Treaty (1) of the Economic Community of West African States (ECOWAS)

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 the 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 Chairnlan 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

Concious 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 (2) 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 wider 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:

(1) Came into force provisionally on 28 May 1975 in respect of the following states, on whose behalf it was signed on that date, in accordance with article 62(I): Benin, Ivory Coast, Nigeria, Gambia, Liberia, Senegal, Ghana, Mali, Sierra Leone, Guinea, Mauritania, Togo, Guinea-Bissau, Niger, Upper Volta.

The Treaty came into force definitively in respect of the following States on 20 June 1975, the date when seven signatory States had ratified it in conformity with their constitutional procedures, in accordance with article 62 (I): Liberia, 30 May 1975 (Instrument deposited on 4 June 1975); Nigeria, 2 June 1975 (Instrument deposited on 3 June 1975.); Guinea, 5 June 1975 (Instrument deposited on 16 August 1975) Ghana, 6 June 1975 (Instrument deposited on 17 June 1975); Gambia, 6 June 1975 (instrument deposited on 17 June 1975); Ivory Coast, 12 June 1975 (Instrument deposited on 17 June); Upper Volta, 20 June 1975 (Instrument deposited on 8 December 1975);Subsequently, the Treaty came into force in respect of the following States on the date of ratification: Benin, 24 June 1975 (Instrument deposited on 8 July 1975); Sierra Leone, 26 June 1975 (Instrument deposited on 21 July 1975); Togo, 27 June 1975 (Instrument deposited on 17 1975); Niger, 2 July 1975 (Instrument deposited on 7 July 1975); Guinea-Bissau, 15 March 1976 (Instrument deposited on 19 April 1976); Mauritania,15 March 1976 (Instrument deposited on 19 April 1976).
(2) 'International Legal Materials, vol. 12, 1973, p. 996.

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;

if) 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 Executive Secretariat;

(d) the Tribunal of the Community; and

(e) 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;

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 ofthe 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 offour (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, Telecommunications and Energy Commission; and

(d) the Social and Cultural Affairs 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 procedme, 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.

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.

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 Members States from third countries.

2. At the end of the period of eight (8) years referre·d 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 refered 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 or 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 of 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 F.AvoURED 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 States.

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 in to 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 recqmmendation 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

if) 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 measures 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 inter-locking 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;

if) 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 time-table, to be determined by the Council 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, Telecommunications 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, Telecommunications and Energy Commission shall give priority to a network of roads traversing the territories of the Member States.

Article 42. RAILWAYS

The Transport, Telecommunications and Energy Commission shall for the purpose of connecting the railways of the Member States formulate plans for the improvement and reorganisation of such railways.

Article 43. SHIPPING AND INTERNATIONAL WATERWAYS

1. The Transport, Telecommunications 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 reorganise 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, Telecommunications 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 establish· ment 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, Telecommunications 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, Telecommunications 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 fields 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 Cooperation, Compensation and Development hereinafter referred to as " 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 «(I) 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

f) promote development projects in the less developed Member States of the Community.

Chapter XII. FINANCIAL PROVISIONS

Article 53. FINANCIAL PROVISIONS 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 shaH 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.

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 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 organization, shall enjoy legal personality.

2. The Community shall have in the territory of each Member State:

(0) 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

1. 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.

2. 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 neverth~less 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 accession 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 Nations 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.

[Signed]

H.E. Lt.-Col. MATHIEU KEREKOU President of the Republic of Dahomey

[Signed]

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

[Signed]

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

[Signed]

H.E. Dr. LAN SANA 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

[Signed]

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

[Signed]

H.E. Mr. FELIX HOUPHOUET-BOIGNY President of the Republic of Ivory Coast

[Signed]

H.E. Dr. WILLIAM R. TOLBERT, Jr. President of the Republic of Liberia

[Signed]

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

[Signed]

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

[Signed]

H.E. Lt.-Col. SEYNI KOUNTCHE Head of State and President of the Supreme Military Council of the Republic of Niger

[Signed]

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

[Signed]

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

[Signed]

H.E. Dr. SIAKA STEVENS President of the RepUblic of Sierra Leone

[Signed]

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

[Signed]

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