- g) refer where it deems necessary any matter to the Community Court of Justice when it confirms, that a Member State or institution of the Community has failed to honour any of its obligations or an institution of the Community has acted beyond the limits of its authority or has abused the powers conferred on it by the provisions of this Treaty, by a decision of the Authority or a regulation of the Council;
- h) request the Community Court of Justice as and when necessary, to give advisory opinion on any legal questions; and
- i) exercise any other powers conferred on it under this Treaty.

ARTICLE 8 SESSIONS

1. The Authority shall meet at least once a year in ordinary session. An extraordinary session may be convened by the Chairman of the Authority or at the request of a Member State provided that such a request is supported by a simple majority of the Member States.
2. The office of the Chairman shall be held every year by a Member State elected by the Authority.

ARTICLE 9 DECISIONS

1. The Authority shall act by decisions.
2. Unless otherwise provided in this Treaty or in a Protocol, decisions of the Authority shall be adopted, depending on the subject matter under consideration by unanimity, consensus or, by a two-thirds majority of the Member States.
3. Matters referred to in paragraph 2 above shall be defined in a Protocol. Until the entry into force of the said Protocol, the Authority shall continue to adopt its decisions by consensus.
4. Decisions of the Authority shall be binding on the Member States and institutions of the Community, without prejudice to the provisions of paragraph (3) of Article 15 of this Treaty.
5. The Executive Secretary shall publish the decisions thirty (30) days after the date of their signature by the Chairman of Authority.
6. Such decisions shall automatically enter into force sixty (60) days after the date of their publication in the Official Journal of the Community.
7. Decisions shall be published in the National Gazette of each Member State within the period stipulated in paragraph 6 of this Article.

ARTICLE 10 THE COUNCIL OF MINISTERS ESTABLISHMENT, COMPOSITION AND FUNCTIONS

1. There is hereby established a Council of Ministers of the Community.
2. The Council shall comprise the Minister in charge of ECOWAS Affairs and any other Minister of each Member State.
3. Council shall be responsible for the functioning and development of the Community. To this end, unless otherwise provided in this Treaty or a Protocol, Council shall:
 - a) make recommendations to the Authority on any action aimed at attaining the objectives of the Community;

- b) appoint all statutory appointees other than the Executive Secretary;
- c) by the powers delegated to it by the Authority, issue directives on matters concerning co-ordination and harmonisation of economic integration policies;
- d) make recommendations to the Authority on the appointment of the External Auditors;
- e) prepare and adopt its rules of procedure;
- f) adopt the Staff Regulations and approve the organisational structure of the institutions of the Community;
- g) approve the work programmes and budgets of the Community and its institutions;
- h) request the Community Court of Justice, where necessary, to give advisory opinion on any legal questions;
- i) carry out all other functions assigned to it under this Treaty and exercise all powers delegated to it by the Authority.

ARTICLE 11 MEETINGS

1. The Council shall meet at least twice a year in ordinary session. One of such sessions shall immediately precede the ordinary session of the Authority. An extraordinary session may be convened by the Chairman of Council or at the request of a Member State provided that such request is supported by a simple majority of the Member States.
2. The office of Chairman of Council shall be held by the Minister responsible for ECOWAS Affairs of the Member State elected as Chairman of the Authority.

ARTICLE 12 REGULATIONS

1. The Council shall act by regulations.
2. Unless otherwise provided in this Treaty, regulations of the Council shall be adopted, depending on the subject matter under consideration, by unanimity, consensus or by a two-thirds majority of Member States, in accordance with the Protocol referred to in Article 9 paragraph 3 of this Treaty. Until the entry into force of the said Protocol, the Council shall continue to adopt its regulations by consensus.
3. Regulations of the Council shall be binding on institutions under its authority. They shall be binding on Member States after their approval by the Authority. However, in the case of regulations made pursuant to a delegation of powers by the Authority in accordance with paragraph 3(f) of Article 7 of this Treaty, they shall be binding forthwith.
4. Regulations shall be published and shall enter into force within the same period and under the same conditions stipulated in paragraphs 5, 6 and 7 of Article 9 of this Treaty.

ARTICLE 13 THE COMMUNITY PARLIAMENT

1. There is hereby established a Parliament of the Community.
2. The method of election of the Members of the Community Parliament, its composition, functions, powers and organisation shall be defined in a Protocol relating thereto.

ARTICLE 14
THE ECONOMIC AND SOCIAL COUNCIL

1. There is hereby established an Economic and Social Council which shall have an advisory role and whose composition shall include representatives of the various categories of economic and social activity.
2. The composition, functions and organisation of the Economic and Social Council shall be defined in a Protocol relating thereto.

ARTICLE 15
THE COURT OF JUSTICE
ESTABLISHMENT AND FUNCTIONS

1. There is hereby established a Court of Justice of the Community.
2. The status, composition, powers, procedure and other issues concerning the Court of Justice shall be as set out in a Protocol relating thereto.
3. The Court of Justice shall carry out the functions assigned to it independently of the Member States and the institutions of the Community.
4. Judgements of the Court of Justice shall be binding on the Member States, the Institutions of the Community and on individuals and corporate bodies.

ARTICLE 16
ARBITRATION TRIBUNAL
ESTABLISHMENT AND FUNCTIONS

1. There is hereby established an Arbitration Tribunal of the Community.
2. The status, composition, powers, procedure and other issues concerning the Arbitration Tribunal shall be as set out in a Protocol relating thereto.

ARTICLE 17
THE EXECUTIVE SECRETARIAT
ESTABLISHMENT AND COMPOSITION

1. There is hereby established an Executive Secretariat of the Community.
2. The Secretariat shall be headed by the Executive Secretary assisted by Deputy Executive Secretaries and such other staff as may be required for the smooth functioning of the Community.

ARTICLE 18
APPOINTMENTS

1. The Executive Secretary shall be appointed by the Authority for a 4-year term renewable only once for another 4-year period. He can only be removed from office by the Authority upon its own initiative or on the recommendation of the Council of Ministers.
2. The Ministerial Committee on the Selection and Evaluation of the Performance of Statutory Appointees shall evaluate the three (3) candidates nominated by the Member State to which the statutory post has been allocated and make recommendations to the Council of Ministers. Council shall propose to the Authority the appointment of the candidate adjudged the best.

3. The Executive Secretary shall be a person of proven competence and integrity, with a global vision of political and economic problems and regional integration.
- 4.a) The Deputy Executive Secretaries and other Statutory Appointees shall be appointed by the Council of Ministers on the proposal of the Ministerial Committee on the Selection and Evaluation of the Performance of Statutory Appointees following the evaluation of the three (3) candidates nominated by their respective Member States to whom the posts have been allocated. They shall be appointed for a period of 4 years renewable only once for a further 4-year term
- b) Vacancies shall be advertised in all Member States to which statutory posts have been allocated.
5. In appointing professional staff of the Community, due regard shall be had, subject to ensuring the highest standards of efficiency and technical competence, to maintaining equitable geographical distribution of posts among nationals of all Member States.

ARTICLE 19 FUNCTIONS

1. Unless otherwise provided in the Treaty or in a Protocol, the Executive Secretary shall be the chief executive officer of the Community and all its institutions.
2. The Executive Secretary shall direct the activities of the Executive Secretariat and shall, unless otherwise provided in a Protocol, be the legal representative of the Institutions of the Community in their totality.
3. Without prejudice to the general scope of his responsibilities, the duties of the Executive Secretary shall include:
 - a) execution of decisions taken by the Authority and application of the regulations of the Council;
 - b) promotion of Community development programmes and projects as well as multinational enterprises of the region;
 - c) convening as and when necessary meetings of sectoral Ministers to examine sectoral issues which promote the achievement of the objectives of the Community;
 - d) preparation of draft budgets and programmes of activity of the Community and supervision of their execution upon their approval by Council;
 - e) submission of reports on Community activities to all meetings of the Authority and Council;
 - f) preparation of meetings of the Authority and Council as well as meetings of experts and technical commissions and provision of necessary technical services;
 - g) recruitment of staff of the Community and appointment to posts other than statutory appointees in accordance with the Staff Rules and Regulations;
 - h) submission of proposals and preparation of such studies as may assist in the efficient and harmonious functioning and development of the Community;
 - i) initiation of draft texts for adoption by the Authority or Council.

ARTICLE 20
RELATIONS BETWEEN THE STAFF OF THE
COMMUNITY AND MEMBER STATES

1. In the performance of their duties, the Executive Secretary, the Deputy Executive Secretaries, and other staff of the Community shall owe their loyalty entirely and be accountable only to the Community. In this regard, they shall neither seek nor accept instructions from any government or any national or international authority external to the Community. They shall refrain from any activity or any conduct incompatible with their status as international civil servants.
2. Every Member State undertakes to respect the international character of the office of the Executive Secretary, the Deputy Executive Secretaries, and other staff of the Community and undertakes not to seek to influence them in the performance of their duties.
3. Member States undertake to co-operate with the Executive Secretariat and other institutions of the Community and to assist them in the discharge of the duties assigned to them under this Treaty.

ARTICLE 21
FUND FOR CO-OPERATION, COMPENSATION AND DEVELOPMENT
ESTABLISHMENT, STATUS AND FUNCTIONS

1. There is hereby established a Fund for Co-operation, Compensation and Development of the Community.
2. The status, objectives and functions of the fund are defined in the Protocol relating thereto.

ARTICLE 22
TECHNICAL COMMISSIONS
ESTABLISHMENT AND COMPOSITION

1. There is hereby established the following Technical Commissions:
 - a) Food and Agriculture;
 - b) Industry, Science and Technology and Energy;
 - c) Environment and Natural Resources;
 - d) Transport, Communications and Tourism;
 - e) Trade, Customs, Taxation, Statistics, Money and Payments
 - f) Political, Judicial and Legal Affairs, Regional Security and Immigration;
 - g) Human Resources, Information, Social and Cultural Affairs; and
 - h) Administration and Finance Commission.
2. The Authority may, whenever it deems appropriate, restructure the existing Commissions or establish new Commissions.
3. Each Commission shall comprise representatives of each Member State.
4. Each Commission may, as it deems necessary, set up subsidiary Commissions to assist it in carrying out its work. It shall determine the composition of any such subsidiary Commission.

ARTICLE 23 FUNCTIONS

Each Commission shall, within its field of competence:

- a) prepare Community projects and programmes and submit them for the consideration of Council through the Executive Secretary, either on its own initiative or at the request of Council or the Executive Secretary;
- b) ensure the harmonisation and co-ordination of projects and programmes of the Community;
- c) monitor and facilitate the application of the provisions of this Treaty and related Protocols pertaining to its area of responsibility;
- d) carry out any other functions assigned to it for the purpose of ensuring the implementation of the provisions of this Treaty.

ARTICLE 24 MEETINGS

Subject to any directives given by the Council, each Commission shall meet as often as necessary. It shall prepare its rules of procedure and submit them to the Council for approval.

CHAPTER IV CO-OPERATION IN FOOD AND AGRICULTURE

ARTICLE 25 AGRICULTURAL DEVELOPMENT AND FOOD SECURITY

1. Member States shall co-operate in the development of agriculture, forestry, livestock and fisheries in order to:
 - a) ensure food security;
 - b) increase production and productivity in agriculture, livestock, fisheries and forestry, and improve conditions of work and generate employment opportunities in rural areas;
 - c) enhance agricultural production through processing locally, animal and plant products; and
 - d) protect the prices of export commodities on the international market.
2. To this end, and in order to promote the integration of production structures, Member States shall co-operate in the following fields:
 - a) the production of agricultural inputs, fertilizers, pesticides, selected seeds, agricultural machinery and equipment and veterinary products;
 - b) the development of river and lake basins;
 - c) the development and protection of marine and fishery resources;
 - d) plant and animal protection;
 - e) the harmonisation of agricultural development strategies and policies particularly pricing and price support policies on the production, trade and marketing of major agricultural products and inputs; and

- f) the harmonisation of food security policies paying particular attention to:
 - i) the reduction of losses in food production;
 - ii) the strengthening of existing institutions for the management of natural calamities, agricultural diseases and pest control;
 - iii) the conclusion of agreements on food security at the regional level; and
 - iv) the provision of food aid to Member States in the event of serious food shortage.
- g) the establishment of an early warning system; and
- h) the adoption of a common agricultural policy especially in the fields of research, training, production, preservation, processing and marketing of the products of agriculture, forestry, livestock and fisheries.

CHAPTER V
CO-OPERATION IN INDUSTRY, SCIENCE AND TECHNOLOGY AND ENERGY

ARTICLE 26
INDUSTRY

1. For the purpose of promoting industrial development of Member States and integrating their economies, Member States shall, harmonise their industrialisation policies.
2. In this connection, Member States shall:
 - a) strengthen the industrial base of the Community, modernise the priority sectors and foster self-sustained and self-reliant development;
 - b) promote joint industrial development projects as well as the creation of multinational enterprises in priority industrial sub-sectors likely to contribute to the development of agriculture, transport and communications, natural resources and energy.
3. In order to create a solid base for industrialisation and promote collective self reliance, Member States shall:
 - a) ensure, on the one hand, the development of industries essential for collective self-reliance and, on the other, the modernisation of priority sectors of the economy especially:
 - i) food and agro-based industries;
 - ii) building and construction industries;
 - iii) metallurgical industries;
 - iv) mechanical industries;
 - v) electrical, electronics and computer industries;
 - vi) pharmaceutical, chemical and petro-chemical industries;
 - vii) forestry industries;
 - viii) energy industries;
 - ix) textile and leather industries;
 - x) transport and communications industries;
 - xi) bio-technology industries;
 - xii) tourist and cultural industries.

- b) give priority and encouragement to the establishment and strengthening of private and public multinational industrial projects likely to promote integration;
- c) ensure the promotion of medium and small-scale industries;
- d) promote intermediate industries that have strong linkages to the economy in order to increase the local component of industrial output within the Community;
- e) prepare a regional master plan for the establishment of industries particularly those whose construction cost and volume of production exceed national, financial and absorptive capacities;
- f) encourage the establishment of specialised institutions for the financing of West African multinational industrial projects;
- g) facilitate the establishment of West African multinational enterprises and encourage the participation of West African entrepreneurs in the regional industrialisation process.
- h) promote the sale and consumption of strategic industrial products manufactured in Member States;
- i) promote technical co-operation and the exchange of experience in the field of industrial technology and implement technical training programmes among Member States;
- j) establish a regional data and statistical information base to support industrial development at the regional and continental levels;
- k) promote, on the basis of natural resource endowments, industrial specialisation in order to enhance complementarity and expand the intra-Community trade base; and
- l) adopt common standards and appropriate quality control systems.

**ARTICLE 27
SCIENCE AND TECHNOLOGY**

1. Member States shall:
 - a) strengthen their national scientific and technological capabilities in order to bring about the socio-economic transformation required to improve the quality of life of their population;
 - b) ensure the proper application of science and technology to the development of agriculture, transport and communications, industry, health and hygiene, energy, education and manpower and the conservation of the environment;
 - c) reduce their dependence on foreign technology and promote their individual and collective technological self-reliance;
 - d) co-operate in the development, acquisition and dissemination of appropriate technologies; and
 - e) strengthen existing scientific research institutions and take all necessary measures to prepare and implement joint scientific research and technological development programmes.

2. In their co-operation in this field, Member States shall:
 - a) harmonise, at the Community level, their national policies on scientific and technological research with a view to facilitating their integration into the national economic and social development plans;
 - b) co-ordinate their programmes in applied research, research for development, scientific and technological services;

- c) harmonise their national technological development plans by placing special emphasis on indigenous and adapted technologies as well as their regulations on industrial property and transfer of technology;
- d) co-ordinate their positions on all scientific and technical questions forming the subject of international negotiations;
- e) carry out a permanent exchange of information and documentation and establish Community data networks and data banks;
- f) develop joint programmes for training scientific and technological cadres, including the training and further training of skilled manpower;
- g) promote exchanges of researchers and specialists among Member States in order to make full use of the technical skills available within the Community; and
- h) harmonise the educational systems in order to adapt better educational scientific and technical training to the specific development needs of the West African environment.

ARTICLE 28 ENERGY

1. Member States shall co-ordinate and harmonise their policies and programmes in the field of energy.
2. To this end, they shall:
 - a) ensure the effective development of the energy resources of the region;
 - b) establish appropriate co-operation mechanisms with a view to ensuring a regular supply of hydrocarbons;
 - c) promote the development of new and renewable energy particularly solar energy in the framework of the policy of diversification of sources of energy;
 - d) harmonise their national energy development plans by ensuring particularly the inter-connection of electricity distribution networks;
 - e) articulate a common energy policy, particularly, in the field of research, exploitation, production and distribution;
 - f) establish an adequate mechanism for the collective solution of the energy development problems within the Community, particularly those relating to energy transmission, the shortage of skilled technicians and financial resources for the implementation of energy projects of Member States.

CHAPTER VI CO-OPERATION IN ENVIRONMENT AND NATURAL RESOURCES

ARTICLE 29 ENVIRONMENT

1. Member States undertake to protect, preserve and enhance the natural environment of the region and co-operate in the event of natural disasters.
2. To this end, they shall adopt policies, strategies and programmes at national and regional levels and establish appropriate institutions to protect, preserve and enhance the environment, control erosion, deforestation, desertification, locusts and other pests.

**ARTICLE 30
HAZARDOUS AND TOXIC WASTES**

1. Member States undertake, individually and collectively, to take every appropriate step to prohibit the importation, transiting, dumping and burying of hazardous and toxic wastes in their respective territories.
2. They further undertake to adopt all necessary measures to establish a regional dump-watch to prevent the importation, transiting, dumping and burying of hazardous and toxic wastes in the region.

**ARTICLE 31
NATURAL RESOURCES**

1. Member States shall harmonise and co-ordinate their policies and programmes in the field of natural resources.
2. To this end, they shall:
 - a) seek better knowledge and undertake an assessment of their natural resources potential;
 - b) improve methods of pricing and marketing of raw materials through a concerted policy;
 - c) exchange information on the prospection, mapping, production and processing of mineral resources, as well as on the prospection, exploitation and distribution of water resources;
 - d) co-ordinate their programmes for development and utilisation of mineral and water resources;
 - e) promote vertical and horizontal inter-industrial relationships which may be established among Member States in the course of developing such resources;
 - f) promote the continuous training of skilled manpower and prepare and implement joint training and further training programmes for cadres in order to develop the human resources and the appropriate technological capabilities required for the exploration, exploitation and processing of mineral and water resources;
 - g) co-ordinate their positions in all international negotiations on raw materials; and
 - h) develop a system of transfer of expertise and exchange of scientific, technical and economic remote sensing data among Member States.

**CHAPTER VII
CO-OPERATION IN TRANSPORT, COMMUNICATIONS AND TOURISM**

**ARTICLE 32
TRANSPORT AND COMMUNICATIONS**

1. For the purpose of ensuring the harmonious integration of the physical infrastructures of Member States and the promotion and facilitation of the movement of persons, goods and services within the Community, Member States undertake to:
 - a) evolve common transport and communications policies, laws and regulations;
 - b) develop an extensive network of all-weather highways within the Community, priority being given to the inter-State highways;
 - c) formulate plans for the improvement and integration of railway and road networks in the region;

- d) formulate programmes for the improvement of coastal shipping services and inter-state inland waterways and the harmonisation of policies on maritime transport and services;
 - e) co-ordinate their positions in international negotiations in the area of maritime transport;
 - f) encourage co-operation in flight-scheduling, leasing of aircraft and granting and joint use of fifth freedom rights to airlines of the region;
 - g) promote the development of regional air transportation services and endeavour to bring about the merger of national airlines in order to promote their efficiency and profitability;
 - h) facilitate the development of human resources through the harmonisation and co-ordination of their national training programmes and policies in the area of transportation in general and air transport in particular;
 - i) endeavour to standardise equipment used in transport and communications and establish common facilities for production, maintenance and repair.
- 2 Member States also undertake to encourage the establishment and promotion of joint ventures and Community enterprises and the participation of the private sector in the areas of transport and communications.

ARTICLE 33 POST AND TELECOMMUNICATIONS

1. In the area of postal services, Member States undertake to:
- a) foster closer co-operation between their postal administrations;
 - b) ensure, within the Community, efficient, speedier and more frequent postal services;
 - c) harmonise mail routing;
2. In the area of telecommunications, Member States shall:
- a) develop, modernise, co-ordinate and standardise their national telecommunications networks in order to provide reliable interconnection among Member States;
 - b) complete, with despatch, the section of the pan-African telecommunications network situated in West Africa;
 - c) co-ordinate their efforts with regard to the operation and maintenance of the West African portion of the pan-African telecommunications network and in the mobilisation of national and international financial resources.
3. Member States also undertake to encourage the participation of the private sector in offering postal and telecommunications services, as a means of attaining the objectives set out in this Article.

ARTICLE 34 TOURISM

For the purposes of ensuring the harmonious and viable development of tourism within the Community, Member States undertake to:

- a) strengthen regional co-operation in tourism, particularly through:
 - i) the promotion of intra-Community tourism by facilitating movement of travelers and tourists;

- ii) the harmonisation and co-ordination of tourism development policies, plans and programmes;
 - iii) the harmonisation of regulations governing tourism and hotel management activities;
 - iv) the institution of a Community reference framework for tourism statistics; and
 - v) the joint promotion of tourism products portraying the natural and socio-cultural values of the region.
- b) promote the establishment of efficient tourism enterprises to cater for the needs of the peoples of the region and foreign tourists through:
- i) the adoption of measures aimed at promoting investment in tourism and hotel management;
 - ii) the promotion of the establishment in Member States of professional tourism and hotel management associations;
 - iii) the development and optimum utilisation of human resources for tourism in the region; and
 - iv) the strengthening or establishment of regional tourism training institutions where necessary.
- c) eliminate all discriminating measures and practices against Community citizens in the area of tourist and hotel services.

CHAPTER VIII CO-OPERATION IN TRADE, CUSTOMS, TAXATION, STATISTICS, MONEY AND PAYMENTS

ARTICLE 35 LIBERALISATION OF TRADE

There shall be progressively established in the course of a period of ten (10) years effective from 1 January, 1990 as stipulated in Article 54, a Customs Union among the Member States. Within this union, Customs duties or other charges with equivalent effect on Community originating imports shall be eliminated.

Quota, quantitative or like restrictions or prohibitions and administrative obstacles to trade among the Member States shall also be removed. Furthermore, a common external tariff in respect of all goods imported into the Member States from third countries shall be established and maintained.

ARTICLE 36 CUSTOMS DUTIES

1. Member States shall reduce and ultimately eliminate Customs duties and any other charges with equivalent effect except duties notified in accordance with Article 40 and other charges which fall within that Article, imposed on or in connection with the importation of goods which are eligible for Community tariff treatment in accordance with Article 38 of this Treaty. Any such duties or other charges are hereinafter referred to as **"import duties."**
2. Community-originating unprocessed goods and traditional handicraft products shall circulate within the region free of all import duties and quantitative restrictions. There shall be no compensation for loss of revenue resulting from the importation of these products.
3. Member States undertake to eliminate import duties on industrial goods which are eligible for preferential Community tariff treatment in accordance with the decisions of the Authority and Council relating to the liberalisation of intra-Community trade in industrial products.

4. The Authority may at any time, on the recommendation of the Council, decide that any import duties shall be reduced more rapidly or eliminated earlier than stipulated in any previous instrument or decision. However, the Council shall, not later than one calendar year preceding the date in which such reductions or eliminations come into effect, examine whether such reductions or eliminations shall apply to some or all goods and in respect of some or all the Member States and shall report the result of such examination for the decision of the Authority.

ARTICLE 37 COMMON EXTERNAL TARIFF

1. Member States agree to the gradual establishment of a common external tariff in respect of all goods imported into the Member States from third countries in accordance with a schedule to be recommended by the Trade, Customs, Taxation, Statistics, Money and Payments Commission.
2. Member States shall, in accordance with a schedule to be recommended by the Trade, Customs, Taxation, Statistics, Money and Payments Commission, abolish existing differences in their external Customs tariffs.
3. Member States undertake to apply the common Customs nomenclature and Customs statistical nomenclature adopted by Council.

ARTICLE 38 COMMUNITY TARIFF TREATMENT

1. For the purposes of this Treaty, goods shall be accepted as eligible for Community tariff treatment if they have been consigned to the territory of the importing Member States from the territory of another Member State and originate from the Community.
2. The rules governing products originating from the Community shall be as contained in the relevant Protocols and Decisions of the Community.
3. The Trade, Customs, Taxation, Statistics, Money and Payments Commission shall from time to time examine whether the rules referred to in paragraph 2 of this Article can be amended to make them simpler and more liberal. In order to ensure their smooth and equitable operation, the Council may from time to time amend them.

ARTICLE 39 TRADE DEFLECTION

1. For the purposes of this Article, trade is said to be deflected if,
 - (a) imports of any particular product by a Member State from another Member State increase,
 - (i) as a result of the reduction or elimination of duties and charges on that product, and
 - (ii) because duties and charges levied by the exporting Member States on imports of raw materials used for manufacture of the product in question are lower than the corresponding duties and charges levied by the importing Member State; and
 - (b) this increase in imports causes or could cause serious injury to production which is carried on in the territory of the importing Member State.

2. The Council shall keep under review the question of trade deflection and its causes. It shall take such decisions as are necessary, in order to deal with the causes of this deflection.
3. In case of trade deflection to the detriment of a Member State resulting from the abusive reduction or elimination of duties and charges levied by another Member State, the Council shall study the question in order to arrive at a just solution.

ARTICLE 40 FISCAL CHARGES AND INTERNAL TAXATION

1. Member States shall not apply directly or indirectly to imported goods from any Member State fiscal charges in excess of those applied to like domestic goods or otherwise impose such charges for the effective protection of domestic goods.
2. Member States shall eliminate all effective internal taxes or other internal charges that are made for the protection of domestic goods not later than four (4) years after the commencement of the trade liberalisation scheme referred to in Article 54 of this Treaty. Where by virtue of obligations under an existing contract entered into by a Member State such a Member State is unable to comply with the provisions of this Article, the Member State shall duly notify the Council of this fact and shall not extend or renew such contract at its expiry.
3. Member States shall eliminate progressively all revenue duties designed to protect domestic goods not later than the end of the period for the application of the trade liberalisation scheme referred to in Article 54 of this Treaty.
4. Member States undertake to be bound by the consolidated import duties contained in the ECOWAS Customs Tariff for the purposes of trade liberalisation within the Community.
5. Member States undertake to avoid double taxation of Community citizens and grant assistance to one another in combating international tax evasion.

The conditions and modalities for granting such assistance shall be as contained in a Double Taxation and Assistance Convention.

ARTICLE 41 QUANTITATIVE RESTRICTIONS ON COMMUNITY GOODS

1. Except as may be provided for or permitted by this Treaty, Member States undertake to relax gradually and to remove over a maximum period of four (4) years after the launching of the trade liberalisation scheme referred to in Article 54, all the then existing quota, quantitative or like restrictions or prohibitions which apply to the import into that State of goods originating in the other Member States and thereafter refrain from imposing any further restrictions or prohibitions.

Where by virtue of obligations under an existing contract entered into by a Member State such a Member State is unable to comply with the provisions of this Article, the Member State shall duly notify Council of this fact and shall not extend or renew such contract at its expiry.

2. The Authority may at any time, on the recommendation of the Council decide that any quota, quantitative or like restrictions or prohibitions shall be relaxed more rapidly or removed earlier than agreed upon under paragraph 1 of this Article.
3. A Member State may, after having given notice to the Executive Secretary and the other Member States of its intention to do so, introduce or continue to execute restrictions or prohibitions affecting:
 - (a) the application of security laws and regulations;

- (b) the control of arms, ammunition and other war equipment and military items;
 - (c) the protection of human, animal or plant health or life, or the protection of public morality;
 - (d) the transfer of gold, silver and precious and semi-precious stones;
 - (e) the protection of national artistic and cultural property;
 - (f) the control of narcotics, hazardous and toxic wastes, nuclear materials, radioactive products or any other material used in the development or exploitation of nuclear energy.
5. Member States shall not so exercise the right to introduce or continue to execute the restrictions or prohibitions referred to in paragraph 3 of this Article as to stultify the free movement of goods envisaged in paragraph 1 of this Article.

ARTICLE 42 DUMPING

1. Member States undertake to prohibit the practice of dumping goods within the Community.
2. For the purposes of this Article, "dumping" means the transfer of goods originating in a Member State to another Member State for sale:
 - (a) at a price lower than the comparable price charged for similar goods in the Member States where such goods originate (due allowance being made for the differences in the conditions of sale or in taxation or for any other factors affecting the comparability of prices); and
 - (b) under circumstances likely to prejudice the production of similar goods in that Member State.
3. In the event of alleged dumping, the importing Member State shall appeal to Council to resolve the matter.
4. Council shall consider the issue and take appropriate measures to determine the causes of the dumping.

ARTICLE 43 MOST FAVOURED NATION TREATMENT

1. Member States shall accord to one another in relation to trade between them the most favoured nation treatment. In no case shall tariff concessions granted to a third country by a Member State be more favourable than those applicable under this Treaty.
2. Any agreement between a Member State and a third country under which tariff concessions are granted, shall not derogate from the obligations of that Member State under this Treaty.
3. Copies of such agreements referred to in paragraph 2 of this Article shall be transmitted by the Member States which are parties to them, to the Executive Secretariat of the Community.

ARTICLE 44 INTERNAL LEGISLATION

Member States undertake not to enact legislation and/or make regulations which directly or indirectly discriminate against the same or like products of another Member State.

ARTICLE 45
RE-EXPORTATION OF GOODS AND TRANSIT FACILITIES

1. Where Customs duty has been charged and collected on any goods imported from third country into a Member State the re-exportation of such goods into another Member State shall be subject to the provisions of the Protocol relating to the re-exportation of goods within the Community.
2. Each Member State, in accordance with international regulations and the ECOWAS Convention relating to Inter-State Road Transit of Goods, shall grant full and unrestricted freedom of transit through its territory for goods proceeding to or from a third country indirectly through that territory to or from other Member States; and such transit shall not be subject to any discrimination, quantitative restrictions, duties or other charges.
3. Notwithstanding paragraph 2 of this Article,
 - (a) goods in transit shall be subject to the Customs law; and
 - (b) goods in transit shall be liable to the charges usually made for carriage and for any services which may be rendered, provided such charges are not discriminatory and are in conformity with international transit regulations.
4. Where goods are imported from a third country into one Member State, each of the other Member States shall be free to regulate the transfer to it of such goods whether by a system of licensing and controlling importers or by other means.
5. The provisions of paragraph 4 of this Article shall apply to goods which, under the provisions of Article 38 of this Treaty, fail to be accepted as originating in a Member State.

ARTICLE 46
CUSTOMS CO-OPERATION AND ADMINISTRATION

Member States shall in accordance with the advice of the Trade, Customs Taxation, Statistics, Money and Payments Commission and the provisions of the Convention for Mutual Administrative Assistance in Customs Matters, take appropriate measures to harmonise and standardise their Customs regulations and procedures to ensure the effective application of the provisions of this Chapter and to facilitate the movement of goods and services across their frontiers.

ARTICLE 47
DRAWBACK

1. The procedure to determine the eligibility for Community tariff treatment of goods in relation to which drawback is claimed or made use of in connection with their exportation from the Member States in the territory of which the goods have undergone the last process of production, shall be the subject of an additional Protocol.
2. For the purposes of this Article:
 - (a) **"drawback"** means any arrangement, including temporary duty-free admission, for the refund of all or part of the duties applicable to imported raw materials, provided that the arrangement, expressly or in effect, allows such refund or remission if goods are exported but not if they are retained for home use;
 - (b) **"remission"** includes exemption from duties for goods imported into free ports, free zones or other places which have similar Customs privileges; and
 - (c) **"duties"** means Customs duties and any other charge, with equivalent effect imposed on imported goods, except the non-protective element in such duties or charges.

ARTICLE 48
COMPENSATION FOR LOSS OF REVENUE

1. The Council shall, on the report of the Executive Secretary and the recommendation of the Trade, Customs, Taxation, Statistics, Money and Payments Commission, determine the compensation to be paid to a Member State which has suffered loss of import duties as a result of the application of this Chapter.
2. The Council shall, in addition to compensation to be paid to Member States which suffer loss of revenue as a result of the application of this Chapter, recommend measures for promoting productive and export capacities of these countries so as to enable them to take full advantage of the benefits of trade liberalisation.
3. The method of assessment of the loss of revenue and compensation shall be as stipulated in the Protocol on the Assessment of Loss of Revenue.

ARTICLE 49
EXCEPTIONS AND SAFEGUARD CLAUSES

1. In the event of serious disturbances occurring in the economy of a Member State following the application of the provisions of this Chapter, the Member State concerned shall, after informing the Executive Secretary and the other Member States, take the necessary safeguard measures pending the approval of the Council.
2. These measures shall remain in force for a maximum period of one year. They may not be extended beyond that period except with the approval of the Council.
3. The Council shall examine the method of application of these measures while they remain in force.

ARTICLE 50
TRADE PROMOTION

1. Member States agree to undertake, through their public and private sectors, trade promotion activities such as:
 - a) promotion of the use of local materials, intermediate goods and inputs, as well as finished products originating within the Community;
 - b) participation in the periodic national fairs organised within the region, sectoral trade fairs, regional trade fairs and other similar activities;
2. At regional level, the Community shall undertake trade promotion activities which may include:
 - a) organisation, on a regular basis of an ECOWAS Trade Fair;
 - b) harmonisation of the programming of national trade fairs and similar events;
 - c) establishment of an intra-Community trade information network;
 - d) study of supply and demand patterns in Member States and dissemination of the findings thereon within the Community;
 - e) promotion of the diversification of West African markets, and the marketing of Community products;
 - f) promotion of better terms of trade for West African commodities and improvement of access to international markets for Community products; and
 - g) participation, where appropriate, in international negotiations within the framework of GATT and UNCTAD and other trade-related negotiating fora.

ARTICLE 51
MONEY, FINANCE AND PAYMENTS

1. In order to promote monetary and financial integration, and facilitate intra-Community trade in goods and services and the realisation of the Community's objective of establishing a monetary union, Member States undertake to:
 - a) study monetary and financial developments in the region;
 - b) harmonise their monetary, financial and payments policies;
 - c) facilitate the liberalisation of intra-regional payments transactions and, as an interim measure, ensure limited convertibility of currencies;
 - d) promote the role of commercial banks in intra-community trade financing;
 - e) improve the multilateral system for clearing of payments transactions between Member States, and introduce a credit and guarantee fund mechanism;
 - f) take necessary measures to promote the activities of the West Africa Monetary Agency in order to ensure convertibility of currencies and creation of a single currency zone;
 - g) establish a Community Central Bank and a common currency zone.

ARTICLE 52
COMMITTEE OF WEST AFRICAN CENTRAL BANKS

1. There is hereby established a Committee of West African Central banks comprising the Governors of Central Banks of Member States. This Committee shall, in accordance with the provisions of this Treaty, prepare its own rules of procedure.
2. The Committee shall, from time to time, make recommendations to the Council on the operation of the clearing system of payments and other monetary issues within the Community.

ARTICLE 53
MOVEMENT OF CAPITAL AND CAPITAL ISSUES COMMITTEE

1. For the purpose of ensuring the free movement of capital between Member States in accordance with the objectives of this Treaty, there is hereby established a Capital Issues Committee which shall comprise one representative of each of the Member States and which shall, subject to the provisions of this Treaty, prepare its own rules of procedure.
2. Member States shall, in appointing their representatives referred to in paragraph 1 of this Article, designate persons with financial, commercial or banking experience and qualifications.
3. The Capital Issues Committee, in the performance of the duties assigned to it under paragraph 1 of this Article, shall:
 - a) ensure the unimpeded flow of capital within the Community through:
 - i) the removal of controls on the transfer of capital among the Member States in accordance with a time-table determined by Council;
 - ii) the encouragement of the establishment of national and regional stock exchanges; and
 - iii) the interlocking of capital markets and stock exchanges.
 - b) ensure that nationals of a Member State are given the opportunity of acquiring stocks, shares and other securities or otherwise of investing in enterprises in the territories of other Member States;

- c) establish a machinery for the wide dissemination in the Member States of stock exchange quotations of each Member State;
- d) establish appropriate machinery for the regulation of the capital issues market to ensure its proper functioning and the protection of the investors therein.

**CHAPTER IX
ESTABLISHMENT AND COMPLETION OF AN
ECONOMIC AND MONETARY UNION**

**ARTICLE 54
ESTABLISHMENT OF AN ECONOMIC UNION**

1. Member States undertake to achieve the status of an economic union within a maximum period of fifteen (15) years following the commencement of the regional trade liberalisation scheme, adopted by the Authority through its Decision A/DEC.1/9/83 of 20 May, 1983 and launched on 1 January, 1990.
2. Member States shall give priority to the role of the private sector and joint regional multinational enterprises in the regional economic integration process.

**ARTICLE 55
COMPLETION OF ECONOMIC AND MONETARY UNION**

1. Member States undertake to complete within five (5) years following the creation of a Custom Union, the establishment of an economic and monetary union through:
 - i) the adoption of a common policy in all fields of socio-economic activity particularly agriculture, industry, transport, communications, energy and scientific research;
 - ii) the total elimination of all obstacles to the free movement of people, goods, capital and services and the right of entry, residence and establishment;
 - iii) the harmonisation of monetary, financial and fiscal policies, the setting up of West African monetary union, the establishment of a single regional Central Bank and the creation of a single West African currency.
2. The Authority may at any time, on the recommendation of the Council, decide that any stage of the integration process shall be implemented more rapidly than otherwise provided for in this Treaty.

**CHAPTER X
CO-OPERATION IN POLITICAL, JUDICIAL AND
LEGAL AFFAIRS, REGIONAL SECURITY AND IMMIGRATION**

**ARTICLE 56
POLITICAL AFFAIRS**

1. In pursuit of the integration objectives of the Community, Member States undertake to co-operate on political matters, and in particular, to take appropriate measures to ensure effective application of the provisions of this Treaty.
2. The signatory States to the Protocol on Non-Aggression, the Protocol on Mutual Assistance on Defence, the Community Declaration of Political Principles and the African Charter on Human and Peoples' Rights agree to co-operate for the purpose of realising the objectives of these instruments.

ARTICLE 57
JUDICIAL AND LEGAL MATTERS

1. Member States undertake to co-operate in judicial and legal matters with a view to harmonising their judicial and legal systems.
2. The modalities for the implementation of this arrangement shall be the subject matter of a Protocol.

ARTICLE 58
REGIONAL SECURITY

1. Member States undertake to work to safeguard and consolidate relations conducive to the maintenance of peace, stability and security within the region.
2. In pursuit of these objectives, Member States undertake to co-operate with the Community in establishing and strengthening appropriate mechanisms for the timely prevention and resolution of intra-State and inter-State conflicts, paying particular regard to the need to:
 - a) maintain periodic and regular consultations between national border administration authorities;
 - b) establish local or national joint commissions to examine any problems encountered in relations between neighbouring States;
 - c) encourage exchanges and co-operation between communities, townships and administrative regions;
 - d) organise meetings between relevant ministries on various aspects of inter-State relations;
 - e) employ where appropriate, good offices, conciliation, mediation and other methods of peaceful settlement of disputes;
 - f) establish a regional peace and security observation system and peace-keeping forces where appropriate;
 - g) provide, where necessary and at the request of Member States, assistance to Member States for the observation of democratic elections.
3. The detailed provisions governing political co-operation, regional peace and stability shall be defined in the relevant Protocols.

ARTICLE 59
IMMIGRATION

1. Citizens of the Community shall have the right of entry, residence and establishment and Member States undertake to recognise these rights of Community citizens in their territories in accordance with the provisions of the Protocols relating thereto.
2. Member States undertake to adopt all appropriate measures to ensure that Community citizens enjoy fully the rights referred to in paragraph 1 of this Article.
3. Member States undertake to adopt, at national level, all measures necessary for the effective implementation of the provisions of this Article.

**CHAPTER XI
CO-OPERATION IN HUMAN RESOURCES,
INFORMATION, SOCIAL AND CULTURAL AFFAIRS**

**ARTICLE 60
HUMAN RESOURCES**

1. Member States undertake to co-operate in the full development and utilisation of their human resources.
2. To this end, they shall take measures to:
 - a) strengthen co-operation among themselves in the fields of education, training and employment; and to harmonise and co-ordinate their policies and programmes in these areas;
 - b) consolidate their existing training institutions, improve the efficacy of their educational systems, encourage exchanges between schools and universities, establish equivalences of academic, professional and technical qualifications, encourage literacy, promote the teaching and practice of the official languages of the Community, and establish regional centres of excellence in various disciplines;
 - c) encourage the exchange of skilled manpower between Member States.

**ARTICLE 61
SOCIAL AFFAIRS**

1. Member States undertake to co-operate with a view to mobilising the various sections of the population and ensuring their effective integration and involvement in the social development of the region.
2. For the purposes of paragraph 1 of this Article, Member States undertake to:
 - a) encourage the exchange of experiences and information on literacy, professional training and employment;
 - b) harmonise their labour laws and social security legislations;
 - c) promote women's and youth organisations and professional associations as a means of ensuring mass involvement in the activities of the Community.

ARTICLE 63
WOMEN AND DEVELOPMENT

1. Member States undertake to formulate, harmonise, co-ordinate and establish appropriate policies and mechanisms for enhancement of the economic, social and cultural conditions of women.
2. To this end, Member States shall take all measures necessary to:
 - a) identify and assess all constraints that inhibit women from maximising their contribution to regional development efforts; and
 - b) provide a framework within which the constraints will be addressed and for the incorporation of women's concerns and needs into the normal operations of the society;
3. At the Community level, Member States shall:
 - a) stimulate dialogue among themselves on the kinds of projects and programmes aimed at integrating women into the development process;
 - b) establish a mechanism for co-operation with bilateral, multilateral and non-governmental organisations; and
 - c) promote and develop mechanisms to encourage the exchange of experiences and information between Member States.

ARTICLE 64
POPULATION AND DEVELOPMENT

1. Member States undertake to adopt, individually and collectively, national population policies and mechanisms and take all necessary measures in order to ensure a balance between demographic factors and socio-economic development.
2. To this end, Member States agree to:
 - a) include population issues as central components in formulating and implementing national policies and programmes for accelerated and balanced socio-economic development;
 - b) formulate national population policies and establish national population institutions;
 - c) undertake public sensitisation on population matters, particularly among the target groups; and
 - d) collect, analyse and exchange information and data on population issues.

ARTICLE 65
INFORMATION, RADIO AND TELEVISION

Member States undertake to:

- a) co-ordinate their efforts and pool their resources in order to promote the exchange of radio and television programmes at bilateral and regional levels;
- b) encourage the establishment of programme exchange centres at regional level and strengthen existing programme exchange centres;
- c) use their broadcasting and television systems to promote the attainment of the objectives of the Community.

ARTICLE 66
THE PRESS

1. In order to involve more closely the citizens of the Community in the regional integration process, Member States agree to co-operate in the area of information.
2. To this end they undertake as follows:
 - a) to maintain within their borders, and between one another, freedom of access for professionals of the communication industry and for information sources;
 - b) to facilitate exchange of information between their press organs; to promote and foster effective dissemination of information within the Community;
 - c) to ensure respect for the rights of journalists;
 - d) to take measures to encourage investment capital, both public and private, in the communication industries in Member States;
 - e) to modernise the media by introducing training facilities for new information techniques; and
 - f) to promote and encourage dissemination of information in indigenous languages, strengthening co-operation between national press agencies and developing linkages between them.

CHAPTER XII
CO-OPERATION IN OTHER AREAS

ARTICLE 67
HARMONISATION OF POLICIES IN OTHER AREAS

Subject to the provisions of this Treaty, Member States undertake to consult with one another, through appropriate Community institutions, for the purpose of harmonising and co-ordinating their respective policies in all other fields not specifically covered by this Treaty for the efficient functioning and development of the Community and for the implementation of the provisions of this Treaty.

CHAPTER XIII

ARTICLE 68
LAND-LOCKED AND ISLAND MEMBER STATES

Member States, taking into consideration the economic and social difficulties that may arise in certain Member States, particularly island and land-locked States, agree to grant them where appropriate, special treatment in respect of the application of certain provisions of this Treaty and to accord them any other assistance that they may need.

CHAPTER XIV
FINANCIAL PROVISIONS

ARTICLE 69
BUDGET OF THE COMMUNITY

1. There shall be established a budget of the Community and, where appropriate, of any of the Institutions of the Community.
2. All incomes and expenditure of the Community and its institutions shall be approved by the Council or other appropriate bodies for each financial year and shall be charged to the budget of the Community or the Institution concerned.

3. A draft budget shall be proposed for each financial year by the Executive Secretary or by the Head of the Institution concerned and approved by the Council or other appropriate body on the recommendation of the Administration and Finance Commission.
4. The Administration and Finance Commission shall consider the draft budget and all financial issues concerning the Institutions of the Community and shall examine issues pertaining mainly to administration and personnel management in the Institutions of the Community.

**ARTICLE 70
REGULAR BUDGETS OF THE COMMUNITY**

1. The regular budgets of the Community and its institutions shall be funded from a Community levy and such other sources as may be determined by the Council.
2. Until the entry into force of the Community levy, the regular budgets of the Community and its institutions shall be funded from the annual contributions by Member States.

**ARTICLE 71
SPECIAL BUDGETS OF THE COMMUNITY**

Special budgets shall be made available, where necessary, to meet the extra-budgetary expenditure of the Community. The Authority shall, on the recommendation of Council, determine the modalities for financing such special budgets of the Community.

**ARTICLE 72
COMMUNITY LEVY**

1. There is hereby instituted a Community levy for the purpose of generating resources for financing Community activities.
2. The Community levy shall be a percentage of the total value of import duty derivable from goods imported into the Community from third countries.
3. The actual level of the Community levy shall be determined by the Council.
4. The conditions for the application of the Community levy, the modalities for the transfer to the Community of the revenue generated and the utilisation of the Community levy shall be defined in the relevant Protocol.
5. Member States undertake to facilitate the application of the provisions of this Article.

**ARTICLE 73
CONTRIBUTIONS BY MEMBER STATES**

1. The mode by which the contributions of Member States shall be determined and the currencies in which the contributions are paid shall be as determined by Council.
2. Member States undertake to promptly transfer their assessed contributions to the Community.

**ARTICLE 74
FINANCIAL REGULATIONS**

The Financial Regulations and Manual of Accounting Procedures of the Community shall govern the application of the provisions of this Chapter.

**ARTICLE 75
EXTERNAL AUDITORS**

1. The External Auditors of the Community shall be appointed for a period of two years renewable for two other terms of two years each. They can be relieved of their posts by the Authority on the recommendation of the Council.
2. Subject to the provisions of the preceding paragraph, the Council shall determine the rules governing the selection procedure and establish the responsibilities of the External Auditors.

**CHAPTER XV
DISPUTES**

**ARTICLE 76
SETTLEMENT OF DISPUTES**

1. Any dispute regarding the interpretation or the application of the provisions of this Treaty shall be amicably settled through direct agreement without prejudice to the provisions of this Treaty and relevant Protocols.
2. Failing this, either party or any other Member States or the Authority may refer the matter to the Court of the Community whose decision shall be final and shall not be subject to appeal.

**CHAPTER XVI
SANCTIONS**

**ARTICLE 77
SANCTIONS APPLICABLE FOR NON-FULFILMENT OF OBLIGATIONS**

1. Where a Member State fails to fulfill its obligations to the Community, the Authority may decide to impose sanctions on that Member State.
2. These sanctions may include:
 - (i) suspension of new Community loans or assistance,
 - (ii) suspension of disbursement on on-going Community projects or assistance programmes;
 - (iii) exclusion from presenting candidates for statutory and professional posts;
 - (iv) suspension of voting rights; and
 - (v) suspension from participating in the activities of the Community.
3. Notwithstanding the provisions of paragraph 1 of this Article, the Authority may suspend the application of the provisions of the said Article if it is satisfied on the basis of a well supported and detailed report prepared by an independent body and submitted through the Executive Secretary, that the non-fulfilment of its obligations is due to causes and circumstances beyond the control of the said Member State;
4. The Authority shall decide on the modalities for the application of this Article.

**CHAPTER XVII
RELATIONS BETWEEN THE COMMUNITY
AND THE AFRICAN ECONOMIC COMMUNITY**

**ARTICLE 78
THE COMMUNITY AND THE AFRICAN ECONOMIC COMMUNITY**

The integration of the region shall constitute an essential component of the integration of the African continent. Member States undertake to facilitate the co-ordination and harmonisation of the policies and programmes of the Community with those of the African Economic Community.

**CHAPTER XVIII
RELATIONS BETWEEN THE COMMUNITY AND
OTHER REGIONAL ECONOMIC COMMUNITIES**

**ARTICLE 79
THE COMMUNITY AND OTHER REGIONAL ECONOMIC COMMUNITIES**

1. In the context of realising its regional objectives, the Community may enter into co-operation agreements with other regional Communities.
2. Such co-operation agreements entered into in accordance with the provisions of paragraph 1 of this Article shall be subject to prior approval by the Council upon the proposal of the Executive Secretary.

**CHAPTER XIX
RELATIONS BETWEEN THE EXECUTIVE SECRETARIAT AND THE SPECIALISED
INSTITUTIONS OF THE COMMUNITY**

**ARTICLE 80
THE EXECUTIVE SECRETARIAT AND THE SPECIALISED INSTITUTIONS**

1. The Community shall determine the global integration policies and strategies to be adopted and define the integration objectives and programmes of all the institutions of the Community.
2. The Executive Secretariat shall be responsible for harmonising and co-ordinating all activities and programmes of the institutions of the Community within the context of regional integration.

**ARTICLE 81
RELATIONS BETWEEN THE COMMUNITY AND REGIONAL
NON-GOVERNMENTAL ORGANISATIONS**

1. The Community, with a view to mobilising the human and material resources of the economic integration of the region, shall co-operate with regional non-governmental organisations and voluntary development organisations in order to encourage the involvement of the peoples of the region in the process of economic integration and mobilise their technical, material and financial support.
2. To this end, the Community shall set up mechanism for consultation with such organisations.

**ARTICLE 82
RELATIONS BETWEEN THE COMMUNITY AND REGIONAL
SOCIO-ECONOMIC ORGANISATIONS AND ASSOCIATIONS**

1. The Community, with a view to mobilising the various actors in socio-economic life for the integration of the region, shall co-operate with socio-economic organisations and associations, in particular, producers, transport operators, workers, employers, university teachers and

administrators, journalists, youth, women, artisans and other professional organisations and associations with a view to ensuring their involvement in the integration process of the region.

2. To this end, the Community shall set up a mechanism for consultation with such socio-economic organisations and associations.

CHAPTER XX
RELATIONS BETWEEN THE COMMUNITY, THIRD COUNTRIES AND
INTERNATIONAL ORGANISATIONS

ARTICLE 83
CO-OPERATION AGREEMENTS

1. The Community may conclude co-operation agreements with third Countries.
2. In pursuit of its objective, the Community shall also co-operate with the organisation of African Unity, the United Nations system, and any other international organisation.
3. Co-operation agreements to be concluded in accordance with the provisions of paragraphs 1 and 2 of this Article shall be subject to prior approval by the Council upon the proposal of the Executive Secretary.

CHAPTER XXI
RELATIONS BETWEEN MEMBER STATES, NON-MEMBER STATES,
REGIONAL ORGANISATIONS AND INTERNATIONAL
ORGANISATIONS

ARTICLE 84
AGREEMENTS CONCLUDED BY MEMBER STATES

1. Member States may conclude agreements among themselves and with non Member States, regional organisations or any other international organisation, provided that economic agreements are not incompatible with the provisions of this Treaty. They shall, at the request of the Executive Secretary, transmit copies of such economic agreements to the Executive Secretary who shall inform Council thereof.
2. In the event that agreements concluded before the entry into force of this Treaty between Member States or between Member States and non-Member States, regional organisations or any other international organisations are incompatible with the provisions of this Treaty, the Member State or Member States concerned shall take appropriate measures to eliminate such incompatibility. Member States shall, where necessary, assist each other to this end and adopt a common position.

ARTICLE 85
INTERNATIONAL NEGOTIATIONS

1. Member States undertake to formulate and adopt common positions within the Community on issues relating to international negotiations with third parties in order to promote and safeguard the interests of the region.
2. To this end, the Community shall prepare studies and reports designed to help Member States to harmonise better their positions on the said issues.

**CHAPTER XXII
GENERAL AND FINAL PROVISIONS**

**ARTICLE 86
HEADQUARTERS OF THE COMMUNITY**

The Headquarters of the Community shall be situated in the capital of the Federal Republic of Nigeria.

**ARTICLE 87
OFFICIAL AND WORKING LANGUAGES**

1. The official languages of the Community shall be all West African languages so designated by the Authority as well as English, French and Portuguese.
2. The working languages of the Community shall be English, French and Portuguese.

**ARTICLE 88
STATUS, PRIVILEGES AND IMMUNITIES**

1. The Community shall enjoy international legal personality.
2. The Community shall have in the territory of each Member State:
 - a) the legal powers required for the performance of the functions assigned to it under this Treaty;
 - b) power to enter into contracts and acquire, hold and dispose of movable and immovable property.
3. In the exercise of its legal personality under this Article, the Community shall be represented by the Executive Secretary.
4. The privileges and immunities to be recognised and granted by the Member States to the officials of the Community, its institutions and their respective headquarters shall be as provided for in the General Convention on Privileges and Immunities of the Community and the Headquarters Agreements.

**ARTICLE 89
ENTRY INTO FORCE AND RATIFICATION**

This Treaty and the Protocols which shall form an integral part thereof shall respectively enter into force, upon ratification by at least nine signatory States, in accordance with the constitutional procedures of each signatory State.

**ARTICLE 90
AMENDMENTS AND REVISIONS**

1. Any Member State may submit proposal for the amendment or revision of this Treaty.
2. Any such proposals shall be submitted to the Executive Secretary who shall notify other Member States thereof not later than thirty (30) days after the receipt of such proposals. Amendments or revisions shall not be considered by the Authority unless Member States shall have been given at least three months notice thereof.
3. Amendments or revisions shall be adopted by the Authority in accordance with the provisions of Article 9 of this Treaty and shall be submitted for ratification by all Member States in accordance with their respective constitutional procedures. They shall enter into force in accordance with Article 89 of this Treaty.

**ARTICLE 91
WITHDRAWAL**

1. Any Member State wishing to withdraw from the Community shall give to the Executive Secretary one year's notice in writing who shall inform Member States thereof. At the expiration of this period, if such notice is not withdrawn, such a State shall cease to be a member of the Community.
2. During the period of one year referred to in the preceding paragraph, such a Member State shall continue to comply with the provisions of this Treaty and shall remain bound to discharge its obligations under this Treaty.

**ARTICLE 92
TRANSITIONAL AND SAVINGS PROVISIONS**

1. Upon the entry into force of this revised Treaty in according with the provisions of Article 89, the provisions of the United Nations Vienna Convention on the Law of Treaties adopted on 23 May, 1969 shall apply to the determination of the rights and obligations of Member States under the 1975 ECOWAS Treaty and this revised Treaty.
2. The ECOWAS Treaty of 1975 shall be deemed terminated when the Executive Secretariat has received instruments of ratification of this revised Treaty from all Member States. The Executive Secretary shall notify the Member States in writing thereof.
3. Notwithstanding the provisions of paragraph 2 of this Article, all Community Conventions, Protocols, Decisions and Resolutions made since 1975 shall remain valid and in force, except where they are incompatible with the present Treaty.

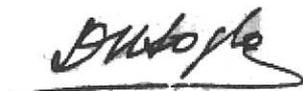
**ARTICLE 93
DEPOSITORY AUTHORITY**

The present Treaty and all instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies of this Treaty to all Member States and notify them of the dates of deposit of instruments of ratification and shall register this Treaty with the Organisation of African Unity, the United Nations Organisation and such other organisations as the Council may determine.

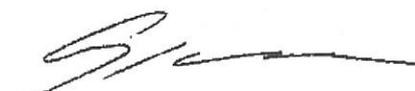
**IN FAITH WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT OF THE MEMBER
STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS),
HAVE SIGNED THIS TREATY**

DONE AT COTONOU, THIS 24TH DAY OF JULY, 1993

**IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES,
ALL TEXTS BEING EQUALLY AUTHENTIC.**



.....
H.E. Nicephore D. SOGLO
President of the Republic of
BENIN



.....
H.E. Dr. Amos Claudius SAWYER
President of the Interim Government
of National Unity of the Republic of
LIBERIA

.....
H.E. Blaise COMPAORE
President of the **FASO**
Head of Government

.....
H.E. Alpha OUMAR KONARE
President of the Republic of
MALI

.....
H.E. Carlos Alberto Wahnnon
de Carvalho VEIGA
The Prime Minister of the
Republic of **CAPE VERDE**

.....
H.E. Ahmed Quid ZEIN
Minister, General Secretary of the
Presidency of the Islamic Republic of
MAURITANIA for and on behalf of the
President of the Islamic Republic of
MAURITANIA

.....
H.E. Alassane Dramane OUATTARA
Prime Minister of the Republic of
COTE D'IVOIRE, for and on behalf of the
President of the Republic of
COTE D'IVOIRE

.....
H.E. Mahamane OUSMANE
President of the Republic of
NIGER

.....
H.E. Alhaji Sir Dawda JAWARA
President of the Republic of
THE GAMBIA

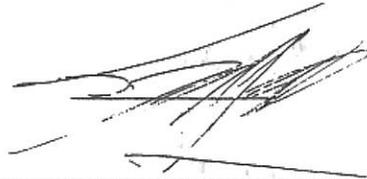
.....
H.E. General Ibrahim Badamasi BABANGIDA
President, Commander-in-Chief of the
Armed Forces of the Republic of **NIGERIA**

.....
H.E. Flt.-Lt Jerry John RAWLINGS
President of the Republic of
GHANA

.....
H.E. Habib THIAM
Prime Minister of the Republic of
SENEGAL for and on behalf of the
President of the Republic of **SENEGAL**



.....
H.E. General Lansana CONTE
President of the Republic of
GUINEE, Head of State



.....
H.E. Captain Valentine E.M. STRASSER
Chairman, Supreme Council of State of the
National Provisional Ruling Council and
Head of State of the Republic of
SIERRA LEONE



.....
H.E. General Joao Bernardo VIEIRA
President of the Council of State
of the Republic of **GUINEA-BISSAU**



.....
H.E. Fambare Ouattara, NATCHABA
Minister of Foreign Affairs and
Cooperation of the **TOGOLESE**
Republic for and on behalf of the
President of the **TOGOLESE** Republic.

PART III

AMENDMENTS TO THE REVISED TREATY OF ECOWAS

CHAPTER ONE

**SUPPLEMENTARY PROTOCOL A/SP.1/06/06
AMENDING THE REVISED ECOWAS TREATY**

THE HIGH CONTRACTING PARTIES,

MINDFUL of Articles 7, 8, and 9 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 90 of the ECOWAS Treaty relating to amendment and revision of the revised Treaty of the Economic Community of West African States;

MINDFUL of Protocol A/P1/12/01 amending Article 1, 3, 6 and 21 of the said Treaty of the Economic Community of West African States;

MINDFUL of Regulation C/REG.15/01/03 establishing the Ad hoc Ministerial Committee on the harmonization of Community legislative texts, particularly in its Article 2 which directed that the Committee shall undertake a critical review of the revised ECOWAS Treaty, Protocols and Conventions, with a view to endowing the Community with modern legal instruments whose interpretation shall contribute to the acceleration of the integration process;

MINDFUL of the recommendations of the meeting of the Ad hoc Ministerial Committee on the harmonization of Community Texts held on 19 June 2003, particularly those concerning corrections to be made to the shortcomings observed in the Treaty which can impede integration;

MINDFUL of the report of the fiftieth session of the Council of Ministers which adopted the recommendations of the Ad hoc Ministerial Committee referred to above and requested the Executive Secretariat to take urgent measures to amend the revised Treaty, with a view to adopting a new legal regime for Community acts and more appropriate deadlines for the entry into force of certain texts;

BEARING in mind Decision A/DEC.12/8/97 relating to the frequency and venue of ECOWAS Summits and Decision A/DEC.27/01/06 on the organization of the ECOWAS Chairmanship;

MINDFUL of Paragraph 50 of the Final Communiqué of the twenty fifth Session of the Authority which directed the Executive Secretariat to undertake a study on the enhancement of the powers to the Community Parliament;

MINDFUL of Decision A/DEC.6/1/05 on the modalities for implementation of Article 6 of the Protocol relating to the Community Parliament;

MINDFUL of the Final Communiqué of the twenty-eighth session of the Authority of Heads of State and Government in which the Heads of State and Government issued the directive that the Executive Secretariat should be transformed, with a view to enabling it to adapt to the international environment and more successfully fulfil its role in the sub-regional integration process;

MINDFUL of Decision A/DEC.16/01/06 transforming the Executive Secretariat into a Commission;

MINDFUL of the report of the fifty-fifth session of the Council of Ministers which called for the harmonization of terms of office of all Statutory Appointees in all the Community institutions and requested the Executive Secretariat to produce a global schedule of rotation of Member States in statutory positions in the Commission;

CONSIDERING the need to amend some of the provisions of the revised Treaty in order to effectively implement the above directives;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

The terms "**Executive Secretariat**", "**Executive Secretary**" and "**Deputy Executive Secretary**" wherever they appear in the revised Treaty are hereby replaced by the terms "**Commission of the**

Economic Community of West African States", "President of the ECOWAS Commission" and "Commissioners" respectively.

ARTICLE 2

Articles 8, 9, 10 (2), 12, 17, 18, 19, 22(1), 79, and 83 are hereby abrogated and replaced by new provisions as follows:

New Article 8: Sessions and Chairmanship of the Community

1. The Authority shall meet at least twice a year in ordinary session. An extraordinary session may be convened by the Chairman of the Authority or at the request of a Member State, provided that such a request is supported by a simple majority of the Member States.
2. One of the sessions shall be held at the ECOWAS Headquarters while the other session shall take place in one of the other Member States.
3. The office of Chairman shall be rotated annually among Member States and shall take into account the alphabetical order of Member States.
4. A Member State eligible for chairmanship may renounce its right to occupy the post. In such a case, the Member State concerned shall give notice of its intention at least three months before the date of the Summit during which the position of chair is to be allocated.
5. Without prejudice to the provisions of paragraph 3 above, a Member State aspiring to the office of Chairman of the Community shall be automatically disqualified in the event of a coup d'état or a change of government through unconstitutional means in that country.
6. The office of Chairman of the Authority shall be reserved only for Member States effectively implementing texts governing the Community levy.

New Article 9: Legal Regime of the Community

1. Community Acts shall henceforth be known as Supplementary Acts, Regulations, Directives, Decisions, Recommendations, and Opinions.
2. To accomplish their missions:

6. Decisions shall be binding on all those designated therein.
7. Recommendations and opinions are not enforceable.
8. Unless otherwise provided in this Supplementary Protocol or in any other Protocol, Community Acts under consideration shall be adopted by unanimity, consensus or by a two-thirds majority of the Member States.

Article 10 Paragraph 2 (New)

"The Council shall comprise the Minister in charge of ECOWAS Affairs, the Minister in charge of Finance and any other Minister where necessary".

New Article 12: Publication and Entry into Force of Community Acts

1. Supplementary Acts, Regulations, Directives and Decisions shall be published by the Commission in the Official Journal of the Community within thirty (30) days after signature. They shall also be published by each Member State in its National Gazette within the same time-frame.
2. Supplementary Acts, Regulations, and Directives shall enter into force after publication by the Commission on a date specified therein.
3. Decisions shall be communicated to the persons designated therein and shall enter into effect on the date of the notification.

New Article 17: The Commission: Establishment and Composition

1. There is hereby established a Commission of the Economic Community of West African States.
2. The Commission shall have nine Commissioners namely: the President, the Vice President, seven (7) other Commissioners and such other staff as may be required for the smooth functioning of the Community.
3. Whenever it is deemed necessary, the Authority may decide to restructure the Commission and modify the number of Commissioners.

New Article 18: Appointments

1. The President of the Commission shall be appointed by the Authority for a single four-year term. The appointment shall be done to ensure that Member States can successively occupy the position of President.
2. The President of the Commission shall be a person of proven competence and integrity, with a global vision of political and economic problems and regional integration.
3.
 - (a) The Vice President, Commissioners and statutory appointees in other Institutions shall be appointed by the Council of Ministers on the recommendation of the Ministerial Committee on the Selection and Evaluation of the Performance of Statutory Appointees following the interview of the three (3) candidates nominated by their respective Member States to whom the posts have been allocated.
 - (b) The Commissioners shall be appointed for a single four-year term. During their term of office, the members of the Commission may not be removed from their posts except in cases of serious misconduct or incapacity.
 - (c) The members of the Commission shall act independently in the exercise of their functions, in the overall interest of the Community. They shall neither solicit nor receive

instructions from any government or external body. Member States shall respect the independence of the members of the Commission. At the beginning of their term of office, members of the Commission shall take an oath of office to be administered by the President of the Court of Justice at a Session of the Council of Ministers. However, the oath of office of the President shall be administered by the President of the Court of Justice at a Session of the Authority of Heads of State and Government. The Commissioners by this oath undertake to discharge their duties independently and honestly and shall not undertake any other professional activity during their term of office, whether such activity is remunerated or not.

- (d) The mandate of the members of the Commission may be interrupted following resignation or dismissal. The decision for dismissal with respect to the President is taken by the Authority and that of all other statutory appointees, by the Council of Ministers. Dismissal of Judges of the Community Court of Justice shall be carried out by the Authority upon the recommendation of a Community Judicial Council to be established by the Authority. In the event of interruption of the mandate of a member of the Commission, the Commissioner concerned shall be replaced for the outstanding duration of his or her term of office by a citizen of that country. Except in cases of dismissal, members of the Commission shall remain at their posts until they are replaced.
 - (e) The members of the management of the ECOWAS Bank for Investment and Development (EBID) and its subsidiaries shall be appointed on the basis of the Rules and Regulations in force in these institutions.
 - (f) The statutory appointees of the other Community institutions shall be appointed for a single four-year term of office.
 - (g) Vacancies shall be advertised in all Member States to which the statutory posts have been allocated, with the exception of the post of President of the Commission.
4. Representation of Member States within the management cadre of Community institutions shall be based on a transparent, equitable and predictable system of rotation adopted by the Authority.
 5. In appointing professional staff for the Community, due regard shall be had, subject to ensuring the highest standards of efficiency and technical competence, to maintaining equitable geographical distribution of posts and gender balance among nationals of all Member States.

New Article 19: Functions

1. Unless otherwise provided in the Treaty, Protocols and Supplementary Acts, the President of the Commission shall be the Principal Officer of the Community and the Chief Executive Officer of the Commission.
2. The President of the Commission shall coordinate the activities of the Community Institutions and shall be the legal representative of the Community.
3. Without prejudice to the general scope of his responsibilities as provided under Article 19 of the Revised Treaty, the President of the Commission shall be responsible for the external relations of the Commission, international cooperation, strategic planning and policy analysis of Regional Integration activities within the sub-region.
4. The Commission shall exercise its powers to ensure the smooth functioning of the Community and protect the overall interest of the Community. To this end, it shall submit to the Authority and Council any recommendation it may deem necessary to promote and develop the Community.

5. The Commission shall formulate proposals that will enable the Authority and Council to take decisions on the main orientations of policies of Member States and the Community.
6. The Commission may in consultation with the ECOWAS National Units, request all the institutions and national bodies for any useful information, organize necessary consultations with the institutions and national bodies where it is convinced that such information and consultations may assist it in the accomplishment of its mission.

New Article 22 paragraph 1: Technical Committees: - establishment and composition

- a) The technical Commissions established in accordance with Article 22 of the Revised ECOWAS Treaty are henceforth referred to as Technical Committees.
- b) The following Technical Committees are hereby established:
 - (i) Administration and Finance;
 - (ii) Agriculture, Environment and Water Resources;
 - (iii) Human and Gender Development;
 - (iv) Infrastructure;
 - (v) Macro economic policies;
 - (vi) Political Affairs, Peace and Security;
 - (vii) Trade, Customs, Free Movement of Persons;
 - (viii) Legal and Judicial Affairs;
 - (ix) Communication and Information.

New Article 79: Relations Between the Community and other Regional Economic Communities

1. The President of the Commission may conclude cooperation agreements with other regional communities, with a view to ensuring effective realization of regional integration objectives.
2. Such cooperation agreements shall be brought to the immediate attention of the Council of Ministers through the Chairman of Council.

New Article 83 paragraph 3: Cooperation Agreements

Cooperation on agreements to be concluded in accordance with the provisions of paragraphs 1 and 2 of Article 83 of the Revised Treaty shall be concluded by The President of the Commission who shall fulfill the conditions stipulated under new Article 79 (2) above.

ARTICLE 3

Article 13 is hereby amended as follows :

Article 13 (New)

1. There is hereby established a Parliament of the Community.
2. The Community shall ensure the effective involvement of the Parliament in decision making.
3. The method of election of the Members of the Community Parliament, its composition, functions, organization as well as modalities for its involvement in decision-making shall be defined in a Protocol relating thereto.

ARTICLE 4

1. The present Supplementary Protocol shall enter into force provisionally upon signature by the Heads of State and Government. Consequently, signatory ECOWAS Member States undertake to begin to implement its provisions.
2. The present Supplementary Protocol shall enter into force definitively upon ratification by at least nine signatory Member States, in accordance with the constitutional rules in force in each Member State.
3. The present Supplementary Protocol shall be annexed to the revised Treaty of which it shall form an integral part.

ARTICLE 5

Member States shall adopt constitutional, legislative and regulatory provisions to ensure full application of the present Supplementary Protocol.

ARTICLE 6

Notwithstanding the provisions of new Article 9 above, all Community Conventions, Protocols, Decisions, Regulations and Resolutions of the Community made since 1975 and which are still in force shall remain valid and in force, except where they are incompatible with the present Supplementary Protocol.

ARTICLE 7

The present Supplementary Protocol and all instruments of ratification shall be deposited with the Commission which shall transmit certified true copies of this Supplementary Protocol to all Member States and notify them of the dates of deposit of the instruments of ratification and shall register this Supplementary Protocol and instruments of ratification with the African Union, the United Nations Organization, and such other organizations as the Council may determine.

**IN FAITH WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)
HAVE SIGNED THIS SUPPLEMENTARY PROTOCOL.**

.....
H.E. ALIEU NGUM
*Minister of Trade, Industry and
Employment, Representing the President
Of the Republic of The GAMBIA*

.....
H.E. John Agyekum KUFUOR
President of the Republic of GHANA

.....
H.E. Fatoumata Kaba SIDIBE
*Minister for International Cooperation
Representing the President of the Republic
of GUINEA*

.....
H.E. DE SOUSA RUI DIA
*Minister, Presidency of Council of
Ministers on Social Communication &
Affairs Representing the President of the
Republic of GUINEE BISSAU*

.....
H.E ELLEN JOHNSON-SIRLEAF
President of the Republic of LIBERIA

.....
H.E Amadou Toumani TOURE
President of the Republic of MALI

.....
H.E Mamadou TANDJA
President of the Republic of NIGER

.....
H.E Olusegun OBASANJO GCFR
*President and Commander-in-Chief
of the Armed Forces of the Federal
Republic of NIGERIA*

.....
H.E. ABDOU AZIZ SOW
*Minister for NEPAD, Economic Integration
in Africa & Good Governance Policy
Representing the President of the Republic
of SENEGAL*

.....
H.E. Alh. (Dr.) Ahmad Tejan KABBAH
*President of the Republic of
SIERRA LEONE*

.....
H. E. Faure Essozimna Gnassingbe
President of the TOGOLESE Republic

CHAPTER TWO

**SUPPLEMENTARY ACT A/SA.9/01/07
AMENDING ARTICLES 1, 3, 6, AND 21 OF THE
REVISED TREATY**

THE HIGH CONTRACTING PARTIES,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty as amended establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Decision A/DEC.4/12/99 transforming the ECOWAS Fund into a Regional Holding Company;

MINDFUL of new Article 21 of the ECOWAS Treaty establishing the ECOWAS Bank for Investment and Development (EBID) and its subsidiaries, namely, the ECOWAS Regional Investment Bank (ERIB) and the ECOWAS Regional Development Fund (ERDF);

MINDFUL of new Article 1 of the ECOWAS Treaty defining EBID, ERIB and ERDF;

MINDFUL of Article 3, new paragraph 2(n), of the ECOWAS Treaty making the establishment of EBID, ERIB and ERDF a first step towards the realization of the objectives of the Community;

MINDFUL of Article 6, new paragraph 1 (g), of the ECOWAS Treaty making EBID, ERIB and ERDF Community institutions;

MINDFUL of Decision A/DEC.16/01/06 transforming the Executive Secretariat of ECOWAS into Commission;

MINDFUL of Supplementary Protocol A/SP1/06/06 amending the revised Treaty;

MINDFUL of Decision A/DEC.3/06/06 reorganizing the ECOWAS Bank for Investment and Development Group;

CONSIDERING that the realization of the objectives of EBID requires that the institution's current organizational structure be modified;

CONVINCED that a reorganized EBID that brings its management under one umbrella and enhances the centralization of its activities can minimize its operational costs and render its management structures more efficient;

DESIROUS of ensuring that the provisions of Protocols A/P1/12/01 amending Articles 1, 3, 6 and 21 of the revised Treaty and A/P2/12/01 relating to the ECOWAS Bank for Investment and Development are consistent with the provisions on the reorganization of EBID as prescribed in Decision A/DEC.3/06/06;

AGREE AS FOLLOWS:

ARTICLE 1:

Protocols A/P1/12/01 amending Articles 1, 3, 6 and 21 of the Revised Treaty and A/P2/12/01 relating to the ECOWAS Bank for Investment and Development are hereby repealed.

ARTICLE 2:

Articles 1, 3 paragraph 2(n), 6, paragraph 1 (g) and 21 of the ECOWAS Revised Treaty are amended as follows:

New Article 1:

For the purpose of this Treaty:

1. "Arbitration Tribunal" shall mean the Arbitration Tribunal of the Community established under Article 16 of this Treaty;

2. "Authority" shall mean the Authority of Heads of State and Government of the Community established under Article 7 of this Treaty;
3. "Chairman of the Authority" shall mean the current Chairman of the Authority of Heads of State and Government of the Community, elected in accordance with the provisions of Article 8(2) of this Treaty;
4. "Council" shall mean the Council of Ministers of the Community established under Article 10 of this Treaty;
5. "Commission" shall mean the Specialized Technical Commissions established under new Article 22 of this Treaty;
6. "Community" shall mean the Economic Community of West African States referred to under Article 2 of this Treaty;
7. "Community citizen or citizens" shall mean any national(s) of Member States who satisfy the conditions stipulated in the protocol defining Community citizenship;
8. "Court of Justice" shall mean the Court of Justice of the Community established under Article 15 of this Treaty;
9. "Import duties" shall mean customs duties and taxes of equivalent effect, levied on goods by virtue of their importation;
10. "President of the Commission" shall mean the President of the Commission appointed in accordance with the provisions of new Article 18 of this Treaty;
11. "Economic and Social Council" shall mean the Economic and Social Council established under Article 14 of this Treaty;
12. "Commission" shall mean the Commission established under new Article 17 of this Treaty;
13. "Commissioners" shall mean the Commissioners appointed in accordance with the provisions of new Article 18 of this Treaty;

21. "Third country" shall mean any State other than a Member State;
22. "Treaty" shall mean this Treaty;
23. "Statutory Appointees" shall mean the President of the Commission, the Commissioners, the President of ECOWAS Bank for Investment and Development, the Judges of the Community Court of Justice, the Director-General of the West African Health Organization (WAHO), the Deputy Director-General of WAHO, the Administrative Secretary of the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA), the Deputy Administrative Secretary of GIABA, the Financial Controller and any other high official of the Community appointed by the Authority or Council;
24. "Board of Governors", the EBID Board of Governors composed of regional and non-regional members. Regional members shall comprise Ministers of Finance or Ministers of Regional Integration. Regional members shall consist of one full-fledged member and one alternate member. Each Member State shall appoint its full-fledged and alternate members and notify the EBID President thereof. Non-Regional members shall consist of representatives of all other economic blocs appointed for this purpose by each member.

New Article 3 paragraph 2(n):

The establishment of the ECOWAS Bank for Investment and Development.

New Article 6 - paragraph 1 (g):

The ECOWAS Bank for Investment and Development and all the subsidiaries which the Board of Governors may subsequently establish;

New Article 21:

1. An ECOWAS Bank for Investment and Development (EBID) is hereby established.
2. EBID shall be governed by Articles of Association adopted by its Board of Governors.
3. All activities previously assigned to EBID, as well as those of ECOWAS Regional Investment Bank (ERIB) and ECOWAS Regional Development Fund (ERDF) are absorbed by ECOWAS Bank for Investment and Development. EBID is hereby substituted for these entities in respect of their rights and obligations.
4. In the protocols, decisions, resolutions and other Community instruments adopted since 1975, the terms "ECOWAS Fund for Cooperation, Compensation and Development" and "ECOWAS Bank for Investment and Development and its subsidiaries" are hereby replaced with the term "ECOWAS Bank for Investment and Development".

ARTICLE 3:

This Supplementary Act shall be published by the Commission in the Official Journal of the Community within thirty (30) days of its signature by the Chairman of the Authority. It shall also be published within the same time frame by each Member State in its National Gazette.

ARTICLE 4:

1. This Supplementary Act shall enter into force upon its publication. Consequently, Signatory Member States and the Institutions of ECOWAS undertake to commence the implementation of its provisions on its entry into force.

2. This Supplementary Act is annexed to the ECOWAS Treaty of which it is an integral part.

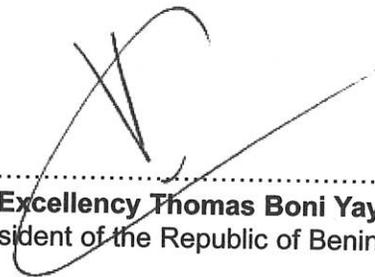
ARTICLE 5:

This Supplementary Act shall be deposited with the Commission which shall transmit certified true copies thereof to all the Member States and shall register it with the African Union, the United Nations and such other organizations as Council may determine.

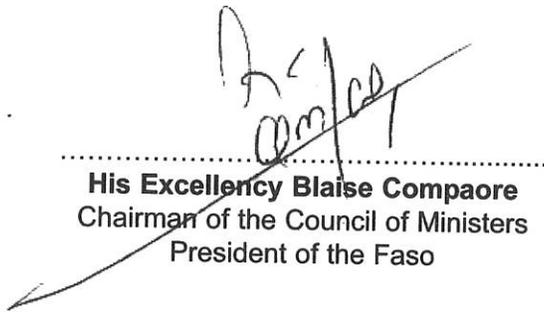
**IN WITNESS WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES,
HAVE SIGNED THIS SUPPLEMENTARY ACT**

DONE AT OUAGADOUGOU, THIS 19TH DAY OF JANUARY 2007

**IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES,
ALL THREE (3) TEXTS BEING EQUALLY AUTHENTIC**

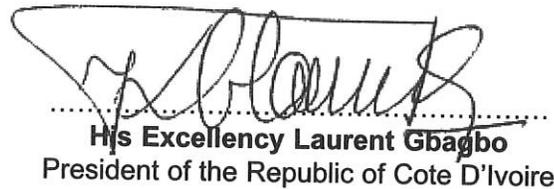


.....
His Excellency Thomas Boni Yayi
President of the Republic of Benin

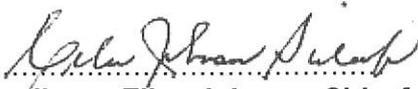


.....
His Excellency Blaise Compaore
Chairman of the Council of Ministers
President of the Faso

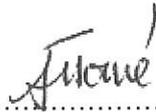
.....
President of the Republic of Cabo Verde



.....
His Excellency Laurent Gbagbo
President of the Republic of Cote D'Ivoire



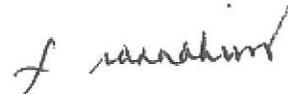
Her Excellency Ellen Johnson-Sirleaf
President of the Republic of Liberia



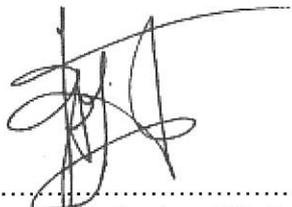
His Excellency Toumani Toure
President of the Republic of Mali



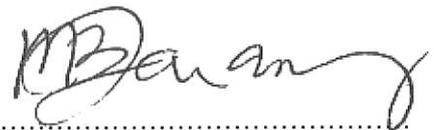
His Excellency Mamadou Tandja
President of the Republic of Niger



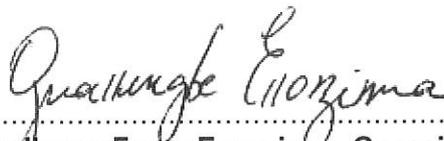
His Excellency Olusegun Obasanjo
President, Commander in Chief of the Armed
Forces of the Federal Republic of Nigeria



His Excellency Abdoulaye Wade
President of the Republic of Senegal



Hon. Mohammed Daramy
Minister of Development and Economic
Planning, for and on behalf of the President
of the Republic of Sierra Leone



His Excellency Faure Essozimna Gnassingbe
President of the Togolese Republic

.....
Cour
Mali

.....
sanjo
the Armed
Nigeria

.....
mic
resident

CHAPTER THREE

SUPPLEMENTARY ACT A/SA.5/01/08 AMENDING ARTICLES 19, NEW PARAGRAPH 3, AND 89 OF THE ECOWAS TREATY

THE HIGH CONTRACTING PARTIES,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty as amended, establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 90 of the ECOWAS Treaty relating to the amendment and revision of the Revised Treaty of the Economic Community of West African States;

MINDFUL of Protocol AP 1/12/01 amending Articles 1, 3, 6 and 21 of the Revised Treaty of the Economic Community of West African States;

MINDFUL of Supplementary Protocol A/SP1/06/06 amending the Revised ECOWAS Treaty;

MINDFUL of Regulation C/REG. 15/01/03 establishing an Ad Hoc Committee on the Harmonisation of the legislative Texts of the Community, particularly Article 2 directing the committee to critically review the Revised ECOWAS Treaty, as well as the protocols and conventions, with a view to providing the Community with appropriate and modern legal instruments that, when implemented, will promote the acceleration of the integration process;

MINDFUL of Article 19, paragraph 3c, of the ECOWAS Treaty under which the President of the Commission may convene meetings of sectoral ministers, as and when necessary, to consider sectoral issues which promote the achievement of the objectives of the Community;

MINDFUL of Article 89 of the ECOWAS Treaty which states that ECOWAS protocols shall enter into force upon ratification by nine (9) Signatory States;

CONSIDERING the existence in Member States, of high institutions, such as national parliaments, constitutional courts, supreme courts, economic and social councils, audiovisual and communication high authorities, which are in charge of special areas and whose action can promote the attainment of the objectives of the Community;

CONSIDERING that it is useful and beneficial for the Community to consult the aforementioned institutions on issues within their areas of competence and that, to this end, it may be necessary for the President of the Commission to invite their representatives to attend ECOWAS meetings;

CONSIDERING that ECOWAS comprised sixteen (16) Member States at the time the treaty was formulated and signed and that this state of affairs explained why its protocols entered into force upon ratification by nine (9) signatory States;

CONSIDERING however that the Community has been composed of not more than fifteen (15) Member States since the withdrawal of the Islamic Republic of Mauritania from ECOWAS in December 1999 and that, consequently, it would be necessary to reduce to eight (8) the number of ratifications required for ECOWAS protocols to become enforceable;

WISHING, on the one hand, to enable the President of the Commission to convene meetings of representatives of Member States' high institutions, and on the other, to ensure that ECOWAS Protocols become enforceable upon ratification by eight (8) Member States and, to this end, to amend Articles 19, paragraph 3, and 89 of the ECOWAS Treaty;

AGREE AS FOLLOWS:

Article 1

The provisions of Article 19, paragraph 3, of the Revised Treaty and that of Article 19, new paragraph 3 as contained in Article 2 of Supplementary Protocol A/SP1/06/06 relating to the amendment of the Revised ECOWAS Treaty are hereby repealed and replaced with Article 19, paragraphs 3,4 and 5 as follows:

Article 19, new paragraph 3

Without prejudice to the general scope of his responsibilities, the duties of the President of the Commission shall include:

- a) execution of decisions taken by the Authority and implementation of Council's regulations;
- b) promotion of Community development programmes and projects, as well as multinational enterprises of the region;
- c) convening, as and when necessary, meetings of representatives of Member States' high institutions to examine sectoral issues which promote the achievement of the objectives of the Community, as well as any other issues relating to the functioning of the said institutions;
- d) preparation of draft budgets and programmes of activity of the Community and supervision of their execution upon their approval by Council;
- e) submission of reports on Community activities to all meetings of the Authority and Council;
- f) preparation of meetings of the Authority and Council, as well as meetings of experts and technical committees, and provision of necessary technical services;
- g) recruitment of staff of the Community and appointment to posts other than statutory appointees, in accordance with the Staff Rules and Regulations;
- h) submission of proposals and preparation of studies as may assist in the efficient and harmonious functioning and development of the Community;
- i) preparation of draft texts for approval by the Authority or Council.

Article 19, new paragraph 4

The President of the Commission shall also be responsible for the Commission's external relations, international cooperation, strategic planning and policy analysis, as well as the sub-region's regional integration activities.

Article 19, new paragraph 5

Article 3

This Supplementary Act shall be published in the Official Journal of the Community by the Commission within thirty (30) days of its signature by the Authority. It shall also be published within the same time in the Official Gazette of each Member State.

Article 4

1. This Supplementary Act shall enter into force upon publication. Consequently, signatory Member States and the ECOWAS Institutions undertake to start implementing its provisions upon its entry into force.
2. This Supplementary Act shall be attached as an Annex to the ECOWAS Treaty of which it is an integral part.

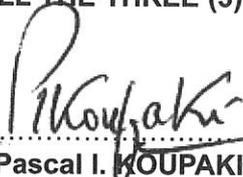
Article 5

This Supplementary Act shall be deposited with the Commission which shall transmit certified true copies of the Act to all Member States and register it with the African Union, the United Nations Organization and such other organizations as Council may determine.

**IN FAITH WHEREOF, WE, HEADS OF STATE AND GOVERNMENT
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES,
HAVE SIGNED THIS SUPPLEMENTARY ACT.**

DONE AT OUAGADOUGOU, THIS 18TH DAY OF JANUARY 2008.

**IN SINGLE ORIGINAL IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES,
ALL THE THREE (3) TEXTS BEING EQUALLY AUTHENTIC**



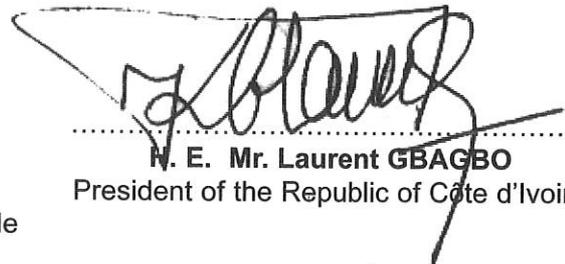
.....
H. E. Mr. Pascal I. KOUPAKI
Minister in charge of Development
and Research for and on behalf of the
President of the Republic of **BENIN**



.....
H.E. Mr. Blaise COMPAORE
President of **FASO**, Chairman of
Council of Ministers



.....
H. E. Mr. Jose BRITO
Minister of Economic Growth and
Competitiveness of the Republic of Cape Verde
for and on behalf of the Republic of
CAPE VERDE



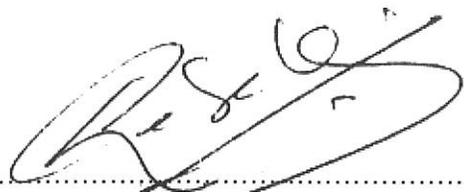
.....
H. E. Mr. Laurent GBAGBO
President of the Republic of Côte d'Ivoire



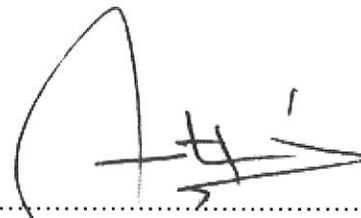
.....
H. E. Mme Aja Isatou NJIE-SAIDY
Vice President of the Republic of the
The Gambia for and on behalf of
the President of the Republic of
THE GAMBIA



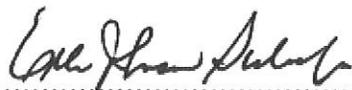
.....
H. E. Mr. John Agyekum KUFUOR
President of the Republic of **GHANA**



H. E. Me Abdoul Kabèlè CAMARA
Minister of Foreign Affairs, Cooperation,
Integration in Africa and Guineans in the
Diaspora for and on behalf of the President
of the Republic of **GUINEA**



H.E. Mr. Martinho-DAFA KABI
Prime Minister of the Republic
of **GUINEA BISSAU**



H. E. Mme Ellen JOHNSON-SIRLEAF
President of the Republic of **LIBERIA**



H. E. Mr. Amadou Toumani TOURE
President of the Republic of **MALI**



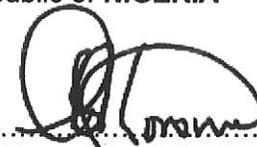
H. E. Mr. Séini OUMAROU
Prime Minister of the Republic of Niger
for and on behalf of the President
of the Republic of **NIGER**



H. E. Dr. Goodluck Ebele JONATHAN
Vice President of the Federal Republic
of Nigeria for and on behalf of the
President and Commander-in-Chief
of the Armed Forces of the Federal
Republic of **NIGERIA**



H. E. Mr. Abdou Aziz SOW
Presidential Adviser in charge of NEPAD



H. E Mr. Ernest Bai KOROMA
President of the Republic of

CHAPTER FOUR

**SUPPLEMENTARY ACT A/SA.3/01/10
AMENDING NEW ARTICLE 9 OF THE ECOWAS TREATY
AS AMENDED BY SUPPLEMENTARY
PROTOCOL A/SP1/06/06**

THE HIGH CONTRACTING PARTIES,

MINDFUL of Articles 7, 8 and 9 of the Treaty of the Economic Community of West African States (ECOWAS) as amended, establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Supplementary Protocol A/SP1/06/06 amending the Revised Treaty, and in particular the new Article 9 of the Treaty as amended by Article 2 of the said Supplementary Protocol;

CONSIDERING that, in accordance with new Article 9 of the Treaty, the Authority shall enact Supplementary Acts to complement the Treaty and the said Acts shall be annexed thereto;

ALSO CONSIDERING that the legal regime of Acts of the Community thus instituted does not still allow the Authority to enact Acts that are truly appropriate, given its diverse areas of competence;

NOTING that the Supplementary Acts that complement the Treaty and are thereto annexed, cannot be used to address issues falling under the purview of the Authority of Heads of State and Government, such as appointments to certain posts, oversight of the functioning of the Institutions of the Community, monitoring of accomplishment of its objectives and requests to third States, partners and the international community;

AWARE of the need to endow the Authority of Heads of State and Government with genuinely appropriate legal Acts that take cognizance of the diverse areas that fall under its purview;

DESIROUS of improving the legal regime of Acts of the Community currently in force;

ON THE RECOMMENDATION of the meeting of Ministers of Justice of Member States held from 5th to 7th October 2009;

ON THE RECOMMENDATION of the Sixty-third Ordinary Session of the Council of Ministers held in Abuja from 20 to 21st November 2009;

HEREBY AGREE AS FOLLOWS:

ARTICLE 1: AMENDMENT OF NEW ARTICLE 9 OF THE TREATY

The provisions of new Article 9 of the Treaty as amended by Supplementary Protocol A/SP1/06/06 are hereby abrogated and replaced by new provisions as follows:

New Article 9:

Legal Regime of Acts of the Community

1. The Acts of the Community shall comprise Supplementary Acts, Regulations, Directives, Decisions, Declarations, Enabling Rules Recommendations and Opinions;
2. For the purposes of their respective missions:
 - (a) the Authority shall adopt Supplementary Acts, issue Directives make Decisions, Declarations and formulate Recommendations;
 - (b) the Council shall enact Regulations, issue Directives, adopt Decisions or formulate Recommendations and Opinions;
 - (c) the Commission shall adopt "Enabling Rules" for execution of Acts of the Authority and the Council and make Recommendations and render Opinions.

3. Supplementary Acts are Acts which complement the Treaty and are annexed thereto. It is incumbent on Member States and the Institutions of the Community to abide by the Supplementary Acts, subject to the provisions of Article 15 of the Treaty.
4. Regulations are Acts with general application enacted by the Council of Ministers. The provisions of Regulations shall be binding in their entirety and shall be directly applicable in Member States. They shall have binding force on the Institutions of the Community.
5. Directives are Acts through which the Authority or the Council set for Member States the objectives to be attained, leaving to each and every one of them the liberty to decide on the ways and means to attain the said objectives. Directives are binding on Member States.
6. Decisions are Acts that have individual effect and are directed to those for whom they are meant under the said Acts. Decisions may also be taken within the framework of monitoring the functioning of the Community Institutions or the realisation of the ECOWAS objectives. Decisions are also binding.
7. Enabling Rules shall have the same legal force as the Acts of Council, implementation of which the said Rules were enacted.
8. Declarations are Acts by which the Authority demonstrates its commitment or takes a position on a specific subject. Declarations may be followed by actions to be mandatorily undertaken by Member States.
9. Recommendations are Acts through which proposals are made to the recipients to adopt a particular position or to take an action.
10. Opinions are Acts through which opinions or views are expressed on any subject.
11. Opinions and Recommendations are not binding.
12. Except otherwise indicated in the Treaty and its subsequent Acts, Acts of the Community shall be adopted by unanimous decision, by consensus or by two-third majority.

ARTICLE 2: SAVING CLAUSE

Notwithstanding the provisions of the present Supplementary Act, all previous Acts adopted by the Authority shall remain valid and applicable in their entirety.

ARTICLE 3: AMENDMENT AND REVIEW

1. Any Member State, the Council of Ministers and the ECOWAS Commission may submit proposals for amendment or review of the present Supplementary Act.
2. Proposals not emanating from the ECOWAS Commission shall be submitted to it. The Commission shall transmit all the proposals to Member States not later than thirty (30) days after receipt thereof. The Authority shall examine the proposals for amendment or review upon the expiry of the three (3) months time limit accorded to Member States.
3. Amendments or reviews shall be adopted by the Authority in accordance with the provisions of Article 9 of the ECOWAS Treaty. They shall enter into force upon publication in the Official Journal of the Community.

**ARTICLE 4:
PUBLICATION**

This Supplementary Act shall be published in the Official Journal of the Community by the Commission within thirty (30) days of its signature by the Heads of State and Government. It shall also be published within the same time frame in the Official Gazette of each Member State after notification by the Commission.

**ARTICLE 5:
ENTRY INTO FORCE**

1. This Supplementary Act shall enter into force upon its publication. Member States therefore undertake to commence implementing its provisions upon its entry into force.
2. This Supplementary Act shall be annexed to the ECOWAS Treaty of which it constitutes an integral part.

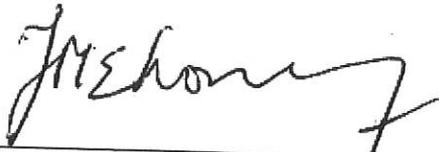
**ARTICLE 6:
DEPOSITARY AUTHORITY**

This Supplementary Act shall be deposited at the Commission which shall transmit certified copies thereof to all Member States and register same with the African Union, the United Nations and such other organizations as may be decided by Council.

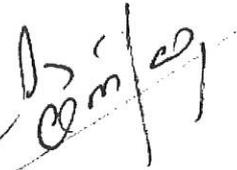
**IN FAITH WHEREOF, WE, THE HEADS OF STATE AND GOVERNMENT
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS)
HAVE SIGNED THIS SUPPLEMENTARY ACT**

DONE AT ABUJA, THIS 16TH DAY OF FEBRUARY 2010

**IN SINGLE ORIGINAL, IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES,
ALL THREE TEXTS BEING EQUALLY AUTHENTIC**



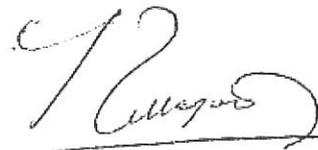
H. E. Mr. Jean Marie EHOUZOU
Minister of Foreign Affairs, African Integration,
Francophony and Beninois in the Diaspora,
For and on behalf of the President
of the Republic of BENIN



H. E. Mr. Blaise COMPAORE
President of FASO,
President of the Council of Ministers



H.E. Mr. José BRITO
Minister of Foreign Affairs,
Cooperation and Communities
For the Government of CABO VERDE



H. E. Mr. Youssouf BAKAYOKO
Minister of Foreign Affairs,
For and on behalf of the President
of the Republic of CÔTE D'IVOIRE

H. E. Aja Dr. Isatou NJIE-SAIDY
Vice-President, For and on behalf of the
President of THE GAMBIA

H. E. M. John ATTA-MILLS
President and Commandant-in-Chief
of the Republic of GHANA

H.E. Malam Bacai SANHA
President of the Republic of Guinea Bissau

H. E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic of LIBERIA

H.E. Dr. Badara ALOU-MACALOU
Minister of Malians in the Diaspora and
African Integration For and on behalf of the
President of the Republic of MALI

H. E. Dr. Goodluck Ebele JONATHAN, GCON,
Acting President, Commander-in-Chief of the
Armed Forces of the Federal Republic of NIGERIA
Chairman of the Authority of Heads of State and
Government of ECOWAS

H. E. M. Abdoulaye WADE
President of the Republic of SENEGAL

H. E. Ernest Bai KOROMA
President of the Republic of SIERRA LEONE

H. E. Mr. Koffi ESAW
Minister of Foreign Affairs, and Regional Integration
For and on behalf of the President of the TOGOLESE Republic

CHAPTER FIVE

**SUPPLEMENTARY ACT A/SP.14/02/12 ON THE
MODALITIES OF ALLOCATION OF THE POSITIONS OF
THE PRESIDENT, VICE PRESIDENT OTHER
COMMISSIONERS OF THE COMMISSION, AND OTHER
STATUTORY APPOINTEES OF ECOWAS INSTITUTIONS**

THE HIGH CONTRACTING PARTIES,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty as amended, establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 18 of the said Treaty as amended by Article 2 of the Supplementary Protocol A/SP1/06/06;

ALSO CONSIDERING that the only modalities for appointments of positions in the management cadre of the Commission which were provided in new Article 18 of the Supplementary Protocol A/SP.1/06/06 on the appointment of Statutory Appointees of the Commission concern only the Vice President and other Commissioners;

ANXIOUS to establish judicious procedures within the Institutions of the Community in order to ensure the appointments of officials of these Institutions on the basis of a transparent, fair and predictable rotational system;

DESIROUS of defining the modalities of rotation of the positions of President, Vice President, Commissioners and other Statutory Appointees of the ECOWAS Institutions and specifying the rules governing the allocation of posts to Member States, the profiles of the allocated posts, the procedure for allocating posts to Member States and the special procedure for appointing the President of the Commission;

ON THE RECOMMENDATION of the Sixty-seventh Ordinary session of the Council of Ministers held in Abuja, from 19 to 21 December 2011;

HEREBY AGREE AS FOLLOWS:

CHAPTER 1

RULES GOVERNING THE ALLOCATION TO MEMBER STATES OF THE POST OF PRESIDENT OF THE COMMISSION, VICE PRESIDENT, COMMISSIONERS AND OTHER STATUTORY APPOINTEES

Article 1:

Right of all the Member States to occupy the post of President of the Commission and Head of any Institutions of the Community

1. The President of the Commission shall be appointed in such manner as to allow all the Member States to head the Commission.
2. Without prejudice to the provisions of Paragraph 1 of this Article, the post of President of the Commission shall not be allocated to a State hosting the Headquarters of the Commission. However, the hosting the Member State of an Institution may occupy a statutory post other than that of the Head of such Institution.
3. No Member State hosting the Headquarters of other ECOWAS Institutions shall head those Institutions. No national of those States shall be appointed nor be eligible to be elected as the Head of those Institutions.

Article 2:

A State holding the post of President of the Commission or Head of another Institution together with another statutory post

1. The State which has been allocated the post of President of the Commission or Head of another Institution may also occupy a statutory post but only in another Institution of the Community.
2. A Member State shall not be allocated more than one statutory post in the same Institution of the Community.

Article 3:

Case of Interruption of the term of office of the President of the Commission, the Vice President, Commissioners and other Statutory Appointees

1. The term of office of the President of the Commission, the Vice President, Commissioners and other statutory Appointees may be interrupted in the event of resignation, death, incapacity or dismissal due to gross misconduct.
2. Where the term of office of the President of the Commission, the Vice President, other Commissioners as well as other Statutory Appointees are interrupted, the Authority shall replace them by reallocating the said posts for the remaining term to the States whose nationals were in office.
3. Where the term of office of the President of the Community Court of Justice is interrupted, he shall be replaced, for the remaining term, in accordance with the same method of his election.
4. Where the term of office of the Speaker of the ECOWAS Parliament is interrupted, he shall be replaced, for the remaining time, in accordance with the same method of his election from among the eligible candidates from the country to which the post has been allocated.
5. Where the terms of office of the Heads of WAHO or GIABA is interrupted, they shall be replaced by a reallocation of the said Posts for the States whose nationals were in Office for the remaining term.
6. When the case referred to in Paragraph 1 concerns the President of the Commission, the Minister in charge of ECOWAS Affairs of that State shall thereof send the curriculum vitae of the candidate nominated to that post as well as that of his alternate to the commission.
7. The Commission shall forward to the other Member States the name of the candidate nominated to that post by the State to which the post has been allocated and that of his alternate within eight (8) days after it has been informed by the State to which the post has been reallocated. The Commission shall also send the curricula vitae of the two (2) candidates to the States in their respective working languages.
8. The Authority shall appoint the President of the Commission during its next session for the remaining term in conformity with the provisions of Articles 19 to 24 of this Supplementary Act.

Article 4:

Eligibility of Member States for the posts of Vice President and Commissioner and other Statutory Appointees

The posts of Vice President and other Commissioners as well as Statutory Appointees in other Institutions that are Deputy Heads of those Institutions can be allocated to all Member States, including those Member States in which the headquarters of Community Institutions are located.

Article 5:

Appointing authority and terms of office

1. The President of the Commission shall be appointed by the Authority of Heads of State and Government. The Vice President, other Commissioners as well as other Statutory Appointees shall be appointed by the Council of Ministers.
2. The Judicial Council shall recommend the appointment of Judges of the Community Court of Justice by the Authority of Heads of State and Government through the Council of Ministers.
3. The Speaker of the Community Parliament is elected from amongst the representatives of the Member State to which the position has been allocated

4. The President of the Commission, the Vice President, other Commissioners as well as other Statutory Appointees shall be appointed for a non-renewable four (4)-year term.

Article 6:

Language background of the Heads and Deputy Heads of Institutions

1. The President and the Vice President of the Commission shall not be nationals of Member States belonging to the same language group.
2. The Heads and the Deputy Heads of the same Institution shall not be nationals of Member States which belong to the same language group, with the exception of the Community Parliament.

Article 7:

Case where a Member State may not be allocated the Post of President of the Commission or Head of another Institution

1. A State shall not be allocated the post of President of the Commission nor that of Head of another Institution, if one of its nationals is already the Head of an Institution of the Community.
2. A State aspiring to be allocated the post of President of the Commission or Head of another Institution of the Community shall automatically lose that right if:
 - a) a coup d'etat occurs;
 - b) the government of the day attempts to remain in power and to avoid any possibility of alternation by modifying the Constitution;
 - c) power is taken by any unconstitutional means;
 - d) the State does not comply with convergence criteria on democracy;
 - e) the State does not apply the texts governing the Community Levy.
3. The same State shall not be allocated the post of Head of Institution for two (2) consecutive terms.

Article 8:

Abstention of nationals of the State that has been allocated the post of Head of an Institution from contesting an election for the post of Head of another Institution of the Community

1. When the position of Head of an Institution of the Community is an elective one as it is the case for the presidency of the Community Court of Justice, nationals of the State to which the post has been allocated shall refrain from contesting for the position of the Head of another institution.
2. The Member State eligible for an elective position at the head of an Institution of the Community as it is the case for the Speaker of the Community Parliament, shall refrain from the presidency of any other Institution as a Statutory Appointee.

Article 9:

Other criteria guiding arbitration In situations where there may arise the need for arbitration in order to allocate statutory positions, the following shall be used as general criteria:

- a) Countries whose nationals have in the past occupied top statutory positions, frequently and/or in several Community Institutions, shall not be given priority in the case of arbitration between several countries in the allocation of a given position;
- b) Countries whose nationals have never or rarely occupied statutory positions, or have for a long time not occupied them, shall be given priority in the allocation of positions.

CHAPTER 2
PROFILE OF STATUTORY POSTS ALLOCATED TO STATES

Article 10:
Criteria of integrity and competence

1. The President of the Commission shall be a person of proven competence and integrity with a global vision of political and economic issues and regional integration.
2. The Vice President, Commissioners and other Statutory Appointees shall be persons of proven competence and integrity in their field of work. They must all have a global vision of regional integration issues.

Article 11:
Criteria of nationality and nomination of candidate by a State

The President of the Commission and other Statutory Appointees shall be nationals of the States that nominate them to the post. The posts shall be allocated to that State by the Authority.

Article 12:
Disqualification of a candidate for the office of President of the Commission

The Authority may decide by simple majority of its members present at the session during which the appointment of the President of the Commission shall be made, to reject the candidate nominated by the State to which the post has been allocated. The Authority may not provide justification for its decision to reject.

CHAPTER 3
**PROCEDURE FOR ALLOCATING THE POSTS OF PRESIDENT OF THE COMMISSION,
VICE PRESIDENT, OTHER COMMISSIONERS AS WELL AS OTHER STATUTORY
APPOINTEES TO A MEMBER STATE**

Article 13:
Vacancies

1. Vacancy of the post of President of the Commission shall not be published in the Member States.

3. The Council of Ministers shall make recommendations to the Authority for the allocation of these statutory positions on the basis of proposals received from the President of the Commission and which themselves are based on the rotational system referred to in paragraph 1 of this Article.

Article 15:

Notification to Member States of the name of the State eligible to the posts of President of the Commission, Vice President Commissioner, and other Statutory Appointee.

The President of the Commission shall forward to the Member States the names of the Member States to which the posts of President of the Commission, Vice President, Commissioners and other Statutory Appointee are allocated three (3) months prior to the session of the Authority, during which the decision shall be taken. The President of the Commission shall take into account impediments mentioned in Article 1 Paragraph 2, Article 2 Paragraph 2, Articles 6, 7 and 8 of this Supplementary Act, as well as renunciations referred to in Article 16 of the Supplementary Act which had been noted. Proposals by the President shall be accompanied by supporting documents.

Article 16:

Renunciation by a Member State eligible to the post of a Statutory Appointee in ECOWAS

A Member State may decide to relinquish its turn for the post of President of the Commission or any other statutory position. In such a case, the said State shall notify the President of the Commission of its renunciation at least two (2) months before the Summit during which the posts shall be allocated.

The President of the Commission shall immediately notify other Member States of the renunciation thereof.

Article 17:

Re-entry of a Member State into the Order of Rotation

1. When a Member State which has relinquished its turn to serve as President of the Commission, Vice President, other Commissioners or other Statutory positions re-enters the order of rotation, it shall be allocated that same post before another Country.
2. When a Member State re-enters the order of rotation after having fulfilled obligations which it had previously failed to honour thus disqualifying it from the positions of President of the Commission, Vice President, other Commissioners and other Statutory positions, the concerned Country shall take its turn at the end of the alphabetical order established in the rota.

Article 18:

Distribution of Technical Departments to the Member States that have been allocated the positions of Commissioners

1. In order to determine the technical department for each Commissioner, the Chairman of Authority shall present a ballot system to the Heads of State and Government during the session of the Authority where the positions of Commissioners have been allocated.
2. However, no State shall occupy the same technical department consecutively.

CHAPTER 4
PROCEDURE FOR APPOINTING THE PRESIDENT OF THE COMMISSION, THE VICE PRESIDENT, OTHER COMMISSIONERS AND OTHER STATUTORY POSITIONS

Article 19:
Appointing authority

1. The President of the Commission and Judges of the Community Court of Justice shall be appointed by the Authority during its session preceding the vacancy.
2. The Vice President and other Commissioners of the ECOWAS Commission and other Statutory Positions shall be appointed by the Council of Ministers during its session which precedes the vacancies.

Article 20:
Notification to the President of the Commission of information on likely appointees

The Minister in charge of ECOWAS Affairs of the Member State to which the post of the President of the Commission has been allocated shall forward the names and send the curricula vitae of the candidates referred to in Article 19 Paragraph 1 of this Supplementary Act to the President of the Commission.

Article 21:
Notification to States of information on likely appointees

1. While forwarding to the Member States the name of the Member State to which the post of President of the Commission has been allocated, the President of the Commission shall also send to them the names and curriculum vitae of the nominated candidate and his alternate.
2. The President of the Commission shall ensure that the curriculum vitae are sent to Member States in their respective working languages as contained in Paragraph 1 of this Article.

Article 22:
Introduction to the Authority of the likely appointees

1. Only the Head of State or Government of the State to which the post has been allocated shall introduce the candidate and recommend his appointment to the post of President of the Commission.
2. The physical introduction of the candidate referred to in Article 21 above before the Authority during its deliberations on the appointment of the President of the Commission is absolutely necessary. On the item on the agenda concerning the appointment of the President of the Commission, the Chairman of the Authority of Heads of State and Government of the session shall ask the Head of State and Government of the State to which the post has been allocated to invite the proposed candidate into the meeting and remain therein throughout his introduction to the Authority.
3. The Chairman of the Authority or the session shall ask the Head of State or Government of the said State to briefly introduce the nominee and explain his choice thereof.
4. The Chairman of the Authority and other members of the Authority may direct questions to the Head of State or Government introducing the candidate or to the latter himself.

Article 23:
Deliberations of the Authority on the appointment of the President of the Commission

The Authority shall hold discussions on the appointment of the President of the Commission in a closed-door session.

Article 24:
Voting for the election of the President of the Commission

1. The President of the Commission shall be appointed by absolute majority of Member States represented at the session of the Authority during which his appointment was made.
2. A State not represented at the session during which the President of the Commission is appointed shall not take part in the decision to appoint the latter by delegating its powers to another Member State.
3. If the candidate nominated by the Member State to which the post has been allocated does not receive the needed votes or if he is rejected in conformity with Article 12 of this Supplementary Act, the said State shall immediately recommend the appointment of his alternate mentioned in Article 24 of this Supplementary Act. This candidate shall be appointed by the Authority before the end of its session.

Article 25:
**Recruitment of the Vice president, other Commissioners
as well as other Statutory Appointee**

1. The Ministers in charge of ECOWAS affairs in the Member States to which the posts of Vice President, Commissioner and other Statutory Appointees have been allocated, shall forward to the President of the Commission two (2) months after the positions have been allocated, the names, applications as well as curriculum vitae of the three (3) candidates to each of the posts.

The curriculum vitae shall be sent in the official language of each of the concerned Countries.
2. The Ministerial Committee for Selection and Evaluation of Statutory Appointees shall conduct an interview of the three (3) candidates for each statutory position other than that of President of the Commission. It shall meet in a closed door session during which it shall classify the candidates by order of merit for each of the positions.
3. The Ministerial Committee for Selection and Evaluation of Statutory Appointees shall be convened at the instance of the President of the Commission.
4. The Committee shall present a report of its deliberations to the next session of the Council of Ministers.
5. No Member State can, through the delegation of power to another Member State, take part in the interview, recommendation and decision process where it did not actually participate in the deliberations of the Ministerial Committee on Selection and Evaluation of Statutory Appointee.
6. The recruitment of the Judges of the Community Court of Justice shall be in conformity with the relevant provisions of the Decision AIDEC 02/06/06 establishing the Community Judicial Council.

Article 26:
**Appointment of the Vice President, other Commissioners
as well as other Statutory Appointees**

1. The Vice President, other Commissioners as well as other Statutory Appointees are appointed or recommended for appointment by an absolute majority of Member States represented at the session of the Council during which the appointments occurred.
2. The Council of Ministers shall appoint the Vice President, other Commissioners as well as other Statutory Appointees during the session which precedes the vacancies.

**CHAPTER 5
GENERAL PROVISIONS**

**Article 27:
Amendment and Revision**

1. Any Member State, the Council of Ministers and the ECOWAS Commission may submit proposals for the amendment or revision of this Supplementary Act.
2. Proposals not emanating from the ECOWAS Commission shall be submitted to it. The Commission shall forward all proposals for amendment or revision to Member States not later than thirty (30) days after their receipt. Upon expiration of the three (3) months notice given to Member States, the Authority shall examine the proposals for amendment or revision of this Supplementary Act.
3. The amendments or revisions shall be adopted by the Authority and enter into force upon their publication in the Official Journal of the Community.

**Article 28:
Publication**

This Supplementary Act shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signature by the Heads of State and Government. It shall also be published by each Member State in its National Gazette within thirty (30) days after its notification by the Commission.

**Article 29:
Entry into force**

This Supplementary Act shall enter into force upon its publication. Consequently, signatory Member States and ECOWAS Institutions undertake to commence the implementation of its provisions on its entry into force.

**Article 30:
Miscellaneous Provisions**

This Supplementary Act shall repeal all previous contrary provisions.

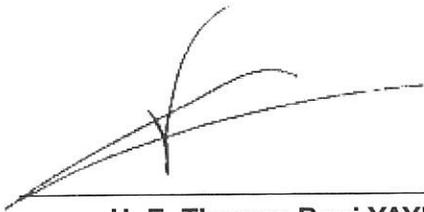
**Article 31:
Depositary Authority**

This Supplementary Act shall be deposited with the Commission which shall submit certified true copies thereof to all Member States and shall register it with the African Union, the United Nations and such other organisations as Council may determine.

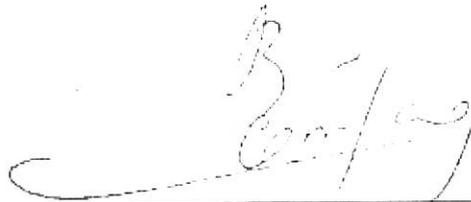
**IN FAITH OF WHEREOF, WE,
THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST
AFRICAN STATES (ECOWAS) HAVE SIGNED THIS SUPPLEMENTARY ACT.**

DONE IN ABUJA, THIS 17TH DAY OF FEBRUARY, 2012

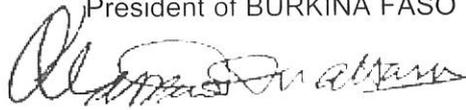
**IN SINGLE ORIGINAL, IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES,
ALL THREE TEXTS BEING EQUALLY AUTHENTIC.**



H. E. Thomas Boni YAYI
President of the Republic of Benin



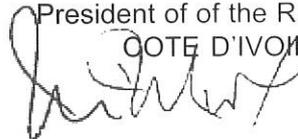
H. E. Blaise COMPAORE
President of BURKINA FASO



H.E. Jose Maria Pereira NEVES
Prime Minister and Head of the Government,
of the Republic of CAPE VERDE



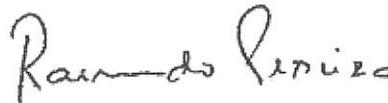
H. E. Alassane OUATTARA
President of the Republic of
COTE D'IVOIRE



H. E. Abdou KOLLEY
Minister of Fisheries, Water Resources
and National Assembly Matters
for and on behalf of the
President of the Republic of THE GAMBIA



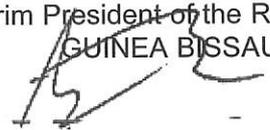
H.E. Alhaji Muhammad MUMUNI
Minister of Foreign Affairs and Regional
Integration, for and on behalf of the
President of the Republic of GHANA



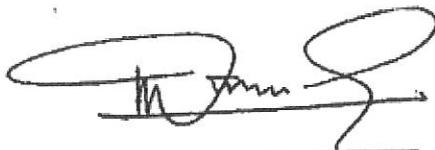
H.E. Alpha CONDE
President of the Republic of
GUINEA



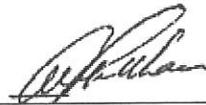
H.E. Raimundo PEREIRA
Interim President of the Republic of
GUINEA BISSAU



H.E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic Liberia



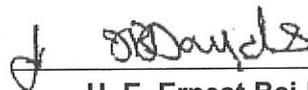
H. E. Badara Aliou MACALOU
Minister of African Integration and
Maliens Abroad, for and on behalf of the
President of the Republic of Mali



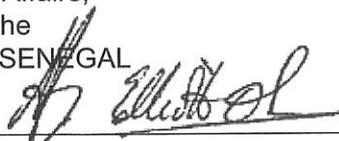
H.E. Issoufou MAHAMADOU
President of the Republic of NIGER



H. E. Goodluck Ebele JONATHAN, GCFR
President of the Federal Republic of NIGERIA,
Chairman of the Authority of Heads of State
and Government of ECOWAS



H.E. Mamadou NDIAYE
Ambassador, Director of Cabinet
to the Minister of Foreign Affairs,
for and on behalf of the
President of the Republic of SENEGAL



H. E. Ernest Bai KOROMA
President of the Republic of SIERRA LEONE

H.E. Elliott OHIN
Minister of Foreign Affairs and Cooperation,
for and on behalf of the President of the Togolese Republic.

CHAPTER SIX

**SUPPLEMENTARY ACT A/SA.15/02/12
ON THE ROTATION SCHEDULE FOR THE CHAIRMANSHIP
OF THE AUTHORITY OF HEADS OF STATE AND
GOVERNMENT**

THE HIGH CONTRACTING PARTIES,

MINDFUL of Articles 7, 8 and 9 of the ECOWAS Treaty as amended establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 8, paragraph 2 of the Treaty which provides that the Chairmanship of the Authority is held each year by a Member State elected by the Authority;

MINDFUL of Decision A/DEC.27/01/06 which provides that election into the Office of the Chairman of the Authority is carried out according to a rotation schedule which takes into account the alphabetical order of Member States;

MINDFUL of Decision A/DEC.28/01/06 which fixes the amounts to be allocated to support the activities of the Chairman of Authority;

MINDFUL of Regulation C/REG.6/06/07 granting financial support to a Member State holding the chairmanship whenever that country is organising sessions of the Authority;

CONVINCED that the judicious application of a system of rotation which takes into account the alphabetical order of Member States will enable the Community to have a clear rotation schedule for the Chairmanship of authority.

CONCERNED by the need to provide the Community with a set of rules, compliance of which would promote and facilitate a clear rotation of Member States to the Chairmanship of the Authority;

DESIRING therefore to establish modalities that will determine the rotation of Member States that are based on alphabetical order, Community interest and the responsibilities of the Office of the Chairman of the Authority;

UPON RECOMMENDATION of the Sixty-seventh Ordinary session of the Council of Ministers held in Abuja, from 19 to 21 December 2011;

HEREBY AGREE AS FOLLOWS:

CHAPTER 1 MANAGEMENT OF THE ALPHABETICAL ORDER GUIDING THE ROTATION OF MEMBER STATES

Article 1:

Application of alphabetical order for rotation

1. Election into the Chairmanship of the Authority is carried out using a system of rotation which takes account of the alphabetical order of Member States.
2. The alphabetical order is fixed according to the names of the States in their official language.

CHAPTER 2 TAKING ACCOUNT OF COMMUNITY INTEREST IN ELECTING THE CHAIRMAN OF AUTHORITY

Article 2:

Obligations of States aspiring to be Chairman of the Authority

1. Without prejudice to the provisions of paragraph 1, Article 1, the application of rotation of States shall take into account the interest of the Community. To this end, all States aspiring to be Chairman of the Authority shall comply with the democratic convergence principles contained in the ECOWAS Protocol on Democracy and Good Governance of 2001.

2. The State eligible for the chairmanship of the Authority shall automatically lose this eligibility in the event of:
 - a) a coup d'etat in that State;
 - b) the government of the day attempting to remain in power and to avoid any possibility of alternation by modifying the Constitution;
 - c) an unconstitutional takeover of power;
 - d) the State does not comply with convergence criteria on democracy;
 - e) the State not complying with the texts on the Community levy;

Article 3: Loss of eligibility

A Member State shall lose its eligibility when it does not comply with the provisions of Paragraph 1, Article 2 of this Supplementary Act or when

Article 4: Reinstatement into the rotation system after loss of Eligibility

Any State which loses its eligibility for the Chairmanship of the Authority shall not be allowed to join the rotation so long as the reasons for its disqualification prevail.

CHAPTER 3 TAKING ACCOUNT OF THE RESPONSIBILITIES OF THE CHAIRMAN OF AUTHORITY OFFICE

Article 5: Commitment, criterion for efficiency and success indicator of the Office of the Chairman of the Authority

1. The State eligible for the Chairmanship of the Authority and its leaders at all levels shall be fully and constantly committed to the Community and devote the necessary attention and support to ECOWAS affairs.
2. The State eligible for the Chairmanship of the Authority shall take necessary measures to ensure that its national situation promotes the effective discharge of its mandate.

Article 6: Postponement of turn in the rotation order a Member State may seek to give up its turn in the order of rotation.

A Member State may seek to give up its turn in the order of rotation.

Article 7: Reinstatement into the order of rotation after postponement of turn

1. An eligible Member State whose postponement is legitimately justified shall present its request to the Authority through the President of the Commission, six (6) months before the date of the session of the Authority when the election shall be held.

The State must also indicate when it wishes to join the order of rotation.

2. The Authority shall take a decision on the request mentioned in
3. Whenever an eligible State for the Chairmanship of the Authority has sought and obtained the postponement of its turn in the order of rotation, it shall be placed after the State immediately following the current State chairing the Community in the order of rotation, only if it is not guilty of any shortcomings mentioned in Article 2 paragraph 2 of this Supplementary Act.

Article 8 : Renunciation of eligibility

1. The Member State may renounce its eligibility to the Chairmanship of the Authority. The State concerned shall notify the Authority through the President of the Commission of such a decision in writing, and indicate the duration of the said decision.
2. The Member State mentioned in paragraph 1 of this Article shall not be considered in the election schedule arranged in alphabetical order during the entire period of renunciation of eligibility.
3. The Member State which renounces its eligibility may end it whenever it so wishes, including before the expiration of the renunciation period that it gave to the Authority. In this case, the Member State shall submit a new notification to the Authority through the President of the Commission.

Article 9 : Reinstatement into the order of rotation

Whenever a State ceases to be ineligible because it is no longer guilty of any of the shortcomings mentioned in paragraph 18 of this memorandum and for which the non compliance prevented it from being elected Chairman of the Authority, it shall take up its turn at the end of the rotation applied to Member States in alphabetical order.

Article 10 : Establishment of a draft rotation schedule

1. The President of the Commission shall present a draft rotation schedule which includes the rules contained in this Supplementary Act and submit it for the consideration of the mid-year session of the Council of Ministers with a view to making appropriate recommendations to the session of the Authority of the same period.
2. The Authority shall elect during its session following the one of the mid- year session of the Council the Member State which shall hold its chairmanship for the following year.

CHAPTER 4 GENERAL PROVISIONS

Article 11: Amendment and Revision

1. Any Member State, Council of Ministers and ECOWAS Commission may present their proposals for the amendment or revision of this Supplementary Act.
2. Proposals which do not emanate from the ECOWAS Commission shall be submitted through it. The Commission shall transmit the proposals to the Member States latest thirty (30) days after their reception. The Authority shall consider the proposals for amendment or revision at the end of the three-month deadline granted to Member States.
3. Amendments or revisions shall be adopted by the Authority and shall enter into force upon their publication in the Official Journal of the Community.

Article 12: Publication

This Supplementary Act shall be published by the ECOWAS Commission in the Official Journal of the Community within thirty (30) days of its signature by the Heads of State and Government. It shall also be published by each Member State in its Official Journal within the same time-frame as that specified above, after its notification by the Commission.

Article 13: Entry into force

This Supplementary Act shall enter into force upon its publication. Consequently, Member States shall undertake to commence the implementation of its provision upon its entry into force.

Article 14: Miscellaneous Provisions

This Supplementary Act supersedes any previous contrary Legal Text.

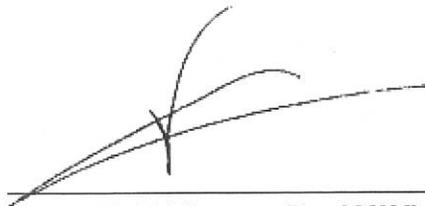
Article 15: Depository Authority

This Supplementary Act shall be deposited with the Commission which shall transmit certified true copies thereof to all Member States and shall register it with the African Union, the United Nations and such other organisations as may be determined by Council.

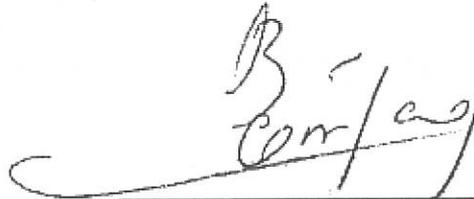
**IN FAITH OF WHEREOF, WE,
THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF
WEST AFRICAN STATES (ECOWAS) HAVE SIGNED THIS SUPPLEMENTARY ACT.**

DONE IN ABUJA, THIS 17TH DAY OF FEBRUARY, 2012.

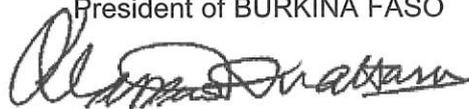
**IN SINGLE ORIGINAL, IN THE ENGLISH, FRENCH AND PORTUGUESE LANGUAGES,
ALL THREE TEXTS BEING EQUALLY AUTHENTIC.**



H. E. Thomas Boni YAYI
President of the Republic of Benin



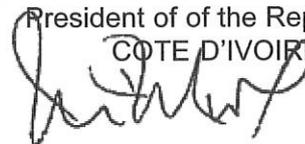
H. E. Blaise COMPAORE
President of BURKINA FASO



H.E. Jose Maria Pereira NEVES
Prime Minister and Head of the Government,
of the Republic of CAPE VERDE

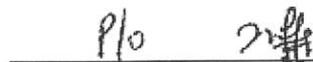


H. E. Alassane OUATTARA
President of of the Republic of
COTE D'IVOIRE

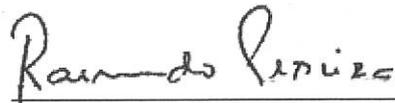


H. E. Abdou KOLLEY
Minister of Fisheries, Water Resources
and National Assembly Matters
for and on behalf of the
President of the Republic of THE GAMBIA

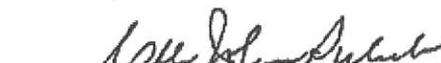
H.E. Alhaji Muhammad MUMUNI
Minister of Foreign Affairs and Regional
Integration, for and on behalf of the
President of the Republic of GHANA



H.E. Alpha CONDE
President of the Republic of
GUINEA



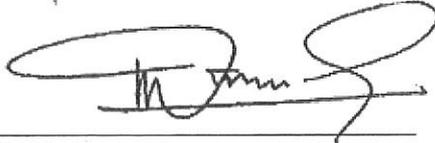
H.E. Raimundo PEREIRA
Interim President of the Republic of
GUINEA BISSAU



H.E. Mrs. Ellen JOHNSON-SIRLEAF
President of the Republic LIBERIA



H. E. Bádara Aliou MACALOU
Minister of African Integration and
Maliens Abroad, for and on behalf of the
President of the Republic of MALI



H.E. Issoufou MAHAMADOU
President of the Republic of NIGER



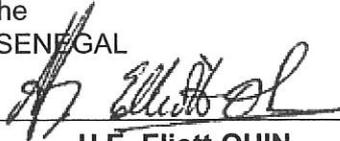
H. E. Goodluck Ebele JONATHAN, GCFR
President of the Federal Republic of NIGERIA,
Chairman of the Authority of Heads of State
and Government of ECOWAS



H.E. Mamadou NDIAYE
Ambassador, Director of Cabinet
to the Minister of Foreign Affairs,
for and on behalf of the
President of the Republic of SENEGAL



H. E. Ernest Bai KOROMA
President of the Republic of SIERRA LEONE



H.E. Elliott OHIN
Minister of Foreign Affairs and Cooperation,
for and on behalf of the President of the TOGOLESE Republic.

MATHAN, GCFR
President of NIGERIA,
Chairman of Heads of State
of ECOWAS

ROMA
President of SIERRA LEONE

PART IV

PROTOCOLS RELATING TO THE INSTITUTIONS OF ECOWAS AND ITS TECHNICAL AND SPECIALISED INSTITUTIONS

CHAPTER ONE

**SUPPLEMENTARY PROTOCOL A/SP.2/5/81
AMENDING ARTICLES 4 OF THE TREATY OF THE
ECONOMIC COMMUNITY OF WEST AFRICAN STATES
RELATING TO THE INSTITUTIONS OF THE COMMUNITY**

**THE GOVERNMENT OF THE MEMBER STATES OF THE ECONOMIC COMMUNITY OF
WEST AFRICAN STATES:**

RECALLING Article 4 of the Treaty of the Economic Community of West African States which sets out the various institutions of the Community;

RECALLING further that Article 4 contemplates the establishment of other commissions or bodies by the Authority in addition to those specifically created under this Article;

CONVINCED of the urgent need to create an organ responsible for the defence of the Community in the light of the continuous threat of armed conflict and aggression from outside the Community;

DESIRING to conclude an additional protocol amending sub-paragraph 1 of Article 4 of the Treaty of the Economic Community of West African States signed at Lagos on 28th day of May, 1975;

HAVE AGREED AS FOLLOWS:

**ARTICLE 1
Institutions**

Paragraph 1 of Article 4 of the Treaty of the Economic Community of West African States is hereby amended to read as follows:

1. The institutions of the Community shall be:
 - (a) The Authority of Heads of State and Government;
 - (b) The Council of Ministers;
 - (c) The Defence Council;
 - (d) The Executive Secretariat;
 - (e) The Tribunal of the Community; and
 - (f) The following Technical and Specialised Commissions:
 - The Trade, Customs, Immigration, Monetary and Payments Commission;
 - The Industry, Agriculture and Natural Resources Commission;
 - The Transport, Telecommunications and Energy Commission;
 - The Social and Cultural Affairs Commission;
 - The Defence Commission;

And such other Commissions or bodies as may be established by the Authority of Heads of State and Government or are established or provided for by this Treaty.

**ARTICLE 2
Deposit and Entry into Force**

1. This additional Protocol shall enter into force provisionally upon signature by Heads of State and Government of Member States and definitively upon ratification by at least seven Member States in accordance with the constitutional procedure applicable for each signatory State.
2. This additional Protocol and all Instruments of Ratification shall be deposited with the Executive Secretariat of the Economic Community of West African States which shall transmit certified true copies of this Protocol to all Member States and notify them of the dates of deposits of the Instruments of Ratification and shall register this additional Protocol with the Organisation of African Unity, the United Nations and such other organisations as the Council of Ministers shall determine.

3. This additional Protocol shall be annexed to and shall form an integral part of the Treaty.

**IN FAITH WHEREOF WE THE HEADS OF STATE AND GOVERNMENT
OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES, HAVE SIGNED
THIS ADDITIONAL PROTOCOL**

DONE AT FREETOWN, THIS 29TH DAY OF MAY, 1981

**IN SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES
BOTH TEXTS BEING EQUALLY AUTHENTIC.**



.....
H.E Colonel M. KEREKOU
*President of the Peoples' Republic
of BENIN*

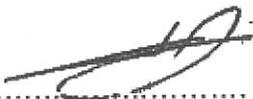


.....
H.E, Dr Hilla LIMMAN
President of the Republic of GHANA

.....
H. E. Pedro PERES
*Prime Minister, for and on
behalf of the President of the
Republic of CAPE VERDE*



.....
H. E. Ahmed Sekou TOURE
*President of the Peoples
Revolutionary Republic of GUINEA*



.....
H.E, Abdoulaye KONE
*Minister of Economy and Finance for
and on behalf of the President of the
Republic of IVORY COAST*

.....
**H. E. Commandant Joao
Bernado VIERA**
*President of the Republic of
Guinea Bissau*



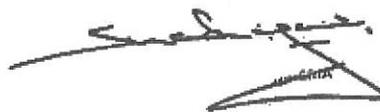
.....
H.E. Dr. Momodou S.K. MANNEH
*Minister of Economic Planning
and Industrial Development of the
Republic of GAMBIA*



.....
H.E. Lt. Colonel Felix TIEMTARUBOUM
*Minister of Foreign Affairs and
Cooperation for and on behalf of the
Head of State of the Republic
of UPPER VOLTA.*

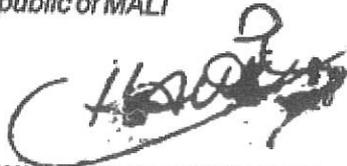


.....
H. E. Master Sergeant. S. K. DOE
*Chairman, Peoples Redemption
Council and Head of State of the
Republic of LIBERIA*



.....
H. E. Alhaji Shehu SHAGARI
*President of the Federal Republic
of NIGERIA*

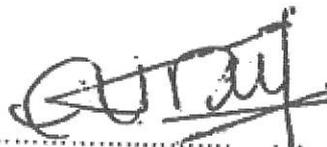
.....
H.E. Drissa KEITA
*Minister of Finance, Commerce
for and on behalf of the President of the
Republic of MALI*



.....
H. E. M.M.K. OULD HADALLA
*President of the Republic
of Mauritania*



.....
H. E. Hamid ALGABID
*Minister of Commerce for and
on behalf of the Supreme
Military Council of the
Republic of NIGER*



.....
H.E. Abdou DIOUF
*President of the Republic
of SENEGAL*



.....
H E. Dr. Siaka STEVENS
*President of the Republic
of SIERRA LEONE*



.....
H.E. General Gnassingbe Eyadema
President of the Republic of TOGO

CHAPTER TWO

**SUPPLEMENTARY PROTOCOL A/SP.1/6/88
AMENDING ARTICLES 4 AND 9 OF THE TREATY
ESTABLISHING THE ECONOMIC COMMUNITY OF WEST
AFRICAN STATES RELATING TO THE INSTITUTIONS OF
THE COMMUNITY AND ITS TECHNICAL AND
SPECIALISED COMMISSION RESPECTIVELY**

THE HIGH CONTRACTING PARTIES,

MINDFUL of Article 5 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

MINDFUL of Article 4 of the said Treaty establishing the Institutions of the Community as amended by Supplementary Protocol A/SP.2/5/81 dated 29 May, 1981;

CONSIDERING that the above-mentioned Articles provides for the establishment, by the Authority of Heads of State and Government, of Commissions or bodies other than those provided by this Article;

CONVINCED of the need to establish a body whose duty shall be to examine all administrative and financial matters concerning the Community, and make recommendations capable of contributing technically to the proper management of Community Institutions;

DESIROUS of signing a Supplementary Protocol amending Article 4 paragraph 1 (f) and Article 9 paragraph 1 of the Treaty establishing the Economic Community of West African States;

AGREE AS FOLLOWS:

ARTICLE 1

INSTITUTIONS

Article 4 paragraph 1 (f) of the Treaty establishing the Economic Community of West African States is hereby amended and supplemented as follows:

Amended version of Article 4 paragraph 1 (f)

"The following Technical and Specialised Commissions:

- The Trade, Customs, Immigration, Money and Payments Commission;
- The Industry, Agriculture and Natural Resources Commission;
- The Transport, Communications and Energy Commission;
- The Social and Cultural Affairs Commission;
- The Defense Commission;
- The Administration and Finance Commission;

And such other Commissions or bodies as may be established by the Authority of Heads of State and Government or are established or provided for by this Treaty."

ARTICLE 2

TECHNICAL AND SPECIALISED COMMISSION ESTABLISHMENT, COMPOSITION AND FUNCTIONS

Article 9 paragraph 1 of the Treaty establishing the Economic Community of West African States is hereby amended and supplemented as follows:

Amended version of Article 9 paragraph 1

"There shall be established the following Commissions:

- a) The Trade, Customs, Immigration, Money and Payments Commission;
- b) The Industry, Agriculture and Natural Resources Commission;

- c) The Transport, Communications and Energy Commission;
- d) The Social and Cultural Affairs Commission;
- e) The Defence Commission;
- f) The Administration and Finance Commission.

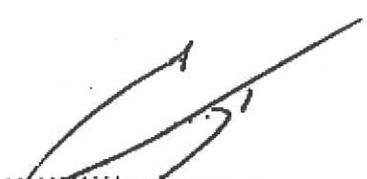
**ARTICLE 3
DEPOSIT AND ENTRY INTO FORCE**

- (1) This Supplementary Protocol shall enter into force provisionally upon signature by the Heads of State and Government of Member States and definitively upon ratification by at least seven signatory States in accordance with the constitutional procedures applicable for each Member State.
- (2) This Supplementary Protocol and all instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies of the Protocol to all Member States and notify them of the dates of deposit of the instruments of ratification and shall register this Supplementary Protocol with the Organisation of African Unity, the United Nations Organisation and such other Organisations as the Council of Ministers shall determine.
- (3) This Supplementary Protocol shall be annexed to and form an integral part of the Treaty.

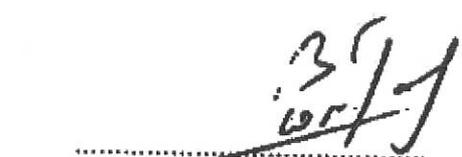
**IN FAITH WHEREOF, WE THE HEADS OF STATE AND GOVERNMENT
OF THE ECONOMIC COMMUNITY OF WEST AFRICA STATES,
HAVE SIGNED THIS SUPPLEMENTARY PROTOCOL**

DONE AT LOME, THIS 25TH DAY OF JUNE, 1988

**IN SINGLE ORIGINAL, IN THE ENGLISH AND FRENCH LANGUAGES,
BOTH TEXTS BEING EQUALLY AUTHENTIC.**



.....
H.E. General Mathieu KEREKOU
*Chairman of the Central Committee
of the People's Revolutionary
Party of BENIN,
President of the Republic,
Head of State,
Chairman of the National Executive
Council, People's Republic of BENIN*



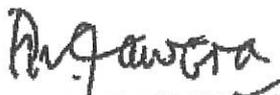
.....
H.E. Captain Blaise COMPAORE
*President of the Popular Front,
Head of State,
Head of Government
BURKINA FASO*



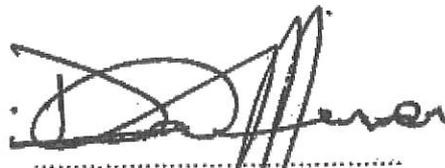
.....
H.E. Mr. Aristides Maria Pereira
*President of the Republic of
CAPE VERDE*



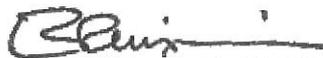
.....
H.E. Mr. Felix HOUPHOUET-BOIGNY
*President of the Republic of
COTE D'IVOIRE*



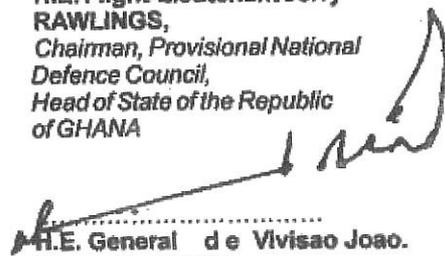
H.E. Alhaji Sir Dawda K. JAWARA
President of the Republic of
THE GAMBIA



H.E. Flight-Lieutenant Jerry
RAWLINGS,
Chairman, Provisional National
Defence Council,
Head of State of the Republic
of GHANA



Honourable EDOUARD BENJAMIN
Minister of Planning and
International Co-operation for
and on behalf of the President
of the Republic of GUINEA



H.E. General de Vivasao Joao
Bernardo VIEIRA,
President of the Republic of
GUINEA BISSAO

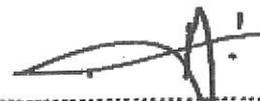


H.E. Dr. Samuel Kanyon DOE
President of the Republic of
LIBERIA

H.E. General Moussa TRAORE,
General Secretary of the Malians
People's Democratic Union,
President of the Republic of MALI



H.E. Colonel Maouya Ould-Sid
Ahmed TAYA
Chairman of the Military Committee
for National Salvation,
Head of State of the Islamic
Republic of MAURITANIA



H.E. Colonel Ali SAIBOU
Chairman of the Supreme Military
Council, Head of State of the
Republic of NIGER



H.E. General Ibrahim Badamasi
BABANGIDA,
President,
Commander-in-Chief of the Armed
Forces of the Federal Republic
of NIGERIA



H.E. Mr. Abdou DIOUF
President of the Republic of
SENEGAL



H.E. Major-General Dr. Joseph
Saidu MOMOH,
President of the Republic of
SIERRA LEONE



H.E. General Gnassingbe EYADEMA
Founder-Chairman of the Togolese
People's Rally,
President of the TOGOLESE Republic

PART V

**RELATING TO THE DEFINITION OF
COMMUNITY CITIZEN**

CHAPTER ONE

**PROTOCOL A/P.3/5/82
RELATING TO THE DEFINITION OF
COMMUNITY CITIZEN**

THE HIGH CONTRACTING PARTIES

MINDFUL of Article 5 of the Treaty of the Economic Community of West African States establishing the Authority of Heads of State and Government its composition and functions;

RECALLING that Paragraph 1 of Article 27 of the Treaty of the Economic Community of West African States as amended stipulates that Community citizens are citizens of Member States that satisfy the conditions to be defined in a Protocol establishing a code of citizenship for the Community;

CONSIDERING that Member States would still exercise the sovereign right in conferring their citizenship on any person;

CONSIDERING that the requirements for the acquisition, the loss, the forfeiture, the withdrawal and the reintegration within the Community are not necessarily the same in all Member States;

HAVE AGREED AS FOLLOWS:

ARTICLE 1

On the Acquisition of Community Citizenship

1. A CITIZEN OF THE COMMUNITY IS:

- (a) Any person who is a national by descent of a Member State and who is not a national of any non-Member State of the Community.
- (b) Any person who is a national by birth of any of the Member States either of whose parents is a national by sub-paragraph (1) above provided that such a person on attaining the age of 21 decides to take up the nationality of the Member State. However, a person who had already attained the age of 21 before coming into force of this Protocol and who is of dual nationality shall renounce the nationality of that parent who is not a national by virtue of sub-paragraph (a) above.
- (c)
 - (i) Any adopted child who at birth is not a citizen of the Community or whose nationality is unknown but who on attaining the age of 21 expressly takes up the nationality of his adoptive parent who is a Community citizen.
 - (ii) An adopted person who has already attained maturity before the coming into force of this Protocol and who is of dual nationality shall expressly renounce the nationality of any State outside the Community.
 - (iii) Any child adopted by a citizen of the Community provided that the child has not attained his majority to decide on nationality of his own choice.
- (d) A naturalised person of a Member State who has beforehand made a formal application and satisfies the following conditions:
 - (i) had renounced the nationality of any State outside the Community and such a renunciation is explicitly supported by an act of renunciation duly authenticated by the appropriate authorities of the country or countries whose nationality or nationalities he formerly enjoyed, and
 - (ii) had effectively resided permanently in a Member State for a continuous period of fifteen years preceding his application for Community Citizenship. Such residence shall mean a permanent establishment of abode on the territory of a Member State without any subsequent transfer to any State outside the Community.

The ECOWAS Council of Ministers or any organ of the Community invested of such power at the request of a Member State may reduce this period of fifteen years for the benefit of a person because of exceptional services that such a person had rendered to the Community or because of any other special consideration.

- (e) However, a naturalised person of any Member State may not be granted such status of community citizenship if by granting such status the fundamental interests of one or more Member States shall be jeopardised.
- (i) Any child who is not a Community citizen at birth or whose nationality is unknown, adopted by a naturalised citizen of the Community and who at the age of 21 years expressly takes up the nationality of his adopted parent.
- However, such adopted child shall enjoy this status only after fifteen (15) years of permanent and continuous residence in the same Member State.
- (ii) An adopted person by a naturalised citizen of the Community and having already attained the age of 21 years before the entry into force of the present Protocol and who is of dual nationality, who expressly renounce the nationality of any other State outside the Community.
- (f) However, he shall only enjoy the status of the Community citizenship only after fifteen (15) years of permanent and continuous residence in the same Member State.

Any child born of naturalised parents of a Member State who has acquired the citizenship of the Community in accordance with the provisions of Paragraph (d) above.

However, in order to become eligible for Community Citizenship, the child shall before attaining the age of 21, expressly renounce the nationality of any non-Member State of the Community which he may possess.

ARTICLE 2

Loss, Forfeiture and Withdrawal of Community Citizenship

1. Any person may lose Community Citizenship for the following reasons:
 - (a) permanent settlement in a State outside the Community;
 - (b) voluntary acquisition of the nationality of State outside the Community;
 - (c) a de facto acquisition of the nationality of a State outside the Community;
 - (d) loss of one's nationality of country of origin;
 - (e) on his express request.

2. Any naturalised person who has acquired the status of Community citizen may forfeit this citizenship for the following reasons:
 - (a) if he involves in activities incompatible with the status of Community citizen, and or prejudicial to the fundamental interests of one or more Member States of the Community.
 - (b) if he has been sentenced in any State of the Community for an act considered to be a crime and recognised as such within the Community.

The situation is the same when such a crime is committed against a citizen of the Community.

3. Community citizenship may be withdrawn from a person for the following reasons:
 - (a) when it becomes evident after the acquisition of the citizenship, that the person concerned did not satisfy the requisite conditions for the acquisition of Community citizenship;
 - (b) if Community citizenship was obtained through lies or fraud.

ARTICLE 3
On Re-Integration

Re-intergration of Community Citizenship is granted after enquiry.

ARTICLE 4
Transitional Provisions

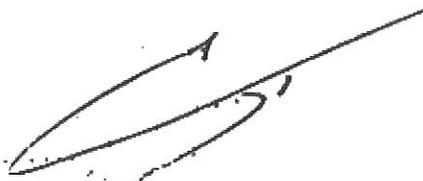
Pending the installation of a judicial body that will be responsible for issues relating to requests for acquisition, loss, the forfeiture, withdrawal of Community Citizenship, the Council of Ministers is vested with the powers to examine such questions subject to appeal before the Authority.

ARTICLE 5
Deposit and Entry into Force

- (a) This additional Protocol shall enter into force provisionally upon signature by Heads of State and Government of Member States and definitively upon ratification by at least seven signatory States in accordance with the constitutional procedures applicable for each signatory State.
- (b) This additional Protocol and all Instruments of Ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies of this additional Protocol to all Member States and notify them of the dates of deposits of the Instruments of Ratification and shall register this additional Protocol with the Organisation of African Unity, the United Nations and such Organisations as the Council shall determine.
- (c) This additional Protocol shall be annexed to and shall form an integral part of the Treaty.

**IN FAITH WHEREOF WE THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC
COMMUNITY OF WEST AFRICAN STATES HAVE SIGNED THIS ADDITIONAL
PROTOCOL**

**DONE AT COTONOU THIS 29TH DAY OF MAY, 1982 IN
SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES,
BOTH TEXTS BEING EQUALLY AUTHENTIC.**



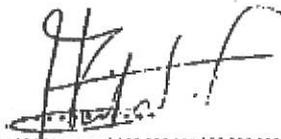
.....
H.E. COLONEL MATHIEU KEREKOU
President of the Peoples Republic of BENIN



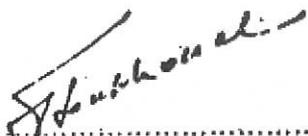
.....
H.E. SAMUEL KANYON DOE
*Commander - in - Chief, Chairman
of the People's Redemption
Council and Head of State of
the Republic of LIBERIA*



HON. BRIGADE COMMANDER PEDRO PIRES
*Prime Minister, for and on behalf of the
President of the Republic of CAPE VERDE*



HON. DRISSA KEITA
*Minister of Finance and Commerce,
for and on behalf of the President
of the Republic of MALI*



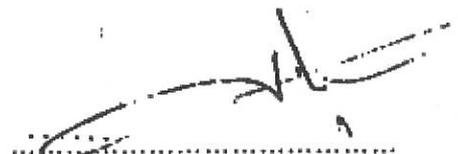
H. E. FELIX HOUPHOUËT BOIGNY
*President of the Republic of
IVORY COAST*



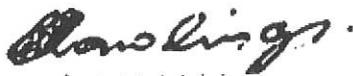
**H. E. COLONEL MOHAMED
KHOUNA OULD HAIDALLA**
*President of the Military Committee of
National Salvation, Head of State of the
Islamic Republic of MAURITANIA*



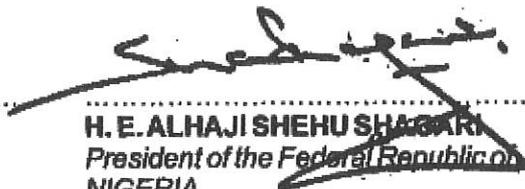
HON. DR. MOMODOU S. K. MANNEH
*Minister of Economic Planning and Industrial
Development, for and on behalf of the President
of THE GAMBIA*



H. E. COLONEL SEYNI KOUNTCHE
*President of the Supreme
Military Council, Head of State of the
Republic of NIGER*



**H. E. FLIGHT LIEUTENANT JERRY
JOHN RAWLINGS**
*Chairman, Provisional National Defence
Council (P.N.D.C), Republic of Ghana*



H. E. ALHAJI SHEHU SHAGARI
*President of the Federal Republic of
NIGERIA*



H. E. AHMED SEKOU TOURE
*President of the People's Revolutionary
Republic of GUINEA*



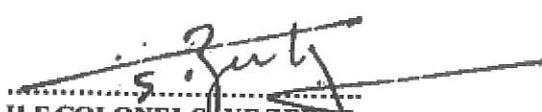
H. E. ABDOU DIOUF
President of the Republic of SÉNÉGAL



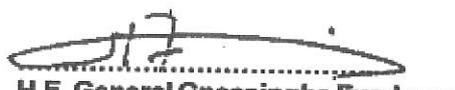
HON. VICTOR SAUDE MARIA
*Vice Chairman of the Revolutionary Council,
Prime Minister, for and on behalf of the
President of the Republic of GUINEA BISSAU*



H.E. DR. SIAKA STEVENS
*President of the Republic of
SIERRA LEONE*



H.E. COLONEL SAYE ZERBO
*President of the Military Committee for
Redress for National Progress, Head
of State of the Republic of
UPPER VOLTA*



H.E. General Gnassingbe Eyadema
President of the Republic of TOGO

PART VI

THE GENERAL CONVENTION ON PRIVILEGES AND IMMUNITIES OF ECONOMIC COMMUNITY OF WEST AFRICAN STATES

CHAPTER ONE

**THE GENERAL CONVENTION ON PRIVILEGES
AND IMMUNITIES OF ECONOMIC COMMUNITY OF
WEST AFRICAN STATES**

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

Whereas paragraph 2 of Article 60 of the Treaty establishing the ECOWAS, hereinafter referred to as "the Treaty", provides that the Community shall have in the territory of each Member State the legal capacity required for the performance of its functions;

Whereas paragraph 4 of Article 60 of the Treaty provides that the privileges and immunities to be granted to the officials of the Community and in Member States shall be the same as are accorded to diplomatic persons at the Headquarters of the Community in the Member States. Similarly, the privileges and immunities granted to the Secretariat at the Headquarters of the Community shall be the same as granted to the Diplomatic Secretariat at the Headquarters of the Community and in the Member States; and

Whereas Article 42 of the Protocol relating to the Fund for Co-operation, Compensation and Development, hereinafter referred to as the "Fund", provides that the immunities and privileges to be granted to the officials of the FUND shall be those provided for under paragraph 4 of Article 60 of the Treaty.

Consequently, the High Contracting Parties have adopted the following Convention.

ARTICLE 1 Definitions

In this Convention, the following expressions shall have the meanings assigned to them hereunder:

- a) the **"Treaty"** means the Treaty of the Economic Community of West African States;
- b) the **"Community"** means the Economic Community of West African States and it includes the Fund for Co-operation, Compensation and Development and all other institutions as defined in Article 4 of the Treaty.
- c) **"Fund"** means the Fund for Co-operation, Compensation and Development as established under Article 50 of the Treaty.
- d) **"Community Officials"** means an Official entitled to the privileges and immunities stated in this Convention;
- e) **"Member State"** or **"Member States"** means a Member State or Member States of the Community,
- f) **"Council"** means the Council of Ministers established by Article 6 of the Treaty.

ARTICLE 2 Juridical Personality

The Community shall possess juridical personality. It shall have the capacity:

- (a) to contract;
- (b) to acquire and dispose of immovable and movable property;
- (c) to institute legal proceedings.

ARTICLE 3 Property, Funds & Assets

1. The Community, its premises, buildings, assets and other property wherever located and by whomsoever held, shall enjoy immunity for every form of legal process except in so far as in

any particular case it has expressly waived its immunity. It is, however, understood that no waiver of immunity shall extend to any measure of execution. Provided that actions may be brought against the Fund as provided in paragraph 2 of Article 39 of the Protocol relating to the Fund.

2. Subject to the provisions of Article 41 of the Protocol relating to the Fund, the premises and buildings of the Community shall be inviolable. The property and assets of the Community, wherever located and by whomsoever held, shall be immune from search, requisition, confiscation, expropriation and from any other form of interference whether by executive, administrative, judicial or legislative action.
3. The archives of the Community and in general all documents belonging to it or held by it shall be inviolable wherever located.
4. Without being restricted by financial controls, regulations or moratoria of any kind:
 - (a) the Community may hold funds, gold or currency of any kind and account in any currency;
 - (b) the Community shall be free to transfer its funds, gold or currency from one country to the other, or within any country and to convert any currency held by it into any other currency.
5. It is provided however, that in exercising its rights under paragraph 4 above, the Community shall pay due regard to any representations made by the Government of any Member State in so far as it is considered that effect can be given to such representations without detriment to the interests of the Community.

ARTICLE 4 Tax Exemptions

1. The Community, its income, assets and properties shall be exempt:
 - (a) from all direct taxes, except that the ECOWAS will not claim exemption from taxes or dues which are no more than charges for public utility services;
 - (b) from all import and export duties, prohibitions and restrictions on imports and exports in respect of articles imported or exported by the Community for its official purposes. It is provided, however, that articles imported under such exemptions shall not be sold or otherwise disposed of in the country into which they were imported except under conditions agreed upon by the appropriate authorities of the Government of that country;
 - (c) from customs duties, prohibitions and restrictions of import and exports in respect of its publications.
2. The Community shall be exempt from excise duties and from taxes which are payable on the purchase of moveable and immovable property which form part of the price to be paid. Member States shall make appropriate administrative arrangements for the remission of the amount of duty or tax if such duty or tax has been charged.

ARTICLE 5 Facilities in Respect of Communications

1. The Community shall enjoy in the territory of each Member for its official correspondence treatment not less favourable than that accorded by the Government of that Member to any other international organisation as well as any Government, including its diplomatic mission in the matters of priorities, rates and taxes on mails, cables, telegrams, radiograms, telephotos, telephone and other communications, as well as press rates for information to the press and radio. All official correspondence and other official communications of the Community shall not be subject to censorship.

2. The Community shall have the right to use codes and to despatch and receive its official correspondence either by courier or in sealed bags which shall have the same immunities and privileges as diplomatic couriers and bags.

ARTICLE 6

Representatives of Member States

1. Representatives of Member States to the institutions as well as to the Technical and Specialised Commissions of the Community and to conferences convened by the Community, shall, while exercising their functions, and during their travel to and from the place of meeting, enjoy the following privileges and immunities:
 - (a) immunity from personal arrest or detention and from any official interrogation as well as from inspection or seizure of their personal baggage;
 - (b) immunity from legal process of every kind in respect of words spoken, written or acts done by them in the exercise of their functions;
 - (c) inviolability for all their papers and documents and the right to use codes and to receive papers or correspondence by courier or in sealed bags;
 - (d) exemption in respect of themselves and their spouses from immigration restrictions, aliens' registration and from national obligations in the state they are visiting or through which they are passing in the exercise of their functions;
 - (e) the same facilities in respect of currency or exchange restrictions as are accorded to representatives of foreign governments on temporary official missions;
 - (f) the same immunities and facilities in respect of their personal and official baggage as are accorded to diplomatic envoys;
 - (g) such other privileges, immunities and facilities not inconsistent with the foregoing as diplomatic envoys enjoy, except that they shall have no right to claim exemption from customs duties on goods imported (otherwise than as part of their personal baggage) or from excise duties or sales taxes.
2. In order to secure, for the representatives of Member States to the institutions as well as to the Technical and Specialised Commissions of the Community and to conferences convened by the Community, complete freedom of speech and independence in the discharge of their duties, the immunity from legal process in respect of words spoken or written and all acts done by them in discharging their duties shall continue to be accorded notwithstanding that the persons concerned are no longer the representatives of Member States.
3. Where the incidence of any form of taxation depends upon residence, periods during which the representatives of Member States to the institutions as well as to the Technical and Specialised Commissions of the Community and to conferences convened by the Community, are present in a state for the discharge of their duties, shall not be considered as periods of residence.
4. Privileges and immunities are accorded to the Representatives of Member States not for personal benefit of the individuals themselves but in order to safeguard the independent exercise of their functions in connection with the Community. Consequently, a Member State not only has the right but is under a duty to waive the immunity of its representative in any case where in the opinion of the Member State, the immunity would impede the course of justice, and it can be waived without prejudice to the purpose for which the immunity is accorded.

5. The provisions of paragraphs 1, 2 and 3 of this Article are not applicable as between a representative and the authorities of the state of which he is a national or of which he is or has been the representative.
6. In this Article, the expression "representatives" shall be deemed to include all delegates, deputy delegates, advisers technical experts and secretaries of delegations.

ARTICLE 7 Officials of the Community

1. The Executive Secretary shall specify the categories of officials to which the provisions of this Article and Article 8 shall apply. He shall submit these categories to the Council for approval. Thereafter, these categories shall be communicated to the Government of all Member States. The names of the officials included in these categories shall from time to time be made known to the Governments of Member States.
2. Community Officials have the same privileges and immunities as diplomatic persons at the headquarters of the Community and at the headquarters of the Fund as well as in all Member States. Consequently, Member States undertake to give the same recognition and facilities to the Executive Secretary of the Executive Secretariat and the Managing Director of the Fund as are given to Heads of Diplomatic Missions.
3. In keeping with paragraph 2 of this Article, Community officials particularly have the following privileges and immunities:
 - (a) the person of the Community official is inviolable. He shall not be liable to any form of arrest and detention, and Member States shall treat him with due respect and shall take all appropriate steps to prevent any attack on his personal freedom or dignity.
 - (b) the private residence of the Community official enjoys the same inviolability and protection as the premises of the headquarters of the Community. His papers, correspondence and except as provided in paragraphs 3(k) of this Article his property shall likewise enjoy inviolability.
 - (c) the Community official shall enjoy immunity from criminal jurisdiction in all the Member States. He shall also enjoy immunity from civil and administrative jurisdiction in all the Member States, except in the case of:
 - (i) a real action relating to private immovable property situated in the territory of a Member State, unless he holds it on behalf of the Community for the purposes of the Executive Secretariat or the Fund or any other institution of the Community,
 - (ii) an action relating to succession in which the official is involved as executor, administrator, heir or legatee as a private person and not on behalf of the Community or any of its institutions,
 - (iii) an action relating to any professional or commercial activity exercised by the official in the Member State outside his official functions.
 - (d) no measures of execution may be taken in respect of a Community official except in the cases coming under subparagraphs 3 (c)(i), (ii) and (iii) of Article 7 and provided that the measures concerned can be taken without infringing the inviolability of his person or of his residence;
 - (e) the Community official shall not be obliged to give evidence as a witness in any legal proceedings;
 - (f) he shall be exempt from taxation on the salaries and emoluments paid to him by the Community;

- (g) he shall be immune from national service obligations;
 - (h) he shall be immune together with his spouse and relatives residing with and dependent on him from immigration restrictions and alien registration;
 - (i) the immunity of a Community official may be waived by the Executive Secretary on behalf of the Community;
 - (j) the initiation of proceedings by a Community official shall preclude him from invoking immunity from jurisdiction in respect of any counter-claim directly connected with the principal claim;
 - (k) Waiver of immunity from jurisdiction in respect of civil or administrative proceedings shall not be held to imply waiver of immunity in respect of the execution of the judgment, for which a separate waiver shall be necessary.
4. Community Officials are members of Staff of the Community entitled to privilege and immunities. They shall be the professional international civil servants as defined in the Staff Rules and Regulations of the Community, and such other persons as the Executive Secretary may designate from time to time.

ARTICLE 8

Experts on Mission for the Community

1. Experts (other than officials coming within the scope of Article 7 performing missions for the Community) shall be accorded such privileges and immunities as are necessary for the independent exercise of their functions during the period of their missions, including time spent on journeys in connection with their missions. In particular, they shall be accorded:
- (a) immunity from personal arrest or detention as well as any official interrogation and from inspection or seizure of their personal baggage except where he is caught in the actual commission of an offence and the Member State concerned shall immediately inform the Executive Secretary;
 - (b) in respect of words spoken or written and acts done by them in the course of the performance of their mission, immunity from legal process shall continue to be accorded notwithstanding that the persons concerned are no longer employed on missions for the Community;
 - (c) inviolability for all official correspondence;
 - (d) the same facilities in respect of exchange restrictions as are accorded to representatives of foreign governments on temporary official missions.
2. Privileges and immunities are granted to experts in the interests of the Community and not for the personal benefit of the individuals themselves. The Executive Secretary shall have the right and the duty to waive the immunity of any expert in any case where, in his opinion, the immunity would impede the course of justice and it can be waived without prejudice to the interests of the Community.

ARTICLE 9

Community Laissez-Passer

1. The Community may issue Community Laissez-Passer to its officials. The Laissez-Passer shall be recognised and accepted as valid travel document by the authorities of Member States.
2. The Community may conclude agreements for this Laissez-passer to be recognised as valid travel documents within the territories of the Member States of the OAU and within the territories of other countries.

ARTICLE 10
Settlement of Disputes

All disputes that may arise between the Community on the one hand and a Member State on the other hand, regarding the interpretation or application of this Convention shall be referred to the Tribunal of the Community as established by Article 11(1) of the Treaty and the decision of the Tribunal shall be final.

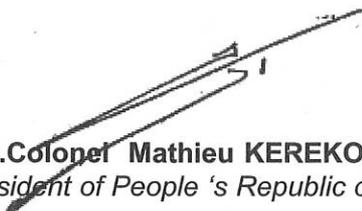
ARTICLE 11

1. This Convention shall enter into force provisionally upon the signature of Heads of State and Government and definitively upon ratification by at least seven (7) signatory States in accordance with the constitutional procedures applicable for each signatory State.
2. This present Convention shall be subject to ratification and the instrument of ratification shall be deposited with the Executive Secretary.
3. Any member State may accede to this Convention and the Instrument of accession shall be deposited with the Executive Secretary.

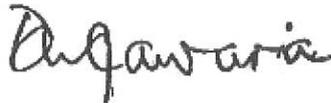
**IN FAITH WHEREOF, WE THE HEADS OF STATE AND GOVERNMENT
IN THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES,
HAVE SIGNED THIS CONVENTION**

DONE AT LAGOS, THIS 22ND DAY OF APRIL, 1978

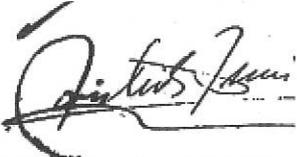
**IN SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES
BOTH TEXTS BEING EQUALLY AUTHENTIC**



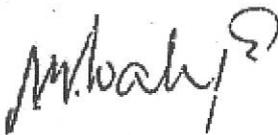
H.E. Colonel Mathieu KEREKOU
President of People's Republic of Benin



H. E. Alhaji Sir Dauda K. JAWARA
President of the Republic of Gambia



H.E. Mr. Aristides PEREIRA
President of the Republic of Cape Verde



H.E. Major General George Yaw BOAKYE
*for and on behalf of the Head of State and
Chairman of the Supreme Military Council of
the Republic of Ghana*



Mr. Ismael TOURE
*Minister of the Economy and Finance
For and on behalf of the Head of State
and Commander-in-Chief of the People's
Revolutionary Armed Forces of the
Republic of Guinea,
President Ahmed Sekou TOURE*

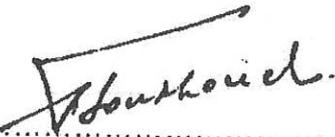
Intendant Militaire Moussa TONDI
*Minister of Finance,
for and on behalf of the Supreme Military
Council of the Republic of Niger*



H.E. Mr. Luiz CABRAL
President of the Republic
of Guinea-Bissau



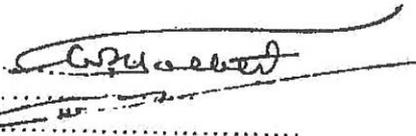
H.E. Lt. General Olusegun OBASANJO
Head of the Federal Military
Government, Commander-in-Chief of the Armed
Forces of the Republic of Nigeria



H.E. Felix HOUPHOUET BOIGNY
President of the Republic of Ivory Coast



H.E. Mr. Leopold Sedar SENGHOR
President of the Republic of Senegal



H.E. Dr. William R. TOLBERT, Jr
President of the Republic of Liberia



H.E. Dr. Siaka STEVENS
President of the Republic of Sierra Leone

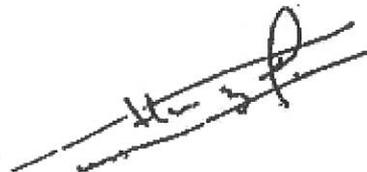
Mr. Founeke KEITA
Minister of Finance and Commerce,
of the Republic of Mali, for and on behalf of the
Chairman of the Military Committee of
National Liberation, President of the Republic of Mali



H.E. General Gnassingbe EYADEMA
President of the Republic of Togo



H.E. Mr. Moktar Ould DADDAH
President of the Islamic Republic
of Mauritania



H.E. General A. Sangoule LAMZANA
President of the Republic of Upper Volta

