

TREATY ESTABLISHING THE ECONOMIC COMMUNITY OF CENTRAL AFRICAN STATES (ECCAS)

PREAMBLE

The President of the Peoples Republic of Angola,

The President of the Republic of Burundi,

The President of the United Republic of Cameroon,

The President of the Central African Republic,

The President of the Peoples Republic of the Congo,

The President of the Gabonese Republic,

The President of the Republic of Equatorial Guinea,

The President of the Rwandese Republic,

The President of the Democratic Republic of Sao Tome and Principe,

The President of the Republic of Chad,

The President of the Republic of Zaire,

Conscious of the need to promote the economic and social development of their States in order to improve the living standards of their peoples;

Recalling:

The aims expressed in the Charter of the Organization of African Unity,

The Declaration of African Cooperation, Development and Economic Independence adopted by the Tenth Assembly of Heads of State and Government of the Organization of African Unity (May 1973),

The Monrovia Declaration of Commitment (July 1979) on the guidelines to be observed and the measures to be taken to achieve national and collective self-reliance in the economic and social fields in order to initiate a new international economic order,

The Lagos Plan of Action and the Final Act of Lagos (April 1980), in particular the measures relating to the economic, social and cultural development of Africa and inter alia those relating to the establishment of sub-regional structures with a view to the gradual and progressive establishment of an African common market as a prelude to an African economic community,

Their solemn commitment in the Declaration of Libreville (December 1981) to do everything in their power to set up an Economic Community of Central African States;

Bearing in mind the principles of international law governing relationships between States, in particular the principles of sovereignty, equality and independence of all States, non-interference in their internal affairs and the principle of the rule of law in their mutual relations;

Convinced that efficient cooperation in large groups, backed up by a resolute and concerted policy, will foster the accelerated and harmonious economic development of their States;

Conscious that progress towards sub-regional economic cooperation can be achieved only by having regard to the situation and interests of every State;

Conscious of the different levels of development in the countries of the subregion, more particularly of the situation in countries which are landlocked, semi-landlocked, island or part-island and/or belong to the category of the least advanced countries;

Convinced that present forms of economic cooperation in the sub-region are decisive stages on the way to broader cooperation;

Recognizing that efforts at sub-regional cooperation should not conflict with or hamper similar efforts being made to foster wider cooperation in Africa;

Determined to lay the foundations for an enlarged sub-regional economic zone;

Undertaking to collaborate sincerely and effectively in pursuance of the aims defined by this Treaty inter alia by abstaining from any measures likely to jeopardize the achievements of such aims;

Resolved to make every effort and take the necessary steps to secure the enactment of such legislation as is necessary to implement the obligations arising from this Treaty of from the institutions of the Community;

Decide to establish an Economic Community of Central African States, and

HEREBY AGREE AS FOLLOWS:

Chapter I. Definitions

Article 1. Definitions

In this Treaty:

- a) Barter agreement means any agreement whereby articles are imported into a Member State and can be paid for in whole or in part by a direct exchange of goods;
- b) Committee means any committee established under Article 26 of this Treaty or in pursuance thereof;
- c) Commission means the Consultative Commission established under Article 23 of this Treaty;
- d) Community means the Economic Community of Central African States established under Article 2 of this Treaty;
- e) Conference means the meeting of Heads of State and Government of the Community convened under Article 8 of this Treaty;
- f) Council means any meeting of ministers convened under Article 12 of this Treaty;
- g) Court of Justice means the Court of Justice of the Community established under Article 16 of this Treaty;
- h) Customs duties means the protective duties and charges having an equivalent effect levied on goods by virtue of their importation;
- i) Fiscal charges on imports means the non-protective duties and charges having an equivalent effect levied on goods by virtue of their importation;
- j) Export duties and taxes means the non-protective duties and charges having an equivalent effect levied on goods by virtue of their exportation;
- k) Customs duties and taxes means all the duties and taxes defined above;
- l) Member State means any Member State of the Community;
- m) Third State means any State other than a Member State;
- n) Fund means the Cooperation and Development Fund established under Article 75 of this Treaty;
- o) Goods in transit means goods being conveyed between two Member States or between a Member State and a third State and passing through one or more Member States;

- p) Person means a natural or legal person;
- q) Intra-Community trade treatment means the advantages given to the goods mentioned in Article 30 (1) of this Treaty;
- r) National of the Community means any natural person regarded as a citizen of a Member State in accordance with its laws; legal persons established under the existing legislation of a Member State shall be deemed to be natural persons provided that their head office is established in such a State and at least 35 per cent, the objective being to progressively attain at least 51 per cent of their equity is held by a Member State, nationals or public bodies of such a State.
- s) Secretary-General means the Secretary-General of the Community as provided for under Article 19 of this Treaty;
- t) General Secretariat means the General Secretariat of the Community as established under Article 19 of this Treaty;
- u) Treaty means the Treaty establishing the Community.

Chapter II. Establishment, Principles, Aims, General Undertaking and Procedures

Article 2. Establishment of the Community

By this Treaty, the HIGH CONTRACTING PARTIES establish between themselves an Economic Community of Central African States (ECCAS) hereinafter referred to as the Community.

Article 3. Principles

By this Treaty, the HIGH CONTRACTIVE PARTIES undertake to observe the principles of international law governing relations between States, in particular the principles of sovereignty, equality and independence of all States, good neighbourliness, non-interference in their internal affairs, non-use of force to settle disputes and the respect of the rule of law in their mutual relations.

Article 4. Aims of the Community

1. It shall be the aim of the Community to promote and strengthen harmonious cooperation and balanced and self-sustained development in all fields of economic and social activity, particularly in the fields of industry, transport and communications, energy agriculture, natural resources, trade, customs, monetary and financial matters, human resources, tourism, education, further training, culture, science and technology and the movement of persons, in order to achieve collective self-reliance, raise the standard of living of its peoples, increase and maintain economic stability, foster close and peaceful relations between Member States and contribute to the progress and development of the African continent,

2. For the purposes set out in paragraph 1 of this Article and in accordance with the relevant provisions of this Treaty, the aims of the Community shall be as follows:

- a) The elimination between Member States of customs duties and any other charges having an equivalent effect levied on imports and exports;
- b) The abolition between Member States of quantitative restrictions and other trade barriers;
- c) The establishment and maintenance of an external common customs tariff;
- d) The establishment of a trade policy vis-a-vis third States;
- e) The progressive abolition between Member States of obstacles to the free movement of persons, goods, services and capital and to the right of establishment;
- f) The harmonization of national policies in order to promote Community activities, particularly in industry, transport and communications, energy, agriculture, natural resources, trade, currency and finance, human resources, tourism, education, culture, science and technology;
- g) The establishment of a Cooperation and Development Fund;
- h) The rapid development of States which are landlocked, semi-landlocked, island or part-island and/or belong to the category of the least advanced countries;

i) Any other joint activities by Member States for achieving Community aims.

Article 5. General Undertaking

1. Member States shall direct their endeavours with a view to creating favourable conditions for the development of the Community and the achievement of its aims and the harmonization of their policies for the achievement of such aims through Community institutions. Member States shall refrain from any unilateral action likely to hinder such achievement.

2. Each Member State shall take all steps under its constitutional procedures to secure the enactment and publication of such legislation as is necessary to give effect to this Treaty.

Article 6. Procedures for Establishing the Community

1. The Economic Community of Central African States shall be progressively established over a period of twelve years subdivided into three four-year stages.

2. Each stage shall have allotted to it a set of actions to be initiated and carried through concurrently, as follows:

a) First stage: stability of the fiscal and customs regime existing at the date of entry into force of the Treaty, and the carrying out of studies to determine the timetable for the progressive removal of tariff and non-tariff barriers to intraCommunity trade; setting a timetable for increases or decreases in the customs tariffs of Member States with a view to the adoption of a common external tariff;

b) Second stage: creation of a free trade area (application of the timetable for the progressive elimination of tariff and non-tariff barriers to intra-Community trade);

c) Third stage: establishment of the customs union (adoption of the common external tariff).

3. Transition from one stage to another shall be subject to confirmation that the essential elements of the specific aims laid down by this Treaty or by the Conference have been achieved and undertakings observed. On a proposal from the Council, the Conference shall confirm that the aims allotted to a stage have been achieved and shall decide on the transition to the next stage.

4. The total duration of the stages may be increased or reduced only by virtue of a decision adopted by consensus. However, decisions taken shall not have the effect of reducing the transition period to ten years or increasing it to more than twenty years from the entry into force of this Treaty.

Chapter III. Institutions of the Community

Article 7. Institutions

1. The institutions of the Community shall be:

a) The Conference of Heads of State and Government;

b) The Council of Ministers;

c) The Court of Justice;

d) The General Secretariat;

e) The Consultative Commission;

f) Any specialized technical committee or organ set up or provided for by this Treaty.

2. The institutions of the Community shall perform their duties and act within the limits of the powers conferred on them by this Treaty.

Conference of Heads of State and Government

Article 8. Establishment and Composition

1. A Conference of Heads of State and Government of the Community is hereby established.

2. The Conference of Heads of State and Government shall be the supreme organ of the Community.

3. It shall be composed of the Heads of State and Government of Member States.

Article 9. Powers

1. The Conference shall be responsible for implementing the aims of the Community.

2. The Conference shall accordingly:

a) define the general policy and major guidelines of the Community and direct and harmonize the socio-economic policies of Member States;

b) take any action under this Treaty for achieving the aims of the Community;

c) oversee the functioning of Community institutions;

d) establish its rules of procedures and approve the rules of procedure of the Council of Ministers;

e) approve the organization chart of the General Secretariat of the Community;

f) appoint the Secretary-General, the Deputy-Secretaries-General, the Financial Controller and the Accountant;

g) determine the staff regulations of the General Secretariat;

h) appoint a Board of Auditors on the proposal of the Council of Ministers;

i) prepare the Community budget and determine the annual contribution of each Member State on the proposal of the Council of Ministers;

j) delegate to the Council of Ministers, if it wishes, the authority to take decisions and issue directives on matters within its competence;

k) refer a matter to the Court of Justice when it confirms by a two-thirds majority vote that a Member State has not met one or more of its obligations arising from this Treaty, from a decision or a directive of the Conference or from a regulation of the Council of Ministers;

l) request the Court of Justice, if it wishes, to give an advisory opinion on any legal question.

3. The Conference shall exercise any other powers granted to it under this Treaty.

4. The Conference shall be assisted by the Council of Ministers in the performance of its duties.

Article 10. Organization

1. The Conference shall meet once a year in regular session. A special session may be convened by its Chairman or at the request of a Member State provided that such a request is supported by two thirds of the Conference members.

2. The office of Chairman shall be held every year by one of the Head of State in the French alphabetical order of the Member States specified in this Treaty.

3. In the event of further States acceding to the Community, their Heads of State shall hold the office of Chairman of the Conference after that Member State, signatory to this Treaty, which is last in the said French alphabetical order.

Article 11. Decisions and Directives

1. The Conference shall act by decisions and directives.

2. Decisions shall be binding on the Member States and institutions of the Community, except for the Court of Justice. They shall become enforceable automatically in Member States Thirty (30) days after the date of their publication in the official journal of the Community.

3. Directives shall be binding on the institutions concerned, except for the Court of Justice. They shall come into force upon notification and shall be published in the official journal of the Community.

4. Unless otherwise specified in this Treaty, decisions and directives of the Conference shall be adopted by consensus.

Council of Ministers

Article 12. Establishment and Composition

1. A Council of Ministers of the Community is hereby established.
2. The Council of Ministers shall be composed of ministers responsible for economic development matters or of any other minister appointed for the purpose by each Member State.

Article 13. Powers

1. The Council shall be responsible for the functioning and development of the Community.
2. Accordingly, it shall:
 - a) make recommendations to the Conference on any action aimed at achieving the aims of the Community in the context of the general policy and major guidelines defined and adopted by the Conference;
 - b) guide the activities of the other subordinate institutions of the Community;
 - c) submit the draft budget of the Community to the Conference and propose to the Conference the annual contribution of each Member State;
 - d) propose the appointment of the Board of Auditors to the Conference;
 - e) prepare its rules of procedure and submit them to the Conference for approval;
 - f) exercise any powers granted to it under this Treaty and any powers that may be delegated to it by the Conference;
 - g) if it wishes, request the Court of Justice for an advisory opinion on any legal matter.

Article 14. Organization

1. The Council shall meet twice a year in regular session. One such session shall precede the regular session of the Conference. A special session may be convened by the Chairman of the Council or at the request of a Member State provided that two thirds of its members approve.
2. The office of Chairman shall be held by the minister of the Member State whose Head of State is the Chairman of the Conference.

Article 15. Regulations

1. The Council shall act by regulations.
2. Regulations shall be binding on the Member States and institutions concerned, except for the Court of Justice. They shall be enforceable automatically in Member States thirty (30) days after the date of their publication in the official journal of the Community. They shall become effective for the institutions concerned immediately upon notification.
3. Unless otherwise specified in this Treaty, regulations of the Council shall be adopted by consensus.

Court of Justice

Article 16. Establishment and Powers

1. A Court of Justice of the Community is hereby established.
2. The Court of Justice shall ensure that the law is observed in the interpretation and application of this Treaty and shall decide disputes submitted to it under this Treaty.
3. The Court of Justice shall accordingly:
 - a) ensure the legality of the decisions, directives and regulations of Community institutions;

b) decide on actions brought by a Member State or the Conference on the grounds of lack of competence, misuse of powers or infringement of an essential procedural requirement of this Treaty;

c) give preliminary rulings on:

- The interpretation of this Treaty;

- The validity of the decisions, directives and regulations formulated by Community institutions.

d) give advisory opinions on any legal matter at the request of the Conference or Council.

4. Powers to deal with other disputes may be granted to the Court by decisions taken by the Conference by virtue of this Treaty.

Article 17. Decisions of the Court

The decisions of the Court of Justice shall be binding on Member States and institutions of the Community.

Article 18. Organization

The membership, procedure and statutes of the Court and other matters concerning it shall be determined by the Conference.

Article 19. Establishment and Composition

1. A General Secretariat of the Community is hereby established.

2. The General Secretariat shall comprise a Secretary-General, Deputy Secretaries-General, a Financial Controller, an Accountant and the staff required for the functioning of the Community.

Article 20. Powers

1. The Secretary-General shall be the chief executive official of the Community.

2. Accordingly, his duties shall be:

a) to prepare and carry out the decisions and directives of the Conference and the regulations of the Council;

b) to promote development programmes and Community projects;

c) to prepare the draft budget of the Community and have it implemented;

d) to prepare annually the Community's programme of action;

e) to submit a report on Community activities to all Conference and Council meetings;

f) to prepare Conference and Council meetings and provide the secretariat for them

g) to carry out studies with a view to achieving the aims of the Community and to make proposals likely to enhance the functioning and harmonious development of the Community; to this end, he may request a Member State to supply him with all the necessary information;

h) to recruit the staff of the General Secretariat and make appointments to all posts except those specified in Article 9, paragraph 2(f) of this Treaty.

Article 21. Appointments

1. The Secretary-General and the Deputy Secretaries-General shall be appointed by the Conference for a four-year term which can be renewed once.

2. Nationals of the State where the Community headquarters are situated may not be appointed to the post of Secretary-General.

3. The Financial Controller and the Accountant shall be appointed by the Conference for a renewable term of three years.
4. In the appointment of General Secretariat staff, consideration shall be given not only to moral integrity and competence but also to equitable geographic distribution of posts among all Member States.

Article 22. Relationship between the Staff of the General Secretariat and Member States

1. In the performance of their duties the Secretary-General, the Deputy Secretaries-General, the Financial Controller, the Accountant and the staff of the General Secretariat shall be responsible only to the Community.

Accordingly they may neither seek nor accept instructions from any Government or any national or international authority outside the Community.

They shall refrain from any conduct incompatible with the nature of their duties as international officials.

2. Every Member State undertakes not to influence the staff of the General Secretariat in the performance of its duties and to respect the international

Character of the duties of Secretary-General, Deputy Secretary-General, Financial Controller, Accountant and any other official of the General Secretariat.

3. Member States shall cooperate with the General Secretariat and assist it in the discharge of its responsibilities under this Treaty.

Article 23. Establishment and Composition

1. A Consultative Commission of the Community is hereby established.
2. The Consultative Commission shall consist of experts appointed by Member States.

Article 24. Powers

1. The Consultative Commission shall be responsible for studying or investigating, under the Councils responsibility, questions and projects submitted to it by the other Community institutions.

2. Accordingly, it shall:

- a) assist the Council in the performance of its duties;
- b) study the reports of the specialized technical committees and make recommendations to the Council;
- c) carry out any other duties assigned to it in pursuance of this Treaty.

Article 25. Organization

1. Subject to Council regulations the Commission shall meet as often as necessary for the proper performance of its duties.
2. It shall prepare its rules of procedure and submit them to the Council for approval.

Article 26.

1. The specialized technical committees shall be established in pursuance of the Protocols attached hereto or may be established by the Conference on the Councils recommendation.

2. They shall act within the context of the duties assigned to them.

3. Subject to Council regulations, the specialized technical committees shall meet as often as necessary for the proper performance of their duties.

4. They shall prepare their rules of procedure and submit them to the Council for approval.

Chapter IV. Liberalization of Trade

Article 27. Customs Union

Member States agree to progressively establish between them during a transitional period, as specified in Article 6 of this Treaty, a Customs Union involving:

a) the elimination between Member States of customs duties, quota restrictions, other restrictions and prohibitions and administrative trade barriers;

b) the adoption by Member States of an external common customs tariff.

Article 28. Elimination of Customs Duties between Member States

1. During the first stage, Member States shall refrain from the establishment of any new customs duties between them and from increasing those they apply in their mutual trade relations. They shall regularly transmit to the Secretary-General all information concerning customs duties, for study.

2. At the end of the first stage and during the second stage, Member States shall progressively reduce and ultimately eliminate customs duties between them in accordance with a schedule to be determined by the Conference on a proposal by the Council.

3. The Conference may, at any time, on the Council's recommendation, decide that any customs duty be reduced more rapidly or eliminated earlier. However, the Council shall study the question at least twelve months before the date on which such a reduction or elimination is to apply to some or all of the goods and to some or all the Member States and shall submit the result of this study to the Conference for a decision.

Article 29. Establishment of an External Common Customs Tariff

1. Member States agree to the progressive establishment of an external common customs tariff applicable to goods imported into Member States from third countries.

2. At the end of the first stage and during the second stage, Member States shall, in accordance with a programme to be proposed by the Council, eliminate differences between customs duties in their respective customs tariffs.

3. At the end of the second stage and during the third stage the Council shall propose to the Conference the adoption of a common customs and statistical nomenclature for all Member States.

Article 30. Treatment of Intra-Community Trade

1. At the end of the second stage no Member State shall levy customs duties on goods originating in one Member State and transferred to another Member State. The same shall apply to goods coming from third countries which are in free circulation in Member States and are transferred from one Member State to another.

2. The definition of the concept of products originating in Member States and the rules governing the application of this article appear in the protocol attached hereto as Annex I.

3. Goods coming from third countries shall be considered to be in free circulation in a Member State if the import formalities have been complied with and customs duties paid in that Member State and if they have not benefited from a partial or total drawback of such duties.

4. Member States shall not adopt legislation implying direct or indirect discrimination against identical or similar products of another Member State.

Article 31. Imbalance of Trade

1. For the purposes of this article, trade is imbalanced if:

a) imports of any particular product by a Member State from another Member State increase significantly;

b) this increase in imports causes or would cause serious damage to production which is carried on in the territory of the importing Member State.

2. If a Member State suffers from trade imbalance resulting from the abusive reduction or elimination of duties and charges levied by another Member State as a result of unrecorded trade or for any other reason, the Member State shall submit a report to the Secretary-General who shall refer the matter to the Council. The Council shall propose to the Conference the measures to be taken.

Article 32. Internal Taxes

1. Member States shall not levy directly or indirectly on goods originating in Member States and imported into any Member State internal taxes in excess of those levied on similar domestic products nor levy such taxes for the effective protection of such products.

2. Member States shall progressively eliminate any internal taxes levied for the protection of similar domestic products under the same conditions as specified in Article 28 of this Treaty. Where by virtue of obligations under an agreement signed by a Member State such State is unable to comply with this article, the Member State shall notify the Council of Ministers of this fact and shall not, subject to Article 31, extend or renew the agreement when it expires.

Article 33. Non-tariff Barriers to Intra-Community Trade

1. Subject to the provisions of this article, each Member State shall, upon the entry into force of this Treaty, progressively relax and ultimately remove, at the latest by the end of the second stage and in accordance with paragraph 2 of this article, quota restrictions, other restrictions and prohibitions in force which apply to the transfer to that State of goods originating in the other Member States and, except as may be provided or permitted by this Treaty, to refrain thereafter from imposing any further restrictions or prohibitions on such goods.

2. Subject to the provisions of this article, the Commission shall, after considering the proposals submitted to it by the Secretary-General, recommend to the Council for its approval a programme for the progressive relaxation and ultimate elimination, at the latest by the end of the second stage, of all the quota restrictions and prohibitions which apply in a Member State to imports originating in the other Member States, provided that the council may subsequently decide that all the quota restrictions, other restrictions and prohibitions be relaxed more rapidly or removed earlier than laid down in this paragraph.

3. The special provisions on restrictions, prohibitions, quota restrictions, dumping, subsidies and discriminatory practices shall be the subject of a protocol on non-tariff trade barriers attached hereto as Annex II.

Article 34. Exceptions

1. Notwithstanding the provisions of Article 33, any Member State, after having made its intention known to the other Member States, shall be free to impose or continue to impose 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, platinum and precious stones;
- e) the protection of national treasures of artistic or archaeological value or the protection of industrial and commercial property;
- f) the control of nuclear materials, radio-active products or any other equipment used in the development or exploitation of nuclear energy;
- g) the control of strategic products.

2. However, such prohibitions or restrictions shall in no case be a means of arbitrary discrimination nor a disguised restriction on trade between Member States.

3. If a Member State encounters balance-of-payments difficulties arising from the application of the provisions of this Chapter, that Member State may, provided that it has taken all reasonable steps to overcome the difficulties, impose for the

purpose only of overcoming such difficulties, quantitative or similar restrictions or prohibitions on goods originating in the other Member States.

4. For the purpose of protecting an infant or strategic industry, a Member State may, provided that it has taken all reasonable and necessary steps to protect such industry, impose for the purpose only of protecting such industry for a specified period to be determined by the Council, quantitative or similar restrictions or prohibitions, on similar goods originating in the other Member States.

5. A Member State imposing quantitative or similar restrictions or prohibitions under paragraphs 1, 3, and 4 of this article shall send a report to the Secretary-General who shall refer the matter to the Council in order to determine for how long such measures shall be applied.

6. The Council shall keep under review the operation of any quantitative or similar restrictions or prohibitions imposed under paragraphs 1, 3 and 4 of this article and take appropriate action.

Article 35. Most-favoured-nation Treatment

1. Member States shall accord to one another in relation to intra-Community trade the most-favoured-nation treatment. In no case shall tariff concessions granted to a third country in pursuance of an agreement with a Member State be more favourable than those applicable in pursuance of this Treaty.

2. The text of agreements referred to in paragraph 1 of this article shall be sent to the Secretary-General by the States parties to it.

3. No agreement between a Member State and a third country under which tariff concessions are granted shall be incompatible with the obligations assumed in pursuance of this Treaty.

4. No Member State may conclude with any third country an agreement whereby the latter would grant such Member State tariff concessions not granted to the other Member States.

Article 36. Re-export of Goods and Intra-Community Transit

In accordance with this article, Member States shall:

a) facilitate the re-export of goods among them in accordance with the Protocol on the Re-export of Goods attached hereto as Annex III while awaiting the stage of establishment of the customs union;

b) grant freedom of transit through their territories to goods proceeding to or coming from another Member State in accordance with the Protocol on IntraCommunity Transit attached hereto as Annex IV.

Article 37. Customs Administration

Member States shall in accordance with the Protocol on Customs Cooperation attached hereto as Annex V, take all necessary measures to harmonize and standardize their customs regulations and procedures to ensure the effective application of this Chapter and to facilitate the movement of goods and services across their frontiers.

Article 38. Deflection of Trade Arising from Barter Agreements

1. If, as a result of a barter agreement dealing with a specific category of articles between a Member State, or a natural or legal person of the said State and a third country, or a natural or legal person of the said country there is a substantial deflection of trade in such a category to the detriment of articles imported from and manufactured in any other Member State but in favour of articles imported under the barter agreement, the Member State importing such articles shall take effective steps to correct the deflection.

2. To determine whether a deflection of trade has occurred in a specific category of articles within the meaning of this article, consideration shall be given to all the relevant trade statistics and other data on the category of articles available for the six months prior to a complaint from a Member State affected concerning deflection of trade and to the average of two comparable six-month periods during the 24 months prior to the first importation of goods under the barter agreement.

3. The Secretary-General shall refer the matter to the Council which shall consider it and submit it to the Conference for a decision.

Article 39. Establishment of the Fund for Compensation for Loss of Revenue

1. A Fund of Compensation for Loss of Revenue is hereby established.
2. A Protocol concerning the resources and use of the Fund is attached hereto as Annex VI.

Chapter V. Freedom of Movement, Residence and Right of Establishment

Article 40.

1. Citizens of Member States shall be deemed to be nationals of the Community. Accordingly, Member States agree, in accordance with the Protocol on Freedom of Movement and Right of Establishment attached hereto as Annex VII, to progressively facilitate procedures for the freedom of movement and right of establishment within the Community.
2. For the implementation of Protocol VII, legal persons established in accordance with the legislation in force in a Member State shall be deemed to be natural persons.

Chapter VI. Cooperation In the Monetary, Financial and Payments Fields

Article 41. Currency, Finance and Payments

1. Member States shall harmonize their monetary, financial and payments policies in order to create confidence in their respective currencies, to ensure the proper functioning of the Community, to further the achievement of the aims and to improve monetary and financial cooperation between them and the other African countries.
2. For the purposes of paragraph 1 of this article, the Secretary-General acting in liaison with the sub-regional committees concerned of the Association of African Central Banks shall:
 - a) make recommendations to the Council on the harmonization of the economic and financial policies of Member States;
 - b) give continuous attention to the balance-of-payments problems of Member States and undertake any studies relating thereto;
 - c) study the development of the economies of Member States;
 - d) make recommendations to the Council on the establishment, in the short term, of bilateral systems for the settlement of payments between Member States and, in the long term, of a multilateral system for the settlement of such payments and the establishment of a monetary union.
3. In accordance with the Protocol on the Clearing House attached hereto as Annex VIII, Member States shall boost intra-Community trade in goods and services through a clearing house.

Article 42. Movement of Capital

Upon the entry into force of this Treaty the Conference shall, on the proposal of the Council and subject to the approval of the Consultative Commission, take steps for the progressive coordination of national exchange control policies with regard to the movement of capital between Member States and third States.

Chapter VII. Cooperation In Agriculture and Food

Article 43.

1. Member States shall cooperate in agriculture, forestry, stockfarming and fishing. The aims of the cooperation are as follows:
 - a) raising the standard of living of rural populations, more particularly by raising incomes through increased agricultural, forestry and fishery production and by creating job opportunities;

- b) satisfying the food requirements of populations and enhancing food security, inter alia by the quantitative and qualitative improvement of foodstuffs and the definition of a food reserves and trade policy;
- c) improving rural living and working conditions;
- d) local upgrading of agricultural production by the processing of vegetable and animal products;
- e) promotion of the capacity of the populations to carry out their own development, in particular through greater mastery of their technical and economic environment.

2. Accordingly, Member States shall:

- a) take concerted action to harmonize their agricultural policies;
- b) have regular exchanges of information on their experiences and the results of the research being carried out in their respective countries and on rural development programmes;
- c) prepare, as required, joint training and retraining programmes for cadres in existing or future institutions;
- d) take any necessary action for the progressive preparation of a joint policy, inter alia in the research and training, production, processing and marketing of agricultural, forest, livestock and fishery products.

3. For the purposes of this Chapter, Member States shall cooperate in accordance with Protocol IX attached hereto.

Article 44.

To implement the cooperation activities provided for in Article 43 above and to improve the efficiency of services, the Secretary-General shall make proposals to the Council for the implementation of this common agricultural policy.

Chapter VIII. Cooperation In Industry

Article 45.

1. In order to integrate their economies, Member States shall harmonize their industrialization policies in the sub-region.

2. Accordingly, they shall:

- a) inform the General Secretariat of their development plans and corresponding implementation programmes with a view to the preparation of outline programmes for the harmonious development of the sub-region;
- b) exchange information on any industrial project to be set up in the sub-region;
- c) exchange experiences in industrial matters;
- d) exchange experts and information on industrial, commercial and technological research.

Article 46.

1. To achieve rational and harmonious industrial development, Member States shall:

- a) harmonize measures for stimulating industrial development by gradually establishing a homogenous industrial environment in the sub-region, inter alia by the preparation of a common investment code;
- b) promote the establishment of large industrial units of a Community character and of an industrial development center;
- c) allocate Community projects in a balanced and harmonious manner among all Member States;
- d) forbid the establishment of national industries which might compete with Community industries satisfactorily meeting the needs of Member States of the Community;
- e) establish sub-regional training and further training centers at all levels of skill to satisfy their personal requirements in industry, trade and technology.

2. For the purposes of this Chapter, Member States shall cooperate under Protocol X attached hereto.

Chapter IX. Cooperation In Infrastructure and Equipment, Transport and Communications

Article 47.

1. To achieve a harmonious and integrated development of the sub-regional transport and communications network and to progressively prepare a joint policy, Member States shall:

- a) promote the integration of transport and communications infrastructures;
- b) coordinate the various modes of transport in order to increase their efficiency;
- c) progressively harmonize their transport and communications laws and regulations;
- d) encourage the use of local material and human resources, the standardization of networks and equipment, the investigation and popularization of infrastructural construction techniques and of adapted equipment and materials;
- e) expand and modernize transport and communications infrastructures by mobilizing the necessary technological and financial resources;
- f) promote sub-regional industry in the field of transport and communications equipment;
- g) organize, structure and promote the sub-regional sector of passenger and goods transport activities.

2. Accordingly, Member States shall:

- a) prepare coordinated programmes for structuring the road transport sector;
- b) prepare plans for improving and reorganizing the different railways systems of Member States with a view to their interconnection, and construct new railways;
- c) harmonize:
 - Their international sea and river transport policies;
 - Their air transport policies;
 - Their work on the training and further training of specialist cadres in transport and communications;
- d) modernize and standardize their equipment in order that all Member States may be linked with one another and with the exterior by scheduled flights.

Article 48.

Member States shall make every effort to establish Community maritime, river and air transport companies.

Article 49. Posts and Telecommunications

Member States shall:

- Reorganize, modernize and develop their telecommunications systems, in order to meet the requirements of international traffic and to provide reliable interconnection between Member States;
- Establish as soon as possible a regional satellite communications system to supplement the Pan-African Telecommunications Network in Central Africa;
- Provide rapid and frequent postal services within the Community and develop close collaboration between postal services.

Article 50.

For the purposes of this Chapter, Member States shall cooperate in accordance with Protocol XI attached hereto.

Chapter X. Cooperation In Science and Technology

Article 51.

1. Member States shall:

- a) develop an adequate scientific and technological base capable of bringing about the socio-economic changes needed to improve the quality of life of their populations, particularly rural populations;
- 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 and promote their individual and collective technological reliance by seeking a favourable socio-economic balance between foreign and local technological contributions.

2. In the implementation of this cooperation, Member States shall:

- a) harmonize their national policies on scientific and technical research with a view to improving their integration at national levels of economic and social development;
- b) coordinate their applied research, research and development and scientific and technical services programmes;
- c) harmonize their national technological development plans by placing special emphasis on local technologies and their regulations governing industrial property and the transfer of foreign technologies;
- d) coordinate 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 between Member States in order to make full use of the technical skills available in the Community;

Article 52.

1. Member States shall take all the necessary measures to prepare and implement a joint scientific research and technological development programme.

2. The General Secretariat shall therefore undertake jointly with the competent national and sub-regional bodies the technical studies needed to define priority sectors and activities of common interest and shall submit its findings to the Council.

Article 53.

For the purposes of this Chapter, Member States cooperate in accordance with Protocol XII attached hereto.

Chapter XI. Cooperation In Energy and Natural Resources

Article 54.

1. Member States shall:

- a) rapidly increase the Communitys energy resources;
- b) establish the appropriate exchange mechanisms to ensure a regular supply of hydrocarbons;
- c) promote renewable forms of energy as part of the policy of diversification of energy sources.

2. To achieve the aims of paragraph 1 of this article, Member States shall:

- a) harmonize their national energy development plans;
- b) establish a common energy policy more particularly as concerns exploitation, production and distribution;

c) establish an adequate system of concerted action and coordination for jointly solving the Community's energy development problems, in particular those relating to energy transmission, the lack of skilled cadres and the shortage of funds for implementing their energy projects;

d) promote the training and further training of cadres.

Article 55.

Member States shall assess and grade their mineral and water resources *inter alia* by:

a) seeking better knowledge on their natural resource potentialities;

b) progressively reducing their dependence on transnational companies for upgrading such resources, in particular by mastering exploitation technologies;

c) improving methods of pricing and marketing raw materials.

Article 56.

To promote this cooperation, Member States shall:

a) harmonize their policies for prospecting, producing and processing mineral resources and their policies for prospecting, exploiting and distributing of water resources;

b) coordinate their development and utilization programmes for mineral and water resources in order to exploit similarities and complementarities within the Community and promote vertical and horizontal inter-industrial relationships which may be established between Member States as a result of the upgrading of such resources;

c) coordinate their positions in all international negotiations on raw materials in order to safeguard their interests;

d) develop a system of transfer of know-how and exchange of scientific, technical and economic data among Member States;

e) prepare and implement joint training and further-training programmes for cadres in order to develop the human resources and the appropriate local technological capacities needed for the exploration, exploitation and processing of mineral and water resources.

Article 57.

To implement the cooperation activities under Articles 54 - 56 above, the Secretary-General shall submit proposals to the Council for preparing a joint policy for upgrading mineral and water resources.

Article 58.

For the purposes of this Chapter, Member States shall cooperate in accordance with Protocols XIII and XIV attached hereto.

Chapter XII. Cooperation In Human Resources and Social Affairs

Article 59. Human Resources

1. Member States shall cooperate in the development and use of their human resources, *inter alia* with regard to the programming, planning and preparation of policies, training and vocational guidance, providing the basic requirements of economic and social development and the use of human resources in general.

2. Accordingly, they shall:

a) adopt and promote a common policy on the programming, planning and preparation of policies;

b) coordinate their policies and activities in education, training, career planning, guidance, expert advice and consultancy;

c) cooperate in the development of human resources in order to meet the basic requirements of their economic and social development;

d) cooperate in order to use their human resources potential.

Article 60. Social Affairs

1. Member States shall use their human resources fully and rationally for the development of the Community.

2. Accordingly, they shall:

a) promote exchanges of experience and information on literacy, vocational training and employment;

b) develop collective research by appropriate policies aimed at improving the economic, social and cultural status of women in urban and rural areas and increasing their integration in development activities;

c) progressively harmonize their labour laws, social security systems and civil status laws and regulations;

d) initiate sub-regional cooperation in public health, medical research, promotion of studies in traditional medicine and pharmacy and exchanges of experiences.

3. For the purposes of this Chapter, Member States shall cooperate in accordance with Protocol XV attached hereto.

Chapter XIII. Cooperation In Education, Training and Culture

Article 61. Education and Training

1. Member States shall prepare a common educational policy including education models more closely tailored to the economic and socio-cultural realities of the sub-region in order to train people who are rooted in their environment and able to promote the changes necessary for social progress and development.

2. For the purposes of paragraph 1 of this article, Member States shall:

a) improve the efficiency of existing educational systems by promoting the training of trainers and using appropriate methods and aids;

b) establish new national and sub-regional training institutions and strengthen the existing ones;

c) prepare common training programmes better suited to development problems with a view to progressively achieving self-sufficiency in skilled personnel;

d) promote the systematic exchange of experiences and information on education policy and planning.

Article 62. Culture

1. Member States shall promote all forms of expression of their culture in order to make it more widely known.

2. For the purposes of paragraph 1 of this article, Member States shall:

a) make every effort to preserve their cultural heritage;

b) exchange their cultural programmes and their experiences, particularly in art, literature, spectacles, sports and leisure activities;

c) exchange cinema, television and radio programme materials and productions;

d) seek ways and means of developing infrastructures and facilitates of common interest.

Article 63.

For the purposes of this Chapter, Member States shall cooperate in accordance with the Protocol XV attached hereto.

Chapter XIV. Cooperation In Tourism

Article 64.

Member States Shall:

- a) develop and promote sub-regional tourism;
- b) prepare a common policy on sub-regional tourism;
- c) send the Secretary-General documents defining their plans and programmes for tourist development.

Article 65.

For the purposes of implementing Article 64, the Secretary-General shall undertake jointly with the competent national and sub-regional bodies the technical studies necessary to define a Community tourist development plan.

Article 66.

For the purposes of this Chapter, Member States shall cooperate in accordance with Protocol XVI attached hereto.

Chapter XV. Trade Documents and Procedures

Article 67. Trade Documents and Procedures

Member States shall simplify and harmonize their trade documents and procedures in accordance with the Protocol on the Simplification and Harmonization of Trade Documents and Procedures attached hereto as Annex XVII so as to facilitate intra-Community trade in goods and services.

Chapter XVI. Cooperation In other Fields

Article 68.

Subject to the provisions of this Treaty, Member States shall consult with one another through appropriate Community institutions for the purpose of harmonizing their respective policies in areas where harmonization may be considered necessary or desirable for the efficient and harmonious functioning and development of the Community and for the implementation of this Treaty.

Article 69. Accounts, Taxation and Data Processing

1. Member States shall cooperate in standardizing and harmonizing their accounting procedures with the two aims of:
 - a) standardizing methods of recording accounts data, evaluating assets and liabilities and presenting results in order that they may be comparable and that accounts may be consolidated at both national and sub-regional levels;
 - b) improving methods of management and control of the performances of undertakings, administrative units and State bodies.
2. Member States shall harmonize existing and future accounting laws and plans and promote every effort and every instrument likely to help achieve the aims of paragraph 1 of this article.
3. Member States shall, within four years from the date of entry into force of this Treaty, harmonize their tax laws, in particular with regard to the rules of assessment and the rates applicable to indirect taxes not levied by the customs administration in order to encourage the establishment of undertakings in the Community.
4. Member States shall make every effort to integrate and interconnect their data processing.

Article 70. Planning of Development, Statistics and Demography

1. To achieve the aims of collective sub-regional development, Member States shall
 - a) harmonize and integrate their development plans;
 - b) promote and execute Community projects;
 - c) prepare sub-regional sectoral programmes in areas of common interest.

2. Accordingly, Member States shall:

a) inform one another and the Secretary-General of national economic data likely to foster trade, stimulate joint projects or facilitate the establishment of similar economic units in a Member State;

b) exchange their experiences in planning, statistics and demography and in the training and further training of cadres in these areas.

3. The Secretary-General shall formulate proposals for:

a) harmonizing and rationalizing routine statistics;

b) promoting, developing, improving and standardizing economic, demographic, social and cultural information, inter alia by preparing national and sub-regional statistical projects.

4. The Secretary-General shall prepare statistics on Inter-State trade and shall centralize statistical information about the Community.

Chapter XVII. Special Provisions In Respect of Landlocked, Semi-landlocked, Island, Part-island and/or Least Advanced Countries

Article 71.

1. Member States, aware of the special economic and social situation of landlocked, semi-landlocked, island and part-island countries, shall grant them special treatment in respect of the application of some provisions of this Treaty, and in accordance therewith.

2. Accordingly, Member States shall aid the efforts of landlocked, semi-landlocked, island and part-island countries in their desire to reduce the geographical handicaps as far as possible so as to improve and promote the establishment of an integrated transport and communications infrastructure, inter alia by facilitating their access to the sea.

Article 72.

1. Member States, aware of the economic and social situation of the least advanced countries, shall grant them special treatment in respect of the application of some provisions of this Treaty and in accordance with the said Treaty.

2. Accordingly, Member States shall support all measures likely to facilitate the promotion of their economic and social development.

Article 73.

The Council shall lay down appropriate measures to facilitate the application of Articles 71 and 72 above.

Article 74.

For the purposes of implementing this Chapter, Member States shall adopt a protocol on the situation of countries which are landlocked, semi-landlocked, island and part-island and/or belong to the category of least advanced countries attached hereto as Annex XVIII.

Chapter XVIII. Means and Instruments of Cooperation

Article 75. Establishment of the Community Cooperation and Development Fund

A Community Cooperation and Development Fund is hereby established.

Article 76. Aims of the Fund

The aims of the Fund shall be inter alia as follows:

a) to provide financial and technical assistance to promote the economic and social development of Member States in the light of the various economic and other conditions within the Community;

b) to finance projects in Member States.

Article 77. Statutes of the Fund

1. The statutes of the Fund shall be determined by the Conference.
2. The statutes shall determine inter alia the share capital and the resources authorized for the Fund, members contributions, the rules governing the payment of contributions and the currencies in which they are payable, the functioning, organization and management of the Fund and any related and subsidiary questions.

Article 78. Members of the Fund

Membership of the Fund shall be open to Member States of the Community and to institutions permitted by the Conference to affiliate to it

Chapter XIX. Financial Provisions

Article 79. Budget of the Community

1. An annual budget of the Community is hereby established.
2. The Secretary-General shall prepare a draft budget for each financial year and submit it to the Council for consideration. The Council shall then submit it, together with its recommendations, to the Conference for adoption.
3. All the expenditure of the Community, except for the Fund-related expenditure shall be approved for each financial year by the Conference and charged to the budget.
4. Budget revenue shall come from the annual contributions of Member States and all the other sources determined by the Conference. The contributions of Member States shall be determined on the basis of the budget adopted by the Conference.

Article 80. Contributions of Member States

1. The Conference shall determine the contributions of Member States to the Community budget and the currencies in which the contributions shall be paid.
2. Where a Member State is in arrears for more than one year in the payment of its contributions for reasons other than public disturbances or natural disasters or any other exceptional circumstances that seriously affect its economy, such Member States may, by a decision of the Conference, be deprived of its right to take part in the activities of the Community and may cease to enjoy the benefits provided for under this Treaty.

Article 81. Financial Regulations

The Conference shall on the Councils proposal approve the financial regulations for the implementation of this Chapter including the terms and conditions of employment and the powers of the auditors.

Article 82. Board of Auditors

A board of three auditors of the Community shall be appointed and removed from office by the Conference on the Councils recommendation.

Chapter XX. Settlement of Disputes Article 83

Article 83. Procedure for the Settlement of Disputes

Any dispute regarding the interruption and implementation of the provisions of this Treaty shall in the first place be amicably settled by direct agreement between the parties concerned. If the parties concerned fail to settle the dispute, one of the parties may refer the matter to the Court of Justice.

Chapter XXI. General and Transitional Provisions

Article 84. Headquarters of the Community

The headquarters of the Community shall be determined by the Conference.

Article 85. Official Language

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

Article 86. Relationships of Member States with other Groups and Third States

1. Member States may join other regional or sub-regional groups or conclude individual agreements with other Members or non-Member States provided that the joining of such groups or the agreements concluded with third States are not incompatible with the provisions of this Treaty.
2. Any Member State which is or becomes a member of other economic cooperation organizations shall inform the Secretary-General and transmit to him the instruments establishing such organizations. The Secretary-General shall notify the Council.
3. Rights and obligations under agreements concluded before the definitive entry into force of this Treaty, shall not be affected by the provisions hereof. However, in the event of such agreements being incompatible with this Treaty, the Member State(s) concerned shall make every appropriate effort to eliminate the incompatibilities. Member States shall, if necessary, assist one another to achieve this aim and shall, if necessary, adopt a common position.
4. In the implementation of the agreements referred to in paragraph 1 of this article, Member States shall take into account that the benefits granted in this Treaty by each Member State are an integral part of the establishment of the Community and are therefore indissolubly linked with the establishment of common institutions, the granting of powers to them and the granting of the same benefits by all the other Member States.
5. The Community shall maintain with the Organization of African Unity, the United Nations Economic Commission for Africa and other intergovernmental organizations of the sub-region relations likely to enhance the implementation of this Treaty.

Article 87.

1. The Community shall have legal capacity and be authorized to:
 - a) contract;
 - b) purchase and assign movable and immovable property essential for the achievement of its objectives;
 - c) borrow;
 - d) be a party to legal proceedings;
 - e) accept donations, legacies and gifts of every kind.
2. The Community shall be represented for this purpose by its Secretary-General. The authority to contract, purchase and dispose of movable and immovable property and to borrow shall be vested in the Secretary-General subject to the prior consent of the Conference.
3. The privileges and immunities granted to Community officials shall be the same as those enjoyed by diplomats in the country of the Community headquarters and in Member States. Similarly, the privileges and immunities granted to the General Secretariat shall be the same as those enjoyed by diplomatic missions in the country of the Community headquarters and in the Member States.

Article 88. Establishment of Institutions

The Conference shall at its first meetings:

- a) appoint the Secretary-General and Deputy Secretaries-General;

b) determine where the Community headquarters shall be and, if necessary, take the necessary measures to set up a provisional secretariat;

c) give the Council and other Community institutions the directives needed for the rapid and effective implementation of this Treaty.

Article 89. Cooperation between the Community and Third States

1. Any African State wishing to conclude cooperation agreements with the Community shall make application to the Conference which, after seeking the Council's opinion, shall take a unanimous decision.

2. Such agreements shall be subject to ratification by Member States in accordance with their respective national legislations.

Article 90. Revision of the Treaty

1. Any Member State may submit proposals for the revision of this Treaty.

2. Revision proposals shall be submitted to the Secretary-General who shall transmit them to Member States within 30 days of receiving them.

3. The Conference shall examine the proposals at its next meeting.

4. Amendments shall be adopted by consensus and shall be subject to the ratification of all Member States in accordance with their respective national legislations. They shall enter into force 30 days after deposit of the instruments of ratification by the seventh Member State.

Article 91. Withdrawal and Dissolution

1. Any Member State wishing to withdraw from the Community shall give the Chairman-in-office of the Conference one year's written notice of its intention to withdraw. At the end of such period, the Member State shall, if the notice is not withdrawn, cease to be a Member State of the Community.

2. During the period of one year referred to in paragraph 1 of this article, any Member State wishing to withdraw from the Community shall nevertheless comply with the provisions of this Treaty and shall be bound to discharge its obligations under the Treaty.

3. The withdrawal of one or more Member States shall not entail the dissolution of the Community.

4. Only the Conference may decide to dissolve the Community and decide on the terms and conditions for sharing assets or liabilities.

Article 92. Annexes to the Treaty

The annexes to this Treaty shall form an integral part thereof.

Article 93. Entry Into Force, Ratification and Accession

1. This Treaty shall be ratified by the High Contracting Parties in accordance with their respective national legislations. The instruments of ratification shall be deposited with the Government of the Gabonese Republic.

2. This Treaty shall enter into force thirty days after the deposit of the instruments of ratification by the seventh signatory State.

3. The terms and conditions of accession of a State and the adaptations of this Treaty caused by such accession shall be the subject of an agreement between the Community and the said State.

The agreement shall be subject to ratification by all Member States in accordance with their respective national legislations.

4. This Treaty shall enter into force in relation to an acceding State on such date as its instruments of accession are deposited.

Article 94. Depositary

1. This Treaty, drafted in a single original in the English, French, Portuguese and Spanish languages, all four texts being equally authentic, shall be deposited in the archives of the Government of the headquarters State, which shall transmit a certified true copy to the Government of every signatory State.
2. The depositary Government shall notify Member States of the dates of deposits of the instruments of ratification and accession and shall register this Treaty with the United Nations and the Organization of African Unity.

IN WITNESS WHEREOF, WE, the Heads of State and Government of the States of Central Africa, have signed this Treaty and the annexed Protocols.

Done at Libreville on the eighteenth day of October nineteen hundred and eighty three in single original in the English, French, Portuguese and Spanish languages, the four texts being equally authentic.

President of the Peoples Republic of ANGOLA

President of the Republic of BURUNDI

President of the United Republic of CAMEROON

President of the CENTRAL AFRICAN REPUBLIC

President of the People's Republic of CONGO

President of the GABONESE REPUBLIC

President of the Republic of EQUATORIAL GUINEA

President of the RWANDESE REPUBLIC

President of the Democratic Republic of SAO TOME and PRINCIPE

President of the Republic of CHAD

President of the Republic of ZAIRE