

# Official Journal Vol. 4

of the Economic Community  
of West African States (ECOWAS) June 1982

English edition

## PROTOCOLS, DECISIONS & DIRECTIVES

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**A/P1/5/82 PROTOCOL ON THE ESTABLISHMENT OF AN ECOWAS BROWN CARD RELATING TO MOTOR VEHICLE THIRD PARTY LIABILITY INSURANCE.**

**PREAMBLE**

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

NOTING the rapid increase in international road traffic in ECOWAS Member States and the problems raised by such traffic in regard to motor vehicle liability insurance;

CONSCIOUS of the need to guarantee, for road accident victims, fair and prompt compensation for damage they may have sustained as a result of such accidents;

ANXIOUS to facilitate, for their nationals driving their vehicles within the Member States, payment of compensation due from them as a result of accidents they may have caused and to enable them to comply with their obligations under local law or regulations on the subject;

DESIROUS of encouraging the development of trade and tourist exchanges between African countries;

CONVINCED that the establishment of a common system for the settlement of claims arising in international motor vehicle traffic will lead gradually to a desirable harmonisation between the parties to the present Protocol of the laws and regulations governing liability in respect of motor vehicle accidents;

WISHING to offer their insurance markets an opportunity and a means to develop international links and exchanges, which will inevitably contribute to the expansion of these markets;

AWARE of the satisfactory results obtained by the International insurance card scheme which has been in force for many years in Europe, and of the institution of a similar scheme by the Arab countries;

DECIDE to establish, by this Protocol, an ECOWAS BROWN CARD covering motor vehicle liability when the vehicle insured is passing through the territories of the parties to this Protocol such cover providing at least the same guarantees as those required by the laws in force in territory of each of the parties.

**ARTICLE 1  
STRUCTURE OF THE SCHEME**

1. The liability insurance scheme established by this Protocol shall have, as its legal, technical and financial basis, the guarantees which are afforded to motorists proceeding to an ECOWAS Member State

by taking out an insurance policy on the usual terms with an insurer authorised to undertake this type of business in the country which is the point of departure for the journey.

2. The scheme shall be based materially on an ECOWAS BROWN CARD whose form, as well as the guarantees it affords, are defined in the provisions of Article 4 of this Protocol.

3. The ECOWAS BROWN CARD shall be issued by a National Bureau established by each party to this Protocol in accordance with the provisions of Article 5 of this Protocol. The card shall be issued to motorists through the insurers with whom they have taken out a liability insurance policy valid when driving in their own country.

4. Each National Bureau shall settle, on behalf of its member insurers, claims arising from accidents caused abroad by holders of the cards it has issued, and shall also handle claims arising from accidents caused in its country by holders of cards issued by the National Bureaux of other parties to this Protocol. It may also take over the settlement of claims under cover of a joint deposit, the ECOWAS BROWN CARD constituting proof of this deposit.

5. The legal, administrative and financial operation of the scheme established by this Protocol shall be coordinated and supervised by a Council of Bureaux of which all the National Bureaux of the parties to this Protocol shall be members in accordance with the provisions of Article 6 of this Protocol.

**ARTICLE 2  
PARTICIPANTS IN THE SCHEME**

1. Parties to this Protocol shall participate in the Scheme as principal participants.

2. Insurers, irrespective of their legal or financial structure, which are authorised by the competent authorities of their countries of activity to undertake insurance operations against liability risks in respect of motor vehicle accidents, shall participate in the scheme as subsidiary participants. The participation of such insurers in the present scheme shall be subject to their membership in the National Bureaux of their countries of activity.

**ARTICLE 3  
RESPONSIBILITY OF THE PARTICIPANTS**

1. The responsibilities of a party to this Protocol shall be:

a. To recognise the ECOWAS BROWN CARD and to enact laws and regulations for the establishment of the card scheme, and particularly for the creation of its National Bureau;

b. To ensure that its National Bureau is established and functions in accordance with the provi-

sions of this Agreement, and that it joins the Council of Bureaux and complies with the decisions of the Council;

c. To guarantee the solvency of its National Bureau;

d. To deposit at its National Bank or a designated Commercial Bank a letter of credit in the amount equivalent to 174,000 UA to guarantee the performance by its National Bureau of the obligations under Article 5.

e. Drawing may be made under the West African Clearing Account to discharge any obligations under this scheme.

2. The responsibilities of a subsidiary participant shall be:-

- a. To issue to its policy holders ECOWAS BROWN CARDS guaranteeing such policy holders adequate cover against the motor vehicle third party risks they incur in the countries which they visit;
- b. To undertake, by way of reimbursement to the National Bureau, payment of compensation for damages and any accessory or related expenses;
- c. To contribute to the operating expenses of the National Bureau and, through the Bureau, to the operating expenses of the Council of Bureaux.

#### ARTICLE 4

##### THE ECOWAS BROWN CARD

1. An ECOWAS BROWN CARD is hereby established.
2. This card shall be of a strictly uniform type to be determined by decision of the Council of Bureaux, which alone may alter the format, typographical layout, colour and content of the card.
3. The card shall include the following particulars: the name and address of the National Bureau which has issued it, particulars of the insurer insuring the motor vehicles, the identity of the policy holders, identification of the vehicle, period of validity of the card, its individual serial number; a list of countries in which it is valid; and the name and address in each of those countries, of the National Bureau which the policy holder shall notify in the event of an accident. The card shall be signed by the insurer and by the policy holder.
4. The guarantee provided by the ECOWAS BROWN CARD shall cover the liability incurred by the holder of the card in accordance with the laws of each member country which he visits
5. Notwithstanding the terms of the insurance policy under which it is issued, the card shall provide

all the guarantees required by the laws or regulations governing compulsory motor vehicle insurance in the country in which the accident occurred. Such guarantees shall be subject to the conditions and limitations contained in the insurance policy, if the said conditions and limitations are permitted by the laws or regulations of the party to this Protocol in which the accident has occurred.

6. The ECOWAS BROWN CARD shall be recognised as a valid certificate of insurance in the territories of the parties to this Protocol in which the production of such a certificate is required, either within the national territory or at its frontiers, as a condition for the circulation of motor vehicles.

7. For a party in whose territory insurance is not compulsory by law, the guarantee provided by the ECOWAS BROWN CARD shall correspond to the third party liability on the motorist in accordance with the laws and regulations in force in the country where the accident occurred, as interpreted and applied by the local judicial or administrative authorities.

8. During the period of its validity, the ECOWAS BROWN CARD should constitute proof of the existence of an insurance policy. It will be effective only in the event that the original cover is in force.

#### ARTICLE 5

##### THE NATIONAL BUREAUX

1. The status of each National Bureau shall be defined by the legal provisions in force, for this category of establishment, in the territory of a party to this Protocol. Its method of operation shall be determined by the legal instrument by which it is created.
2. In accordance with paragraph 2 of Article 2, each National Bureau shall be composed of insurers authorised by the local supervisory authorities for insurance against motor vehicle liability risks. The insurer shall apply for admission to the National Bureau and shall provide the Bureau with any guarantees it may require. In a country where one single State-owned insurance company has the monopoly of all insurance operations, the Government of that party to this Protocol may designate that company to act as the National Bureau of that country.
3. The National Bureau shall be financed by the contributions of members. The amount and method of payment of contributions shall be determined at the time of admission to membership.
4. The members shall undertake to place at the disposal of the National Bureau as advances, at its request, the sum necessary for its operation.
5. The dissolution of a National Bureau shall be at the initiative of the Government of the Party to this Protocol which shall take the necessary decision, stating the conditions and modalities of the dissolution.

tion. The notification of this decision shall be made to the Council of Bureau at least six months before the dissolution. The National Bureau shall act either as an agency issuing ECOWAS BROWN CARDS or as an agency handling commitments under ECOWAS BROWN CARDS issued by other National Bureaux

A. The National Bureau, as an issuing agency:

- (a) shall arrange for the printing of the cards and shall allot to each of them a serial number in a single series; it shall issue the cards to insurers who are members of the Bureau and who request them. The said insurers shall keep a record enabling them to identify card-holders and the particulars shown on their cards; the insurers shall undertake not to issue cards to persons other than their own policy-holders who have taken out a policy against motor vehicle liability risks;
- (b) shall give to each of the National Bureau of other signatories to this Protocol a general mandate authorising them to receive statements and claims concerning accidents caused in the territory of such other parties by the holders of the cards it has issued, to proceed with the investigation of such accidents and to pay compensation on request, supported by the usual documents of proof. It shall reimburse the National Bureau which has paid compensation as follows:
  - (i) the total amount paid by way of damages, expenses and disbursements or, where the settlement is made by amicable agreement, the amount agreed in the settlement including the agreed expenses. Fines shall on no account be reimbursed;
  - (ii) the expenses actually incurred in the investigation and settlement of the claim;
  - (iii) a handling fee calculated as a percentage of the amount of damages and legal costs or expenses agreed upon in a settlement by amicable agreement. This percentage shall be determined in advance and for all cases by the Council of Bureaux
- (c) shall make reimbursement as calculated on the above-mentioned basis, including the minimum handling fee, even if the claim has been settled without any payment being made to an injured third party. Reimbursement shall be made to the requesting National Bureau; in the currency of its country and free of any exchange of transfer charges,

- (d) shall pay interest on the amount involved at the rate of 8% calculated from the date the claim is made up to the day it is paid, if after a period of three months from the day the request for reimbursement is made the settlement has not been received.

B. The National Bureau, as a handling agency:

- (a) shall, as soon as it is informed of an accident caused in a country which is a Party to this Protocol by the holder of an ECOWAS BROWN CARD issued by the National Bureau of another Party to this Protocol, act in the best interest of the Bureau on receiving a claim for damages, it shall undertake necessary verification concerning the circumstances of the accident and, on the basis of these verifications, it shall advise the issuing Bureau and take any administrative or non-judicial action which it deems necessary. At the judicial level, the Bureau, in its capacity as a handling agency, shall be entitled to take any steps to institute or contest an action. In the case of claims for damages below a certain amount established by agreement with each of the other issuing Bureaux the Bureau may agree to a settlement out of court.

In the case of claims for damages exceeding the amount so established, the Bureau shall obtain the prior consent of the issuing Bureau before agreeing to any settlement;

- (b) shall not knowingly entrust or relinquish the handling of a claim to an insurer or to any person who may have a financial interest in the accident which has given rise to the claim;
- (c) shall be entitled, in a case where the compensation payable is in excess of 8,696 UA, to require the issuing Bureau to instruct a bank or other financial establishment to place immediately at its disposal, at its registered office, a sum corresponding to the estimated amount of the compensation.

## ARTICLE 6

### THE COUNCIL OF BUREAU

1. The Council of Bureaux (hereinafter referred to as "the Council,") is hereby established.
2. The Council shall consist of one full fledged representative and one alternate representative of ECOWAS as well as one full fledged representative and one alternate representative selected from each National Bureau. It shall appoint on rotatory basis

its Chairman and Vice-chairman from among the representative in alphabetical order and for a period of one year. In absence of both the Chairman and Vice-chairman the members present shall elect one representative to preside over the meeting.

3. The Council shall hold its first meeting not later than two months after the entry into force of this Protocol at the Executive Secretariat of ECOWAS which shall be the Temporary Headquarters of the Council until such a time the Council may decide on its Headquarters.

4. The Council shall meet at least once a year at a place and on a date which it shall determine. On the initiative of its Chairman or at the request of at least one third of its members, a meeting of the Council may be summoned by invitation to members at least 30 days before such a meeting.

5. The Council shall itself establish the agenda for its meetings, and only items included in the agenda shall be discussed. Items proposed in writing to the Chairman by at least a quarter of the members not less than ten days before the meeting shall be included in the agenda.

6. Each member of the Council shall have one vote. With the exception of decisions under paragraph 12 of Article 6, decisions of the Council shall be by a simple majority vote; decisions shall require the presence of the representatives of at least half the members.

7. The Council shall appoint the Chairman who shall hold office for one year and coordinate the activities of the Council.

8. The Council shall establish its annual budget and shall fix the annual contributions to be paid by members which shall be an equal amount as among the members.

9. The Council shall have a general function of orientation, coordination and supervision over the whole of the ECOWAS Insurance Scheme established by this Protocol.

10. The Council shall determine the form and content of the ECOWAS BROWN CARD.

11. The Council shall coordinate the operation of the National Bureaux. For this purpose, it shall prepare a standard inter-Bureaux contract which shall be signed by all Bureaux and which the Council alone shall be entitled to amend. This contract shall in particular determine the maximum amounts for the delegation of owners of settlement by one National Bureau to another, and the minimum handling fee payable for each case handled by them.

12. Any dispute between two or more National Bureaux as to the interpretation on application of this Protocol shall be referred to Council. The Council shall decide the dispute on absolute majority.

The decision pronounced shall be final and binding on the parties to the dispute. The decision shall be notified to all the National Bureaux and the Council shall see to its execution.

13. The Council shall on its own initiative or on the initiative of any Government party to this Protocol consider and, if it deems it advisable, propose changes in the laws or regulations of the parties to this Protocol with a view to improving the functioning of the ECOWAS BROWN CARD scheme, or to harmonising the systems of compensation for damages occasioned by road traffic accidents, or to improving accident prevention.

#### ARTICLE 7

##### WITHDRAWALS AND EXCLUSIONS

1. A Party to this Protocol may withdraw from it at any time after the expiration of a period of one year from the date on which this Protocol has entered into force by means of notification in writing addressed to the Executive Secretariat of ECOWAS. The withdrawal shall take effect twelve (12) months after the date of receipt of the notification by the Executive Secretariat, during which period the withdrawing Party shall remain liable for its financial obligation under this Protocol.

Any insurer member ceasing for any reason, to be a member of the National Bureau shall remain bound by the undertakings assumed by the Bureau during the period of its membership.

2. If any Party is in breach of its obligations under this Protocol and such breach substantially impairs the operation of this Agreement the Heads of State and Government may by a resolution exclude such a Party from this Protocol.

3. The Council of Bureaux shall determine any settlement of accounts with a withdrawing or excluded Party. A withdrawing or excluded Party shall not be discharged from its obligations until the extinction of all its existing liabilities.

#### ARTICLE 8

##### REVISION AND AMENDMENT

1. Any Party to this Protocol may submit proposals for amendment or revision of this Protocol.

2. Any such proposal shall be submitted to the Executive Secretariat of ECOWAS which shall communicate them to other Member States not later than thirty days after receipt of such proposals. Amendments or revisions shall be considered by the Heads of State and Government after Parties have given one month's notice thereof.

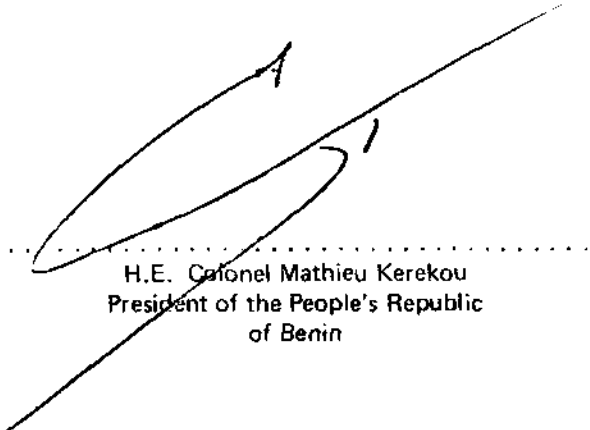
ARTICLE 9  
ENTRY INTO FORCE

1. The present Protocol shall enter into force provisionally upon signature by Heads of State and Government of Member States and definitely upon ratification by at least seven (7) signatory states in accordance with the constitutional procedures applicable to each Member State.

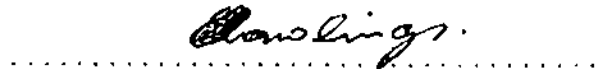
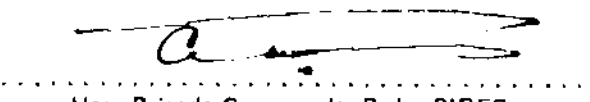
2. This Protocol and all the instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies of this Protocol to all Member States informing them of dates on which the Instruments of Ratification have been deposited. This Protocol shall be registered with the Organisation of African Unity, the United Nations Organisation and such Organisations as the Heads of State and Government of ECOWAS shall determine.

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


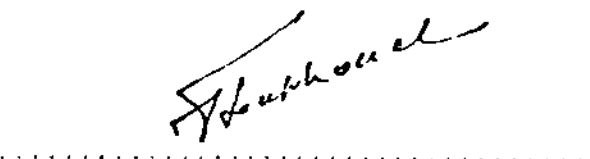
DONE AT COTONOU THIS 29TH DAY OF MAY 1982 IN SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES BOTH TEXTS BEING EQUALLY AUTHENTIC



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

  
.....  
H. E. Flight Lieutenant Jerry John RAWLINGS  
Chairman, Provisional National Defence  
Council (P.N.D.C.)  
Republic of GHANA

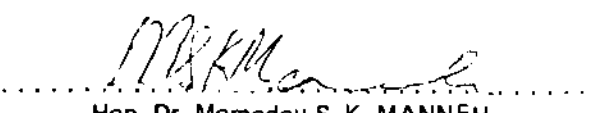
Hon. Brigade Commander Pedro PIRES  
Prime Minister, for and on behalf  
of the President of the Republic  
of CAPE VERDE

  
.....  
H.E. Ahmed Sekou TOURE  
President of the People's Revolutionary  
Republic of GUINEA

H. E. Felix Houphouet BOIGNY  
President of the Republic of  
IVORY COAST



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

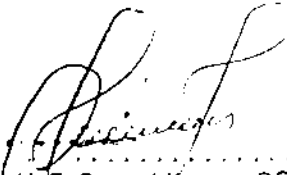


Hon. Dr. Momodou S. K. MANNEH  
Minister of Economic Planning and  
Industrial Development, for and on  
behalf of the President of THE GAMBIA

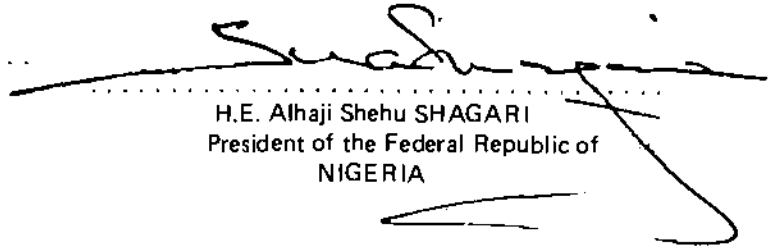


H. E. COLONEL SAYE ZERBO  
President of the Military Committee for Redress for  
National Progress, Head of State of the  
Republic of UPPER VOLTA

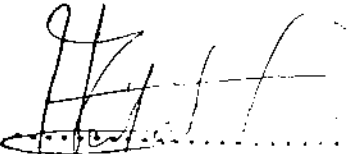




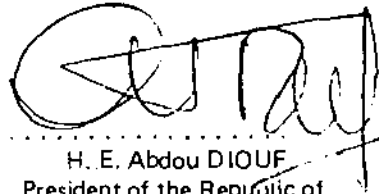
H. E. Samuel Kanyon DOE  
Commander-in-Chief, Chairman of the  
People's Redemption Council and Head  
of State of the Republic of LIBERIA



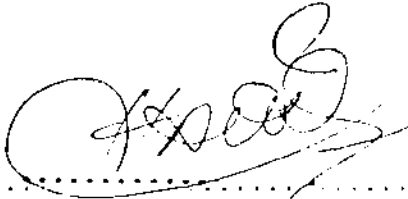
H.E. Alhaji Shehu SHAGARI  
President of the Federal Republic of  
NIGERIA



Hon. Drissa KEITA  
Minister of Finance and Commerce  
for and on behalf of the President of  
the Republic of MALI



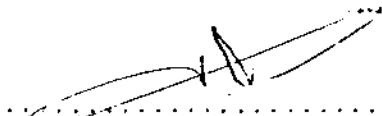
H. E. Abdou DIOUF  
President of the Republic of  
SENEGAL



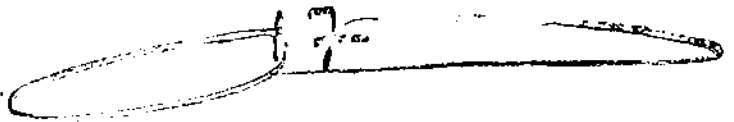
H.E. Lt. Colonel Mohamed Khouna Ould Haidalla  
President of the Military Committee of  
National Salvation  
Head of State of the Islamic Republic of  
MAURITANIA



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



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



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

## AGREEMENT FOR THE IMPLEMENTATION OF ECOWAS BROWN CARD SCHEME

### (INTER-BUREAU AGREEMENT)

THIS AGREEMENT is made the            day of  
one thousand nine hundred and            (19    ).  
BETWEEN

(being the National Bureau established in accordance with Article 3 paragraph 1 Item B of the Protocol establishing a West African Motor Insurance Scheme (otherwise called "the ECOWAS Brown Card" system or "the Scheme") signed by Member countries of Economic Community of West African States (ECOWAS) WHEREAS it is highly desirable to make uniform arrangements for owners and drivers of motor vehicles to be adequately insured against Third Party Road Risks when entering countries of West Africa where insurance against such risks is compulsory;

#### ARTICLE 1

For the purpose of this Agreement the following words and expressions shall have meanings herein assigned to them and no other:

- (a) "Protocol" means the Protocol signed by Member States of ECOWAS establishing a West African Motor Insurance Scheme otherwise known as "the Brown Card".
- (b) "Member" or "Insurer" means an insurance company or underwriting group which is a member of a National Bureau.
- (c) "Issuing Bureau" means the National Bureau who supplied a Brown Card to an Insurer and who has responsibility for the payment of claim arising under the Scheme.
- (d) "Handling Bureau" means the National Bureau of the Country where a motor accident occurs.
- (e) "Insured" means a person insured under a policy of insurance who holds a valid Brown Card.
- (f) "Vehicle" means any motor vehicle described either on a Certificate of Insurance or on the Brown Card.
- (g) "Brown Card" means the West African Motor Insurance Card issued under the authority of the Council of Bureau. This card shall be deemed to be giving insurance cover for guarantee not less than that required by laws of the States for which the card is valid. The period of validity of the card shall be as stated on the card.
- (h) "Policy of Insurance" means a policy of

insurance issued by an insurer to an insured to cover liability arising out of the use of a vehicle.

- (i) "Accident" means an accident giving rise to a claim against an Insured arising out of the use of the insured vehicle.
- (j) "Council of Bureau" means the body established under Article 6(1) of the Protocol.

#### ARTICLE 2

Each Bureau shall deliver the Brown Cards to its members who will issue them to the insureds.

#### ARTICLE 3

(a) When an accident occurs in the country of a Handling Bureau which gives rise to a claim against an Insured the Handling Bureau shall receive all claim notifications on behalf of the insurer.

(b) As soon as the Handling Bureau is notified of an accident and has been presented with a valid Brown Card, the Handling Bureau, without waiting for a formal claim against the Insured, shall proceed to investigate the circumstances leading to the accident, with a view to dealing with the claim and shall, at the same time, notify the Issuing Bureau who shall notify the member who issued the Card to the Insured.

(c) Nothing in this Agreement relieves an insured in an accident from the duty to give notice to his Insurer.

#### ARTICLE 4

(a) The Handling Bureau shall subsequently negotiate the claim with the Third Party or Parties on behalf of the member and submit to the Issuing Bureau a full report indicating the nature and extent of the material damage or bodily injuries supported by medical report as well as details of proposed settlement terms and handling fee of 5% of settlement amount subject to a minimum of 44 UA and a maximum of 1,739 UA per claim or series of claims arising from one accident. This is exclusive of legal fees.

(b) The Issuing Bureau shall not make payments arising from Court fines.

(c) The payment of the sum calculated on the basis of these provisions including the minimum amount of 44 US for handling fees is due even where the claim has been closed without payment.

#### ARTICLE 5

Where the settlement referred to in Article 4 above does not exceed 2,174 UA per each claim and not more than 10,870 UA per each accident, the Handling Bureau shall settle and notify the Issuing Bureau which shall reimburse the Handling Bureau

**ARTICLE 6**

Where the settlement is above 2,174 UA per each claim and 10,870 UA per each accident the settlement has to be approved by the member. As soon as approval is obtained the Issuing Bureau shall indicate the authority for payment to the Handling Bureau.

**ARTICLE 7**

(a) If a member of the Issuing Bureau has, in the country of the Handling Bureau an Organisation established for the purpose of transacting motor insurance, the Handling Bureau, if asked to do so, shall leave the handling and settlement of the claims to the Organization.

(b) A member of the Issuing Bureau may request the Handling Bureau to leave the handling and settlement of claims to an appointed Correspondent who may be:

- (i) a member of the Handling Bureau; or
- (ii) an Organisation set up in the country of the Handling Bureau for the purpose of handling motor insurance business, or
- (iii) an Organisation set up in the country of the Handling Bureau and specialising in the settlement of claims on behalf of insurers.

If a Handling Bureau accepts the request it shall authorise the appointed correspondent to handle and settle the claims. The request for authorisation shall be presented to the Handling Bureau by the Issuing Bureau.

In requesting the nomination of an appointed Correspondent, the member of the Issuing Bureau shall undertake to:

- entrust to the Correspondent the handling of the claims;
- address to the correspondent all documents relating to such claims, and
- leave to the correspondent the investigation and settlement of the claims.

On its own part, the Handling Bureau shall undertake to transmit to the correspondent all claim notifications and other documents it may receive from the Insured as well as all correspondence it may receive from third parties and to inform them of the mandate given to the correspondent.

The appointed correspondent shall be responsible for handling claims addressed to the Handling Bureau as the duly accredited agent of the said Bureau. In this capacity, the Correspondent shall be given all necessary instructions by the Handling Bureau.

(c) In exceptional cases, the Handling Bureau if requested to do so, may authorise an appointed correspondent in the manner described above for a

particular claim, even if this correspondent has not received a general mandate.

(d) At any time, and without having to justify its decision, the Handling Bureau may take over the handling of a claim from a correspondent or revoke the mandate.

(e) If in the country of the Handling Bureau insurance operations are carried out only by a single organisation the Handling Bureau, if requested to do so by the Issuing Bureau or a member of the Issuing Bureau, shall entrust the handling and settlement of a particular claim, or of all claims in general to an independent organisation, or if there is no such organisation, to a duly qualified person in the country of the Handling Bureau designated to this end by the member of the Issuing Bureau. In all cases, when taking over the settlement of claims this member shall be bound with regard to the Handling Bureau to settle the claim in full conformity with the statutory requirements of the country in question and it is understood that the Issuing Bureau shall be responsible for ensuring fulfilment of this obligation.

(f) When an Organisation other than a Handling Bureau investigates, or discusses a claim with third parties it shall follow the procedure herein as if it were a Handling Bureau which may attach any comments it considered fit for the consideration of the member.

**ARTICLE 8**

The Handling Bureau may act through any one of its members, but shall be responsible for any acts carried out on its behalf.

**ARTICLE 9**

Where a claim cannot be settle out of Court then only the Handling Bureau may accept service of any legal process against the Insured. In such a case, the Handling Bureau shall arrange legal defence of the suit and the legal fees and expenses incurred thereby shall be charged to the account of the Issuing Bureau.

**ARTICLE 10**

In all cases of negotiating or discussing a claim, the Handling Bureau or an Organisation nominated by the Issuing Bureau to handle claims, shall act in full compliance with the requirements of insurance law of the country of accident and the Issuing Bureau shall ensure that this is done.

**ARTICLE 11**

(a) A system of current accounts based on inter-bureau agreement shall be established in respect of reimbursements which shall be made at the headquarters of the requesting national bureau in local currency without commission or transfer fees.

(b) If after three months from the request for a refund or after the due date of payment, reimbursement has not been made to the handling bureau, an 8% interest rate per annum calculated after the due date shall be added to the sum due.

#### ARTICLE 12

The Handling Bureau shall not knowingly appoint, without written consent of the Issuing Bureau or cause or permit a claim to be handled by any member or person or Organisation who by virtue of any contractual obligation is financially interested in the accident giving rise to a claim. A case of non-conformity of this article shall be referred to the Council of Bureaux

#### ARTICLE 13

Nothing in this Agreement shall affect or be affected by any arrangement or contract which may be made by a member with a Handling Bureau for the settlement of any other claim not required to be compulsorily insured under the Brown Card Scheme.

#### ARTICLE 14.

Where the period on the Brown Card expires, the Handling Bureau, if so requested, shall assist the vehicle owner or driver to obtain necessary compulsory insurance of the country or any additional cover that may be required.

#### ARTICLE 15

Unless proved otherwise any Brown Card carried by a motorist bearing the name of any Bureau shall be deemed properly issued by one of the Bureaux members.

#### ARTICLE 16

Any dispute between Bureaux as to the interpretation or effect of this Agreement shall be referred to the Council of Bureaux and decisions of the Arbitrators on a matter referred to them shall be notified to all Bureaux. The costs of the Arbitration shall be agreed between the Council of Bureaux and the Arbitrators.

#### ARTICLE 17

Where in the country of one of the Bureaux insurance of liability in respect of third parties arising from the use of any category of motor vehicles

is not compulsory for vehicles coming from another country, the following stipulations shall be applicable in that country for the said vehicles.

I. For the purpose of this clause (a) the Bureau of that country shall be called the "Investigating Bureau", and

(b) the following substitution shall be deemed to have been made—

"Policy of Insurance" in Article 2(c) means an insurance policy delivered by a member to an insured.

II. If, after an accident has occurred in the country of the Investigating Bureau, an insured presents to the Bureau or to any other representative authorised by the Bureau a Brown Card on which the name of that country is written, the Investigating Bureau shall investigate, at the request of the Insured, any claim instituted against the Insured.

In this connection, the Bureau will immediately contact (either directly or through the Bureau of which the Investigating Bureau is a member) the member who issued the Brown Card to agree with the member on handling the claim on the member's behalf. The conditions of such settlement must be submitted for the member's approval and the fees which may be claimed shall be those defined in Article 4 of this Agreement.

III. The Investigating Bureau, if so requested by the member who issued the Brown Card, and according to the conditions agreed upon with this member, may deliver to the Insured presenting a Brown Card a letter of guarantee or any other document in use in that country establishing the existence of an insurance guaranteeing the vehicle.

#### ARTICLE 18

A party to this Agreement may withdraw from the Scheme by giving six (6) months notice to the Council of Bureaux NOTWITHSTANDING that such Notice has been given the withdrawing party shall remain bound by this Agreement in respect of all cards issued by its members.

#### ARTICLE 19

This Agreement comes into effect on the same date as the Protocol.

IN WITNESS WHEREOF the parties hereto have hereunto affixed their Common Seals the day and year first above written.

**A/P2/5/82 CONVENTION REGULATING INTER-STATE ROAD TRANSPORTATION BETWEEN ECOWAS MEMBER STATES**

**PREAMBLE**

The Governments of Member States of the Economic Community of West African States,

MINDFUL of Articles 40 and 41 of the Treaty of the Economic Community;

CONSCIOUS of the urgent need to develop transportation in general and road transportation in particular with a view to promoting trade;

CONVINCED that the gradual integration of the economies of the Member States of the sub-region requires a harmonious development of the system of road transportation;

DESIROUS of encouraging movement of persons, goods and services through the harmonization of their transport policies,

HAVE AGREED as follows:-

**CHAPTER 1  
DEFINITIONS**

**ARTICLE 1**

In this Convention

"Treaty" means the Treaty of the Economic Community of West African States,

"Community" means the Economic Community of West African States established by Article 1 of the Treaty,

"Member State" or "Member States" means a Member State or Member States of the Community;  
"Authority" means the Authority of Heads of State and Government of the Community established by Article 5 of the Treaty;

"Council" means the Council of Ministers of the Community established by Article 6 of the Treaty;

"Executive Secretary" means the Executive Secretary of the Community appointed under Article 8 of the Treaty;

"Transporter" means the natural or legal person in whose name the transporter's licence is issued;

"Road Vehicle" means any motor vehicle or any Trailer or semi Trailer with back axle, the front part of which rests on the towing vehicle and is so designed as to be connected to such a vehicle.

"Container" means any means of transport (frame, tankers or similar stock);

- (1) having a durable outlook and of such quality as to withstand repeated use,

(2) specially designed to facilitate transportation of merchandise without the need for breaking bulk by one or several means of transportation,

(3) equipped with devices which can be easily manipulated especially when changing from one means of transport to another,

(4) made in such a way that it can be filled and emptied easily, and

(5) having an internal capacity of at least one cubic metre

"Way-bill" means a document issued by the loading agent or the freight office, indicating the nature and weight of the cargo, the loading and off-loading points as well as the date of commencement of transportation.

**CHAPTER II**

**OBJECTIVE**

**ARTICLE 2**

1. The aim of this convention shall be to define the conditions under which transportation by road shall be carried out between the Member States of the Community.

2. This convention shall deal with the road transportation of persons and merchandise between one or several points of the territories of Member States by road vehicles or by containers mounted on such vehicles and operating along clearly defined inter-state road axes.

**ARTICLE 3**

The following shall be the recognised Community road axes:

In Benin

I.- Cotonou — Bohicon — Dassa-Zoume-Parakou - Bembereke - Kandi — Malanville — (Niger )

II.- Cotonou — Dassa — Zoume - Savalou — Djougou - Natitingou - Porga - (Upper Volta)

III.- Cotonou — Ouidah - Hiflancondji — (Togo)

IV.- Cotonou — Port-Novo - Igolo - (Nigeria)

V.- Djougou — Parakou-N'Dali - Nikki - (Nigeria)

VI.- Cotonou — Seme - Krake — (Nigeria)

- (vii) Decision of the Authority of Heads of State and Government relating to Solidarity among Member States during International Negotiations on Primary Industrial Products. 55
- (viii) Decision of the Authority of Heads of State and Government Amending the Provisions of Paragraph 1 of Article 27 of the Treaty of the Economic Community of West African States. 55
- (ix) Decision of the Authority of Heads of State and Government Mandating the Executive Secretariat of ECOWAS to Give its Support to the Conference of Ministers of Youth and Sports of Member States of the Community. 55-56
- (x) Decision of the Authority of Heads of State and Government relating to the Application of the Protocol relating to the Free Movement of Persons and the Public Enlightenment Programme. 56
- (xi) Decision of the Authority of Heads of State and Government relating to the Award of ECOWAS Scholarship; the ECOWAS Students Exchange Programme and the Establishment of an Ad Hoc Committee on the Equivalence of Certificates within ECOWAS. 56-57
- (xii) Decision of the Authority of Heads of State and Government on the Cultural Exchange Programme. 57
- (xiii) Decision of the Authority of Heads of State and Government relating to the Organisation of Sporting Activities at the level of the Economic Community of West African States. 57-58
- (xiv) Decision of the Authority of Heads of State and Government relating to the ECOWAS Prize. 58
- (xv) Decision of the Authority of Heads of State and Government relating to the Financing Agreements between the European Development Fund, the European Investment Bank, the Italian Government and the ECOWAS Fund. 58
- (xvi) Decision of the Authority of Heads of State and Government relating to the ECOWAS Telecommunications Programme. 58-58
- (xvii) Decision of the Authority of Heads of State and Government relating to the Construction of Headquarters of the Institutions of the Community. 59

2. In Ivory Coast
- I.— Abidjan — N'Douoi-Toumodi - Yamoussokro-Tiebissou-Bouake-Katiola-Ferkes-Sedougou-Ouangolodougou-La Leraba- (Upper Volta)
- II.— Ouangolodougou - Nielle - Kornani-(Mali)
- (ii) Abidjan - Yamoussokro-Bouafle - Daloa - Duekoue - Toulepleu-(Liberia)
- (iii) Duekoue - Man - Danane — (Guinea)
- (iv) Abidjan-Adzope - Abengourou - Agnibilekrou- (Ghana)
- (v) Abidjan - Grand Bassam - Aboisso - (Guinea)
- (vi) Odienne - Touba - Man - Darane - Toulepleu - (Liberia)
- (vii) San - Pedro — Tabou - (Liberia)
3. In Gambia
- (i) Banjul-Karang-(Senegal)
- (ii) Banjul-Bignona - (Senegal)
4. In Ghana
- (i) Accra-Kumasi-Dorma Ahenkro - (Ivory Coast)
- (ii) Aflao-Accra-Takoradi-Axim-Elubo- (Ivory Coast)
- (iii) Accra-Kumasi -Kintampo-Tamale-Bolgatanga-Nevrongo-Paga-(Upper Volta)
- (iv) Kumasi-Techiman-Wenchi-Wa-Lawra-Hamife- (Upper Volta)
- (v) Accra -Aflao- (Togo)
- (iv) Bolgatanga-Bawku-Puisiga-(Togo)
5. In Guinea
- (i) Conakry-Boke-Gaoul-Koundara-Kandika-Gabou-Bissau-(Guinea Bissau)
- (ii) Conakry -Labe-Gaoul-Carrefour-Lekering — Koundara-Tambacounda-Dakar (Senegal).
- (iii) Conakry-Coyah-Pamelap-Massiaka-Freetown-(Sierra Leone)
- (iv) Conakry -Coyah-Mamou-Kankan-Siguiiri - (Mali)
- (v) Conakry—Coyah—Mamou—Kankan—Beyla-Nzerekore—Gantamonrovia-(Liberia)
- (vi) Conakry-Coyah-Mamou-Kankan-Beyla—Nzerekore-Ganta-Monrovia (Liberia)
- (vii) Conakry-Kankan-Kerouane-Beyla-Sinko— (Ivory Coast)
6. In Guinea Bissau
- (i) Bissau - St Vicente-Ingore-St. Oomigos - M'Pack- Ziguincho- (Senegal)
- (ii) Bissau-Nhacra-Mansoa-Mansaba-Farim-Dungal-Tanaf-Ziguinchor (Senegal)
- (iii) Bissau-Mansoa-Mansaba-Bafata-Contuboei —Kambadju- Salikenie-Kolda-Dakar— (Senegal)
- (iv) Bissau-Bafata-Gabu-Bajocunda-Pirada—Wassadou-Koukane-Velingara-Dakar — (Senegal)
- (v) Bissau-Gabu-Buruntuma-Kadika-Koudara-Gaoual-Boke-Boffa-Conakry— (Guinea)
7. In Upper Volta
- (i) Ouagadougou-Koupela-Feda N'Gourma - Kantchari- (Niger)
- (ii) Ouagadougou-Koupela-Tenkodogo -Bitou (Togo) and (Ghana)
- (iii) Ouagadougou-Pc- (Ghana)
- (iv) Ouagadougou-Leo-(Ghana)
- (v) Ouagadougou-Kaya-Dori-(Niger)
- (vi) Ouagadougou-Yako-Ouahigouya-Thiou — (Mali)
- (vii) Bobo-Dioulasso-Faramana- (Mali)
- (viii) Bobo-Dioulasso-Orodara-Koloko-(Mali)
- (ix) Bobo-Dioulasso-Diebourgou — (Ghana)
- (x) Yako-Koudougou-Leo — (Ghana)
- (xi) Bobo-Dioulasso-Ouessa — (Ghana)
- (xii) Ouagadougou-Bobo-Dioulasso-Lerabs- (Ivory Coast)
- (xiii) Diebourgou-Gaoua-Kampti- (Ivory Coast)
- (xiv) Sakoinse-Koudougou-Dedougou-Alouna- (Mali)
- (xv) Fada N'Gourma-Pama — (Benin)
6. In Liberia
- (i) Monrovia-Freetown — (Sierra-Leone)
- (ii) Monrovia-Ganta — (Guinea)
- (iii) Monrovia-Ganta - Tapeta (Ivory Coast)
9. In Mauritania
- (i) Nouakchott-Rosso-(Senegal)
- (ii) Nouakchott-Aioun-Nema-Gogui — (Mali)
- (iii) Nouakchott-Aioun-Nema-(Mali)
10. In Mali
- (i) Bamako-Nioro du Sahel-Nahe - (Senegal)

- (ii) Bamako-Kita-Keneba – (Senegal)
- (iii) Bamako-Kolokani–Mourdiah-Goumbou-Nara-Guirel-(Mauritania)
- (iv) Bamako-Kolakani-Nioro du Sahel-(Mauritania)
- (v) Bamako Gao-Labezana-(Niger)
- (vi) Bamako -Dougouni-Sikasso- (Upper Volts)
- (vii) Bamako-Segou-Bla-San Severa-Bandia-gara-Bankass-Koro-(Upper Volta)
- (viii) Bamako-Segou-Bla-Sienso-Kiparana-Kourv-(Upper Volta)
- (ix) Bamako - Segou-Bla-San-Taminian-(Upper Volta)
- (x) Bamako-Bougouni-Manakoro-(Ivory Coast)
- (xi) Bamako-Bougouni-Sikasso-Zegoua-Bouake (Ivory Coast)
- (xii) Bamako-Bougouni-Yanfolila-Badogo-(Guinea)
- (xiii) Bamako-Kouremale – (Guinea)

- (ii) Freetown-Msssiaka-Bo-Mano River-Monrovia-(Liberia)
- In Togo
- (i) Lome-Tsevie-Atakpame-Sokode-Kara-Sansanne Mango-Dappaong-(Upper Volta)
  - (ii) Lome-Kpalima-Atakpame-Badou-(Ghana)
  - (iii) Lome-Aneho-Savicondji (Benin)
  - (iv) Lome-Kara-Ketao-(Benin)
  - (v) Kara-Awandjelo-Kabou-(Ghana)
  - (vi) Sokode-Bassar-Natchamba-(Ghana)
- The present list of inter-state road axes is provisional.

It may be modified by the Council of Ministers upon the recommendation of the Transport, Telecommunications and Energy Commission.

**CHAPTER III  
HIGHWAY CODE**

**ARTICLE 4**

The axle load of the various types of vehicles authorised to carry out Inter-State Transportation shall not exceed 11.5 tonnes.

**ARTICLE 5**

The maximum dimensions allowed for the road vehicles defined in Article 2 above shall be as follows:

- a) Length:- Vehicles with two or three axles . . . . . 11m  
(In exceptional cases, the length of passenger vehicles may be longer than 11 meters but shall not exceed 12 meters, provided the overhang shall not be greater than 6/10 of its width or a length of 3,50 m).  
Articulated vehicles . . . 15 m  
(under special arrangement made for container vehicles)  
Articulated carriage (vehicle + trailer) 18 m  
Road train . . . . . 22 m
- (b) Breadth- All vehicles. . . . . 2.50 m
- (c) Height- All vehicles. . . . . 4 m

**ARTICLE 6**

For an omnibus, two entrances or exits shall be provided for passengers. One emergency exit shall also be provided.

- Width of the door . . . . . 0.60 m
- Height of the door. . . . . 1.60 m

Every entrance or exit (other than emergency exit) shall be on the near side of the omnibus.

- 11. In Niger
  - (i) Niamey-Makalondi-(Upper Volta)
  - (ii) Niamey-Tera-(Upper Volta)
  - (iii) Niamey-Tillabery-Ayorou-(Mali)
  - (iv) Niamey-Dosso-Birni N’Konni-Mara (Nigeria)
  - (v) Niamey-Dosso-Gaya-(Benin)
  - (vi) Tahoua-Tsernawa-Birni N’Konni-(Nigeria)
  - (vii) Zinder-Magara-(Nigeria)
  - (viii) Naine-Soroa-(Nigeria)
  - (ix) Diffa-(Nigeria)
  - (x) N’Guimai-Bosso-(Nigeria)
- 12. In Nigeria
  - (i) Lagos-Badagry-Cotonou-(Benin)
  - (ii) Lagos-Idiroko-Igolo-Porto-Novu-(Benin)
  - (iii) Lagos-Kontagora-Kano-Kogolam-Zinder (Niger)
  - (iv) Kano-Maradi-Birni N’Konni-Dosso-(Niger)
- 13. In Senegal
  - (i) Dakar-St. Louis-Posso-(Mauritania)
  - (ii) Dakar-Tambacounda-Doundara-Labe-(Guinea)
  - (iii) Dakar-Dianke Makam-(Mali)
  - (iv) Dakar-Kaolack-Keuraip-(Gambia)
  - (v) Ziguinchor-Senaba-(Gambia)
  - (vi) Dakar-Kaolack-Karang-Banjul-(Gambia)
  - (vii) Dakar-Ziguinchor-M’pak-St. Domingos-Ingore-St. Vicente-Bissau-(Guinea Bissau)
  - (viii) Dakar-Colda-Sanikeni-Kambanju-Kontubouel-Bafata-Mansaba-Mbansoa-Bissau-(Guinea Bissau)
  - (ix) Dakar-Ziguinchor-Tanaf-Dungal-Farim-Mansaba-Mbansoa-Bissau (Guinea Bissau)
  - (x) Dakar-Belingara-Kounkane-Wassadou-Pirade-Banjocounda-Gabou-Bafata-Bissau-(G. Bissau)
- 14. In Sierra Leone
  - (i) Freetown-Masslaka-Pamelap-Conakry-(Guinea)



**ARTICLE 7**

Vehicles with exceptional dimensions shall seek permit from the Minister responsible for Transport in the State in which the vehicles are registered. In the event such vehicles operate in other Member States they shall seek prior approval from the Ministers of Transport of the transit States.

Vehicles with exceptional dimensions may operate only during the day on specified axes during a specified period.

**ARTICLE 8**

The maximum number of passengers to be carried in public transport vehicles shall be determined by the following standards:

- A space of 40 cm shall be provided for each passenger
- The space between the back of one seat and the other shall be 60 cm.
- An allowance of 70 kg. shall be made for the weight of each passenger.
- Each passenger shall be entitled to 30 kg. for his baggage
- An allowance of at least 40 cm shall be provided for a Central corridor.

**ARTICLE 9**

Vehicles operating under the present Convention shall carry at their rear and front, reflectorised plates bearing their registration numbers and the signs of the Member States in which the registration has been effected.

**ARTICLE 10**

The minimum period for mechanical examination shall be fixed as follows:

- (1) Every three months for Passenger Transport Vehicles,
- (2) Every six months for Goods Transport Vehicles

The mechanical examination shall compulsorily be conducted before an Inter-State Passenger or Goods Transport Vehicle is put back on the road after it has been involved in a serious accident or when it is subject to alteration or transfer.

**ARTICLE 11**

A mechanical examination shall take place in the State where the vehicle is registered. It shall be recognised as valid in other States.

If the certificate of road worthiness expires while the vehicle is in the territory of a State other than that in which it was registered, it shall undergo a mechanical examination in that State.

If in the opinion of any of the contracting States such vehicles are deemed mechanically unfit, a report of the observation shall be forwarded to the State where the vehicle is registered with a view to affecting a re-examination.

The said vehicle shall comply with the internal regulations of the State in which it was registered upon its return to that State.

**CHAPTER IV  
TRANSPORTATION REGULATIONS AND  
REQUIREMENTS**

**ARTICLE 12**

A vehicle registered in one of the Member States may operate between one or several pre-determined points in the territories of other Member States along the axes defined in Article 3 above provided that:

- The goods loaded in one State shall only be transported to another Member State or Member States.
- It complies with rules laid down by the offices in charge of Freight.
- The vehicle shall satisfy prescribed regulations while crossing the customs barrier of each Member States.

**ARTICLE 13**

In order to facilitate the use of public passenger transport operating between Member States, the conditions laid down in Article 11 of the Convention may be waived provided there is a bilateral or multilateral agreement between Member States concerned.

**ARTICLE 14**

Carriage of persons and goods mixed together in one vehicle shall be forbidden between States of the Community.

**ARTICLE 15**

Transportation of goods or persons along the Inter-State routes defined in Article 3 above shall be carried out in accordance with the regulations in force in each State regarding the co-ordination of transportation by rail and by road.

**ARTICLE 16**

Vehicles registered in one of the Member States shall operate within the road traffic and fiscal regulations in force in their country of registration.

These vehicles shall be exempted from fiscal regulations in force in other Member States.

**ARTICLE 17**

Vehicles taking part in Inter-State transportation shall possess a bilingual (official language of the Member State/One working language of ECOWAS) Inter-State Transport Permit; printed in two colours (grey) for vehicles licensed to undertake public transportation of persons and (green) for vehicles engaged in the transportation of merchandise.

The specimen permit attached as an appendix shall be the only recognised format.

This permit which shall be valid for each vehicle shall bear the authorised itinerary and the official stamp of the States involved.

This licence shall be valid for one year.

**ARTICLE 18**

Conditions for the issue of these permits shall be defined by bilateral or multilateral agreements signed between the States concerned. These agreements which may be renewed annually shall also stipulate for each State the number and the category of vehicles authorised to operate in the other State or States.

The basic criteria for comparison shall be tonnage and the authorised number of passengers; the number of vehicles according to specified categories may vary from one State to another in relation to the total number of vehicles in each State.

**ARTICLE 19**

The implementation of this system of transport authorisation shall be subject to the establishment and operation of freight offices or road transport stations in charge of Inter-State transport in the principal towns of States which are signatories to this convention.

**ARTICLE 20**

Rules relating to Inter-State allocation of freight shall be those laid down by the Inter-State freight offices of Member States.

**ARTICLE 21**

Vehicles shall possess a five-page waybill in the Appendix and issued by the loading agent or the freight office stating the nature, the weight of the cargo, loading and off loading points and the date on which the transport owner takes responsibility of the freight.

**ARTICLE 22**

The driver of a vehicle engaged in Inter-State Road Transport shall produce on demand by any competent authority responsible for traffic control, the following document in addition to his licence and the particulars of the vehicle:

- (i) Inter-State transport permit.
- (ii) Waybill

**ARTICLE 23**

The transporter shall be responsible for acquiring and maintaining the validity of an insurance policy covering the responsibility he might encounter in accordance with the legislation in force in countries where he shall operate as regards loss or injury to a third party, taking into consideration the limits of the amount which the insurance policies of those countries have or may set for such purposes.

**ARTICLE 24**

An infringement of the provisions of the traffic regulations in any of the States shall render the offender liable to the sanctions prescribed by the laws or regulations in force in the country where the offence is committed.

Any infringement of the provisions of the present convention, without prejudice to the sanctions that may be imposed on the driver or transporter shall render the offender in the person of the transporter, in the State where the offence was committed liable to the temporary or permanent withdrawal of the Inter-State transportation permit of the vehicle in question.

**CHAPTER V**

**GENERAL AND FINAL PROVISIONS**

**ARTICLE 25**

The Member States agree to retain provisions of treaties signed between them which shall not be contrary to the provisions of the present convention. Furthermore, Member States undertake to harmonise earlier accords signed and in force with third countries, to conform with the provisions of the present Convention.

**ARTICLE 26**

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

**ARTICLE 27**

Any Member State desiring to withdraw from the present Convention shall give a year's notice of its intention to the Executive Secretariat which shall inform Member States thereof. If by the end of this period, the notice is not withdrawn,

the Member State concerned shall cease to be party to the Convention.

During the one year period referred to above, the Member State in question shall continue to comply with the provisions of the present Convention and it shall be incumbent upon it to discharge the obligations which fall on it by virtue of the present Convention.

ARTICLE 28

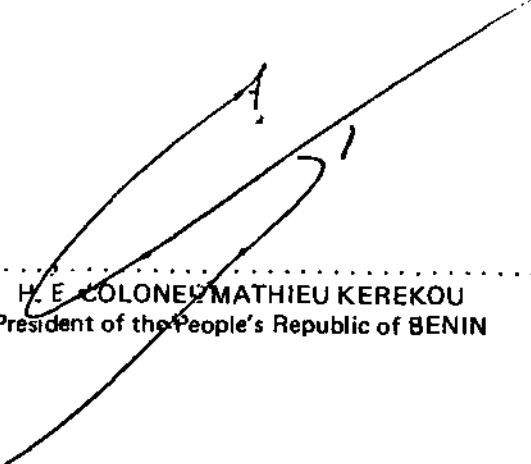
The present Convention shall enter into force provisionally upon signature by Heads of State and Government of Mem-

ber States and definitely upon ratification by at least seven (7) signatory States in accordance with the constitutional procedures applicable for each Member State.

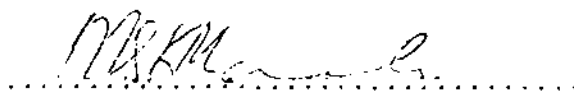
This Convention and all the instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies of this Convention to all Member States and notify them of the dates of deposits of these instruments of ratification and shall register this convention with the Organisation of African Unity, the United Nations and such Organisations as the Council shall determine.

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

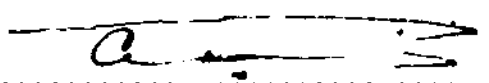
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President of the People's Republic of BENIN



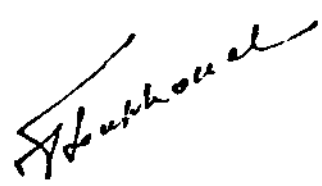
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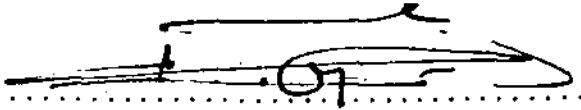
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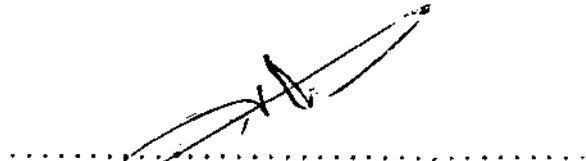
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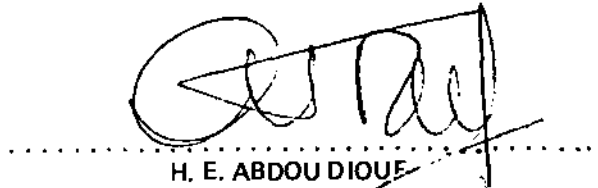
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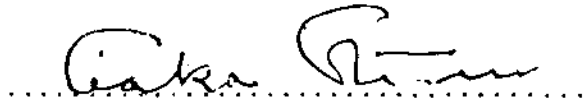
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Redemption Council and Head of State of the  
Republic of LIBERIA



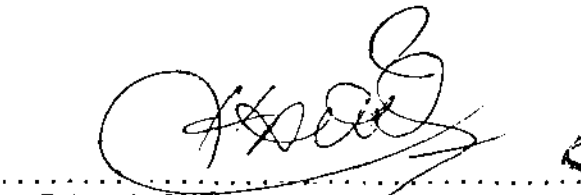
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President of the Republic of  
SENEGAL



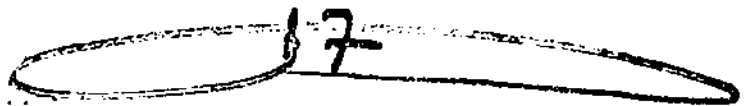
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SIERRA LEONE



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



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

**A/P3/5/82 PROTOCOL RELATING TO THE  
DEFINITION OF COMMUNITY CITIZEN**

**THE HIGH CONTRACTING PARTIES**

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

**RECALLING** that Paragraph 1 of Article 27 of the Treaty of the Economic Community of West African States as amended stipulates that Community citizens are citizens of member states that satisfy the conditions to be defined in a protocol establishing a code of citizenship for the Community.

**CONSIDERING** that member states would still exercise the sovereign right in conferring their citizenship on any person;

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

**HAVE AGREED AS FOLLOWS:—**

**ARTICLE 1  
ON THE ACQUISITION OF COMMUNITY  
CITIZENSHIP**

**1. A CITIZEN OF THE COMMUNITY IS:—**

- a. Any person who is a national by descent of a Member State and who is not a national of any non-Member State of the Community
- b. Any person who is a national by birth of any of the Member States either of whose parents is a national by sub-paragraph (1) above provided that such a person on attaining the age of 21 decides to take up the nationality of the Member State. However, a person who had already attained the age of 21 before coming into force of this Protocol and who is of dual nationality shall renounce the nationality of that parent who is not a national by virtue of sub-paragraph (a) above.
- c.
  - I. Any adopted child who at birth is not a citizen of the Community or whose nationality is unknown but who on attaining the age of 21 expressly takes up the nationality of his adoptive parent who is a Community citizen.
  - II. An adopted person who has already attained majority before the coming into force of this Protocol and who is of dual nationality shall expressly renounce the nationality of any State outside the Community.

III. Any child adopted by a citizen of the Community provided that the child has not attained his majority to decide on the nationality of his own choice.

d. A naturalised person of a Member State who has beforehand made a formal application and satisfies the following conditions:—

had renounced the nationality of any State outside the Community and such a renunciation is explicitly supported by an act of renunciation duly authenticated by the appropriate authorities of the country or countries whose nationality or nationalities he formerly enjoyed, and

II had effectively resided permanently in a Member State for a continuous period of fifteen years preceding his application for Community Citizenship. Such residence shall mean a permanent establishment of abode on the territory of a Member State without any subsequent transfer to any State outside the Community.

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

e. However, a naturalised person of any Member State may not be granted such status of community citizenship if by granting such status the fundamental interests of one or more Member States shall be jeopardised.

i. Any child who is not a Community citizen at birth or whose nationality is unknown, adopted by a naturalised citizen of the Community and who at the age of 21 years expressly takes up the nationality of his adopted parent.

However, such adopted child shall enjoy this status only after fifteen (15) years of permanent and continuous residence in the same Member State.

ii An adopted person by a naturalised citizen of the Community and having already attained the age of 21 years before the entry into force of the present Protocol and who is of dual nationality, who expressly renounce the nationality of any other State outside the Community.

f. However, he shall only enjoy the status of the Community citizenship only after fifteen (15) years of permanent and continuous residence in the same Member State.

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

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

## ARTICLE 2

### LOSS, FORFEITURE AND WITHDRAWAL OF COMMUNITY CITIZENSHIP

1. Any person may lose Community Citizenship for the following reasons:
  - a. permanent settlement in a State outside the Community;
  - b. voluntary acquisition of the nationality of a State outside the Community;
  - c. a de facto acquisition of the nationality of a State outside the Community;
  - d. loss of one's nationality of country of origin;
  - e. on his express request.
2. Any naturalised person who has acquired the status of Community citizen may forfeit this citizenship for the following reasons.
  - a. if he involves in activities incompatible with the status of Community citizen, and or prejudicial to the fundamental interests of one or more Member States of the Community.
  - b. if he has been sentenced in any state of the Community for an act considered to be a crime and recognised as such within the Community.

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

3. Community citizenship may be withdrawn from a person for the following reasons:

- a. when it becomes evident after the acquisition of the citizenship, that the person concerned did not satisfy the requisite conditions for the acquisition of Community citizenship;
- b. if, Community citizenship was obtained through lies or fraud.

## ARTICLE 3

### ON RE-INTEGRATION

Re-integration of Community Citizenship is granted after enquiry.

## ARTICLE 4

### TRANSITIONAL PROVISIONS

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

## ARTICLE 5

### DEPOSIT AND ENTRY INTO FORCE

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

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

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

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

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

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

## A/P4/5/82 CONVENTION RELATING TO INTER-STATE ROAD TRANSIT OF GOODS

The GOVERNMENTS of the ECONOMIC COMMUNITY OF WEST AFRICAN STATES.

RECALLING paragraphs 3 and 4 of Article 22 and Article 23 of the Treaty of the Economic Community of West African States relating to Customs and Trade matters and Article 11 of the Protocol relating to the Concept of Products originating from Member States;

ACCEPTING the principles of the convention of the United Nations Conference on Trade and Development on transit of goods within landlocked countries adopted on 8th July, 1965;

CONSIDERING that it is necessary to set up an Inter-State road transit system in order to facilitate the transportation of goods between the territories of the Member States;

CONSCIOUS of the fact that the Inter-State Road Transit System may facilitate the compilation of statistics of movement of goods;

CONVINCED that in order to ensure that these statistics are comprehensive and reliable it is necessary to ensure that the Member States collaborate at the administrative level and that the documents of the Inter-State road transit contain the necessary data;

HAVE AGREED AS FOLLOWS:

### CHAPTER I

#### ARTICLE 1 DEFINITIONS

In this Convention,

- a. "Treaty" means the treaty of the Economic Community of West African States;
- b. "Member State or Member States" means a Member State or Member States of the Economic Community of West African States.
- c. "Inter-State Road Transit (ISRT)" means a regime that allows the transportation of goods by road from one Customs Office in a Member State to another Customs Office in another Member State through one or more Member States free of duties, taxes and restrictions while in transit. Such goods shall be accompanied with a set of customs documents and shall not be off-loaded or transferred while in transit;

- d. "Principal Oblige" means any natural or legal person, who by a customs declaration, applies to carry out an Inter-State Road Transit operation and is thus responsible to the competent authorities for the regular execution of this operation;
- e. "Means of Transport" means any road vehicle, trailer, semi-trailer or container used for the conveyance of goods.
- f. "Office of Departure" means the Customs Office where the Inter-State Road Transit operation begins.
- g. "Transit Office" means the Customs offices (other than those of departure and destination) through which vehicles pass during their Inter-State journey;
- h. "Office of destination" means the Customs Office where the goods are to be presented and where the Inter-State Road Transit operation terminates;
- i. "Office of guarantee" means the Office of departure where security bond arrangement concerning transit are concluded;
- j. "Common border" means the border common to two Member States;
- k. "Inter-State Road Transit Declaration" means the transit declaration made in appropriate booklet, a model of which is attached to this Convention as an appendix;
- l. "Notice of passage" means an unnumbered leaflet of the Inter-State Road Transit declaration deposited by the transporter in each passage Office;
- m. "Merchandise" means all trade goods subject to trade with the exception of those stipulated in Annex "A" to this Convention.

### CHAPTER II

#### ESTABLISHMENT OF INTER-STATE ROAD TRANSIT REGIME

##### ARTICLE 2

An Inter-State Road Transit Regime is hereby established among Member States of ECOWAS for the purpose of facilitating the movement of goods in their territory as defined in Article 1.

##### ARTICLE 3

The provisions of Article 2 of this Convention shall,



however, not apply to the following:

- a. Goods appearing on the special list of goods which is attached as Annex "A" to this Convention. The list may be amended by the Council of Ministers upon the recommendations of the Transport Commission.
- b. Transportation of goods carried out under the international railway transit system.
- c. Postal articles (including parcels sent by post).

**ARTICLE 4**

In order to enjoy the provision of the present Convention, transporters authorised by their State shall:

- a. use road vehicle or container vehicles previously approved in conformity with the provisions indicated in Annex "B" to this Convention.
- b. have paid a deposit and obtained a receipt acceptable within the terms of the log-book and under the conditions stipulated in Annex "C" to this Convention.

**CHAPTER III  
FORMALITIES**

**ARTICLE 5**

- 1. In order to operate under this Inter-State Road Transit System, all goods shall be covered by the Inter-State Road Transit Declaration in accordance with the terms of the present Convention.
- 2. The Inter-State Road Transit Declaration shall either be type-written or hand-written, but in the latter case it shall be in ink, legible and in printed characters.
- 3. The Inter-State Transit Declaration shall be signed by the principal obligee or by his authorised representative as well as by the guarantor.
- 4. The log-book shall be numbered and shall bear the under-takings made by the principal obligee and his guarantor. They shall contain leaflets of undertakings and discharge which shall bear the number, type of package, description, quantity gross weight and value of the goods as well as countries of departure of transit and of destination.

**ARTICLE 6**

The Inter-State Transit Declaration which is to be completed at the point of departure shall comprise four leaflets numbered from 1 to 4, and be distributed as follows after registration:

leaflet No. 1: this shall be detached and kept at the office of departure where it is checked against leaflet No. 3 at the end of transit opera-

tions. The booklet is then delivered to the principal obligee or his authorised representative.

leaflet No. 2: this shall accompany the goods, and shall be deposited at the office of destination where it shall be kept.

leaflet No. 3: this shall accompany the goods and shall be deposited at the office of destination which shall then return the discharged leaflet directly to the office of departure or give it to the interested party of the representative who shall ensure its return to the office of departure.

leaflet No. 4: this shall accompany the goods and shall be deposited at the office of destination which shall forward it to the body charged with statistics in the Member State of destination. Additional leaflets shall be made available to serve as notice of passage.

**ARTICLE 7**

Additional documents to the Inter-State Road Transit Declaration shall be regarded as an integral part of it.

**ARTICLE 8**

In case there are additional documents to the Inter-State Road Transit System in a Member State of departure to another Customs System, reference shall be made to this additional documents and to any other corresponding documents on the Inter-State Road Transit Declaration.

**ARTICLE 9**

1. At the office of departure, as many leaflets of the notice of passage relative to the number of transit offices shall be produced in support of the Inter-State Road Transit Declaration.

2. After registration, the notice of passage are handed back to the principal obligee, or to his authorised representative.

**ARTICLE 10**

The principal obligee shall be bound:

- 1. to follow the itinerary as specified
- 2. to deliver the goods intact at the office of destination within the prescribed period
- 3. to respect the provisions concerning the Inter-State Road Transit System and transit in each of the Member States whose territory is used for the transportation.

**ARTICLE 11**

The following shall be considered to constitute one means of transport, provided that they transport goods which are meant to be carried together:

- 1. a sealed Road Vehicle;
- 2. a sealed Road Vehicle accompanied by its trailer(s) or semi-trailer;
- 3. container loaded on to a means of transporter as understood by the present article.

The same means of transport may be used to load up goods in containers at several departure points, just as it can be used for off-loading at several offices of destination.

ARTICLE 12

The one means of transport shall only convey goods covered under the Inter-State Road Transit Regime.

ARTICLE 13

Only goods loaded or supposed to be loaded on to only one means of transport and meant to be transported from the same office of departure to the same office of destination may be presented on the same Inter-State Transit Declaration.

ARTICLE 14

The office of departure shall register the Inter-State Road Transit Declaration, indicate the itinerary and prescribe the period within which the goods shall be delivered at the office of destination and shall draw up identification procedures it thinks fit.

After making all the Inter-State Road Transit Declaration leaflets and the notices of passage as appropriate, the office of departure shall keep the leaflet No. 1 for it and shall submit the booklet as well as all the notices of passage to the principal obligee or his authorised representative.

ARTICLE 15

- 1. The security of goods shall be ensured by sealing.

The sealing shall be done:

- a. by vehicle
- b. by packages or containers.

- 2. Sealing of vehicle shall be done only if the vehicle or vehicles

- a. can be sealed easily and effectively;
- b. are constructed in such a manner that no goods can be removed or added without damage leaving visible traces or without the seal being broken;
- c. contain no concealed space that may allow goods to be hidden;
- d. the spaces reserved for loading are easily accessible for customs inspection.

- 3. The office of departure may do without sealing when, in view of other possible measures taken for identification, the description of goods in the Inter-State Road Transit Declaration allows identification.

ARTICLE 16

- 1. The transportation of goods shall be carried out under the cover of the Inter-State Road Transit Booklet.

- 2. Transportation shall be carried out through the offices indicated on the Inter-State Road Transit Declaration. However, when justified by circumstances, other passage offices may be used as directed by the appropriate authority.

- 3. In each office open for transit, an official register shall be kept to register, in chronological order, all transit operations effected with reference to the number of ECOWAS/ISRT Log-Book.

- 4. The Inter-State Road Transit Declaration leaflets shall be presented in each Member State whenever demanded by the Customs authorities which shall ensure that the sealings are intact. Except in cases where foul play is suspected, the Customs authorities of Member States shall respect the sealings done at the office of departure.

ARTICLE 17

At each transit office, the transporter shall present, on his arrival the cargo as well as the Inter-State Road Transit Booklet.

ARTICLE 18

The transit office shall:

- 1. Ensure that it is included in the list of transit offices indicated on the Inter-State Road Transit Declaration;
- 2. Check to see that the sealings are in order;
- 3. Not carry out a check on the goods unless it suspects irregularities which may give rise to foul play;
- 4. Put its stamp on all Inter-State Road Transit Declaration leaflets and transit notices that are presented.
- 5. Keep back one of the transit notices presented to it by the transporter and gives back to the latter all the Inter-State Road Transit Documents as well as the remaining transit notices.
- 6. Shall affix its seal on its part of the declaration of discharge and return the log-book to the transporter. The annotated discharge leaflet shall be addressed to the corresponding office of undertaking for checking.

ARTICLE 19

When in accordance with the provisions of paragraph 2 of Article 6, transportation takes place unavoidably through a transit office other than the one mentioned to the Inter-State Transit Declaration and the transit notices, the transit office used shall find out from the transporter the reason for changing his itinerary, state the reasons given briefly on the document presented to him, apply the provisions of article 18 and immediately send the transit notice to the transit office

which ought normally to have been used and which appears on the document in question.

#### ARTICLE 20

Goods listed on Inter-State Transit Declaration may, without any need for the renewals of the declaration, be transferred to another means of transport under the supervision of the Customs authorities of the Member State on the territory where the transfer is carried out. In this case, the Customs authorities shall mark as appropriate the Inter-State Transit Declaration leaflets and the transit notice.

#### ARTICLE 21

In case the sealing is damaged in the course of transportation for reasons beyond the control of the transporter, the latter shall, without any delay, ask for a statement to that effect in the Member State where the means of transportation happens to be at that time, from the Customs authorities if it is in the vicinity, or, where that is not possible, from any other competent authority. The authority contacted shall then apply new sealings if possible. Report of the damage of sealing and the statement made to that effect and of the application of new sealing, as the case may be, shall then be made on the Inter-State Road Transit Declaration leaflets and the transit notice in the possession of the transporter.

#### ARTICLE 22

In case of an accident necessitating the transfer of goods to another means of transport, the provisions of article 20 shall apply. If there is no Customs authorities in the vicinity, any other competent authority may intervene in accordance with the provisions of article 21.

#### ARTICLE 23

In case of imminent danger necessitating immediate off-loading, partial or total, the transporter may use his discretion but shall report the steps taken on all the Inter-State Road Transit Declaration leaflets and the transit notice in his possession. The provisions of article 21 shall apply in this case.

#### ARTICLE 24

When as a result of an accident or other incidents which occurred during transportation, the transporter is not in a position to respect the time limit envisaged in article 14, the competent authority shall indicate this on the Inter-State Road Transit Declaration leaflets and the transit notices in the possession of the transporter.

#### ARTICLE 25

The office of destination shall indicate on the Inter-State Road Transit Declaration leaflets whatever verification was carried out. Leaflet No. 3 shall be sent back to the office of departure in accordance with the procedure stipulated in article 6.

#### ARTICLE 26

- a. The Inter-State Road Transit Operation may be terminated, in exceptional cases, at an office other than the one specified in the Inter-State Road Transit Declaration. The Office in question then becomes the Office of destination and the reason for the change shall be indicated on leaflets Nos. 2, 3 and 4 of the declaration.
- b. The principal obligee and guarantor shall be free from their obligation vis-a-vis Customs authorities, when transit operation is completed with a discharge in the Customs Office of departure.

#### CHAPTER IV

#### SECURITY

#### ARTICLE 27

1. In order to facilitate the collection of duties and other levies which a Member State shall charge for goods which pass through its territory during Inter-State Road Transit, the principal obligee shall provide acceptable security.
2. The sum of the security shall cover at least the sum of duties and taxes payable on such goods and possible penalties that may be incurred.
3. The security may be comprehensive and made to cover several Inter-State Road Transit Operations or be limited to a single Inter-State Transit Operation.
4. The comprehensive security shall cover several Inter-State Transit Operations carried out within a period not exceeding one year.

#### ARTICLE 28

1. The security mentioned in Article 27 above shall be a guarantee provided by a reputable financial institution affiliated to the West African Clearing House or any Institution of the Member State or legal entity approved by the Member State.
2. This guarantee shall cover transit operations from the bureau of departure to the bureau of destination.
3. The guarantee mechanism shall conform with the legislative, regulatory and administrative provisions of each member State during the transitional period of three (3) years.
4. The sample of the document and the certificate of guarantee are provided for in Annex "C"

## CHAPTER V REPORTING OF OFFENCES

### ARTICLE 29

1. When an infringement is established in the course of and at the time of an Inter-State Road Transit Operation in a Member State, the duties, taxes and fines that may be incurred shall be collected by the Member State in conformity with the laws and regulations in force in each Member State.
2. If the place of the infringement cannot be determined, then it shall be deemed to have been committed:
  - a. in the Member State where the infringement was noticed, when in the course of Inter-State Road Transit Operation, the infringement is noticed at the office of an entry point in a Member State which is an internal border;
  - b. in the Member State to which the office is attached, when in the course of an Inter-State Road Transit Operation the infringement was noticed in the passage office of a Member State located at a border;
  - c. in the Member State to which the Office of this entry point is attached, when in the course of an Inter-State Road Transit Operation, the infringement is noticed at the office of the entry point of a Member State as defined in Article 1;
  - d. in the Member State to which the Office is attached when in the course of an Inter-State Road Transit Operation the infringement is noticed at the exist office as defined in Article 1;
  - e. in the Member State where the discovery was made, when in the course of an Inter-State Road Transit Operation the infringement was discovered on the territory of a Member State at a place other than a passage office;
  - f. in the last Member State of entrance, by transportation means and goods, when the cargo was not delivered at the office of destination;
  - g. in the State where the discovery was made when the infringement was noticed after the Inter-State Road Transit Operation was carried out.

### ARTICLE 30

1. The Inter-State Road Transit Declaration duly delivered and the measures of identification by the Customs authorities of a Member State shall

have the same legal effects accorded declarations regularly issued and measures taken by Customs authorities of each Member State.

2. The discoveries made by competent authorities of a Member State during checks carried out within the framework of the Inter-State Road Transit System shall be equally binding as discoveries made by competent authorities of each Member.

### ARTICLE 31

As a matter of necessity, the Customs Administrations of the Member States shall communicate to one another, the reports of incidents, documents, certified accounts and information on transportation carried out under the Inter-State Road Transit System as well as on the infringements discovered.

## CHAPTER VI

### STATISTICAL PROVISIONS

#### ARTICLE 32

THE Office of departure shall transmit without delay, after verifying the Inter-State Road Transit Declaration, to the service which in the Member State of departure is the competent authority for external trade statistics, leaflet No. 3 of the said declaration.

#### ARTICLE 33

The Customs Office of Destination shall transmit without delay, after indicating the information specified in Article 25 to the service which in the Member State of Destination is the competent authority for external trade statistics, leaflet No. 4 of the Inter-State Road Transit Declaration.

#### ARTICLE 34

The passage offices of exist referred to in Article 1 shall forward for necessary action, to the service which in the Member State on which they depend is the competent authority for external trade statistics, copies of the passage notices submitted to them.

## CHAPTER VII

### FINAL PROVISIONS

#### ARTICLE 35

Any dispute between Member States as regards the interpretation or application of the present Convention shall be settled amicably by direct agreement.

Failing this, the dispute shall be sent by one of the parties to the Community's Tribunal whose decision shall be final.

#### ARTICLE 36

The annexes and appendix attached to the present Convention shall constitute an integral part of this Convention.

**ARTICLE 37**

1. Any Member State, desirous of withdrawing from the present Convention shall give one year notice to the Executive Secretary who shall inform all Member States. If, on expiration of this time-limit notification has not been withdrawn, the Member State concerned shall cease to be party to the present Convention.
2. In the course of the one year period indicated in sub-paragraph 1 above, this Member State shall continue to comply with the provisions of the present Convention and remain bound to fulfil their obligations arising from the provisions of this Convention.

**ARTICLE 38**

Movement of goods under the Inter-State Road Transit Regime shall be subjected to the different national regulations of the Member States provided that they are not contrary to the provisions of the present Convention.

**ARTICLE 39**

Each Member State shall, in agreement with their immediate neighbouring Member State establish a list of the itineraries and Customs Offices along the itineraries open to Inter State Road Transport of goods.

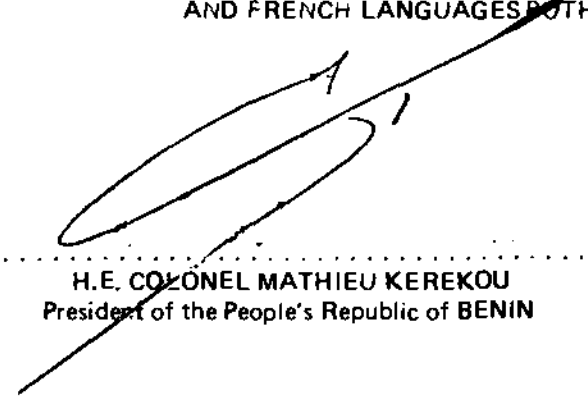
**ARTICLE 40**

1. The present Convention shall enter into force provisionally upon signature by Heads of State and Government of Member States and definitively upon ratification by at least seven signatory States in accordance with the Constitutional procedure applicable for each signatory State.
2. This Convention and instruments of ratification shall be deposited with the Executive Secretariat of ECOWAS which shall transmit certified true copies of this Convention to all Member States and notify them of the dates of deposits of the instruments of ratification and shall register this Convention with the Organisation of African Unity, the United Nations and such Organisation as the Council shall determine.
3. Each Member State shall inform the Executive Secretariat of the arrangement for the enforcement of the present Convention. The Executive Secretariat shall communicate this information to the other Member States of such arrangements.

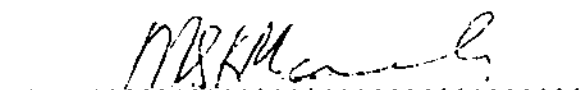
IN WITNESS of which, we, Heads of State and Government of the Member States of the Economic Community of West African States (ECOWAS) have given our signature to the present Convention.

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


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



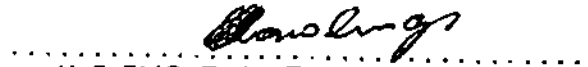
.....  
**H.E. COLONEL MATHIEU KEREKOU**  
 President of the People's Republic of BENIN



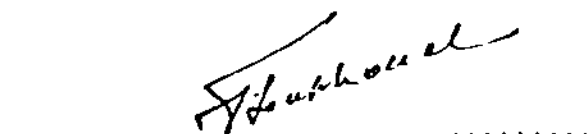
.....  
**HON. DR. MOMODOU S. K. MANNEH**  
 Minister of Economic Planning and Industrial Development, for and on behalf of the President of THE GAMBIA



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



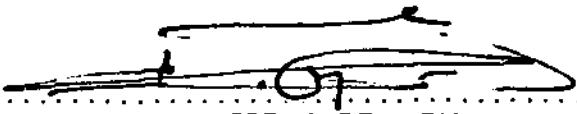
.....  
**H. E. FLIGHT LIEUTENANT JERRY JOHN RAWLINGS**  
 Chairman, Provisional National Defence Council (P. N. D. C.) Republic of GHANA



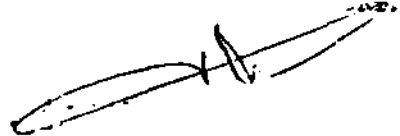
.....  
**H. E. FELIX HOUPHOUET BOIGNY**  
 President of the Republic of IVORY COAST



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



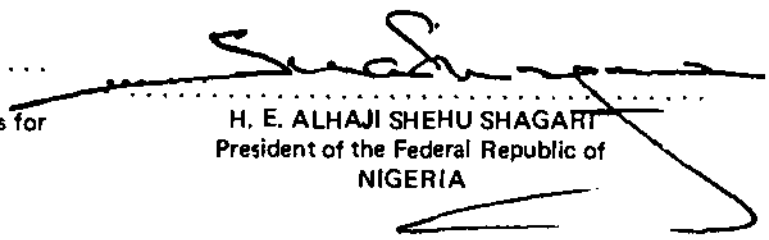
HON. VICTOR SAUDE MARIA  
Vice Chairman of the Revolutionary Council  
for and on behalf of the  
President of the Republic of  
GUINEA BISSAU



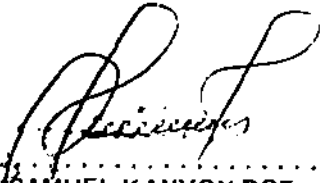
H. E. COLONEL SEYNI KOUNTCHE  
President of the Supreme  
Military Council, Head of State of the  
Republic of NIGER



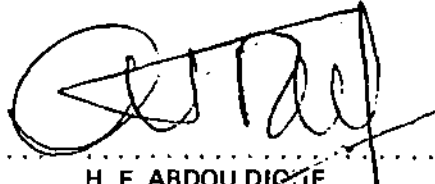
H. E. COLONEL SAYE ZERBO  
President of the Military Committee for Redress for  
National Progress, Head of State of the  
Republic of UPPER VOLTA



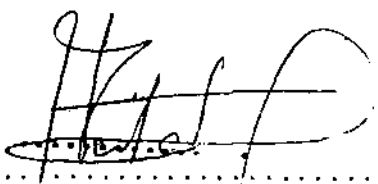
H. E. ALHAJI SHEHU SHAGARI  
President of the Federal Republic of  
NIGERIA



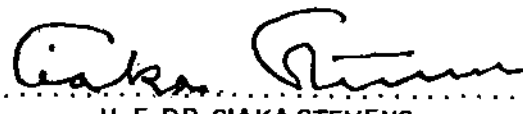
H. E. SAMUEL KANYON DOE  
Commander-in-Chief, Chairman of the People's  
Redemption Council and Head of State of  
the Republic of LIBERIA



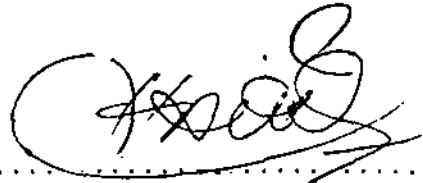
H. E. ABDOU DIOUF  
President of the Republic of SENEGAL



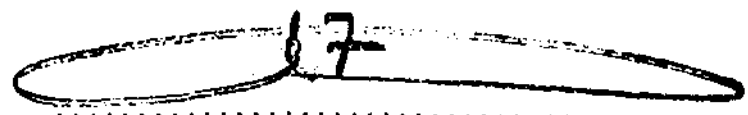
HON. DRISSA KEITA  
Minister of Finance and Commerce,  
for and on behalf of the President of the  
Republic of MALI



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



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



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

**ANNEX "A"**

**LIST OF GOODS EXCLUDED FROM THE I.S.T.R -ECOWAS REGIME, IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 3 OF THE CONVENTION**

<b>CUSTOMS CODE NUMBER</b>	<b>DESCRIPTION OF PRODUCTS AND GOODS</b>
3602	Prepared Explosives
360210	Dynamite and other blasting compounds for mining purposes.
360220	Explosives based on amonium nitrate, chlorates or perchlorates.
360230	Explosives based on other organic nitrated derivatives
360240	Initiatory explosives based on mercury fulminate lead azide, and the likes of it.
360290	Other.
3604	Safety fuses, detonating fuses, percussion and detonating caps; igniters; detonators:
360410	Safety fuses and detonating fuses
360420	Percussion and detonating caps for use in sporting firearms.
360430	Electrical primary detonators for mining use (comprising a small capsule of prinsing a small capsule of prinsing charge for use in a detenator)
360450	Detonators
360490	Other
3605	Pyrotechnic articles (for example, fireworks; railway fog signals, amorces, rain rockets and the like);
360520	Other, for entertainment or luminous signalling purposes.
360540	Amorce strips for lighters and for igniting ininers' lamp and like.
360590	Matches
930100	Side-arms (for example swords, cutlasses and bayonets) and parts there of and scabbards sheaths therefore.
930200	Revolvers and pistols, being firearms
9303	Artillery weapons (other than those listed under 9301 and 9302)
9303 to	Artillery weapons and infantry support weapons
930320	Machine guns and sub-machine guns

930330	Riffles, muskets and carbines
930390	Other
9304	Firearms (other than those listed in 9302 and 9303) including very light pistols and revolvers for firing blank ammunition only, line throwing guns and the like:
930410	Hunting rifles
930420	Other sporting and shooting guns, rifles and carbines.
930490	Other
9305	Arms of other descriptions, including air, spring and similar pistols, rifles and guns:
930590	Other
9306	Parts and spare parts or arms, including gun barrel blanks, including parts of side-arms:
930610	Arms of war
930690	Other
9703	Ammunition and parts thereof, including cartridge wads; lead shots prepared for ammunition:
930710	Sporting, hunting or target-shooting ammunition and parts thereof, including bullets and shots;
930720	Munitions of war
930790	Other.
	Drugs and narcotics.

**ANNEX "B"**

**TECHNICAL SPECIFICATIONS APPLICABLE TO ROAD VEHICLES INVOLVED IN ECOWAS INTER-STATE TRANSPORTATION OF MERCHANDISE UNDER TRANSIT STATUS**

For purposes of implementing Article 4(a) of the Convention, Member States have agreed as follows:

**1. ROAD VEHICLES**

Vehicles allowed under the scheme of international road transportation of merchandise under customs seal shall be constructed and fitted out in such a way that:

- (a) Customs seals may be affixed easily and effectively.
- (b) No merchandise may be extracted or introduced without leaving traces behind or breaking the seal.

- (c) There are no hidden compartments where goods might be concealed.

Vehicles shall be assembled or modified in such a manner that any compartments, chambers or other areas which can be loaded with merchandise are easily accessible for customs inspection.

## 2. SYSTEM OF LOCKING

- (a) Doors and all other locking devices on vehicles shall be made in such a way that sealing by the Customs may be done easily and effectively.
- (b) The doors shall be constructed in such a way as to cover all interstice and to assure that closing is complete and effective.
- (c) Adequate protection shall be provided for Customs seals or the vehicle shall be constructed in such a way that Customs seals may have sufficient protection.

## 3. SPECIFIC TYPES OF VEHICLES:

The above mentioned provisions concern sothermique vehicles, cooling and refrigerated vehicles, at as well as tankers. Powder horns (locking covers), valves and safety valves, and manholes of tankers, shall be built in a way that sealing may be undertaken simply and effectively.

## 4. TARPAULIN COVERED VEHICLES VANS

Tarpaulin covered vehicles shall be treated under the provisions of Articles 2. Such vehicles shall in addition comply with the following specifications:

The tarpaulin shall be made either from tough canvas non stretchable or from material covered with non stretchable and sufficiently resitant plastic or rubber material. It must be in good condition and made in such a way that once the lock is in place, the cargo cannot be tampered with without visible traces being left behind. Connecting rings shall be fixed in such a way that they cannot be detached from the exterior. The eyeletholes of the tarpaulin shall be reinforced with metal or with leather. The tarpaulin shall be attached to the wall of the vehicle in such a way as to prevent any possible access to the cargo. It will be supported by rings bows.

The following items may be used for closing purposes:

- (a) Steel cables
- (b) Sisal or hemproptes
- (c) Iron bars.

Provision shall be made on the extremity of closing appliance for affixing customs seals.

5. The axle loads and dimensions of vehicles admissible for Inter-State Transit of Goods shall not exceed the maximum loads and dimensions stipulated in the Inter-State Road Transport Convention.

## 6. CONTAINERS

(a) Within the provisions of the Inter-State Road Transportation of merchandise under Customs seal, only containers bearing the following permanent identification marks shall be permitted to operate under this Convention: the name and address of its owner, as well as an identification of the weight, the mark and number. Such container shall be constructed and fitted out in the following manner:

- to allow for easy and effective sealing
- no merchandise can be extracted or introduced without leaving traces or breaking the seal.
- having no closets where goods could be hidden;

(b) The container shall be made in such a way that any space such as compartments, receptacles or any other closet capable of containing merchandise shall be easily accessible to customs officials.

(c) Where open spaces exist between the different panels which constitute the wall, the floor and the roof of the container, the interior panel shall be fixed, full and continuous. It shall be made in such a way that it cannot be dismantled without visible traces being left behind.

(d) All containers shall have a placard on the exterior for affixing the agreement certificate. This certificate shall be enclosed in transparent sheet made of plastic material and hermatically sealed together. The placard shall be made in such a way that it shall be impossible to extract the certificate without breaking the seal. The sealing shall similarly be adequately protected.



## 7. STRUCTURE OF CONTAINERS

(a) The walls, floors and roof of containers shall be made of plates, planks or panelling which are sufficiently resistant, of appropriate thickness and soldered, clinched, bolted or assembled in such a way that there shall be no interstice which could allow access to the content. These panelling units shall fit into each other perfectly and shall be fixed in such a way as to make it impossible to displace or remove any of them without leaving visible traces as damaging the customs seals.

(b) Openings intended for ventilation or evacuation may be allowed provided they do not give direct access to the interior of the container.

## 8. LOCKING DEVICE

(a) Doors shall be constructed in such a way as to cover all interstice and to ensure that closing is complete and effective.

(b) Doors and all other closing appliances shall be made in such a way that sealing appliances shall be made in such a way that sealing by customs authorities may be done easily and effectively.

(d) Adequate protection shall be provided for customs seals and the container shall be constructed in such a way that customs seals are given sufficient protection.

9. (a) The conditions laid down above shall also apply to insulated vans, refrigerated vans, and trailer containers to the extent that they are compatible with the technical characteristics that the purpose for these containers impose.

(b) Compartments containing compressors, fuel and other sources of energy necessary for cooling shall be exempted from sealing formalities.

## 10. COLLAPSIBLE AND DETACHABLE CONTAINERS

Collapsible and detachable containers shall be subject to the same requirements as non-collapsible and non detachable containers provided their folding and dismantling systems permit sealing by the Customs Authorities and on condition that no section of these containers may be removed without seals being broken in the process.

## 11. WEIGHT AND SIZE OF CONTAINERS

The weight and sizes of containers authorised for Inter-States Transit may not exceed the weight and the maximum sizes stipulated for vehicles described in the Inter-State Road Transport Convention.

## 12. PROCEDURE RELATING TO THE APPROVAL OF ROAD VEHICLES AND CONTAINERS

The procedure of approval shall be as follows:

(a) Approval of road vehicles and containers shall be made by the appropriate administration of the Country of residence of the proprietor or transporter.

(b) The agreement shall indicate the date and the serial number of the decision for approval.

(c) The agreement shall give rise to the issue of an agreement certificate, similar in content with the attached models. These certificates shall be printed in the official languages of the Community and shall be enclosed in transparent sheets made of plastic material and hermetically sealed.

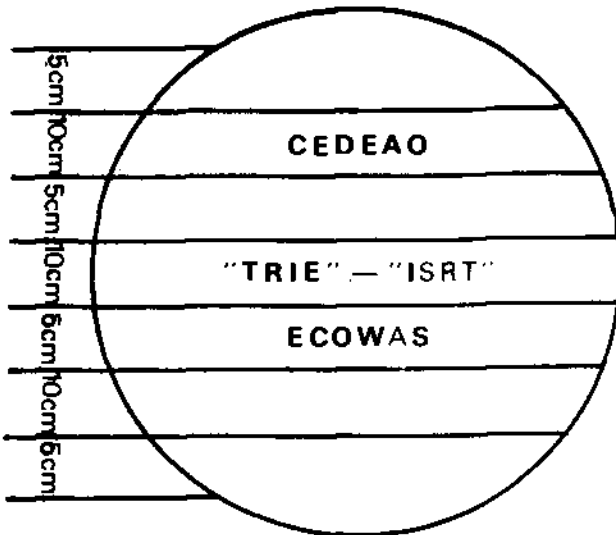
(d) The certificates shall be conspicuously displayed either in the cabin of the vehicle or on one of the sides of the containers in accordance with the provisions of items 6 paragraph (d) above.

(e) Road vehicles and containers shall be sent annually to the appropriate authorities for purposes of inspection and renewal of the agreement.

(f) The agreement shall become invalidated if the essential characteristics of the road vehicle or container be modified or if there be a change of ownership.

## 13. I.S.R.T. - ECOWAS LICENCE PLATES:

Road vehicles and containers used by the transit transportation must carry ISRT-ECOWAS Licence Plates fronts and backs and only when they are carrying transit goods. These Licence Plates shall be circular and 25 cm in diameter. The abbreviations ECOWAS-ISRT/CEDEAO-TRIE shall be inscribed in capital roman letters. These letters will be a little under 10 cm high and the stroke 2 cm thick. These licence plates shall be reflective blue in colour and all letters shall be reflective white and patterned after the following model.



Echelle 1/5  
Scale 1/5  
N.B. 5cm 25cm

**APPENDIX 2**

**CERTIFICATE OF AGREEMENT FOR AN ECOWAS ROAD TRANSIT CONTAINER**

1. Certificate Number.....Valid till.....
2. Certifying that the following container satisfies the required conditions to be admitted for Inter-State Transport of Goods under Customs sealing.
3. Nature of the container.....
4. Name and Address of the Owner.....  
.....
5. Make and Identification Number.....
6. Weight.....
7. External dimensions in centimeters.....
8. Done at.....On.....
9. Signature and seal of the issuing office  
.....

**NOTE:**

This certificate shall be framed and well displayed in the cabin of the vehicle. It shall be returned to the issuing office when the container is withdrawn from circulation or when there is a change of ownership or when the container has undergone some important transformation.

**ANNEX "C"**

**MODALITIES OF IMPLEMENTING ARTICLE 28 OF THE ISRT CONVENTION**

**ECOWAS ISRT DECLARATION FORMULA**

**ARTICLE 1**

The titles covering the transportation of goods between two or three States of the Community shall be in the form of a booklet format 38,5cm x 21,5cm whose model appears as appendix to the Convention.

Each leaflet of the ISRT booklet shall comprise the text of the submission meant to be subscribed to by the underwriter in each of the Member States passed through for the realisation of the transit operation.

**APPENDIX 1**

**AGREEMENT CERTIFICATE FOR AN ECOWAS ROAD TRANSIT VEHICLE**

1. Certificate number:.....Valid till.....  
Certifying that the following vehicle satisfies the required conditions to be admitted for Inter-State Transport of goods under Customs sealing.
2. Name of the owner (owner or transporter)  
.....
3. Make of vehicle:.....
4. Model:.....
5. Engine Number:.....  
Chassis number:.....
6. Registration Number:.....
7. Other characteristics:.....
8. Done at:.....On:.....
9. Signature and seal of the issuing office:  
.....

**NOTE:**

- (1) This Certificate shall be framed and well displayed in the cabin of the vehicle. It shall be returned to the issuing office when the vehicle is withdrawn from circulation or when there is a change of ownership or when the vehicle has undergone some important transformation.
- (2) The present Certificate is valid for one year and shall be renewable.

ARTICLE 2

The responsibility of printing these booklets shall be left to each Member State. Each booklet shall have a serial number which will single it out from the others.

The serial numbers shall be inscribed in figures, starting with 3 invariable numbers reflecting the statistical code number of the Member State of issuance. These numbers shall be as follows:

Benin	-	No.	204	.....
Cabo Verde	-	"	132	.....
Ivory Coast	-	"	384	.....
Gambia	-	"	270	.....
Ghana	-	"	288	.....
Guinea	-	"	324	.....
Guinea Bissau	-	"	624	.....
Upper Volta	-	Nos	854	.....
Liberia	-	"	430	.....
Mali	-	"	466	.....
Mauritania	-	"	478	.....
Niger	-	"	562	.....
Nigeria	-	"	566	.....
Senegal	-	"	686	.....
Sierra Leone	-	"	694	.....
Togo	-	"	768	.....

ARTICLE 3

In the event a third country submits a request for association with the ISRT-ECOWAS Convention a specific statistical code number shall be attributed to it, in order to enable this country to respect the above-mentioned stipulations.

ARTICLE 4

Member States shall make effort to abide by the provisions of the said Annex.

ISRT CONVENTION  
GUARANTEE (BOND OR SURETY)  
TOTAL GUARANTEE FOR SEVERAL  
TRANSIT OPERATIONS

Republic of .....

I. RECOGNIZANCE OF GUARANTEE

1. The Undersigned..... (surname and first name or business name)..... resident at..... (complete address)..... represented by M..... (in case of companies

only)..... its..... (chairman/ Managing Director, Director, etc.....); duly empowered by..... (articles of incorporation, resolution, etc..... hereby declares that he (she, it) will stand as surety at the customs..... office at..... (complete address) up to the amount of..... payable to.....

in respect of everything for which (surname, first name or business name, and complete address of the principal guarantor..... is or would become indebted, to all the states mentioned above, be such debts or principal and additional, or charges and other accord costs, in form of duties, taxes and penalties incurred by him as a result of any infringements committed during or in the course of the inter-state road transit operations he is effecting.

- 2. The undersigned is bound, at the first written request of the competent authorities of the States cited in paragraph 1 to make payment of the amount demanded, with no power to defer such payment. This amount can only be reduced to take into account payments already made under the present undertaking only when the undersigned is apprehended for an Inter-State Road Transit operation starting before the thirtieth day after receipt by him of the previous orders.
- 3. This guarantee is valid with effect from the date it is accepted at the office of departure. The surety bond can be annulled at any moment by the undersigned as well as by the State on whose territory the guaranteeing office is located. The annulment takes effect from the sixteenth day after notice has been served on the other party.

The undersigned is responsible for the payment of amounts falling due after Inter-State Road Transit operations, covered by the present undertaking, and having begun before the effective date of the annulment, even if the payment is requested later.

- 4. For the purposes of this guarantee, the undersigned is resident at..... (complete address) as well as in each of the States cited in paragraph 1, at.....

ISRT CONVENTION

GUARANTEE (BOND OR SURETY)
GUARANTEE FOR SINGLE TRANSIT OPERATION

State Surname and First Name
Business
Name and complete Address

- 1.
2.
3.
4.

The undersigned acknowledges that all correspondences, notifying documents and in a more general manner all formalities and procedures concerning this guarantee addressed to or established in writing to one of his addresses will validly be considered as reaching him.

The undersigned recognises the competence of the jurisdiction of the different places where he has residence.

The undersigned undertakes to maintain the addresses of the residences and should he have cause to change one or several of them, to inform, a priori, the office of guarantee of any such changes.

Done in.....ON.....

Signature

(handwritten and preceded by the Statement Good as surety for the amount of..... state amount in words).....

II. ACCEPTANCE AT THE OFFICE OF DEPARTURE

Office of Departure.....
Recognizance of Guarantee on.....
to cover the Inter State Road Transit as feature in Statement registered on..... number.....

Done at .....on.....

Office: .....

Officer's name: .....

Stamp:.....

Officer's Signature .....

Republic of .....

I. RECOGNIZANCE OF GUARANTEE

1. The undersigned.....
..... (surname and first name of business)
reside at.....
(complete address)..... represented
by M.....
only)..... its..... (Chairman
Managing Director, Director, etc.....) duly
empowered by .....

(articles of incorporation, resolution, etc.....)
..... hereby declares that
he (she, it) will stand as joint surety at the
office of exchange for out-going goods of
..... (complete address)
up to the amount of ..... payable to.....
in respect of everything for which (surname,
first name or business name, and complete
address of the principal Guarantor.....

..... is or
would become indebted, to all the states
mentioned above, be such debts or principal
additional, or charges and other accord costs,
in form of duties, taxes and penalties
incurred by him as a result of any
infringements committed during, or in the
course of the inter-state road transit
operations he is effecting from the office of
departure .....
to the office of destination.....
in respect of the goods listed below:

- 2. The undersigned is bound, at the first written request of the competent authorities of the States cited in paragraph 1 to make payment of the amount demanded, with no power to defer such payment.
3. This guarantee is valid as from the date it is accepted at the office of departure.
4. For the purposes of this guarantee, the undersigned, is resident at..... (complete address) as well as in each of the States cited in paragraph 1, at.....

..... Officer's Signature.....

State	Surname and First Name Business Name and Complete Address
1.	
2.	
3.	
4.	

**ISRT CONVENTION  
CERTIFICATE OF GUARANTEE**

The undersigned acknowledges that all correspondence, notifying documents, and in a more general manner, all formalities and procedures concerning this guarantee addressed to or established in writing to one of his addresses will validly be considered as reaching him.

The undersigned recognises the competence of the jurisdiction of the different places where he has residence.

The undersigned undertakes to maintain the addresses of the residences and, should he have course to change one or several of them, to inform, a priori, the office of guarantee of any such changes.

The Republic of.....  
Office.....(complete address and member State).....

hereby certifies that.....  
(surname, first name, or business name and complete address of the principal Guarantor

..... for whom.....  
(name and first name or business name and) is declaring himself (itself) as Joint Surety up to maximum amount of.....

.....  
(in figures and words)

obtained this day of..... (date), this certificate enabling him to effect the Inter State Road Transit through the States in question.

Done in..... on.....

Done in..... on.....

Signature

Office:.....Officer's name:.....

(handwritten and preceded by the Statement Good as surety for the amount of..... state amount in words).....

Stamp:.....

Officer's signature.....

**II. ACCEPTANCE OF THE OFFICE OF DEPARTURE**

Office of Departure .....

Recognizance of Guarantee on.....

to cover the inter State Road Transit as feature in the Statement registered on.....

..... number.....

Done at..... on.....

Office:.....Officer's Name.....

Stamp.....

**A/P5/5/82 CONVENTION FOR MUTUAL ADMINISTRATIVE ASSISTANCE IN CUSTOMS MATTERS**

**PREAMBLE**

**THE GOVERNMENTS OF THE MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES**

- **CONSIDERING** the provisions of Article 12 to 26 relating to the trade regime;
- **CONSCIOUS** of the fact that the implementation of Community Rules of Origin on Products and the Programme of Trade Liberalization in respect of intra-Community trade may create some illegal trade flows;
- **CONVINCED** of the necessity rationale for the establishment of a Convention relating to mutual assistance in customs matters for a better control over normal trade and more efficient control against smuggling;

**RESOLVE** as follows:-

**CHAPTER I**

**ARTICLE 1**

**DEFINITIONS**

For the purposes of the present convention and its application, the term:

1. 'Treaty' means the founding Treaty of the Economic Community of West African States;
2. 'Community' means the Economic Community of West African States
3. 'Council' means the Council of Ministers set up under Article 6 of the Treaty of the Economic Community of West African States;
4. 'Commission' means the Trade, Customs, Immigration, Monetary and Payments Commission set up under Article 9 of the Treaty of the Economic Community of West African States;
5. 'Member States or States' means a Member State or the Member States of the Economic Community of West African States;
6. 'Customs legislation' means the totality of legislative and regulative measures applied by customs administrations as regards the imports, exports or transit of merchandise, currency movement across the borders, including the monitoring of exchange control regulations;
7. 'Customs evasion' means any customs infringement in which a person fraudulently evades, either wholly or in part, the payment of import or export duties and taxes, infringes the prohibition or restrictive measures applied under customs legislation or obtains any benefit whatsoever by the infringement of such legislation;

8. 'Customs infringement' means any violation or attempt to violate customs legislation;
9. 'Commercial evasion' means any infringement by which, outside the provisions mentioned under (g) above, any merchandise is concealed or withheld from the knowledge of the external trade authorities, whether or not subject to import duties and taxes;
10. 'Smuggling' means any customs evasion in which merchandise is moved by any means across a customs post or un-authorized routes;
11. 'Import or export duties and taxes' means customs and any other duties, taxes and royalties or sundry levied on imports or exports, with the exception of royalties and charges where the amount is limited by the approximate cost of the services rendered;
12. 'Entity' means both an individual and a legal entity, unless the context provides otherwise;
13. 'Ratification' means the formal acceptance or application of the present Convention as provided under Article 62 of the Treaty;
14. 'Competent authorities' means any national customs administration or any other national authority designated to assist customs administration.

**CHAPTER II**

**APPLICATION OF THE PRESENT CONVENTION**

**ARTICLE 2**

- 1: The Member States agree that their competent authorities shall render each other assistance with a view to the prevention, detection and punishment of customs infringements, in accordance with the provisions of the present convention.
- 2: The competent authorities of any State may request the assistance referred to in clause 1 of the present Article in the course of any enquiry or judicial or administrative proceedings undertaken by that State. If the competent authorities lack jurisdiction in instituting direct proceedings it may request assistance only to the extent of the competence attributed to it with regard these proceedings. Similarly, if proceedings are initiated in the country of the administration from whom the assistance is requested, the latter may provide the requested assistance to the extent of the competence attributed to it with regard to these proceedings
- 3: In addition to the provisions of paragraph 1 of this Article this convention shall cover mutual administrative assistance in customs matters among Member States.

- 4: The assistance referred to in Section 1 of the present Article does not cover requests to effect arrests, nor to recover duties, taxes, charges, fines or any other sum due to a Member State, in so far as these matters come under the Community Customs Code.

### ARTICLE 3

The provisions of the present convention shall also apply to non-recorded traffic in drugs and narcotics.

## CHAPTER III

### ARTICLE 4

#### GENERAL NATURE OF ASSISTANCE

1. The particulars, documents and other sources of information communicated or obtained under the application of the present convention shall:
  - a Be used only for the purposes given in the present convention including judicial or administrative proceedings, and only on conditions that the conditions stipulated by the competent authorities are fulfilled;
  - b Benefit in the receiving country, from the same measures protecting confidential information and professional secrets as are in that country for particulars, documents and other sources of information obtained within its own territory.
2. Particulars, documents and other sources of information may only be used for other purposes, with written consent of the customs authorities or equivalent authority providing such information, and only on condition that the conditions stipulated by the organisation under section (1) of the present article, are fulfilled.

### ARTICLE 5

1. Communication between Member States provided for under the present convention shall take place directly between the competent authorities. The competent authorities of Member States shall indicate the departments or officials responsible for such communications, and inform the Executive Secretariat of the Economic Community of West African States of the names and addresses of these departments. The Executive Secretariat shall communicate such information to the Member States.
2. The competent authorities of any Member States to whom a request for assistance is addressed shall take all the necessary steps to comply with the request, with due regard to the laws and regulations in force within its own territory.
3. The competent authorities of a Member State to whom a request is addressed shall reply to such a request within the shortest possible time.

### ARTICLE 6

1. Requests for assistance on the basis of the present convention shall normally be submitted in writing, accompanied by the necessary information and any documents deemed relevant.
2. All written requests shall be submitted in one of the official languages of the Community acceptable to the Member State concerned.
3. When the competent authorities of a Member State presents a request for assistance to another Member State, which it would be unable to reciprocate if that other State were to submit a similar request, this fact shall be stated when the request is made. The Member State to whom the request is directed shall be at liberty to decide what action should be taken with regard to the said request.
4. In all cases, each Member State shall accept requests for assistance and accompanying documents drafted in French or English, or accompanied by a translation into one of these languages.
5. Whenever requests for assistance are not submitted in writing, primarily on account of their urgency, the Member State to whom a request is addressed may demand written confirmation.

### ARTICLE 7

The costs arising from provision of experts and witnesses by Member States as well as other costs resulting from the application of the present convention shall be borne by the party making the request. However the content and estimate of such cost shall be mutually agreed upon by the parties concerned prior to the rendering of the said assistance.

## CHAPTER IV

### ARTICLE 8

#### SUNDRY PROVISIONS

The Council, Executive Secretariat and Competent authorities responsible for implementation of the convention shall take appropriate measures to ensure that departments responsible for the prevention, detection and punishment of infringements involving customs or trade evasion are in direct and personal contact with each other to facilitate the implementation of the general aims of the present convention.

## CHAPTER V

### ARTICLE 9

#### TECHNICAL PROVISIONS OBLIGATORY ASSISTANCE

1. The competent authorities of any Member State shall communicate to the competent authorities of other Member States, any significant information reaching it in the course of

its normal activities, which leads it to suspect that a serious customs or trade infringement has been or about to take place on the territory of that Member State. Such information shall concern the movement of entities or of merchandise or the means of transport used.

2. The competent authorities of a Member State shall communicate to the competent authorities of any other Member State, any document, reports, records or proceedings in support of information provided in accordance with clause 1 of this article either in the form of originals or as certified copies.
3. The competent authorities of any Member State shall communicate to the competent authority of any other Member State directly concerned, any information likely to be useful to it relating to customs and trade infringements and especially to new means or methods used in the commission of such infringements.

#### ARTICLE 10

##### ASSISTANCE WITH REGARD TO DETERMINATION OF IMPORT OR EXPORT DUTIES AND TAXES

1. At the request of the competent authorities having reason to suspect that a serious customs or trade infringement has been committed within its country, the competent authorities of the Member State to whom such a request is submitted shall communicate any information at its disposal which is likely to assist in determining the exact amount of import or export duties and taxes due:
  - a. As regards the customs value of merchandise: commercial invoices submitted to the customs authorities of the exporting or importing country, or copies of the said invoices certified by the customs and as required by the circumstances; documents showing current export or import prices; a copy of the declaration of value made when the merchandise was exported or imported; trade catalogues, current prices etc., whether published in the country of export or the import;
  - b. As regards the classification of merchandise for tariff purposes; the results of any analysis carried out by laboratories to determine the classification of merchandise whether for import or export purposes.
  - c. As regards the origin of merchandise, the declaration of origin as established if necessary in accordance with the provisions of the protocol relating to the ECOWAS rules of origin, when such declarations are required, the customs status of merchandise in the country of export (i. e. for consumption, in customs transit, in bounded warehouses on temporary

importation, in a free zone, export duty drawback etc.)

#### ARTICLE 11

##### ASSISTANCE WITH REGARD TO MONITORING

At the request of the competent authorities of a Member State, the competent authorities of another Member State shall submit information on the following:

- a. The authenticity of the official documents submitted in support of a declaration of merchandise to the customs authority of the Member State presenting the request;
- b. the regularity of exports, from the territory of the Member State to whom the request is submitted, of merchandise imported into the territory of the Member State requesting the information.

#### ARTICLE 12

##### ASSISTANCE AS REGARDS SURVEILLANCE

At the request of the competent authorities of any Member State, the competent authorities of any other Member State shall exercise, to the extent of its competence and powers, special surveillance for a determined period.

- a. On the movements, particularly at territorial entry and exit points of entities suspected of engaging professionally or by custom, in suspicious activities on the territory of the Member State requesting the information;
- b. On the movement of any merchandise indicated by the competent authorities of the Member State requesting information as being the object of considerable illicit traffic to or from the territory of that Member State;
- c. On any locations where stores of merchandise have been built up, indicating their possible future use for illicit imports into the territory of the Member State requesting the information;
- d. On any vehicles, ships, aircraft or other means of transport which there is reason to believe are used to commit customs or trade infringements in the territory of the Member State requesting the information; and shall communicate the results to the competent authorities of the Member State submitting the request.

#### ARTICLE 13

##### ENQUIRIES AND NOTIFICATIONS CARRIED OUT ON BEHALF OF ANOTHER MEMBER STATE

1. At the request of the competent authorities of any Member State, the competent authorities of any other Member State shall act in accordance with the laws and regulations in force in its own country to carry out enquiries with a view to obtaining items of evidence with regard to customs or trade infringements which are the object of investigation on the territory of the Member State sub-



mitting the request, shall record the statements of individuals suspected or wanted in connection with such infringements, as well as those of witnesses or experts, and shall communicate the results of such an enquiry, together with the relevant documents or other items of evidence, to the competent authorities or other items of evidence, to the competent authorities of the Member State submitting the request.

2. On written request from the competent authorities of any Member State, the competent authorities of any other Member State shall act in accordance with the laws and regulations in force in its own country to notify any interested parties resident on its territory, requesting for information with regard to any matter relevant to the application of the present convention.

#### ARTICLE 14

##### STATEMENTS BY REPRESENTATIVES OF COMPETENT AUTHORITIES BEFORE FOREIGN TRIBUNALS

When a simple written statement is not sufficient and the competent authorities of a Member State requests it the competent authorities of the other Member State shall as far as possible, authorise its agents to give evidence before the appropriate tribunal in session on the territory of the Member State requesting information, as witnesses or experts in any matter concerning a customs or trade infringement. The request to appear before the tribunal shall specify the case in question and the capacity in which the agent or official is to give evidence.

#### ARTICLE 15

##### PRESENCE OF REPRESENTATIVES OF THE COMPETENT AUTHORITIES OF ONE MEMBER STATE ON THE TERRITORY OF ANOTHER MEMBER STATE

1. On written request from the competent authorities of a Member State enquiring about a specific trade or customs infringement, the competent authorities of the other Member State shall authorise, whenever it deems it appropriate to do so, any agents specially designated by the Member State requesting information to gain access to any papers, records and other documents or complementary sources of relevant information held by its offices, and to take copies of such documents or extract from the information or items relevant to the said infringement.
2. In the application of the provisions of clause 1 above, the greatest possible assistance and collaboration shall be provided to agents of the competent authorities of the Member State requiring information, so as to facilitate its enquiries.

3. On the written request of the competent authorities of a Member State, the competent authorities of any other State shall authorise, whenever it deems it appropriate to do so, agents of the competent authorities requesting information to be present on the territory of the Member State to whom the request is submitted, in connection with enquiries into or establishment of a customs or trade infringement involving the Member State requesting information.

#### ARTICLE 16

##### PARTICIPATION IN FOREIGN ENQUIRIES

When the two Member States concerned deem it appropriate to do so, representatives of the competent authorities of one of these Member States shall participate at the request of the other, in enquiries carried out on the territory of the latter.

#### ARTICLE 17

##### COOPERATION IN THE COMPILATION AND ANALYSIS OF CUSTOMS STATISTICS

1. The competent authorities of the Member States shall assist each other in the preparation and analysis of trade statistics of imports, exports and re-exports passing through common frontiers. To this end each exporting customs office shall communicate to the related importing customs office in the neighbouring country a monthly statement listed under tariff nomenclature positions, of quantities exported to the neighbouring country.
2. At the request of the competent authorities of a Member State, the competent authorities of another Member State shall carry out enquiries in order to check the correctness of statistics prepared by the requesting authorities in respect to imports, exports and re-exports of goods through common frontiers.

#### ARTICLE 18

##### COOPERATION IN THE PREPARATION AND OPERATION OF CUSTOMS TRAINING ARRANGEMENTS

The competent authorities of the Member States shall assist each other in the preparation and operation of customs training arrangements. This provision may apply to:

1. the planning and operation of joint training institution or facilities.
2. the invitation by the competent authorities of a Member State to the competent authorities of another Member State to designate officials to participate in training courses, or in other professional training activities, in order to improve their knowledge of formalities, pro-

cedures and other professional subjects of mutual interest.

## CHAPTER VI

### CENTRALISATION OF INFORMATION

#### ARTICLE 19

The competent authorities of Member States shall cooperate in the establishment and maintenance of a combined index of information on customs frauds involving persons and vehicles; to this end the Executive Secretariat shall be responsible for coordinating and organising the measures necessary to establish and maintain the index.

#### ARTICLE 20

1. The competent authorities of Member States shall communicate to the Executive Secretariat of the Community the information provided for in Article 26 to the extent that such information is relevant to Inter-State affairs.
2. The Executive Secretariat of the Community shall establish and keep an up to date central file of information provided by Member States, and shall use the data in the file to compile summaries and studies of recent or already established trends in trade or customs evasion.
3. The competent authorities shall, on request and on condition that the remaining provisions of the present convention are satisfied, supply the Executive Secretariat of the Community with any additional information which may be required by it in order to compile the summaries and studies referred to in paragraph 2 of the present Article.
4. The Executive Secretariat of the Community shall, on request, communicate to Member States any other information in its possession in respect of the present Article.
6. The Executive Secretariat shall ensure that relevant links are established with other international organisations concerned, especially the competent organisations of the United Nations, UNESCO and INTERPOL with regard to the combating of illicit traffic drugs and narcotics.

#### SECTION I

### ENTITIES INVOLVED IN SMUGGLING

#### ARTICLE 21

Information conveyed under the present section is intended to provide the following particulars:

- 1 on entities convicted definitively for smuggling offences; and
2. where appropriate, on entities suspected of smuggling or caught in the act of smuggling on the territory of the Member States responsible for supplying the information, even if no

prosecution has yet resulted.

#### ARTICLE 22

The principal items of information to be communicated are the following:

##### A. INDIVIDUAL ENTITIES

- a. Name
- b. Given names
- c. Where appropriate, maiden
- d. Surname or assumed name
- e. Occupation
- f. Present address
- g. Date and place of birth
- h. Nationality
- i. Country of residence
- j. Country or countries in which the entity has resided over the previous 12 months;
- k. Nature and number of means of identification, including dates and countries of issue;

##### 1. Description:

1	Sex	5	Hair
2	Height	6	Eyes
3	Weight	7	Complexion
4	Build	8	Distinguishing marks.

- m. Brief description of infringement (indicate, inter alia, the nature, quantity or origin of criminally handled merchandise, the manufacturer, the shipper and forwarding agent) and the circumstances in which it was discovered.
- n. Nature and extent of the penalties incurred or the sentence passed;
- o. Any other observations, including languages spoken by the entity in question and any previous convictions, if known;
- p. Member State supplying the information (including reference number).

##### B. LEGAL ENTITIES (COMPANIES)

- a. Name or type of company
- b. Address
- c. Name of principal directors or employees of the company being prosecuted and, where appropriate, descriptions as indicated in Part A above, sections (a) to (l);
- d. Name of associated multi-national company;
- e. Nature of activity;
- f. Nature of infringement;
- g. Description of infringement (including information as to manufacturer, shipper and forwarding agent) and the circumstances in which it was discovered,
- h. Maximum penalty;
- i. Any other observations, including any previous convictions, if known,
- j. Member State supplying information (including reference number)

**ARTICLE 23**

As a general rule, the Executive Secretariat of the Community shall circulate information concerning individual entities to all Member States.

**SECTION II****INDIVIDUAL OR LEGAL ENTITIES INVOLVED IN CUSTOMS EVASION OTHER THAN SMUGGLING****ARTICLE 24**

1. Information conveyed under the present section is intended to provide the following particulars:
  - a. On entities convicted definitively for customs evasion offences other than smuggling;
  - b. Where appropriate, on entities suspected of such offences, even in cases where no prosecution has yet resulted.

**ARTICLE 25**

The principal items of information to be communicated, whenever possible are the following:

1. Name (or name of company) and address
2. Names and descriptions of principal directors of the company;
3. Nature of merchandise,
4. Country of origin;
5. Associated multi-national company.
6. Name and address of seller
7. Name and address of shipper
8. Name and address of other implicated entities (buyer's or seller's agents, other middlemen, etc.)
9. Port(s) or place(s) from where the merchandise was exported
10. Brief description of the infringement and the circumstances in which it was discovered
11. Total penalty and loss of income for the Treasurer, where appropriate;
12. Any other observations, including any previous convictions, if known,
13. Member State supplying the information (including reference number).

**SECTION III****METHODS USED IN SMUGGLING AND OTHER TYPES OF EVASION INCLUDING FORGERY, FALSIFICATION OR COUNTERFEIT****ARTICLE 26**

Information conveyed under the present section is intended to provide particulars relating to methods used in smuggling and other types of infringement, including the utilisation of methods of concealment, forgery, falsification or counterfeit, in all cases of relevance at international level. Member States shall in each case indicate the method used (whether smuggling or other types of evasion), as well as any new or unusual methods and any poten-

tial means of smuggling or committing other types of evasion, such that any trends developing in illicit trade may be detected.

**ARTICLE 27**

The principal items of information to be communicated whenever possible, are the followings:

1. Description of methods used in smuggling and other types of evasion, including the use of forgery, falsification and counterfeit. Whenever possible, a description (make, model, registration number, etc.). When appropriate, information on the licence or number plate of containers or vehicles, the technical standards of which have been approved under the terms of an international convention, and also any indications concerning the fraudulent manipulation of seals, bolts on the sealing device, or other parts of the container or vehicles shall also be provided;
2. Where appropriate, description of the place of concealment, with a photograph or sketch whenever possible;
3. Description of the merchandise involved;
4. Nature and description of forgeries, falsification or counterfeit purposes for which the forged, falsified or counterfeited documents, customs seals, number plates, etc. have been used;
5. Further observations, especially with regard to circumstances in which the evasion was discovered;
6. Member State supplying the information (including the reference number).

**SECTION IV****SHIPS USED FOR SMUGGLING****ARTICLE 28**

Information conveyed under the present section is intended to provide particulars relating to ships of all types used in smuggling. In principle, only information relating to matters considered relevant at Inter-State level shall be communicated.

**ARTICLE 29**

The principal items of information to be communicated, as far as they are available are as follows:

1. Name and brief description of ship (tonnage, profile, etc.)
2. Name and address of charterer or shipper
3. Flag.
4. Port of registration and, if different, home port
5. Name and nationality of captain (and, where appropriate, principal officers of ship)
6. Nature of infringement, with description of

- any merchandise seized.
- 7. Description where appropriate of place of concealment (with if possible a photograph or sketch) as well as the circumstances in which it was discovered
- 8 Country of origin of the merchandise seized
- 9 Port of departure
- 10 Port of destination
- 11 Ports of call between ports mentioned in (9) & (10)
- 12. Any other observations (number of times the ship, shipping company, charterer of other entity using the ship under role has already participated in smuggling)
- 13 Member State supplying the information (including reference number)

**CHAPTER VII**

**ARTICLE 30**

**FUNCTIONS OF THE COUNCIL OF MINISTERS**

- 1. The Council shall ensure the proper administration and implementation of the present Convention.
- 2. For this purpose, the Commission shall exercise the following functions, as authorised by the Council and in accordance with its directions:
  - a. Propose to the Council any draft amendments to the present Convention which it considers necessary;
  - b. Advice on the interpretation of the provisions of the Convention;
  - c. Take any steps liable to contribute to the implementation of the general aims of the Convention, and in particular study any

new methods and procedures intended to facilitate the prevention, detection and punishment of infringements, relating to smuggling.

**CHAPTER VIII**

**FINAL PROVISIONS**

**ARTICLE 31**

Any dispute that may arise among the Member States regarding the interpretation or application of this Convention shall be amicably settled by direct agreement. In the event of failure to settle such disputes, the matter may be referred to the Council of Ministers.


**ARTICLE 32**

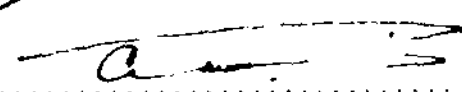
- 1. The present Convention shall come into force on a provisional basis upon signature by the Heads of State and Government, and on a definitive basis when it has been ratified by at least seven Member States which are signatories to the Convention in accordance with the constitutional laws of each Member State.
- 2. This Convention and Instruments of Ratification shall be deposited with the Executive Secretariat of ECOWAS which shall transmit certified true copies of this Convention to all Member States, and notify them of the days of deposits of the Instruments of Ratification and shall register this Convention with the Organisation of African Unity, the United Nations and such organisation as the Council shall determine.

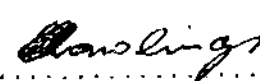
**IN FAITH WHEREOF WE THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES HAVE SIGNED THIS CONVENTION.**

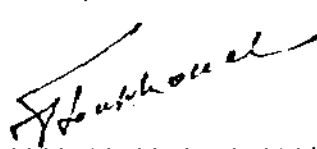
**DONE AT COTONOU THIS 29TH DAY OF MAY 1982 IN SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES BOTH TEXTS BEING EQUALLY AUTHENTIC**


  
 H. E. COLONEL MATHIEU KERÉKOU  
 President of the People's Republic of BENIN

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

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

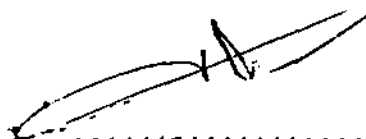
  
 H. E. Flight Lieutenant JERRY JOHN RAWLINGS  
 Chairman, Provisional National Defence Council (P. N. D. C.)  
 Republic of GHANA

  
 H. E. FELIX HOUPHOUËT BIOGNY  
 President of the Republic of IVORY COAST

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



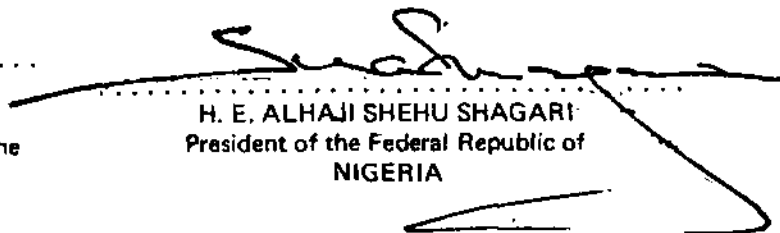
HON. VICTOR SAUDE MARIA  
Vice Chairman of the Revolutionary Council,  
Prime Minister, for and on behalf of the  
President of the Republic of GUINEA BISSAU



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



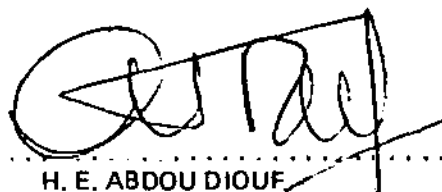
H. E. COLONEL SAYE ZERBO  
President of the Military Committee for  
Redress for National Progress, Head of State of the  
Republic of UPPER VOLTA



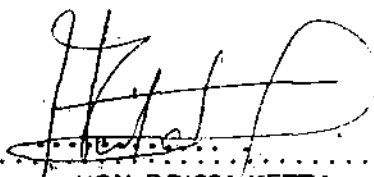
H. E. ALHAJI SHEHU SHAGARI  
President of the Federal Republic of  
NIGERIA



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



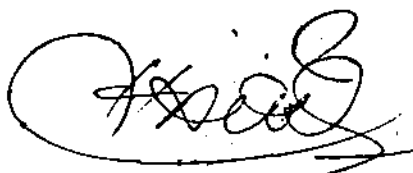
H. E. ABDOU DIOUF  
President of the Republic of  
SENEGAL



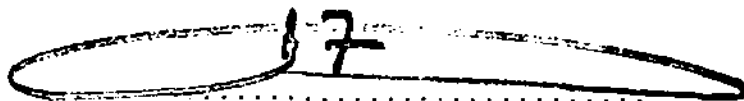
HON. DRISSA KETTA  
Minister of Finance and Commerce for and on behalf  
of the President of the Republic of  
MALI.



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



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



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

**(a) DECISION OF THE AUTHORITY OF HEADS OF STATES**

**A/DEC. 1/5/82 DECISION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES RELATING TO THE CREATION OF AN ECOWAS ENERGY RESOURCES DEVELOPMENT FUND.**

**THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT**

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

**DECIDES**

**ARTICLE 1**

The creation of an ECOWAS Energy Resources Development Fund within the ECOWAS Fund.

**ARTICLE 2**

The Fund will be financed through contributions.

**ARTICLE 3**

The Managing Director of the ECOWAS Fund in collaboration with the Executive Secretary is responsible for finding ways and means of sustaining this Fund.

**ARTICLE 4**

The present decision shall enter into force upon signature and shall be published in the Official Journal of the Community and the Gazette of each Member State.

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

FOR THE AUTHORITY

**THE CHAIRMAN  
H. E. MATHIEU KEREKOU**

**A/DEC. 2/5/82 DECISION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES RELATING TO THE DECLARATION OF THE 1983-1993 DECADE AS "REFORESTATION DECADE".**

**THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT**

MINDFUL of Article 5 of ECOWAS Treaty establishing the Authority of Heads of State and

Government, its composition and functions;

MINDFUL of the effect of wood as one of the energy resources of the sub-region;

MINDFUL of alarming encroachment of the desert into the sub-region;

**DECIDES**

**ARTICLE 1**

The 1983-1993 decade is declared as "REFORESTATION DECADE"

**ARTICLE 2**

Member States of the Community shall undertake to implement this decision.

**ARTICLE 3**

This decision shall come into force upon signature and shall be published in the Official Journal of the Community and in the National Gazette of each Member State.

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

FOR THE AUTHORITY

**THE CHAIRMAN  
H. E. MATHIEU KEREKOU**

**A/DEC. 3/5/82 DECISION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES RELATING TO THE ECOWAS ENERGY POLICY.**

**THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT**

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

MINDFUL of Article 48 of the ECOWAS Treaty requesting Member States to harmonize and to formulate a common policy on Energy;

**DECIDES**

**ARTICLE 1**

The energy policy of the Economic Community of West African States attached to this decision is approved.

**ARTICLE 2**


The Executive Secretariat shall take all the necessary measures for the realisation of this energy

policy.

**ARTICLE 3**

This decision shall come into force upon signature and shall be published in the Official Journal of the Community and the National Gazette of all Member States.

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

FOR THE AUTHORITY  
  
 THE CHAIRMAN  
 H. E. MATHIEU KEREKOU

**INTEGRATED AND COMPREHENSIVE ENERGY POLICY OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES**

**BACKGROUND TO POLICY OBJECTIVES**

The Member States of the Economic Community of West African States – ECOWAS – in deliberating over the matter of Energy do hereby state their recognition and/or acknowledgement of the following considerations and facts:

1. All MAN's activity depends on the availability of ENERGY; and all the epochal changes in history are associated with the materials of his tools just as well as the forms of ENERGY that moved those tools. This has led to the description of ENERGY, in the present epoch, as 'the 'OXYGEN' of modern industrial civilization.

2 Technically, it has been said that the standard of living, as measured by the Gross National Product (GNP) is a function of the amount of ENERGY consumed in any community as can be expressed in the following mathematical language;

$$L = \frac{R \times E \times I}{P}$$

where L = Standard of living  
 R = Raw Materials Consumed  
 E = Energy Consumed  
 I = Ingenuity (Technological, Political and Socio-Economic) Applied  
 P = Population of the Community.

3 The already developed countries of the world attained their present levels of Industrial/Economic Advancement under conditions of cheap Energy Re-

sources, mainly the fossil fuels (coal, crude oil and natural gas) and the technical capability to process these resources into readily acceptable and easily utilisable forms of Energy.

4. On Account of the relatively low level of Scientific and Technological capabilities of the countries where the oil exists in large quantities, almost the entire spectrum of activities involved (from exploration up to delivery of final products to the consumers), even within the oil producing/exporting countries, is dominated by companies of the industrialised major oil importers/consumers. This has led to a situation in which the ECOWAS Member States who produce and export oil find themselves unable to exercise effective control over their respective oil industry.

5. Despite the recent attainment of Political Independence by the industrially less developed countries, the pattern of relationship has scarcely changed for reason of the failure by these countries to invest a significant percentage of their efforts and resources towards the rapid acquisition of SCIENTIFIC AND TECHNOLOGICAL CAPABILITY to control the spectrum of activities related to the exploitation of their Energy and other Raw Materials.

The TECHNOLOGY of production and the consumption pattern of all industrial commodities, both in developed and developing countries are so critically dependent on ENERGY that the slightest disequilibrium in the world ENERGY market produces devastating effects throughout the world. The direct experience of most oil importing countries (and the induced experience of even the oil-producing/exporting countries) since the 'Energy Crisis' of late 1973, highlights the STRATEGIC IMPORTANCE OF ENERGY IN WORLD ECONOMIC DEVELOPMENT. The linkage between ENERGY and the overall DEVELOPMENT and SECURITY of any Community is no longer a matter for debate.

6, With the 'Energy Crisis' of 1973 and beyond, the awareness crystallised in the world of the finiteness and ultimate exhaustion of the TOTAL world reserves of the fossil and nuclear fuels. This has precipitated an intensification of interest in NEW AND RENEWABLE SOURCES OF ENERGY. Both the developed and developing countries of the world are now in search of the best ways and means of bringing about a peaceful and orderly TRANSITION of the global economy to the New and Renewable sources of Energy – early enough to ensure the continued availability, into the indefinite future of the fossil fuels which are also of critical importance to MANKIND for non-Energy use as basic Feedstock in Chemical Industry. The Members of ECOWAS cannot close their eyes to the current world-wide activities in this seemingly new frontier of human activity without disastrous consequences to the whole Community within the next decade.

7. The ECOWAS is one of the poorest Sub-

Regions of the world. The poverty situation in the COMMUNITY is such that the United Nations Organisation has categorised nearly half of the Member States of the Community among the 30 least developed nations in the world. Thus while the ECOWAS constitutes only THREE percent of the total world population, the Community contributes nearly TWENTY-FIVE percent of the poorest countries of the world. To rescue the Community from the present undesirable state calls for a MARSHALL PLAN ON ENERGY. Only a sustained concerted approach will bring about any significant change in the Community's disastrous ENERGY situation.

8. The ECOWAS Sub-Region is blessed with a satisfactory Energy Resources Base – 'conventional' and 'non-conventional' however several demand and supply issues must be resolved both within each Member State and at Community level before a satisfactory approach can emerge towards eliminating the current bottleneck which ENERGY - more than finance – poses for the rapid and orderly development of the Community. Fundamental and far-reaching DECISIONS must be taken NOW and ACTIONS initiated IMMEDIATELY on an INTEGRATED COMPREHENSIVE ENERGY POLICY AND PLAN for the Community in order to avoid further aggravated adverse implications for the Community's development.

9. Policy decisions should be geared towards dealing with specific problems of the Energy Sector within the whole Community.

1. There is almost a total dependence of most Member States on exorbitant Energy Resources imported from outside the Community;
2. There is the attendant escalation of prices paid for petroleum products and electric power;
3. There is the near-total absence of data for more critical analysis of the Energy Sector of the Community;
4. The Rural - Urban dichotomy in Energy supply has brought about a catastrophic degree of migration to the urban centres with the consequent stretching of the urban infrastructure beyond limits and virtual collapse of Agriculture;
5. There is an acute SKILLED MANPOWER and financial shortage obstructing the effective development and efficient utilization of Energy in the urban centres;
6. There is an overdependence on FUEL-WOOD resource in the face of the encroaching desert and the concomitant SAHELIAN DROUGHT.

10. A radical re-orientation is called for towards

the Energy Equation at all levels of the ECOWAS Sub-Region if we are to succeed in dealing effectively with the current Energy difficulties in order to generate a much higher standard of living among the ENTIRE POPULATION of the Community. The most critical among the changes that must be made both at the highest level of Government and among the general population is in the present attitude, to the Community's wealth of Energy and other Natural Resources, which regards them primarily as foreign cash earners. Indigenous SCIENTIFIC and TECHNOLOGICAL capability will transform part of these resources to create a level of living comparable to anywhere in the world within a QUARTER of a century!

11. The change in the pattern of Energy use within the LDCs closely follows the trend in the developed countries. This reflects the critical total dependence of the LDCs on imports of machinery, appliances, transport equipment and technical expertise from the developed countries, most of which are based on the use of petroleum products either directly or through oil-based electric power generation. This built-in dependence and imitative Energy consumption pattern of the LDCs has adverse strategic implications for the pattern of, as well as the potential for the advancement of the LDCs. It constrains, from the very start, the capacity of these countries to utilise their own Energy Resources other than oil.

12. Oil will, of course, continue to play a dominant role in the Energy requirements of most countries in the short and medium term. The questions that arise include:

1. Will it continue to be available for the period of time which must transpire before the new and renewable sources can come firmly on the Energy Scene within easy commercial terms in the ECOWAS Sub-Region?
2. What will be the cost of the oil and what are the balance of payments implications for the non-oil-producing Members of the ECOWAS?

13. An analysis of the ratio of current production to proven reserves of crude oil produces a trend which, on a straight extrapolation, suggests:

1. Possible physical limitations to increasing world oil production by the early 1990's except in the Middle East;
2. Severe competition among developed oil importers which may translate itself into policy of direct economic as well as strategic confrontation, and
3. Another spell of skyrocketing of oil prices occasioned by the downward trend in oil reserves.



The trend will definitely obstruct progress towards an expanding and more prosperous world economy from which some benefit will extend to the less developed countries. Furthermore, increasing oil import bills could exceed the financial capability and foreign exchange resources of the ECOWAS Members.

14. Thus the fundamental issue of SURVIVAL now stares the 200 million people of the ECOWAS Sub-Region in the face. Shortage of Energy which has been identified as the most crucial of the many problems confronting the Community is exacerbated by the twin embarrassment of foreign exchange and brain drain. And all of these can be linked with the failure of the Member-States to build viable mechanisms of mutual co-operation among themselves. Perhaps this decade of 1980's will provide the acid test for the maturity and ability of the Member States of the Community to plan for collective survival or to allow themselves to perish individually.

15. There is an escalating FUELWOOD crisis within the entire Community and the hope cannot be said to be bright that the situation is most likely to improve in the near future in the wake of the crippling SAHELIAN DROUGHT which has hit virtually all Member States of the Community. What future then for life in the country-side which depends almost entirely on FUELWOOD for its Energy source?

16. There is now a world-wide spate of activities geared towards an ultimate TRANSITION to NEW AND RENEWABLE SOURCES OF ENERGY, on account of the new awareness of the ultimate complete depletion of the total but finite world reserves of all the hydrocarbons. Most of the New and Renewable Sources of Energy abound within the ECOWAS Sub-Region, their technologies are fairly accessible to the indigenous Energy Experts of the Community who can be mobilised and given the facility to increase their number several-fold within a short space of time. There is also the prospect that environmental pollution will be relatively less with the New and Renewable Sources than with the conventional sources of Energy — for the same amount of Energy produced and used.

17. Experience gained within the relatively recent past indicates that a good deal of advantage can be realised by firmly placing the Renewable Energy Technologies within an Integrated and Comprehensive Energy Policy and Plan which takes adequate care of the various dimensions including Resources Inventory, Manpower Development, Research and Development of New Products and Processes, Establishment of Relevant Industries for commercialisation of Research Results and the Provision of adequate Financial and Infrastructural Facilities for the successful engagement in all these activities within the ECOWAS Sub-Region.

18. One of the most promising and most viable of these New and Renewable Sources within the Community is SOLAR ENERGY. Technologies

already exist, world-wide, for its utilisation in water-heating, water-pumping and irrigation, more efficient and more hygienic crop-drying, space cooling and also electric power production, some of which are of IMMEDIATE RELEVANCE and APPLICABILITY to the Community's Economic and Social Development Efforts — particularly in the neglected RURAL AREAS

Effective Solar Energy Training, Research and development could become the seed of an INDUSTRIAL REVOLUTION which will transform and modernise the RURAL AREAS and contribute in a large measure towards stemming and ultimately reversing the current disastrous rural-to-urban migration which has over-stretched the limited facilities and infrastructure in the urban centres and fuels the escalation in crime rate.

Without reversing the current trend of rural-to-urban migration the much-desired and much-debated reactivation of AGRICULTURE for self-sufficiency in FOOD production, in the first place, will remain a pipe-dream and the dwindling meagre foreign exchange resources will continue to be expended on importation of local food requirements among other items.

Fortunately, the existing technologies in the area of SOLAR ENERGY applications (and the basic Scientific Theories behind the technologies) are within easy reach of the Scientists, Engineers and Technologists indigenous to the ECOWAS Sub-Region.

19. Already manufacturers' vendors from the industrially advanced western countries and Japan are cashing in on the critical Energy situation within the Community and are advertising a variety of Energy equipment and appliances based on Renewable Sources, particularly Solar Energy. Most of these appliances are proto-types which have not undergone sufficient testing and may require the use of imported raw materials for satisfactory performance. There is therefore the prospect that the citizens of the Community may be manoeuvred into paying enormous amounts of money, in foreign exchange, for facilities which have not been properly tested and adapted to our own environment and raw materials by our own Energy Experts. There is therefore the need for:

1. Collective legislation to protect the Community from continuing in the role of a dumping ground for these new appliances which may not yet have the necessary spare-parts;
2. Establishment of facilities and mechanism for the testing and adaptation of appliances to our environment and raw materials before commercialisation;
3. Standardisation of equipment and appliances to be used within the Community and;

- 4 Arrangements for production of the less sophisticated components within the Community.

20. Given the inter-relationship between the various Parameters of the ENERGY EQUATION, and given the established dependence of the level of industrial, economic and social development on a Community's capacity for efficient and use of ENERGY, it is logical to recognise that the need for an Integrated and Comprehensive Energy Policy and Plan of Action in any given Community is of primary importance. This implies the need for a much greater role on the part of Government in INITIATING, CO-ORDINATING, and ENCOURAGING ENERGY DEVELOPMENT along directions consistent with the industrial, economic and social development aspirations, plan and interest of the Community.

21. In order to formulate and implement an Integrated and Comprehensive Energy Policy, some level of CENTRALISATION of decision-making process on all Government Energy Functions and Responsibilities is essential, so that conflicts of ENERGY JURISDICTION between organs of the same Government Executive and Legislative) are effectively resolved.

22. In setting up an Integrated and Comprehensive Energy Policy (ICEP), the ECOWAS must take into consideration the fact that any Community Energy Policy will be viable within given Political, Economic, Social and Strategic Framework if, and only if, it is a synthesis of the vital interests and aspirations of all the Member States for the rapid and orderly development of all their citizens.

**POLICY OBJECTIVES**

In the light of the above and many other considerations and facts it is the POLICY of the ECOWAS:

**A. INSTITUTIONAL FRAMEWORK**

1. That every Member State should establish by law (to be implemented without further delay) a body within the machinery of Government to be charged with the responsibility for CO-ORDINATING and SUPERVISING all ENERGY FUNCTIONS and ACTIVITIES within each Member State. This body will look after the various elements involved in the efficient and effective Comprehensive Energy Management including:

- i. Energy Resources Inventory
- ii. Energy Manpower Development
- iii. Energy Information Bank
- iv. Energy Research and Development
- v. Commercialisation of Energy Research Results
- vi. Establishment of Energy-related Industries.

2. That this body, which may be called the ENERGY COMMISSION of each Member State, be

charged with the following additional responsibilities:

- a. Energy Policy Research, as relates to identification of the possible options for cheap and systematic Energy Production and the balancing of resource utilisation;
- b. To work out rules, modalities and mechanisms for protection of the ENVIRONMENT from the hazards of ENERGY Exploration, Exploitation and Use, such as air, land and water pollution, radiation from nuclear materials and fire;
- c. Rapid generation of INDIGENOUS SCIENTIFIC, TECHNOLOGICAL and MANAGERIAL CAPABILITY for Energy Resource Exploitation and the building of adequate CAPACITY for Research and Development of Energy Products and Processes which have direct bearing on the Economic, Social, Political and Military Interests of the State and the Community
- d. Provision of adequate SECURITY for Energy Personnel and Installations;
- e. Establishment of measures and methods for efficient CONSERVATION of both Energy Raw Materials which also have non-Energy applications and the readily consumable Energy;
- f. Setting up of reliable systems for Energy Information gathering, storage, analysis, prompt retrieval and exchange.
- g. Continuous assessment of local conditions, resources, existing knowledge and technologies in specified areas of the Energy Field.
- h. Maintenance of accurate Register of competent Energy Researchers, Energy Research Centres, on-going Energy Research and Research Results Utilisation with a view to prompt dissemination of information throughout the ECOWAS;
- i. Protection of the Member State and, therefore, the Community from domestic or foreign activities which could undermine the move towards SELF-RELIANCE and ultimate SELF-SUFFICIENCY in all aspects of the strategic Energy Field.

**B. CO-ORDINATION OF EFFORTS**

3. To mount a CONCERTED SHORT-TERM MEDIUM AND LONG-TERM PROGRAM on ENERGY by pooling together, through the avenue of a viable Institution and Mechanism, the professional exper-

tise already available within the Community with a view to tackling jointly all aspects of the Energy Equation which is prevalent throughout the ECOWAS Sub-Region e.g. the twin-dangers of acute shortage (tending to the exhaustion) of FUELWOOD and of the ECOLOGICAL HAZARD due to insufficient vegetation posed by the southward encroachment of the Sahara Desert and the concomitant Sahelian Drought.

Some of the advantages which will emanate from a concerted programme are:

- i. The Economy of scale and joint Effort in the light of very limited number of competent personnel and financial resources;
  - ii. Facilitation of access to analysis and adaptation of results of similar efforts which have succeeded elsewhere in other sub-Regions of the world - developed and developing.
  - iii. Increase in negotiating strength through united effort and purpose when dealing with commercial organisations outside the Community;
  - iv. Improving training prospects for much larger numbers of ECOWAS citizens under similar conditions.
  - v. Providing greater protection to the citizens of the Community through better chances for standardisation of equipment and appliances which must be purchased for the moment from outside the Community.
4. To forge closer and more regular interaction among the Energy Professionals of all the Member States in order to enhance the sharing of experience in terms of actions already taken and to conduct more incisive prognosis in terms of actions contemplated.
  5. To seek to harmonize the terms of trade and technical co-operation in the Energy Field between all the Member States of the Community and the outside world, and to seek a remedy to the current Energy Crisis through a re-ordering of the Political Economies of Member States so as to serve ESSENTIALLY the interests of ECOWAS CITIZENS.
  6. To embark on a concerted program geared towards the acquisition, within the shortest possible time, of adequate capability to deal with every link in the entire chain of activities relevant to the conventional Energy Resources especially COAL, PETROLEUM and NATURAL GAS—from exploration right through to the delivery of products to the final consumer.
  7. To integrate and harmonise the comprehensive Energy Policies and Plans of all Member States so as to ensure that the entire Community works in unison towards reducing to the barest minimum the prevailing adverse conditions which militate against the application of local Research Results.
  8. To work out quid pro quo arrangements within the Community for interchange of Energy and non-Energy Raw Materials as well as finished products, thereby reducing the cost component due to transportation and insurance for the same commodities imported from areas outside of the Community.
  9. To embark on collective diversification of Community Energy supply in order to accelerate overall industrial economic, social and political development for the Sub-Region.
  10. To produce a Comprehensive Energy Map of the Community through intensified exploration for all possible Sources of Energy.
  11. To seek, jointly, Technical Assistance from the more advanced countries, who are willing, through bilateral and multi-lateral arrangements, in the specific areas of Expert Analysis, Operation of Training, Research and Development Institutions within the Community and the Financing of the various Energy projects.
  12. To conclude agreements within the shortest possible time for an effective tackling of the Energy Equation within the Community — Financial/Monetary measures require prompt attention.
  13. To embark on IMMEDIATE SHORT-TERM ENERGYPROJECTS which will give the Community a breathing space for exploring the inception of measures leading to a long-lasting solution to the Energy Equation within the Community. ( case in point is the possible utilisation of the Associated Natural Gas currently 'flared' in the Oil-Fields of some of the Member States).
- C. ENERGY DEVELOPMENT FUND
14. To establish an ECOWAS ENERGY DEVELOPMENT FUND within the ECOWAS FUND which will be contributed to voluntarily.
- D. CONSERVATIONIST APPROACHES
15. To initiate the deliberate conservation of Energy Raw Materials which are also of vital importance in non-Energy applications e.g. the fossil fuels also needed as basic feed-stock in CHEMICAL INDUSTRY.
  16. To embark on viable steps to drastically reduce the burden imposed on the economies of ECOWAS Member States occasioned by severe losses through inefficient production, transmission and distribution,

on the one hand, and through wasteful (virtually prodigal) consumption by the few, on the other hand, of whatever amount of Energy supply available especially in the form of Electric Power. Conservation measures which have proved very successful in other sub-regions of the world should be instituted within the ECOWAS with all the urgency the situation demands.

#### E. ENVIRONMENTAL PROTECTION

17. To promulgate and enforce rules which will guarantee the maximum protection of the ENVIRONMENT from the negative impact of all Energy Activities.

18. To prevent further deterioration of the Community's ECOSYSTEM which will definitely occur as a result of the persistence of current Energy Use Pattern. (Expected increase in population with corresponding increase in demand for FUELWOOD both in rural and urban areas will be incompatible with Ecological Balance within the Sub-Region and will further accelerate Desert Encroachment and intensification of the Sahelian Drought).

#### F. MARSHAL PLAN FOR SKILLED MANPOWER

19. To institute a Marshal Plan on Energy Training, Research and Development on a collective basis.

#### G. REVERSING RURAL-TO-URBAN MIGRATION

20. To reverse the current adverse RURAL-TO-URBAN MIGRATION due mainly to inadequate Energy supply for all forms of activities in the rural areas. (AGRICULTURE will be reactivated and expanded if the young labour force of the Community can be returned to and retained in the countryside).

#### H. REVIEWING TRADITIONAL APPROACH

21. To critically examine the current trend towards gigantic long-term Energy Projects such as dams (in the face of dwindling water volume in the rivers due to the Sahelian Drought afflicting the Sub-Region), and petroleum refineries (in view of the necessity to scale down the percentage contribution by petroleum to the Community's Energy Mix) for reason of the enormous capital out-lays and long lead-times involved, and of the extent of disruption attendant on outages and breakdowns of the giant plants.

#### 1. NUCLEAR ENERGY APPLICATION

22. To maximise efforts geared towards the application of NUCLEAR ENERGY for Electric Power Production and other peaceful uses.

#### J. TOWARDS NEW AND RENEWABLE ENERGY SOURCES

23. To accurately evaluate and systematically document the potential contribution of each of the New and Renewable Sources to the Community's Energy Mix within the shortest possible time allowed by Technological, Economic and Social factors.

24. To prevent a recourse to the application of the New and Renewable Energy Sources and Technologies as mere stop-gap measures adopted by isolated individuals and establish a concrete plan initiated, coordinated, supervised and financed at collective (i.e. Community) Government level in order to protect the citizens who will otherwise fall victims of unscrupulous vendors whose interest is the maximisation of profit for their companies or countries and who are ready to dump proto-type appliances which have not been adequately tested and adapted to local conditions and for which there cannot be any guarantee of spare parts in future.

25. To institute Public Education programmes within the Member States in order to make the average citizen a better informed prospective buyer and consumer of New and Renewable Energy Technologies.

**A/DEC. 4/5/82 DECISION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES RELATING TO THE ADOPTION OF AN ECOWAS AGRICULTURAL DEVELOPMENT STRATEGY.**

#### THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

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

#### DECIDES

#### ARTICLE 1

#### ECOWAS AGRICULTURAL DEVELOPMENT STRATEGY

To adopt an "ECOWAS Agricultural Development Strategy" as the framework for common development of Agriculture in the sub-region.

**ARTICLE 2****OBJECTIVE**

To promote the development of the agricultural sector so as to keep pace with and support the development of the economy, and in particular to ensure food self-sufficiency within the sub-region by the year 2000, to reduce food losses, and to improve food distribution in line with the Lagos Plan of Action.

**ARTICLE 2****OVERALL STRATEGY**

To adopt policies to achieve the optimum realisation of all national agricultural potentials through the implementation of sub-sectoral activities in crops, livestock, fisheries and forestry and through increased productivity. Due account will be taken of the complementarity of ecological zones of the sub-region, and of the priorities adopted in the Lagos Plan of Action. Steps shall be taken to ensure that the increased production in the agricultural and related sectors in each Member State will produce exportable surpluses to stimulate intra-Community trade,

**ARTICLE 4****ELEMENTS OF THE STRATEGY**

The strategy for agricultural development within the sub-region consist of improvements in:

- i. Nutrition
- ii. Rural infrastructure and social welfare
- iii. Crop production
- iv. Livestock production
- v. Fisheries
- vi. Forestry, wildlife and conservation
- vii. Input supplies and credit
- viii. Preservation, storage and food security
- ix. Processing, marketing and trade
- x. Research development and training.

**ARTICLE 5****MEETINGS OF ECOWAS MINISTERS OF AGRICULTURE**

Meetings of ECOWAS Ministers of Agriculture should be held whenever found necessary. The Ministers of Agriculture shall review progress with the implementation of Community agricultural policies and programmes, and make proposals for further action.

**ARTICLE 6****FINANCING**

- Member States hereby agree to promote.
- the establishment of agricultural loans guarantee schemes funds to absorb the risks run by small scale farmers and fishermen;
  - the creation of special installation funds for agricultural investors which will offer

loans on favourable terms.

**THE COMMUNITY SHALL:**

- accord top priority to the financing of agricultural projects through the ECOWAS Fund for Cooperation, Compensation and Development;
- assist Member States procure for their agricultural financing institutions international credit lines on favourable terms.

**ARTICLE 7****AGRICULTURAL DEVELOPMENT COMMITTEE.**

Agricultural Development Committee shall be established when projects of interest to two or more Member States are being prepared. Such Committees shall be composed of representatives of those Member States concerned with the projects being prepared, the Member States involved shall bear the responsibility for running the Committees.

**ARTICLE 8****FORMULATION OF PROGRAMMES AND IDENTIFICATION OF PROJECTS.**

The Executive Secretary is directed to take all necessary steps to ensure the formulation of appropriate policies and programmes, and the identification of projects whose implementation will contribute to the realisation of the stated objectives of this Agricultural Development Strategy.

**ARTICLE 9****ENTRY INTO FORCE**

This decision shall come into force upon signature and shall be published in the Official Journal of the Community and in the National Gazette of each Member State.

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

FOR THE AUTHORITY

THE CHAIRMAN  
H. E. MATHIEU KEREKOU

**A/DEC5/5/82 DECISION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT RELATING TO THE PRODUCTION OF SELECTED SEEDS AND THE CHOICE OF PRODUCTION STATIONS**

**THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT**

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

**DECIDES**

**ARTICLE 1**

The following national centres are hereby selected as seed production centres for the Community:

Ivory Coast	(Bouake)
Mali	(Babougou)
Mauritania	(Kaedi)
Nigeria	(Zaria)
Senegal	(Richard Toll)
Sierra Leone	(Rokupr/N'jala)

Other Seed Production Centres could be created in the future as the need arises and the ecological conditions permit.

**ARTICLE 2**

The Executive Secretary is directed to undertake in collaboration with Member States, feasibility studies in the selected seed production centres with a view to determining the type of assistance that ECOWAS can give to strengthen these centres to enable them meet the requirement of the Community in food production.

**ARTICLE 3**

This decision shall come into force upon signature and shall be published in the Official Journal of the Community and in the National Gazette of each Member State.

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

FOR THE AUTHORITY

**THE CHAIRMAN  
H. E. MATHIEU KEREKOU**

**CATTLE SPECIES AND THE CHOICE OF BREEDING CENTRES**

MINDFUL of Article 5 of the Treaty establishing the Authority of Heads of State and Government and determining its composition and functions,

**DECIDES**

**ARTICLE 1**

The N'dama, Muturu and Zebu species are hereby selected for production in the sub-region.

**ARTICLE 2**

The following sites are chosen as the production centres:

- (a) For the N'dama species the sites shall be:
  - Marahoue Ranch in the Ivory Coast
  - Guinea
  - Yanfolila Cattle Ranch in Mali
  - The Gambia
  - Kodougou in Senegal
  - Upper Ogun Ranch, Oyo State, Nigeria.
- (b) For the MUTURU species, the site shall be the Potta Cattle Ranch in Lagos State, Nigeria.
- (c) For the Zebu species, the site shall be the Kaedi Cattle Ranch in Mauritania

**ARTICLE 3**

The Executive Secretary is directed to undertake in collaboration with Member States, feasibility studies in the selected cattle breeding stations with a view to determining the type of assistance that ECOWAS can give to strengthen these stations to enable them meet the cattle production requirements of the Community.

**ARTICLE 4**

This Decision shall come into force upon signature and shall be published in the Official Journal of the Community and in the National Gazette of each Member State.

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

FOR THE AUTHORITY

**THE CHAIRMAN  
H. E. MATHIEU KEREKOU**

**A/DEC6/5/82 DECISION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENTS RELATING TO THE PRODUCTION OF SELECTED**

**A/DEC 7/5/82 DECISION RELATING TO SOLIDARITY AMONG MEMBER STATES DURING INTERNATIONAL NEGOTIATIONS ON PRIMARY AGRICULTURAL PRODUCTS**

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

**DECIDES**

**ARTICLE 1**

To harmonise their positions and adopt a common front during negotiations, for the sale of their agricultural export commodities with third countries.

**ARTICLE 2**

The Executive Secretary is directed to take all necessary measures to ensure smooth implementation of this decision.

**ARTICLE 3**

This decision shall come into force upon signature and shall be published in the Official Journal of the Community and in the National Gazette of each Member State.

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

FOR THE AUTHORITY

THE CHAIRMAN  
H. E. MATHIEU KEREKOU

**A/DEC 8/5/82 DECISION AMENDING THE PROVISIONS OF PARAGRAPH 1 OF ARTICLE 27 OF THE TREATY OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES**

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

**DECIDES:**

**ARTICLE 1**

Paragraph 1 of Article 27 of the Treaty of the Economic Community of West African States signed in Lagos on the 28th of May 1975 is amended as follows:

**NEW ARTICLE 27,  
Paragraph 1**

Citizens of the Community are citizens of Member States fulfilling the conditions to be defined in the Protocol relating to the citizenship code.

Consequently, all Member States pledge to eradicate all the obstacles to the free movement and residence within the Community.

**ARTICLE 2**

This decision shall enter into force from the date of its signature and shall be published in the Official Journal of the Community and the Gazette of Each Member State.

DONE AT COTONOU THIS 29TH DAY OF MAY 1982 IN ONE SINGLE ORIGINAL IN FRENCH LANGUAGES BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE AUTHORITY

THE CHAIRMAN  
H. E. MATHEW KEREKOU

**A/DEC9/5/82 DECISION MANDATING THE EXECUTIVE SECRETARIAT OF ECOWAS TO GIVE ITS SUPPORT TO THE CONFERENCE OF MINISTERS OF YOUTH AND SPORTS OF MEMBER STATES OF THE COMMUNITY**

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

MINDFUL of Article 2 (1) and 49 of the ECOWAS Treaty relating to cooperation in social and cultural affairs.

**DECIDES**

**ARTICLE 1**

The Authority of Heads of State and Government gives its total support to the Conference of Ministers of Youth and Sports of Member States of the Community.

**ARTICLE 2**

The Authority of Heads of State and Government requests the Executive Secretariat of ECOWAS to assist the new Institution in the fulfilment of its objectives.

ARTICLE 3

This decision shall come into force upon signature and shall be published in the Official Journal of the Community and the National Gazette of each Member State.

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

FOR THE AUTHORITY

  
THE CHAIRMAN  
H. E. MATHEW KEREKOU

A/DEC 10/5/82 DECISION RELATING TO THE APPLICATION OF THE PROTOCOL RELATING TO THE FREE MOVEMENT OF PERSONS AND THE PUBLIC ENLIGHTENMENT PROGRAMME.

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

DECIDES

ARTICLE 1

To strictly implement the protocol relating to the Free Movement of Persons adopted by the Authority in May 1979.

ARTICLE 2

To institutionalise an "ECOWAS National Week" which will be opened annually by the Head of State of each Member State.

The organisation of such "ECOWAS WEEK" would be the responsibility of the ECOWAS National Committee and would take place within the period of three months following the meeting of the Authority of Heads of State and Government.

ARTICLE 3

To create an ECOWAS periodical which will disseminate the results of the different activities of the Community as well as the progress made in the implementation of the integration measures taken by the Authority.

ARTICLE 4


To authorize the Executive Secretariat to encourage the creation of ECOWAS Clubs bringing together people from all social strata to popularize ECOWAS activities.

ARTICLE 5

This decision shall come into force upon signature and published in the Official Journal of the Community and in the National Gazette of each Member State.

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

FOR THE AUTHORITY

  
THE CHAIRMAN  
H. E. MATHIEU KEREKOU

A/DEC 11/5/82 DECISION RELATING TO THE AWARD OF ECOWAS SCHOLARSHIP, THE ECOWAS STUDENTS EXCHANGE PROGRAMME AND THE ESTABLISHMENT OF AN AD-HOC COMMITTEE ON THE EQUIVALENCE OF CERTIFICATES WITHIN ECOWAS.

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

DECIDES

ARTICLE 1

To strengthen the bilateral agreements on scholarships and students exchange programme which should be both increased and extended to other socio-professional categories.

ARTICLE 2

To establish, within the Executive Secretariat, an ad-hoc committee responsible for the preparation of a directory of all the training institutions approved by the Member States as well as a manual of diplomas and certificates they award with particular emphasis on their equivalences.

ARTICLE 3

The present decision shall enter into force upon signature and shall be published in the Official Journal of the Community and the National Gazette of each Member State.

DONE AT COTONOU, THIS 29TH DAY OF MAY, 1982 IN A SINGLE ORIGINAL IN THE



ENGLISH AND FRENCH LANGUAGES, BOTH  
TEXTS BEING EQUALLY AUTHENTIC.

FOR THE AUTHORITY

THE CHAIRMAN

H. E. MATHIEU KEREKOU

A/DEC 12/5/82 ON THE CULTURAL EXCHANGE  
PROGRAMME

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

DECIDES

ARTICLE 1

To encourage tours by cultural groups  
which will be organised through exchange  
programme between two or more coun-  
tries, with particular emphasis on the  
consolidation of already existing bilateral  
relations.

ARTICLE 2

To implement other forms of cultural  
cooperation which will be less expensive  
and easier to arrange but are equally  
effective. These are:

- a) exchange of audio-visual materials  
(films, jingles, slides, documenta-  
ries, exchange of radio or television  
programmes);
- b) transcription of our national langu-  
ages, recording of our customs and  
traditions;
- c) cooperation among our museums,  
cultural centres and libraries;
- d) exchange of works of art;
- e) creation of model cultural archives  
which will focus attention on the  
highlights of our civilisations.

ARTICLE 3

To organise fairs and exhibitions.

ARTICLE 4

The Executive Secretariat to make a list  
of all bilateral and multilateral agree-  
ments between Member States in view of  
the formulation of a general ECOWAS

cultural agreement.

ARTICLE 5

The present decision shall enter into force upon  
signature and shall be published in the Official  
Journal of the Community and the National  
Gazette of each Member State.

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

FOR THE AUTHORITY

THE CHAIRMAN

H. E. MATHIEU KEREKOU

A/DEC 13/5/82 DECISION RELATING TO THE  
ORGANISATION OF SPORTING ACTIVITIES AT  
THE LEVEL OF THE ECONOMIC COMMUNITY  
OF WEST AFRICAN STATES.

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

DECIDES

ARTICLE 1

To create ECOWAS cups competitions for  
national teams of Member States without  
prejudice to the continued existence of other  
zonal sporting activities.

ARTICLE 2

To promote traditional sports and games which  
are testimony of our cultural identity.

ARTICLE 3

The present decision shall enter into force upon  
signature and shall be published in the Official  
Journal of the Community and the National  
Gazette of each Member State.

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

FOR THE AUTHORITY

  
THE CHAIRMAN  
H. E. MATHIEU KEREKOU

**A/DEC14/5/82 DECISION RELATING TO THE ECOWAS PRIZE**

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

**DECIDES**

**ARTICLE 1**

Institution by international organisation of an ECOWAS Prize for research to be awarded to any person or entities which might distinguish themselves in the fields of science and technology, medicine and especially African pharmacopoeia, culture and in any other spheres of activities likely to enhance the reputation of the Community.

**ARTICLE 2**

The pre-selection of candidates will be made by each Member State while the procedure for the final selection should be left to be worked out by the Executive Secretariat.

**ARTICLE 3**

The ECOWAS Prize for research should not only be a token but should be matched with significant financial assistance from governmental and non-governmental organisations.

**ARTICLE 4**

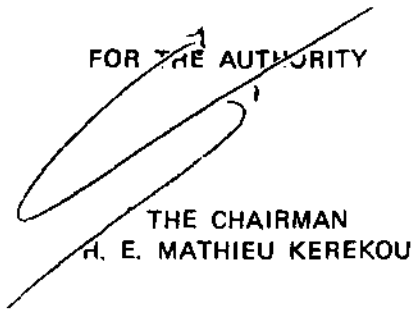
These prizes should be presented by the current Chairman of the Authority of Heads of State and Government

**ARTICLE 5**

The present decision shall enter into force upon signature and shall be published in the Official Journal of the Community and the National Gazette of each Member State.

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

FOR THE AUTHORITY

  
THE CHAIRMAN  
H. E. MATHIEU KEREKOU

**A/DEC15/5/82 DECISION RELATING TO THE FINANCING AGREEMENTS BETWEEN THE EUROPEAN DEVELOPMENT FUND, THE EUROPEAN INVESTMENT BANK, THE ITALIAN GOVERNMENT AND THE ECOWAS FUND.**

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

**DECIDES**

**ARTICLE 1**

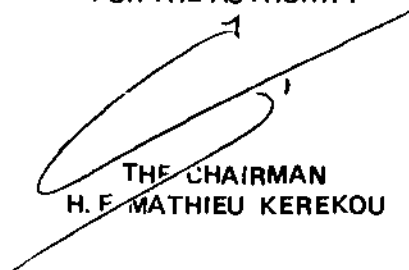
To authorize the Managing Director of the FUND to sign the financing agreements with the European Development Fund, the European Investment Bank and the Italian Government.

**ARTICLE 2**

This decision shall come into force upon signature and shall be published in the Official Journal of the Community and in the National Gazette of each Member State.

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

FOR THE AUTHORITY

  
THE CHAIRMAN  
H. E. MATHIEU KEREKOU

**A/DEC16/5/82 DECISION RELATING TO THE ECOWAS TELECOMMUNICATIONS PROGRAMME**

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

**DECIDES**

**ARTICLE 1**

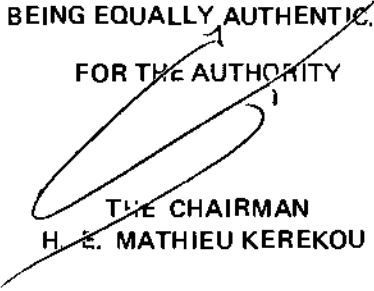
To affirm its commitment to the financing arrangement for the Telecommunications Programme.

**ARTICLE 2**

This decision shall come into force upon signature and shall be published in the Official Journal of the Community and in the National Gazette of each Member State.

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

**FOR THE AUTHORITY**



**THE CHAIRMAN  
H. E. MATHIEU KERKOU**

**A/DEC/17/5/82 DECISION RELATING TO THE CONSTRUCTION OF HEADQUARTERS OF THE INSTITUTIONS OF THE COMMUNITY.**

**MINDRUL of Article 5 of the ECOWAS Treaty establishing the Authority and defining its composition and function;**

**DECIDES**

**ARTICLE 1**

The construction of the Headquarters of the Executive Secretariat and the Fund for Cooperation, Compensation and

Development in the Federal Republic of Nigeria and the Republic of Togo respectively, shall be financed by the Community.

**ARTICLE 2**

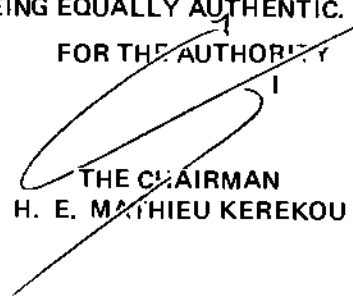
An Ad-hoc Ministerial Committee shall be set up to monitor activities connected with the construction of these Headquarters and to work out ways and means of financing such activities. This Ad-hoc Ministerial Committee shall be composed of the following Member States Benin, Guinea, Nigeria, Senegal, Sierra Leone and Togo.

**ARTICLE 3**

This decision shall come into force upon signature and shall be published in the Official Journal of the Community and in the National Gazette of each Member State.

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

**FOR THE AUTHORITY**



**THE CHAIRMAN  
H. E. MATHIEU KERKOU**

**DECIDES**

**ARTICLE 1**

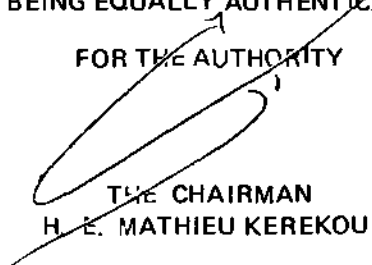
To affirm its commitment to the financing arrangement for the Telecommunications Programme.

**ARTICLE 2**

This decision shall come into force upon signature and shall be published in the Official Journal of the Community and in the National Gazette of each Member State.

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

**FOR THE AUTHORITY**

  
**THE CHAIRMAN  
H. E. MATHIEU KEREKOU**

**A/DEC/17/5/82 DECISION RELATING TO THE CONSTRUCTION OF HEADQUARTERS OF THE INSTITUTIONS OF THE COMMUNITY.**

**MINORUL of Article 5 of the ECOWAS Treaty establishing the Authority and defining its composition and function;**

**DECIDES**

**ARTICLE 1**

The construction of the Headquarters of the Executive Secretariat and the Fund for Cooperation, Compensation and

Development in the Federal Republic of Nigeria and the Republic of Togo respectively, shall be financed by the Community.

**ARTICLE 2**

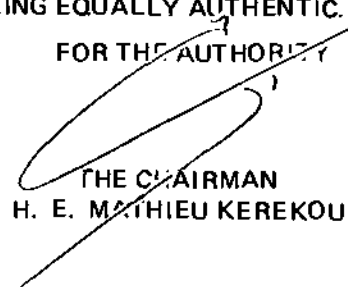
An Ad-hoc Ministerial Committee shall be set up to monitor activities connected with the construction of these Headquarters and to work out ways and means of financing such activities. This Ad-hoc Ministerial Committee shall be composed of the following Member States Benin, Guinea, Nigeria, Senegal, Sierra Leone and Togo.

**ARTICLE 3**

This decision shall come into force upon signature and shall be published in the Official Journal of the Community and in the National Gazette of each Member State.

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

**FOR THE AUTHORITY**

  
**THE CHAIRMAN  
H. E. MATHIEU KEREKOU**

- industries
- Petro-chemical industries
- Steel industries
- Automobile and related industries
- Pharmaceutical industries.

**ARTICLE 2**

1. The list of the said priority industrial products is attached to this decision.

2. The said list is not exhaustive, it can be amended at any time upon request by Member States or the Council of Ministers after consultations with the competent commission.

**ARTICLE 3**

Member States shall take all the necessary measures for the implementation of this decision.

**ARTICLE 4**

This decision shall enter into force on the date of its signature and shall be published in the Official Journal of the community and that of each Member State.

DONE AT COTONOU THIS 26TH DAY OF MAY, 1982 IN A SINGLE FRENCH AND ENGLISH ORIGINAL VERSION BOTH AUTHENTIC.

FOR THE COUNCIL

HON. INT. MIL. ISIDORE AMOUSSOU  
THE CHAIRMAN

**LIST OF PRIORITY INDUSTRIAL PRODUCTS**

ECOWAS  
NOMEN-  
CLATURE  
NUMBER

DESIGNATION OF PRODUCTS

- Chapter 4. Dairy produce, birds eggs, natural honey, edible products of animal origin not elsewhere specified or included
- 04.02 - Milk and cream, preserved, concentrated or sweetened
- Chapter 9 Coffee, Tea, Mate and Spices
  - ex 09-01 - ground roasted coffee
  - ex 09-02 - other black tea
  - ex 90-04 - pepper
  - ex 09-10 - thyme, ginger
- Chapter 11 Products of the Milling industry, Malt and starches, gluten, insulin.
  - ex 11-01 - maize, sorghum, millet, rice, fonio flours
  - ex 11-04 cassava flour, yam flour

- Chapter 12 Oil seeds and oleaginous fruit, miscellaneous grains seeds and fruit, industrial and medical plants
  - 12-02 - Flours or meals of oil seeds or oleaginous fruit, non-defatted (excluding mustard flour)
- Chapter 15 Animal and vegetable fats and oils and their cleavage products, prepared edible fats, animal and vegetable waxes
  - 15-07 - Fixed vegetable oil, fluid or solid, crude, refined or purified
  - 15-10 - Fatty acids, acid oils from refining, fatty alcohols
  - ex 15-13 - Margarine
- Chapter 16 Preparations of meat, of fish, of crustaceans or molluscs
  - 16-01 - Sausages and the like of meat, meat offal or animal blood.
  - 16-02 - Other prepared or preserved meat or meat offal
  - 16-03 - Meat extracts and meat juices, fish extracts
  - ex 16-04 - Prepared or preserved fish, (excluding caviar and its substitutes)
  - 16-05 - Crustaceans and molluscs, prepared or preserved.
- Chapter 17 Sugar and sugar confectionery (All headings)
- Chapter 18 Cocoa and Preparations
  - ex- 18-02 - Cocoa cake
  - 18-04 - Cocoa butter (fat or oil)
  - 18-05 - Cocoa powder, unsweetened
  - 18-06 - Chocolate and other food preparations containing cocoa
- Chapter 19 Preparations of cereals, flour or starch, pastrycooks products
  - 19-02 - Malt extract, preparations of flour, meal, starch or malt extract, of a kind used as infant food or for dietetic or culinary, purposes, containing less than 50% by weight of cocoa
  - ex-19-03 - Couscous; Attieke, edible Pasta
  - 19-08 - Pastry, biscuits, cakes and other fine bakers wares, whether or not containing cocoa in any proportion
- Chapter 20 Preparations of vegetables, fruit or other parts of plants
  - 20-01 - Vegetables and fruit, prepared or preserved by vinegar or acetic acid, with or without sugar, whether or not containing salt, spices or mustard

20-05	-- Jams, fruit jellies, marmalades, fruit puree and fruit pastes being cooked preparations, whether or not containing added sugar.	ex 25-20 25-22	-- Plasters -- Quicklime, slaked lime and hydraulic lime, other than calcium oxide and hydroxide.
20-06	-- Fruit otherwise prepared or preserved, whether or not containing added sugar or spirit.	25-23	-- Portland cement, cement fondu, slag cement, supersulphate cement and similar hydraulic cements, whether or not coloured or in the form of clinker.
20-07	-- Fruit juices (including grape must) and vegetable juices, whether or not containing added sugar, but unfermented and not containing spirit.	Chapter 27	<b>Mineral fuels mineral oils and products of their distillation; Bituminous substances, mineral waxes</b>
Chapter 21 ex 21-02	<b>Miscellaneous Edible Preparations</b> -- Coffee -- processed -- instant coffee	27-05 27-10	-- Coal gas, water gas, producer gas and similar gases. -- Petroleum oils and oils obtained from bituminous minerals, other than crude, preparations not elsewhere specified or included, containing not less than 70% by weight of petroleum oils or of oils obtained from bituminous minerals, these oils being the basic constituents of the preparations.
21-04	-- Sauces, mixed condiments and mixed seasonings	27-11	-- Petroleum gases and other gaseous hydrocarbons.
Chapter 22 22-08 e	<b>Beverages, Spirits and Vinegar</b> -- Ethyl alcohol or neutral spirits, undenatured, of a strength of 80 or higher, denatured spirits (including ethyl alcohol and neutral spirits) of any strength	27-12 27-13	-- Petroleum jelly -- Paraffin wax, micro-crystalline wax, slack wax ozokerite, lignite wax, peat wax.
Chapter 23	<b>Residues and Waste from the Food industries, prepared animal fodder</b>	27-14	-- Petroleum bitumen, petroleum oils or of oils obtained from bituminous minerals.
23-01	-- Flours and meals, of meat, offals, fish, crustaceans or molluscs unfit for human consumption, greaves.	27-16	-- Bituminous mixtures based on natural asphalt, on mineral tar or on mineral tar pitch.
23-02	-- Bran, sharps and other residues derived from the sifting, milling or working of cereals or of leguminous vegetables	27-17	-- Electric current
23-02	-- Bran, sharps and other residues working of cereals or of leguminous vegetables	Chapter 30 (All headings)	<b>Pharmaceutical products</b>
23-04	-- Oil-cake and other residues (except dregs) resulting from the extraction of vegetable oils.	Chapter 31 with the exception of products in heading 31-01 ex 31-01	<b>Fertilizers</b>  -- Guano and other natural animal or vegetable fertilizers, whether or not chemically treated.
23-07	-- Sweetened forage, other preparations of a kind used in animal feeding	Chapter 38	<b>Miscellaneous Chemical Products</b>
Chapter 25	<b>Salt, Sulphur, Earths and Stone, Plastering Materials, Lime and Cement</b>	38-11	-- Disinfectants, insecticides, fungicides, rat poisons, herbicides, anti-sprouting products, plant growth regulators and similar products, put up in forms or packings for sale by retail or as preparations or articles (for example, sulphur-treated bands, wicks and candles fly-papers).
25-07	-- Clay (for example, kaolin and bentonite), an talusite, kyamite and sillimanite, whether or not calcined, but not including expanded clays falling within heading No. 68-07; mullite; chamotte and dinas earths.		

Chapter 39	Artificial resins and plastic materials cellulose esters and ethers articles thereof	cultivation (for example, ploughs, harrows, cultivators, seed and fertilizer distributors); lawn and sports ground rollers.
39-07	- Articles of materials of the kind described in headings 39-01 to 39-06	84 - 25
Chapter 40	Rubber, synthetic rubber, factice, (heading 40-07 and articles thereof to 40- 6)	- Harvesting and threshing machinery; straw and fodder presses; hay or grass-movers; winnowing and similar cleaning machines for seed, grain or leguminous vegetables and egg-grading and other grading machines for agricultural produce (other than those of a kind used in the bread grain milling industry falling within heading No. 84-29.
Chapter 44	Wood and articles of wood, wood charcoal	Chapter 94
(All headings with the exception of products of headings 44-01 to 44-05)	Chairs and other Seats medico and surgical chairs and seats, beds and parts thereof	- Chairs and other seats whether or not convertible into beds (with the exception of those in No 94-02 and parts thereof wood).
Chapter 69	Ceramic products	ex 94 - 03
(all headings)	- Other furniture and parts thereof of wood.	
Chapter 73	Iron and steel and articles thereof	
(All headings)	Boilers, machinery and mechanical appliances; parts thereof	
84 - 24	- Agricultural and horticultural machinery for soil preparation or	

C/DEC4/5/82 DECISION OF THE COUNCIL OF MINISTERS RELATING TO THE DEFINITION AND NOMENCLATURE OF THE NON-TARIFF BARRIERS WHICH MUST BE ELIMINATED AT THE DISCRETION OF MEMBER STATES WITHIN A PERIOD OF FOUR (4) YEARS FROM 28TH MAY 1981.

THE COUNCIL OF MINISTERS,

MINDFUL of Article 6 of ECOWAS Treaty relating to the establishment, composition and functions of the Council of Ministers;

MINDFUL of Articles 2(b), 12 and 18 of the ECOWAS Treaty relating to quantitative and administrative restrictions to trade between Member States;

CONSIDERING decision A/DEC18/5/80 relating to trade liberalisation on priority industrial products, namely in its Article II;

CONSIDERING Decision A/DEC18/5/80 relating to trade liberalisation on priority industrial products, namely in its Article II;

## DECIDES

### ARTICLE 1

In accordance with Articles 2(b), 12 and 18 of the ECOWAS Treaty, the following are considered as non-tariff barriers to trade:

1. Restrictions, prohibitions, quotas, quantitative and restrictions of similar nature;
2. Administrative barriers to intra-Community trade, and
3. Any other non-tariff measures or practices of equivalent effect identified and approved by the Council of Ministers.

### ARTICLE 2

The nomenclature of non-tariff barriers to be eliminated at the discretion of Member States within a period of four (4) years from the 28th of May, 1981 is drawn up as follows:

#### A. DIRECT OR LEGAL NON-TARIFF BARRIERS

1. Prohibitions
  - (a) Absolute prohibitions
  - (b) Relative prohibitions
2. Quantitative Restrictions
  - (a) Restrictive licensing for imports
  - (b) Global quota for imports
  - (c) Country quota for imports
  - (d) Import quota linked with export performance of the purchase of products of local origin
  - (e) Seasonal restrictions on imports

#### 3 Foreign Exchange Restrictions (on current transactions).

- (a) Foreign exchange licenses, visas for imports
- (b) Advance import deposits, minimum cash margins
- (c) Multiple exchange rates for different categories of imports
- (d) Import rates different from exports

#### 4 Customs Valuation (such as mercantile value if increasing the relative import/export price).

#### B. ADMINISTRATIVE OR INDIRECT NON-TARIFF BARRIERS

1. Surveillance licensing
2. Quantitative restrictions
3. Prior or special authorisation.

#### C. OTHER NON - TARIFF MEASURES AND PRACTICES OF EQUIVALENT EFFECT IDENTIFIED and approved as such by the Council of Ministers (standards and technical regulations, price and quality control, etc....)

### ARTICLE 3

1. Without prejudice to the provisions of Article 2 of this Decision, the elimination of non-tariff barriers referred to in Article 2, paragraph A. 3 above shall be carried out after the problems of monetary cooperation and convertibility of currencies within the Community would have been solved.

2. The Executive Secretariat of ECOWAS as well as the Committee of Governors of Central Banks are entrusted with the responsibility of studying ways and means of finding a solution to these problems as soon as possible.

3. Member States shall take all necessary steps to assist the Executive Secretariat in effecting, as soon as possible, the convertibility of currencies within the sub-region.

### ARTICLE 4

Without prejudice to the provisions of Article 2 of this decision, the elimination of NTB's comprises the issue of state monopolies. In this respect, the ECOWAS Secretariat is directed, together with the Trade, Customs, Immigration, Monetary and Payments Commission, to undertake a study into the implications of state trading and monopolies on the elimination of NTB's. The Member States concerned shall take all the necessary steps to facilitate the proposed study within the framework of this mandate.

### ARTICLE 5

This nomenclature is not exhaustive, it may be supplemented any time by decision of Council upon the advice of the Trade, Customs, Immigration, Monetary and Payments Commission.



**ARTICLE 6**

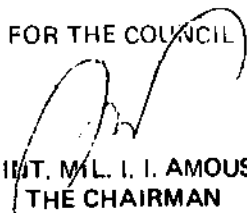
Member States agree to take necessary steps for the implementation of this decision and will notify the Executive Secretariat accordingly

**ARTICLE 7**

This decision shall enter into force upon signature and shall be published in the Official Journal of the Community and in the Official Gazette of each Member State.

**DONE AT COTONOU, 26 MAY 1982 IN A SINGLE FRENCH AND ENGLISH ORIGINAL VERSION BOTH AUTHENTIC**

FOR THE COUNCIL

  
HON. INT. MIL. I. I. AMOUSSOU.  
THE CHAIRMAN

**C/DEC5/5/82 DECISION OF THE COUNCIL OF MINISTERS RELATING TO THE PLANNING OF TRADE FAIRS**

**THE COUNCIL OF MINISTERS**

CONSCIOUS of the important role played by trade promotion activities such as fairs and exhibitions in the development of trade between the Member States of the Community;

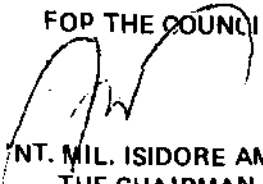
NOTING that the quasi-simultaneous organisation of fairs and other trade promotion activities within the sub-region reduce the chances of success of such promotion measures;

**DECIDES**

TO DIRECT the Executive Secretariat in collaboration with the interested countries and the West African Chambers of Commerce to convene as soon as possible a meeting to discuss the possible establishment of a system of consultation between ECOWAS Member States for the planning of trade fairs.

**DONE AT COTONOU THIS 26TH DAY 0 MAY, 1982 IN A SINGLE FRENCH AND ENGLISH ORIGINAL VERSION BOTH AUTHENTIC.**

FOR THE COUNCIL

  
HON. INT. MIL. ISIDORE AMOUSSOU  
THE CHAIRMAN

**C/DEC 6/5/ 82 DECISION OF THE COUNCIL OF MINISTERS RELATING TO WORKING METHODS OF THE COUNCIL**

**THE COUNCIL OF MINISTERS**

MINDFUL of Article 6 of the Treaty of the Economic Community of West African States establishing the Council of Ministers and determining its composition and functions;

CONSCIOUS of the need to ensure the smooth running of the Council's meetings by the adoption of a format working method;

**DECIDES**

**ARTICLE 1**

Reports of the Technical and Specialised Commissions and the institutions or organs shall always be accompanied by an appendix setting out clearly the decisions requested of Council or recommended to Council.

**ARTICLE 2**

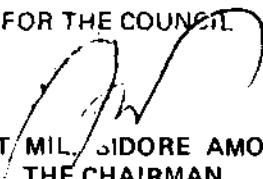
Council will normally make general comments on these reports and then take note of them. A summary of the comments of Council shall be embodied in the report of the proceedings of Council and this would naturally be made available to the Commission or Institutions concerned.

**ARTICLE 3**

After noting the report, Council will then consider the draft decisions or recommendations, amend them if necessary and adopt or reject them, where draft decisions or recommendations are rejected, Council may elaborate its own decision, decide not to take any decision on the matter, or refer the matter back to the Commission or institution with appropriate directives.

**DONE AT COTONOU THIS 26TH DAY OF MAY, 1982 IN A SINGLE FRENCH AND ENGLISH ORIGINAL VERSION BOTH AUTHENTIC.**

FOR THE COUNCIL

  
HON. INT. MIL. ISIDORE AMOUSSOU  
THE CHAIRMAN

**C/DEC7/5/82 DECISION OF THE COUNCIL OF MINISTERS RELATING TO SEPARATION ALLOWANCE PAID TO STATUTORY APPOINTEES.**

**THE COUNCIL OF MINISTERS**

**DECIDES**

TO direct the Committee of Finance Experts to study the whole issue of the payment of separation allowance to Statutory Appointees and advise the Council at its next session.

**DONE AT COTONOU THIS 26TH DAY OF MAY, 1982 IN A SINGLE FRENCH AND ENGLISH ORIGINAL VERSION BOTH AUTHENTIC.**

FOR THE COUNCIL

  
HON. INT. MIL. I. I. AMOUSSOU.  
THE CHAIRMAN

**C/DEC.8 /5/82 DECISION OF THE COUNCIL OF MINISTERS RELATING TO THE ESTABLISHMENT OF AN AD HOC MINISTERIAL COMMITTEE TO STUDY AND FORMULATE A SHORT TERM REVIVAL PROGRAMME OF COMMUNITY ACTIVITIES.**

**THE COUNCIL OF MINISTERS**

MINDFUL of Article 6 of the ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions;

CONSIDERING the Report of the Eleventh Session of the Council of Ministers held at Cotonou from 21st to 26th May, 1982 especially paragraph 14 of the Report concerning the account given by each Member State on measures taken at the national level towards the implementation of Community decisions and problems encountered;

CONSIDERING the Executive Secretary's Note of Synthesis on the issue and the presentation made by each of the delegations to the meeting;

CONSIDERING that after seven (7) years of existence it has become imperative to translate into more concrete action through socio-economic activities the relentless political goodwill that has so often been re-affirmed by the ECOWAS Heads of State and Government;

REFERRING to the Programme of Action proposed in this regard by Benin and the amendments thereto by Senegal, Togo and Guinea,

**DECIDES**

**ARTICLE 1**

It is hereby created an Ad Hoc Ministerial Committee comprising Benin, Guinea, Nigeria, Senegal, Sierra Leone and Togo to study and propose to Council at its next Session, specific actions that should be taken by ECOWAS to translate into reality and in more practical terms the relentless political goodwill for cooperation that has so often been re-affirmed by the Heads of State and Government.

**ARTICLE 2**

The Ad Hoc Ministerial Committee is directed to fulfil its assignment:

- a. by carrying out an in-depth analysis of the statements made by Member States during the deliberations of the Eleventh Session of the Council of Ministers in Cotonou and the Summary of Discussions submitted by the Secretariat;
- b. by making proposals for the implementation of the Programme of Action proposed by BENIN and supported by Guinea, Senegal and Togo, and any other contributions made by a Member State.
- c. by analysing the decisions and resolutions of the Authority with a view to harmonizing them with the Provisions of the ECOWAS Treaty and Protocols.

**ARTICLE 3**

The Executive Secretary and the Managing Director of the Fund are directed to give every assistance to the Ad-Hoc Committee and provide it with the necessary secretarial facilities.

**ARTICLE 4**

This Decision shall come into force upon signature and shall be published in the Official Journal of the Community and in the National Gazette of each Member State.

**DONE AT COTONOU ON THIS 26TH DAY OF MAY, 1982 IN ONE SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.**

FOR THE COUNCIL

  
HON. INT. MIL. ISIDORE AMOUSSOU  
THE CHAIRMAN

**C/RES 1/5/82 RESOLUTION OF THE COUNCIL OF MINISTERS RELATING TO THE CANDIDACY OF THE PEOPLE'S REPUBLIC OF BENIN FOR THE POST OF DEPUTY SECRETARY GENERAL OF THE INTERNATIONAL TELECOMMUNICATIONS UNION.**

**THE COUNCIL OF MINISTERS**

MINDFUL of Article 6 of the Treaty establishing the Council of Ministers and defining its composition and functions;

CONSIDERING the application made by the People's Republic of Benin concerning her candidacy for the post of Deputy Secretary General of the International Telecommunications Union;

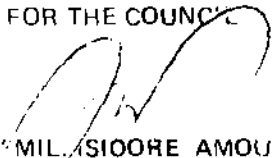
CONSIDERING the interest that such candidacy holds for the Community within the framework of the implementation of the ECOWAS telecommunications programme;

**REQUEST**

Member States of the Economic Community of West African States to give their full support to this candidacy.

**DONE AT COTONOU THIS 26TH DAY OF MAY 1982 IN A SINGLE FRENCH AND ENGLISH ORIGINAL VERSION BOTH AUTHENTIC.**

FOR THE COUNCIL

  
S. E. INTIMIL/SIOORE AMOUSSOU  
THE CHAIRMAN