

English edition

PROTOCOLS, DECISIONS, RESOLUTIONS, DECLARATION & DIRECTIVES

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1. PROTOCOL AND SUPPLEMENTARY PROTOCOL

A/P 1./11/84 PROTOCOL RELATING TO COMMUNITY ENTERPRISES

THE HIGH CONTRACTING PARTIES

RECALLING the provisions of Articles 2 and 32 of the Treaty of the Economic Community of West African States relating to the integration and development of the economies of Member States of the Community;

RECALLING the provision of the Protocol relating to the definition of the concept of products originating from Member States of ECOWAS;

RECALLING Resolution ECW/CM/VI/RES. 26 of November 1979 of the Council of Ministers relating to the formulation of ECOWAS Regional Industrial Policy and Programme;

RECALLING Decision No. A/DEC1/5/85 dated 30th May 1983 of the Authority relating to the Adoption and the Implementation of a single Trade Liberalisation Scheme for Industrial Products originating from Member States and the classification of the Member States contained in Article 4 thereof;

MINDFUL of the fact that the responsibility for the economic development of the West African sub-region rests with the Member States themselves;

CONSIDERING that in furtherance of the objectives of the Treaty, Community enterprises can be vital agents for the promotion of more rapid integration of the economies of the Member States through the provision of additional avenues for joint endeavours under a Community framework;

HAVE AGREED AS FOLLOWS:

Article 1 DEFINITIONS

In this Protocol:

"Treaty" means the Treaty of the Economic Community of West African States signed in Lagos on the 28th May 1975;

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

"Member State" means a Member State of the Community;

"third country" means a country other than a Member State 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 Secretariat" and "Executive Secretary" means the Executive Secretariat and Executive Sec-

retary of the Community as provided for under Article 8 of the Treaty;

"The Fund" means the Fund for Cooperation, Compensation and Development established by Article 50 of the Treaty;

"Selection Panel" means the Panel established by Article 11 of this Protocol;

"Community Enterprise" means an enterprise admitted to the status of a Community Enterprise under this Protocol and enjoying the benefits and guarantees granted thereunder;

"National enterprise" means an enterprise that is registered in a Member State and operating under the national laws of the Member States;

"intergovernmental enterprise" means an enterprise whose equity capital is owned entirely by two or more Member States;

"citizen of the Community" means a citizen of the Community as defined in the Protocol relating to the Definition of Community Citizen;

"national of a Member State" means a national of a Member State who is otherwise not qualified as a citizen of the Community;

"unit of account" means the unit of account specified in paragraph 3 of Article 6 of the Protocol relating to the Fund;

"value added" means value added as defined by Article 1 of the Protocol relating to the Definition of the Concept of Products originating from Member States;

"legal persons of Member States" means institutions or companies in which Member States or their nationals own not less than 51% of the equity capital;

"processing" shall have the same meaning ascribed to it in the Protocol Relating to the Definition of the Concept of Products originating from Member States.

Article 2 OWNERSHIP AND FORM OF COMMUNITY ENTERPRISES

1. Subject to the provisions of this Protocol, an enterprise may be admitted to the status of Community Enterprise under this Protocol if its equity capital is owned by:

- (a) two or more Member States, or
- (b) two or more Member States and citizens or institutions of the Community or nationals or legal persons of a Member State or nationals or legal persons of third countries.

2. Any enterprise in respect of which an application is made for admission to the status of a Com-

community Enterprise, shall first have been incorporated as a public limited liability company or established as an intergovernmental enterprise in a Member State.

Article 3
CONDITIONS FOR THE APPROVAL
OF A COMMUNITY ENTERPRISE

1. No enterprise shall be admitted to the status of a Community Enterprise unless it complies with the provisions of Article 2 of this Protocol and in addition it satisfies the following conditions:
 - (a) (i) in respect of an enterprise referred to in sub-paragraph (a) of paragraph 1 of Article 2 of this Protocol, its entire equity capital is vested in two or more Member States, or
 - (ii) in respect of an enterprise referred to in sub-paragraph (b) of paragraph 1 of Article 2 of this Protocol, not less than 51% of its equity capital is vested in two or more Member States and citizens or institutions of the Community or nationals or legal persons of a Member State or nationals or legal persons of third countries; and
 - (b) in accordance with Article 4 of Decision A/DEC. 1/5/83 of the Authority
 - (i) in respect of Cape Verde, the Gambia, Guinea Bissau, Burkina Faso, Mali, Mauritania or Niger its equity capital is not less than 1.5 million units of account with an intended investment of not less than 6 million units of account, or
 - (ii) in respect of Benin, Guinea, Liberia, Sierra Leone or Togo, its equity capital is not less than 2 million units of account with an intended investment of not less than 8 million units of account,
 - (iii) in respect of Ivory Coast, Ghana, Nigeria, or Senegal, its equity capital is not less than 2.5 million units of account with an intended investment of not less than 10 million units of account; and
 - (c) its Chairman and the majority of the members of its Board of Directors are citizens of the Community; and
 - (d) its activities extend to two or more Member States with the objective of promoting through complementarity the economic integration of the Community; and
 - (e) its Headquarters is in a Member State; and
 - (f) its objectives are in accordance with the development policies and programmes of the Community as may be determined from time to time by the Council; and
 - (g) its operations will not harm the interest of National Enterprises of Member States; and
 - (h) all its shares are registered and confer the same rights; and
 - (i) with respect to a manufacturing enterprise, its

products originate within the Member States in accordance with the provisions of the Protocol relating to the definition of the concept of products originating from Member States of the Economic Community of West African States other than those relating to indigeneous ownership and participation.

2. Notwithstanding the provisions of this Protocol, no enterprise may be admitted to the status of a Community Enterprise if it is or will be engaged solely in the purchase or sale of goods without undergoing any processing.

Article 4
ADDITIONAL CRITERIA FOR APPROVAL OF
COMMUNITY ENTERPRISES

In addition to the conditions stipulated in Article 3 of this Protocol, the Selections Panel shall before recommending the admission of an enterprise to the status of a Community Enterprise and depending on the nature of the activities of the enterprise have regard to its ability to contribute to the following objectives:

- (a) the development of the Community in general and in particular, the industrially less-developed Member States;
- (b) the promotion of diversification in the economic activities of the Community;
- (c) the rational use of the resources of the Member States and their economic potential;
- (d) the creation and the expansion of employment within the Community for nationals of the Member States;
- (e) improved access of the Member States to international capital markets;
- (f) the provision of satisfactory arrangements for the training of nationals of the Member States in administrative, technical, managerial and other skills with a view to securing the benefit of their knowledge and experience in the conduct of the enterprises;
- (g) the promotion and development of indigeneous technology and the transfer and adaptation of imported ones;
- (h) the improvement of the balance of payments of Member States through significant savings on import from third countries and increase of trade within the Community and exports to third countries;
- (i) the provision of sufficient and adequate environmental and pollution controls and the restoration of the environment to its original state.

Article 5
APPLICATION FOR APPROVAL

1. All application for the admission of an enterprise to the status of a Community Enterprise shall be in writing and shall first be submitted to the Member State in which the enterprise is located or will be located for its sponsorship with a copy to the Executive Secretariat for information.

2. On receipt of an application, the Member State shall acknowledge receipt and make its decision known to the applicant and the Executive Secretariat within three months of the receipt of such application.

3. An Enterprise sponsored by a Member State shall submit through such Member State thirty copies in French and twenty in English of its application to the Executive Secretariat which shall acknowledge receipt both to the Member State and the enterprise concerned.

Article 6 INFORMATION REQUIRED FOR APPROVAL OF APPLICATION

1. All applications for the admission of an enterprise to the status of a Community Enterprise shall be accompanied by a detailed description of the nature of the enterprise and a copy of its Memorandum and Articles of Association or equivalent documents.

2. The particulars required under paragraph 1 of this Article shall where applicable include the following:

- (a) the name and address of the enterprise to be approved;
- (b) a copy of its instrument of incorporation and a certificate showing the number of shares held by each shareholder;
- (c) list and nationalities of shareholders;
- (d) the names and nationalities of members of the Board of Directors;
- (e) the goods produced or to be produced or services offered or to be offered;
- (f) the actual or projected amount of investment and financing plan showing the amount to be invested in local and external currencies;
- (g) date of commencement of construction;
- (h) the day on which the enterprise is expected to commence operation or production in marketable quantities of the products specified;
- (i) the locality or localities in which it is proposed to establish the enterprise;
- (j) a detailed feasibility study on the enterprise which shall where applicable include
 - (i) a detailed estimate and description of the need for the investment, together with the description and analysis of the projected markets, capital and production factors required and size of the labour force, especially the size of personnel required from third countries;
 - (ii) a production scheme indicating the annual volume and value of production and possibilities of expansion;
 - (iii) a detailed inventory of the volume, value and origin of plant machinery, spare parts and all other equipment necessary for the establish-

ment and operation of the enterprise after its admission and their expected sources of supply and the price structure for products to be manufactured and the estimated trading account figures for a ten year period and cash flow;

- (iv) the projected scale of export to third countries;
- (v) the projected effect on trade within the Community;
- (vi) a detailed inventory in volume and value and origin of annual imports of raw materials and semi-processed goods essential to the operations of the enterprise after its admission;
- (vii) a programme of recruitment and training for workers who are citizens of the Community that would enable them to acquire the requisite skills. Such programme shall provide for a period at the end of which citizens of the Community shall replace personnel from third countries.

Article 7 PROCEDURE ON APPLICATION FOR APPROVAL

1. Upon the receipt of the application referred to in paragraph 3 of Article 5 of this Protocol, the Executive Secretariat shall:

- (a) acknowledge receipt and state the period required for an evaluation of the application which shall not exceed six months. The Executive Secretariat may during the evaluation of such application request the applicant for supplementary information and may determine a time limit in any case not exceeding six months, for the communication of such information;
- (b) forward a copy thereof to all Member States;
- (c) publish an extract of the application in the Official Journal of the Community and cause it to be published in the Official Gazettes of the Member States.

2. The Member States shall acknowledge receipt and within four months from the date of the publication of an application in the Official Journal of the Community submit their observations thereon to the Executive Secretariat.

3. Three months after the publication of an application in the Official Journal of the Community, the Executive Secretariat shall transmit the application together with all the relevant documents and observations received from the Member States to the Selection Panel for its consideration and recommendations.

4. The Executive Secretariat shall forward the recommendations of the Selection Panel to the next

meeting of the Council for its decision.

5. The decision of the Council shall be published in the Official Journal of the Community and transmitted forthwith to the Member States which shall cause it to be published in their Official Gazettes.

Article 8 OBJECTION PROCEDURE

1. Any Member State wishing to object to the admission of an enterprise to the status of a Community Enterprise shall within a period of three months from the date the application is published in the Official Journal of the Community forward to the Executive Secretariat in writing the reasons and justification for its objection.

2. Any legal or natural person established or domiciled in a Member State wishing to object to the admission of an enterprise to the status of a Community Enterprise shall within the period specified in paragraph 1 of this Article submit in writing the reasons and justification for his objection to that Member State for transmission to the Executive Secretariat.

3. Upon the receipt of an objection, the Executive Secretariat shall investigate the matter and submit its findings to the Selection Panel for its recommendations and transmit them to the Council for its decision.

Article 9 APPROVAL AGREEMENT

1. As soon as an enterprise has been approved for admission to the status of a Community Enterprise by the Council the Executive Secretary shall on behalf of the Community enter into an agreement (hereinafter referred to as "the Approval Agreement" with the enterprise in the form annexed to this Protocol.

2. The duration of the Approval Agreement shall be fixed by the Council on the recommendation of the Selection Panel bearing in mind the size and nature of the enterprise.

3. The Approval Agreement shall be governed by the provisions of this Protocol.

Article 10 ROLE OF THE EXECUTIVE SECRETARIAT

The Executive Secretariat shall:

- (a) receive and evaluate all applications for the admission of enterprises to the status of Community Enterprises, submit them to the Selection Panel for its recommendations and to the Council for its decision;
- (b) keep a register of Community Enterprise and levy and collect from Community Enterprises such registration fees as may be determined by the Council;
- (c) monitor in cooperation with the Member States the implementation of train-

- (d) ning schemes instituted in pursuance with item (vii) of sub-paragraph (j) of paragraph 2 of Article 6 of this Protocol; monitor in cooperation with the Member States the results of benefits granted to Community Enterprises under this Protocol and advise the Council on the performance of such Community Enterprises;
- (e) inform the Council of any change in the composition of the Board of Directors or in the control of a Community Enterprise;
- (f) examine as early as possible any complaints or objections received affecting an Approval Agreement or the performance and conduct of a Community Enterprise after commencement of operations and submit them to the Selection Panel;
- (g) supervise the execution of the Approval Agreement and the implementation of this Protocol generally;
- (h) help Community Enterprises in their negotiations with Member States with a view to obtaining the most favourable fiscal regime, incentives and privileges in force in the Member States concerned.

Article 11 SELECTION PANEL

1. There is hereby established a Selection Panel which shall consist of one representative from each Member State who may be assisted by advisers.

2. It shall be the responsibility of the Selection Panel:
 - (a) to examine all applications for the admission of enterprise to the status of Community Enterprises submitted to it by the Executive Secretariat and make recommendations thereon to the Council;
 - (b) to deal with any complaints or objections affecting an Approval Agreement or the performance and conduct of a Community Enterprise.

Article 12 ROLE OF THE COUNCIL

The Council shall:

- (a) admit enterprises to the status of Community Enterprises in accordance with the provisions of this Protocol;
- (b) determine the basis and the rate for calculating the Community Levy as provided for in paragraph 1 of Article 14 of this Protocol;
- (c) approve the use of the proceeds of the Community Levy as provided for in paragraph 3 of Article 14 of this Protocol;
- (d) cause the suspension or cancellation of an Approval Agreement where a Community Enterprise has been fraudulent or acts contrary to the provisions of this Protocol;

- (e) determine registration fees to be paid by Community Enterprises as provided for in paragraph (b) of Article 10 of this Protocol.

Article 13 DUTIES OF A COMMUNITY ENTERPRISE

1. All enterprises which have been admitted to the status of Community Enterprises in accordance with the provisions of this Protocol shall:

- (a) submit progress reports, annual balance sheets and audited account to the relevant authorities of the Member States involved in the project with copies to the Executive Secretariat;
- (b) furnish the Member States and the Executive Secretariat with information relating to the fulfilment of the conditions of any permit and the extent to which benefits and permits have been utilised;
- (c) offer services or manufacture products within the Community of acceptable quality at competitive prices and in sufficient quantities;
- (d) inform the Executive Secretariat of any intended deviations from or difficulties in the implementation of the terms of an Approval Agreement, so as to enable any necessary reassessment to be made between the parties to the Approval Agreement;
- (e) comply with such audit as may be requested by the Executive Secretariat in collaboration with the relevant authorities of the Member State where they are located in order to ascertain compliance with the terms of the Approval Agreement;
- (f) comply with such other conditions as may be imposed by the Council;
- (g) for all other necessary purposes, cooperate fully with the officials and representatives of the Executive Secretariat and the Member States;
- (h) not fix or alter the prices of its product or services without prior consultation with the Executive Secretariat and the competent authorities of the Member States where they are located.

2. All shareholders of a Community Enterprise shall be entitled to a vote and to be informed about the activities of the enterprise.

3. No dealings in the shares of a Community Enterprise shall take place without the approval of its Board of Directors and in no case shall such dealings lead to a reduction of the equity capital of nationals, legal persons or governments of the Member States below the level prescribed in items (i) and (ii) of sub-paragraph (a) of paragraph 1 of Article 3 of this Protocol. All valid dealings in its shares shall be notified to the Executive Secretariat.

4. Any decision relating to the alteration of the instrument of incorporation, increase and reduction in the capital and dissolution of a Community Enter-

prise, appointment and removal of members of the Board of Directors and change of location of the headquarters of a Community Enterprise shall previously be notified to the Executive Secretariat.

5. All changes in the structure of a Community Enterprise that may reduce the effective control of citizens of the Community or nationals of the Member States in the day to day administration of that enterprise shall not be permitted.

Article 14 COMMUNITY LEVY

1. In addition to such national taxes as a Community Enterprise may be subject to in a Member State where its headquarters is or where it has autonomous branches, subsidiaries or affiliates a Community Enterprise shall pay directly to the Community an annual Community Levy the basis and rate of which shall be determined by the Council, taking into consideration the level of development of the different Member States in accordance with the Provisions of Article 4 of Decision A/DEC.1/5/83 of the Authority.

2. Notwithstanding the provisions of paragraph 1 of this Article, the Council may exempt a Community Enterprise from the payment of Community Levy for such period and in respect of such activities as it may determine.

3. The Community Levy paid in pursuance of the provisions of paragraph 1 of this Article shall be kept in a Special Facility of the Fund and the use of such Special Facility shall be determined by Council.

4. Regulations relating to the application of the provisions of this Article including the computation of Community Levy, exemption from or deferment of payment of Community Levy and other allowances shall be made by the Council.

Article 15 DUTIES OF THE MEMBER STATES

1. Each Member State shall:
 - (a) receive, study and evaluate all application for the admission of an enterprise to the status of a Community Enterprise and forward such applications sponsored by them within three months to the Executive Secretariat for processing;
 - (b) take such steps as are necessary to give effect to the provisions of this Protocol and ensure that effect is given to the provisions of an Approval Agreement and any matters required to be done thereunder;
 - (c) not take such discriminatory or unreasonable measures as would adversely affect the management, maintenance, use, enjoyment, expansion, sale, liquidation or other disposition of the investment of Community Enterprises;
 - (d) assist Community Enterprises by taking all necessary steps to promote their objec-

tives and operations and facilitate the realisation of those objectives including the granting of the necessary export and import licences;

- (e) determine and approve the quota of employees who are nationals of third countries required from time to time by Community Enterprises and take measures to facilitate the grant of the necessary visas and entry, resident and work permits;
- (f) transmit as soon as possible to the Executive Secretariat any complaint or objection by any interested party in respect of an application for approval, or the performance or conduct of a Community Enterprise after commencement of its activities;
- (g) pay fair compensation to any Community Enterprise which sustains a loss as a result of the expropriation or nationalisation by it of the assets or shares of the Community Enterprises;
- (h) refuse to grant import licence or import duties exemption for the import of products from third countries where in the opinion of the Council, the same or similar products produced by Community Enterprises or by other enterprises manufacturing the same or similar products in the Member States are available in sufficient quality or quantities within the Community to meet the demand for such products or similar products at competitive prices.

2. All shareholders shall be enabled by the Member States to exercise in a reasonable manner, all their rights, particularly with respect to their attendance at meetings of the organs of a Community Enterprise.

Article 16 GENERAL BENEFITS, GUARANTEES AND PRIVILEGES OF COMMUNITY ENTERPRISES

1. No enterprise admitted to the status of a Community Enterprise shall be nationalised or expropriated by the government of any Member State except for valid reasons of public interest and whereupon fair and adequate compensation shall be promptly paid.

2. Subject to the provisions of this Article, no person who owns shares in a Community Enterprise shall be compelled by law while the Community Enterprise continues to enjoy the benefits, guarantees and privileges granted under this Protocol, to cede in whole or in part his interest in the Community Enterprise.

3. Benefits granted to a Community Enterprise under this Protocol and particularly under the terms of an Approval Agreement shall not, except as provided under Article 21, be altered subsequently to its disadvantage.

4. Community Enterprises shall have legal personality in all Member States and shall enjoy the rights and privileges and favourable treatment with regard to industrial, financial and other incentives or advantages granted as a result of their negotiations with relevant authorities and in accordance with the laws of the Member States concerned.

5. Subject to legislation in force and economic conditions prevailing in the Member States the following privileges and benefits may be obtained for a Community Enterprise through negotiations with the Member State concerned:

- (i) the remittance of funds for payment of normal commercial transactions;
- (ii) the remittance of capital, including interests and dividends to the country of origin of shareholders and creditors in the event of sale or the liquidation of a Community Enterprise;
- (iii) the transfer of profits at the rate fixed in accordance with the terms of the negotiations carried out with the Member State concerned out of the country in which the headquarters of a Community Enterprise are located after adequate provision has been made for reinvestment, maintenance and replacement of assets, and after payment of any tax due in respect of the Community Enterprise;
- (iv) the transfer of payment in respect of principal, interest and other financial charges where a loan has been granted to a Community Enterprise by a non-resident in accordance with the terms of the contract of the said loan;
- (v) the transfer of fees and other charges incurred by a Community Enterprise in the ordinary course of business outside the country of its principal place of business;
- (vi) the entry into the Member State of the requisite foreign managerial and technical personnel for employment or engagement in a Community Enterprise, if the requisite skills are not available within the Community.

6. Reasonable facilities shall be provided by the monetary authorities of the Member States concerned to personnel employed or engaged in a Community Enterprise for making remittances abroad in respect of maintenance of their families and other contractual obligations such as insurance premiums and all contributions to provident and pension funds.

7. Dividends paid to natural or legal persons who are shareholders of Community Enterprises may be exempted from withholding tax whether such shareholders are residents or non-residents of the Member States where such enterprises are established.

Article 17**SPECIAL ADDITIONAL PRIVILEGES**

1. The provisions of this Article shall apply only to the Community Enterprises referred to in sub-paragraph (a) and (b) of paragraph 1 of Article 2 of this Protocol.
2. An Approval Agreement may, without prejudice to the right of products which otherwise enjoy Community tariff treatment, provide exceptionally that no other Approval Agreement under this Protocol may be entered into in respect of the same industrial or economic activity.
3. Where a Community Enterprise enjoys the benefits provided for in paragraph 2 of this Article:
 - (a) the products of that enterprise shall not be subject to any form of tariff or non-tariff restrictions or barriers except as provided for under Article 26 of the Treaty;
 - (b) products which are the same or similar to the products of that enterprise may be imported exceptionally into the Community or exempted from import duties where in the opinion of the Council the products of that enterprise are insufficient in quantity or quality to meet the demand for those products or similar products at a competitive price.
4. The provisions of paragraph 2 and sub-paragraph (b) of paragraph 3 of this Article are exceptional and can only be applied for a specified period and for a region defined by the Council and for a Community Enterprise operating in a priority sector or introducing a new industrial or economic activity within the Community without undue distortion to the economic equilibrium of the Community.

**Article 18
COMPENSATION**

1. For the purpose of paying compensation in pursuance of the provisions of sub-paragraph (g) of paragraph 1 of Article 15 of this Protocol, the assets and liabilities of Community Enterprises shall be valued in accordance with regulations that are in force in the Member States concerned.
2. Compensation shall forthwith be paid to the Community Enterprise in the currency of the original investment or convertible currency as soon as the amount of compensation has been determined in accordance with the provisions of this Article.
3. Any disagreement as to the amount of compensation payable or the method of valuation used or as to any aspect of compensation shall be settled in accordance with the provisions of Article 22 of this Protocol.
4. No provision of this Article shall be construed as empowering a Community Enterprise to increase or minimise the loss or losses sustained.

Article 19**APPLICATION FOR COMPENSATION**

1. A Community Enterprise whose assets are nationalised or expropriated or shareholders whose shares have been expropriated shall apply to the Member State concerned for compensation and transmit a copy of such application to the Executive Secretariat. Such application shall be in thirty copies in French and twenty in English, and shall contain:
 - (a) details of the circumstances of the expropriation or nationalisation;
 - (b) a valuation certificate of the investment expropriated or nationalised;
 - (c) relevant documents relating to the expropriation or nationalisation.
2. The Executive Secretariat shall transmit without delay to all the Member States copies of an application for compensation.
3. The Executive Secretariat shall within three months from the date on which the copies of an application for compensation are received by him, contact the relevant authorities of the Member State concerned with a view to reaching an amicable settlement on the matter.
4. If after the expiration of six months the issue has not been amicably settled, the Executive Secretariat shall refer the matter to the Council.
5. An award for compensation shall be expressed and paid in the same currency in which the investment was made or in convertible currency.

**Article 20
NON-ASSIGNMENT OF APPROVAL
AGREEMENT**

An Approval Agreement concluded under the provision of this Protocol shall not be assignable.

**Article 21
DEFAULT, REVOCATION, SUSPENSION,
CANCELLATION AND TERMINATION
OF THE APPROVAL AGREEMENT**

1. The Council may without prior notice revoke its decision to admit an enterprise to the status of a Community Enterprise or cause the immediate suspension or cancellation of an Approval Agreement if any of the provisions of this Protocol or an Approval Agreement are not complied with.

The revocation or cancellation shall take effect from the date of the decision which admitted an enterprise to the status of a Community Enterprise.

2. The Council shall take any of the actions specified in paragraph 1 of this Article for any of the following reasons:

- (a) that the Community Enterprise has committed fraud, misrepresentation or other illegal act or has failed either deliberately or through negligence to disclose some material fact or facts prior to

- the enterprise being admitted to the status of a Community Enterprise;
- (b) that the Community Enterprise has failed to carry out its activities on a scale to justify being admitted to the status of a Community Enterprise,
 - (c) that the Community Enterprise has abused the exemptions from import duties granted to it;
 - (d) that the Community Enterprise has committed such other act or omission as to constitute a breach of its Approval Agreement.

3. For the purpose of this Article the term "material fact" in sub-paragraph (a) of paragraph 2 of this Article shall mean any fact the knowledge of which would have caused the Community not to have entered into an Approval Agreement, or to enter into an Approval Agreement substantially different from that which is in fact entered into.

4. Either party to an Approval Agreement wishing to terminate it shall give to the other one year's notice in writing of its intention to do so.

5. The termination of an Approval Agreement shall not affect on-going actions and projects and vested rights during its period of validity.

Article 22 SETTLEMENT OF DISPUTES

Where a dispute arises between Member States as to the interpretation or application of the provisions of this Protocol or an Approval Agreement the dispute shall be settled in accordance with the rules and procedure laid down in Article 56 of the Treaty.

2. Where a dispute arises as to the interpretation or application of the provisions of this Protocol or an Approval Agreement between the Community and a Community Enterprise or between a Member State and a Community Enterprise, the parties shall inform the Executive Secretariat and endeavour to settle the dispute amicably within six months from the date when the dispute arose.

3. Where a dispute referred to in paragraph 2 of this Article cannot be settled amicably, either party to the dispute shall notify the Executive Secretariat of the existence of such a dispute and each party shall within a period of 90 days nominate an arbitrator from the Panel of Arbitrators of the International Centre for the Settlement of Investment Disputes or the Panel of Arbitrators of the Community as may from time to time be constituted by the Executive Secretariat. The two arbitrators so nominated shall within thirty days elect a third arbitrator from either of the said two panels who shall preside over the proceedings of the arbitration. In the event of failure of the two arbitrators to agree on the election of the third arbitrator, either party may request the President of the International Court of Justice to elect the third arbitrator from either of the said two panels.

4. The arbitrators so nominated shall conduct the arbitration at the headquarters of the Community or at any other place within the Community as may be agreed by the parties.

5. The procedure of the arbitration shall be determined by the arbitrators, but the presiding arbitrator shall have full power to settle all questions of procedure in any case of disagreement in respect thereto.

6. All decisions of the arbitrators shall be by majority vote which decisions shall be final and binding on the parties to the arbitration.

7. The Council may make regulations concerning the application of the provisions of this Article.

Article 23 AMENDMENT

1. Any Member State may submit proposals for the amendment or revisions of this Protocol to the Executive Secretariat.

2. The Executive Secretariat shall communicate such proposals to the Member States not later than thirty days after their receipt. Amendments or revisions shall be considered by the Authority after the Member States have been given thirty days notice thereof.

3. No amendment to this Protocol shall prejudice any rights acquired by a Community Enterprise in pursuance of the provisions of this Protocol prior to the coming into force of the amendment.

Article 24 APPLICATION

The provisions of this Protocol:

- (a) shall apply to enterprises defined in paragraph 1 of Article 2 of this Protocol; and
- (b) may apply to wholly privately-owned enterprises in which nationals or legal persons of Member States own not less than 70% of equity capital and for this purpose the Council shall prescribe the rules and regulations for the application of the provisions of this Protocol to enterprises specified in this sub-paragraph.

Article 25 ENTRY INTO FORCE

1. This Protocol shall enter into force provisionally upon signature by the Authority of Heads of State and Government of Member States and definitively upon ratification by at least seven (7) signatory States in accordance with the constitutional procedures applicable for each signatory State.

2. This Protocol and all instruments of ratification shall be desposited with the Executive Secretariat of the Community which shall transmit certified true copies of this Protocol to all Member

States and notify them of the dates of deposit of instruments of ratification and shall register this Protocol with the Organisation of African Unity, the United Nations and such other organisations as the Council shall determine.

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

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

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

ANNEX

– SPECIMEN OF APPROVAL AGREEMENT –

THIS APPROVAL AGREEMENT IS MADE THIS. . .
. DAY OF 19.
IN

BETWEEN

The Economic Community of West African States (hereinafter referred to as "The Community") whose headquarters are at 6, King George V Road, Lagos in the Federal Republic of Nigeria, represented by the Executive Secretary of the Community

OF THE ONE PART

and the Company (Name of the Company) (hereinafter referred to as "The Promoter") whose Headquarters are at.
incorporated under No. and admitted to the Status of Community Enterprise by decision No of the day of. 19
of the Council of Ministers of the Community and represented by (name and status)

OF THE OTHER PART

IN ACCORDANCE WITH THE PROVISIONS OF THE PROTOCOL OF THE COMMUNITY RELATING TO COMMUNITY ENTERPRISES (HEREINAFTER REFERRED TO AS "THE PROTOCOL")

THE CONTRACTING PARTIES HAVE AGREED AS FOLLOWS:

**Article 1
COMMUNITY GUARANTEES,
BENEFITS AND PRIVILEGES**

As a Community Enterprise, the Promoter may enjoy the guarantees, benefits and privileges set out in Article 16, and contingently those set out in Article 17 of the Protocol as may be conferred.

**Article 2
OBLIGATIONS OF PROMOTER**

The Promoter hereby accepts and undertakes to comply with all the obligations provided for in the Protocol and in this Agreement. He shall begin his operations not later than the 31st of December, 19.....

**Article 3
NOTICE**

All orders, approvals, declarations notices, communications or undertakings of any kind between the Community and the Promoter shall be in writing and the parties hereto shall not under any circumstances be permitted to allege or rely upon any oral order, approval, declaration, notice, communication or undertaking.

**Article 4
LAW OF THE AGREEMENT**

The law which shall govern this Agreement and in accordance with which it is to be construed shall be the Protocol and any Regulations or Decisions made or taken thereunder. In the case of issues not expressly covered by the Protocol and this Agreement the governing law shall be the Memorandum and Articles of Association of the Promoter and the law of the Country where the principal office, incorporated branches and subsidiaries of the Promoter are located.

**Article 5
DECISIONS RELATING TO THE
ARTICLE OF THE PROMOTER**

The Promoter shall previously inform the Executive Secretariat of any decision taken by its Board of Directors or shareholders affecting the provisions of its Articles.

**Article 6
LOCATION OF PROMOTER**

The Promoter will be principally located in
.
.
with branches and subsidiaries in
.
.

**Article 7
PRODUCTS AND SERVICES**

The products and/or services which shall be produced and/or provided by the Promoter under the terms of this Agreement are
.....
.....

**Article 8
FORCE MAJEURE**

1. Under this Agreement, force majeure means any unforeseeable, irresistible and insurmountable event independent of both parties occurring after the entry into force of this Agreement such as to impede the performance of either party obligations.
2. Either party to the Agreement shall inform the other party of the occurrence of a force majeure within forty-eight (48) hours following the occurrence of such force majeure.
3. Failure on the part of the parties to comply with any of the terms and conditions hereof shall not constitute grounds for termination or breach or give the parties any claim for damages insofar as the failure arises from force majeure as defined in paragraph one (1) of this Article provided that the parties shall take all reasonable steps to minimise the effects of such failure and to fulfil the terms and conditions of this Agreement with the minimum of delay.

**Article 9
ENTRY INTO FORCE AND DURATION
OF AGREEMENT**

This Agreement shall enter into force upon signature for a period of
.....
years and subject to revision after the first
.....years.

**Article 10
COMPLIANCE WITH NATIONAL LAWS**

1. The promoter shall comply with the general laws and regulations in force in the Member States.

2. With respect to fiscal laws and regulations in force in the Member States the grant of investment incentives under this Agreement shall not relieve the Promoter of liability for any act, omission or thing required to be done under the fiscal laws of the Member States to the extent to which such compliance is not inconsistent with any provision of the Protocol and of this Agreement.

**Article 11
AMENDMENT AND REVISIONS**

This Agreement may be amended and revised by the parties after the expiration of the period provided in Article 9 above. Any party wishing to amend or to revise this Agreement shall notify the other through written proposals which shall be discussed by common consent within six (6) months after the date of notification.

**Article 12
TERMINATION, SUSPENSION
AND INVALIDATION OF AGREEMENT**

1. This Agreement may be terminated at any time by either party provided that notice of one (1) year is given to the other party.
2. The termination of this Agreement shall not affect ongoing actions or projects, vested rights of parties during its periods of validity.
3. This Agreement may be suspended or invalidated immediately without notice by the Council of Ministers of the Community, subject to conditions stipulated in Article 21 of the Protocol.

**Article 13
RESIDUAL PROVISIONS**

The provisions of the Protocol shall govern obligations, breach of contract, settlement of disputes and all such other matters not provided for in this Agreement.

**Article 14
ANNEXES**

The following documents are annexed to this Agreement:

- (a) The Protocol
- (b) The Articles of the Promoter and any other document relating to him.

DONE AT. ON THE DATE MENTIONED ABOVE IN FRENCH AND ENGLISH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE ECONOMIC COMMUNITY
OF WEST AFRICAN STATES

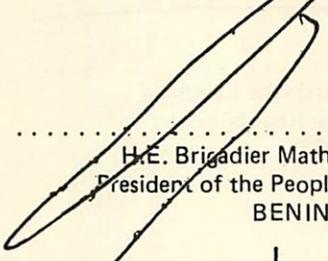
FOR THE PROMOTER

(NAME, OFFICE AND SIGNATURE)

(NAME OFFICE AND SIGNATURE)

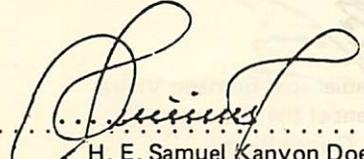
IN WITNESS WHEREOF WE THE HEADS OF
STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN
STATES HAVE SIGNED THIS SUPPLEMENTARY PROTOCOL

DONE AT LOME THIS 1984 IN ONE SINGLE ORIGINAL IN THE ENGLISH AND
FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.



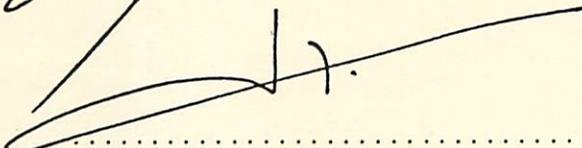
.....

H.E. Brigadier Mathieu Kerekou
President of the People's Republic of
BENIN



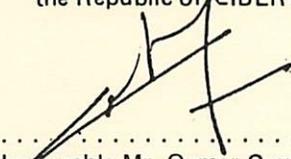
.....

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



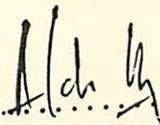
.....

H. E. Captain Thomas Sankara
President of FASO



.....

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

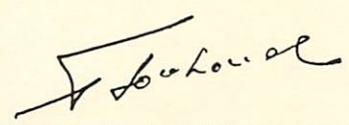


.....

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

.....

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



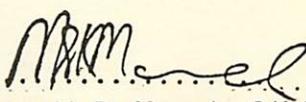
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H. E. Mr. Felix Houphouet-Boigny
President of the Republic of
IVORY COAST



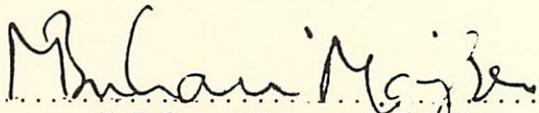
.....

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



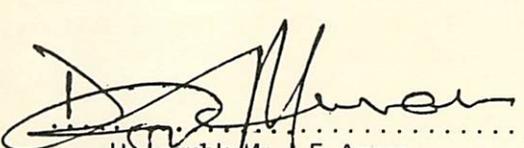
.....

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



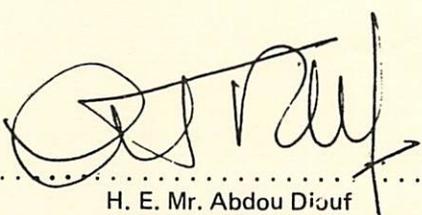
.....

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



.....

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



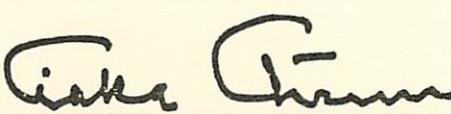
.....

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



.....

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



.....

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

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

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

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

Economic Community of West African States signed in Lagos on 28 May 1975 is hereby amended as follows:-

THE HIGH CONTRACTING PARTIES,

Article 9, new paragraph 1 (c) "The Transport, Communications and Energy Commission"

- MINDFUL of Articles of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;
- MINDFUL of Article 9, paragraph 1 (c) of the ECOWAS Treaty establishing the Transport, Telecommunications and Energy Commission;
- CONSIDERING that most Member States have separated Post and Telecommunications into two distinct entities;
- ANXIOUS to conclude a supplementary Protocol amending Article 9, paragraph 1 (c) of the Treaty of the Economic Community of West African States signed in Lagos on 28 May, 1975;

HAVE AGREED AS FOLLOWS:-

Article 1

Article 9, paragraph 1 (c) of the Treaty of the

Article 2

DEPOSIT AND ENTRY INTO FORCE.

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

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

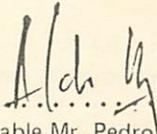
DONE AT LOME THIS 23RD DAY OF NOVEMBER, 1984 IN ONE SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

H. E. Brigadier Mathieu Kerekou
President of the People's Republic of
BENIN

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

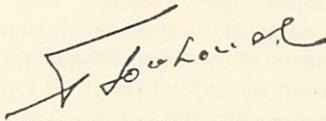
H. E. CAPTAIN THOMAS SANKARA
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Honourable Mr. Oumar Coulibaly
Minister of Economic Affairs and
National Planning, for and on behalf
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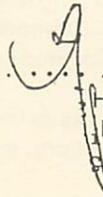


Honourable Mr. Pedro Verona Pires
Prime Minister, for and on behalf of the
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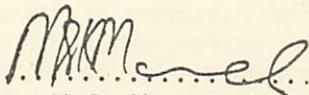
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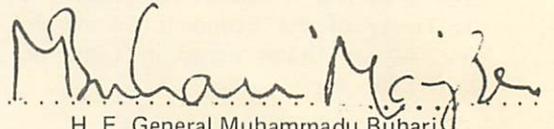
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H. E. Colonel Senyi Kountche
President of the Republic of
NIGER



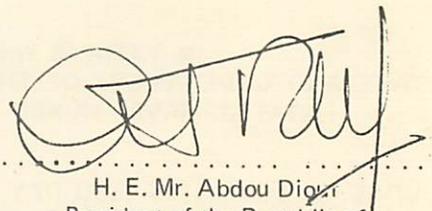
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Minister of Economic Planning and
Industrial Development, for and on
behalf of the President of the
GAMBIA



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



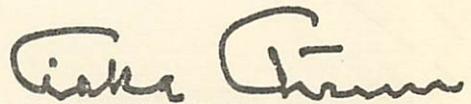
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Vice-Chairman of the Provisional
National Defence Council, for and
on behalf of the Head of State of
the Republic of GHANA



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



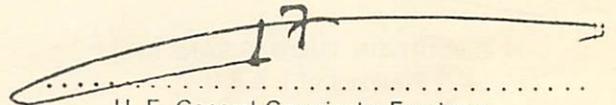
H. E. Colonel Lansana Conte
President of the Republic of
GUINEA



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



H. E. Brigadier Joas Bernardo Vieira
President of the Republic of
GUINEA BISSAU



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

2. DECISION

(a) OF THE AUTHORITY OF THE HEADS OF STATE
A/DEC 1/11/84 DECISION OF THE AUTHORITY
OF HEADS OF STATE AND GOVERNMENT RE-
LATING TO THE IMPLEMENTATION OF DE-
CISION A/DEC/1/5/85 ON THE ADOPTION AND
IMPLEMENTATION OF A SINGLE TRADE LIBE-
RALISATION SCHEME FOR INDUSTRIAL PRO-
DUCTS ORIGINATING FROM MEMBER STATES.

THE AUTHORITY OF HEADS OF STATE AND
GOVERNMENT,

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

CONSIDERING Articles 13, 14 and 59 of the
Treaty;

CONSIDERING Decision A/DEC.1/5/83 of 30
May 1983 of the Authority of Heads of State and
Government, especially Articles 1, 2, 3 and 10;

CONSIDERING Resolution No. 1/83/CE of 31
October 1983 on the response of the Authority of
Heads of State of CEAO to the Conakry Appeal by
the Authority of Heads of State and Government of
ECOWAS;

CONSIDERING Resolution No. C/RES 1/7/84
of the Council of Ministers of ECOWAS taken during
its Fifteenth Session held in Lagos on 20 and 21
July 1984;

DECIDES**Article 1**

For the immediate implementation by all Mem-
ber States of the Single Trade Liberalisation Scheme
for Industrial Products Originating from Member
States envisaged in Decision A/DEC. 1/5/83 of the
Authority of Heads of State and Government of
ECOWAS, appropriate measures should be taken to
ensure that the problems arising from the implemen-
tation of the scheme, especially those identified in
the above Decision and in the report of the 18th
Meeting of the Council of Ministers of CEAO shall be
adequately solved;

Article 2

The implementation of the scheme shall be
monitored by a working group supervised by the
Chairman of the Council of Ministers of ECOWAS,
CEAO and MRU. This working group shall meet whe-
never necessary and decide the modalities of its ope-
ration. It will include Experts from Member States
and Secretariats of the three organisations.

Article 3

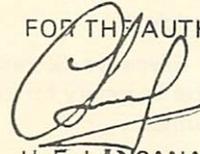
The Executive Secretariat of ECOWAS shall
provide secretarial services for the working group.

Article 4

This Decision shall enter into force upon sig-
nature and shall be published in the Official Journal
of the Community and in the Official Gazette of each
Member State.

DONE AT LOME THIS 23RD DAY OF NO-
VEMBER, 1984 IN ONE SINGLE ORIGINAL
IN THE ENGLISH AND FRENCH LANGUAGES,
BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE AUTHORITY



H. E. LANSANA CONTE
THE CHAIRMAN

A/DEC 2/11/84 DECISION OF THE AUTHO-
RITY OF HEADS OF STATE AND GOVERN-
MENT RELATING TO THE RATIONALISATION
OF COOPERATION EFFORTS WITHIN THE WEST
AFRICAN SUB-REGION

THE AUTHORITY OF HEADS OF STATE AND
GOVERNMENT

MINDFUL of Authority Decision A/DEC
8/5/83 taken in Conakry in May 1983 relating to the
rationalisation of cooperation efforts within the
West African sub-region;

APPRECIATIVE of the contribution of the
Economic Commission for Africa towards the ra-
tionalisation of West African economic integration
efforts, including the study carried out by the ECA
Secretariat on this issue;

CONSIDERING the various meetings held to
examine the ECA Study Report on proposals for
strengthening economic integration in West Africa;

AWARE of some shortcomings of the said Re-
port in respect of matters that are crucial to any
sound decision on the restructuring and rationalising
of the institutional arrangements for the economic
integration of the sub-region;

CONVINCED of the necessity for basing the
restructuring of the existing organisations on scien-
tific considerations;

DECIDES**Article 1**

TO REQUEST for further studies to be under-
taken immediately on:

(a) an analysis of structures and operational
mechanisms or scope of action of existing West Afri-
can Inter-governmental Organisation of the sub-
regional integration arrangements through elimina-
tion, merger, re-assignment of tasks of reinforcement
of organisational bodies. There should be proposals
also on the management, personnel, financial and
other resource requirements as well as the procedures
and practices of the inter-governmental organisations
to be retained.

(b) a review or adaptation of the legal instru-
ments of the West African Inter-governmental Organi-
sations to be retained; with a view to proposing ne-

cessary modifications consistent with the philosophy and orientation of the new economic community for the sub-region.

Article 2

TO DIRECT the Executive Secretary to approach the ECA Executive Secretary for assistance in undertaking the above studies.

Article 3

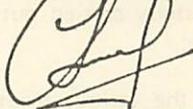
TO DIRECT the Executive Secretary further to ensure that the findings on the above studies are examined at a joint meeting of experts of Member States and Inter-governmental organisations before the matter is brought to the attention of the Council of Ministers.

Article 4

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 LOME THIS 23RD DAY OF NOVEMBER, 1984 IN ONE SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE AUTHORITY



H. E. LANSANA CONTE
THE CHAIRMAN

A/DEC. 3/11/84 DECISION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT RELATING TO PAYMENT OF CONTRIBUTIONS TO THE OPERATIONAL BUDGET OF THE EXECUTIVE SECRETARIAT BY MEMBER STATES

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT.

- MINDFUL OF Article 5 of the ECOWAS Treaty creating the Authority of Heads of State and Government and defining its composition and functions;
- CONSIDERING the cash flow difficulties encountered by the Executive Secretariat in the management of its Operational Budget;
- CONSIDERING that these difficulties are due essentially to the fact that Member States do not meet in time their financial obligations to the Community;
- CONSIDERING that as at 31 October, 1984, the outstanding amount of contributions to be recovered from Member States stood at UA 10,864,588;

DECIDES:

Article 1

To make a solemn appeal to all Member States requesting them to pay their financial contributions to the Community regularly.

ARTICLE 2

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 LOME THIS 23RD DAY OF NOVEMBER, 1984 IN ONE SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE AUTHORITY



H. E. LANSANA CONTE
THE CHAIRMAN

A/DEC 4/11/84 DECISION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT RELATING TO MARITIME TRANSPORTATION

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

- MINDFUL of Article 5 of the ECOWAS Treaty creating the Authority of Heads of State and Government and defining its composition and function,
- MINDFUL of Decision A/DEC.20/5/80 adopted by ECOWAS Authority of Heads of State and Government relating to the Community transport programme which has as its objective the coordination and development of a modern and efficient system of transportation in the Sub-region.
- CONSIDERING the need to improve Coastal Shipping Services to facilitate implementing their policies of trade liberalisation.

- CONVINCED that there is a real need for the establishment of an ECOWAS Coastal Shipping Line to fill the existing gap in this area of service which constitutes a handicap in the development of intra-trade in the Sub-Region,

DECIDES

Article 1

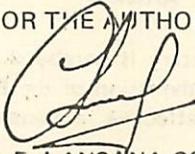
To take a decision on the principle of establishing an ECOWAS Coastal Shipping Line and to direct the Executive Secretariat to prepare the modality of its establishment.

Article 2

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 LOME THIS 23RD DAY OF NOVEMBER, 1984 IN ONE SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE AUTHORITY



H. E. LANSANA CONTE
THE CHAIRMAN

A/DEC5/11/84 DECISION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT RELATING TO DISTRIBUTION OF STATUTORY POSTS.

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

- MINDFUL of Article 5 of the ECOWAS Treaty establishing the Authority of Heads of State composition and functions;
- MINDFUL of Article 8 of the ECOWAS Treaty and Article 28, paragraph 4 of the Protocol on the ECOWAS Fund relating to appointment of Statutory Officers in the Executive Secretariat and the Fund;
- CONSIDERING that the mandates of the Statutory Officers at post are expiring at various dates starting from 31st December, 1984

DECIDES

Article 1

The Statutory posts at the Executive Secretariat and the Fund are allocated to the following Member States with effect from the following dates:-

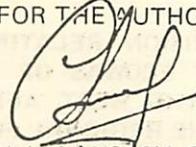
- | | | |
|---|-----------------|---------|
| - Executive Secretary | - Sierra Leone | 1/1/85 |
| - Deputy Executive Secretary (Economic Affairs) | - Burkina Faso | 21/7/85 |
| - Deputy Executive Secretary (Administration) | - Guinea Bissau | 12/9/85 |
| - Financial Controller | - Niger | 1/12/85 |
| - External Auditor | - Mauritania | 1/1/85 |
| - Managing Director of the Fund | - Senegal | 1/1/85 |
| - Deputy Managing Director of the Fund | - Gambia | 1/12/85 |

Article 2

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 LOME THIS 23RD DAY OF NOVEMBER, 1984 IN ONE SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE AUTHORITY



H. E. LANSANA CONTE
THE CHAIRMAN

A/DEC 6/11/84 DECISION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT RELATING TO THE CREATION OF MINISTERIAL EVALUATION COMMISSION

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,
- RECOGNISING the need to assess the evolution and the achievements of the Community after eight years of being in operation,

DECIDES

Article 1

A Ministerial Commission is hereby created for the purpose of carrying out the following :

- analyse the evolution of the Community over its eight years of existence;
- assess its achievements in relation to the objectives of the Community ; and
- determine the financial position of the Institutions of the Community.

Article 2

The Commission shall be made up of Ministers; from the following Member States:

- Cape Verde
- Gambia
- Guinea
- Mali
- Nigeria, and
- Togo

Article 3

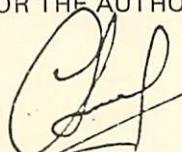
The Commission shall begin its assignment on December 1, 1984 and shall present its report to the Authority during the May 1985 Summit.

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 LOME THIS 23RD DAY OF NOVEMBER, 1984 IN ONE SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE AUTHORITY



H. E. LANSANA CONTE
THE CHAIRMAN

A/DEC7/11/84 DECISION RELATING TO THE MANAGEMENT BY ECOWAS OF RESOURCES ALLOCATED TO THE WEST AFRICAN SUB-REGION UNDER THE REGIONAL FUND OF THE ACP/EEC CONVENTION OF LOME (LOME III) –

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;

RECOGNISING the need to promote and strengthen sub-regional solidarity for a better mobilisation and utilisation of assistance from International donor institutions;

CONSIDERING the comprehensive nature of ECOWAS as a cooperation institution for the entire West African sub-region.

DECIDES

Article I

That ECOWAS is hereby authorised to manage the resources allocated to West Africa under the Regional Cooperation Chapter of the ACP/EEC Convention of Lome (LOME III) for and on behalf of all the

sixteen ACP countries of the West African sub-region.

Article 2

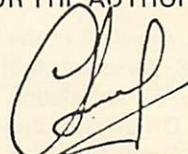
The Executive Secretary is hereby directed to work closely, with the Commission of the European Communities to ensure effective implementation of this decision.

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 LOME THIS 23RD DAY OF NOVEMBER, 1984 IN ONE SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE AUTHORITY



H. E. LANSANA CONTE
THE CHAIRMAN

(b) OF THE COUNCIL OF MINISTERS**C/DECI/7/84 DECISION OF THE COUNCIL OF MINISTERS RELATING TO HOUSING AND TRANSPORT ALLOWANCES FOR STAFF OF ECOWAS INSTITUTIONS IN CATEGORIES G AND M****THE COUNCIL**

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

ANXIOUS to improve the conditions of service of staff of Community Institutions in Categories G and M;

DECIDES**Article 1**

The Executive Secretariat and the Fund are authorised to pay the allowance that was in force prior to the adoption of the new Staff Regulations to ECOWAS Staff in Categories G and M with effect from the 1st day of January 1984.

Article 2

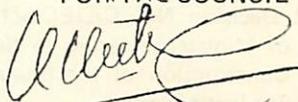
The Executive Secretariat and the Fund shall contact the relevant authorities in the States hosting the Headquarters of the Community Institutions to obtain the documents necessary for a detailed study of this issue by the Committee of Finance Experts and in order to make final proposals to Council at its next session.

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 LAGOS THIS 21ST DAY OF JULY, 1984 IN ONE SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TESTS BEING EQUALLY AUTHENTIC.

FOR THE COUNCIL



H. E. KEMOKO KEITA
THE CHAIRMAN

C/DEC2/7/84 DECISION OF THE COUNCIL OF MINISTERS ON THE CHOICE OF AN ECOWAS EMBLEM**THE COUNCIL**

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

CONSIDERING that the emblem of an organisation should be a symbol of the objectives and principles of the organisation;

DECIDES**Article 1**

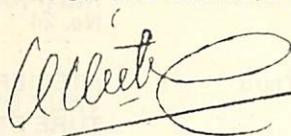
The proposed emblem No. 1 designed and presented by Mr ANTOINE LALEEYE, National of Benin, has been selected as the ECOWAS Emblem.

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 LAGOS THIS 21ST DAY OF JULY, 1984 IN ONE SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TESTS BEING EQUALLY AUTHENTIC.

FOR THE COUNCIL



H. E. KEMOKO KEITA
THE CHAIRMAN

C/DEC3/7/84 DECISION OF THE COUNCIL OF MINISTERS RELATING TO THE CONSTRUCTION OF THE HEADQUARTERS OF THE FUND

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

CONSIDERING Decision A/DEC.17/6/82 relating to the construction of the Headquarters of the Institutions of the Community;

MINDFUL of Decision C/DEC.8/5/82 of the Council of Ministers relating to the establishment of a Ministerial Ad hoc Committee responsible for studying and formulating a short-term revival action programme for Community activities;

MINDFUL of Decision No. C/DEC.6/11/82 relating to the procedure for the construction of the Headquarters for Community Institutions;

HAVING considered and adopted the report of the Ad hoc Ministerial Committee on the selection of a project for the construction of the ECOWAS Fund Headquarters in Lome, Togo;

DECIDES**Article 1**

The Construction of the Headquarters of the Fund shall be carried out in accordance with Decision No. A/DEC 17/5/82.

Article 2

The construction should be undertaken, bearing in mind the fact that the size is commensurate with the needs of the Fund and the financial capacity of the Community. External sources of funding on favourable terms should also be considered.

Article 3

The Fund Management shall request the architect whose project was selected to reduce the size of the proposed building but in doing this the architectural constraints and the urban planning restrictions of the zone in which the site is located should be fully taken into account.

Article 4

The following are the winners of the competition :

- First : PIERRE GOUDIABY
ATEPA, BP 2191 DAKAR (SENEGAL) Project No. 21
- Second : CABINET INTERNATIONAL, CAMARA,
159 RUE BLOMET PARIS (FRANCE) Project No. 24
- Third : ATELIER DES TRAVAUX D'ARCHITECTURE ET D'INGENIERIE, BP 3030 LOME (Togo) Project No. 21
- Fourth : CABINET D'ARCHITECTURE BLE YANGRA 01 BP 305, ABIDJAN (IVORY COAST) Project No. 12

Article 5

This decision shall enter 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 LAGOS THIS 21ST DAY OF JULY, 1984 IN ONE SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TESTS BEING EQUALLY AUTHENTIC.

FOR THE COUNCIL



H. E. KEMOKO KEITA
THE CHAIRMAN

C/DEC1/11/84 DECISION OF THE COUNCIL OF MINISTERS RELATING TO THE CREATION OF A SINGLE HEALTH INSTITUTION IN WEST AFRICA.

THE COUNCIL

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

CONSIDERING decision A/DEC 8/5/83 of the Authority of Heads of State and Government relating to the nationalisation of cooperation efforts in the West African sub-region;

MINDFUL of the usefulness of creation of a single West African health institution,

DECIDES

Article 1: The West African Health Community and the OCCGE shall be merged into a single organisation.

Article 2: This new organisation shall be considered as a specialised institution of ECOWAS.

Article 3: The Executive Secretariat shall undertake the necessary studies to identify health problems in the sub-region.

Article 4: This decision shall enter into force upon signature and shall be in the Official Journal of the Community and the Gazette of each Member State.

DONE AT LOME THIS 21ST DAY OF NOVEMBER, 1984 IN ONE SINGLE ORIGINAL, IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE COUNCIL



H. E. KEMOKO KEITA
THE CHAIRMAN

C/DEC 2/11/84 DECISION OF THE COUNCIL OF MINISTERS RELATING TO THE CONSTRUCTION OF THE ECOWAS FUND HEADQUARTERS

THE COUNCIL

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

CONSIDERING Decision A/DEC.17/5/82 of the Authority of Heads of State and Government relating to the Construction of the Headquarters of the Institutions of the Community;

MINDFUL of Decision NO. C/DEC.6/11/82 of the Council of Ministers relating to the Procedure for the Construction of the Headquarters for Community Institutions;

MINDFUL of the Decision of the Council of Ministers of 21st July, 1984 selecting Pierre GOUDIABY ATEPA as the winner of the first prize of the architectural design competition launched by the ECOWAS Fund in June 1983;

NOTING that the size of the proposed building had been reduced in accordance with the decision of the Council of Ministers of 21st July, 1984;

NOTING further that the Ad Hoc Ministerial Committee approved the revised project at its meeting in Lome on 21st November, 1984;

DECIDES

Article 1

The sum of 20 million CFA Francs paid to the Architect Pierre GOUDIABY ATEPA by the Fund Management is considered as an advance on his fees, and is hereby ratified.

Article 2

The project should be implemented on the basis of the provisional estimates of FCFA 4,898,000,000. To this end, the Architect should liaise with the competent departments of the Republic of Togo in order to enable him to comply with the town planning regulations and construction tariffs in Lome Market.

Article 3

The Management of the Fund is authorized to sign the Architectural and Technical Studies Contract

Article 4

This Decision shall enter 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 LAGOS, THIS 21ST DAY OF NOVEMBER 1984 IN ONE SINGLE ORIGINAL, IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE COUNCIL



H. E. KEMOKO KEITA
THE CHAIRMAN

C/DEC3/11/84 DECISION OF THE COUNCIL OF MINISTERS ON THE APPLICATION OF THE PROVISIONS OF THE STAFF REGULATIONS OF THE COMMUNITY

THE COUNCIL

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

CONSIDERING that it has been noted that the Fund Management had made certain recruitments and appointments in violation of the provisions of the revised Staff Regulations of the Community;

AFTER CONSIDERING the Report submitted by the Financial Controller on the matter;

DECIDES

Article 1

1. The Fund Management should take the necessary measures to regularise the recruitments and appointments made in violation of the provisions of the revised Staff Regulations;

2. The Fund Management should in future comply with the provisions of Articles 8 (H & J) of the Staff Regulations.

Article 2

This Decision shall enter 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 LOME THIS 21ST DAY OF NOVEMBER, 1984 IN ONE SINGLE ORIGINAL, IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE COUNCIL



H. E. KEMOKO KEITA
THE CHAIRMAN

3. RESOLUTIONS
(a) OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

A/RES1/11/84 RESOLUTION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT ON ECONOMIC RECOVERY IN WEST AFRICA

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT

- CONSCIOUS of the magnitude of the economic crisis which has been afflicting Africa South of the Sahara since 1980, as a result not only of the world wide recession and an unprecedented drought, but also of serious structural problems;
 - CONSIDERING that the successive United Nations Development Decades have failed to make any significant impact on the economic and social advancement of the sub-region;
 - CONVINCED that a new approach to development would have to be adopted that seeks to complement national efforts by formulating policies and programmes capable of redynamising the organs of the existing cooperation institutions;
- CONSIDERING that the national and international emergency relief measures must be complemented by long-term structural adjustment and rehabilitation programmes;
- CONVINCED that the actions undertaken by African Governments must be supported by an increase in official development aid tailored to the needs of the crisis-stricken countries and that the exceptional economic reforms of African countries must be matched by exceptional assistance from the international community;
 - UNRESERVEDLY agree to provide the political and financial support necessary for the attainment of the goals enshrined in the Lome Declaration on Economic Recovery in West Africa;

In particular we commit ourselves, individually and collectively on behalf of our Governments and peoples;

1. To redouble our efforts to ensure the implementation by 28 May, 1985 of all those acts and decisions already taken by the Community which will facilitate the realisation of the goals of the recovery programme, and in particular the following decisions;

ACTS AND DECISIONS ON:

- the Trade Liberalisation Programme
- the Protocol on Free Movement of Persons, Right of Residence and Establishment
- Protocol on Mutual Assistance in Customs Matters

- Establishment and proper functioning of National Secretariats for the follow-up and coordination of the implementation of Acts and Decisions of the Community;
2. To adopt a common economic development strategy based on coordinated planning for the Sub-Region in order to optimise the utilisation of the limited resources available in the Community;
 3. To promote the rehabilitation of production structures -
 4. To adopt and implement adequate adjustment mechanisms in the face of the deteriorating balance of payments situation;
 5. To adopt as soon as possible measures to facilitate the creation of an ECOWAS Monetary Zone to promote stable monetary and financial conditions for sustained regional economic growth;
 6. To take measures to rationalise regional production so as to achieve food self-sufficiency. In this regard, every effort will be made to implement our decision on the establishment of Agricultural Development Committee by sets of Member States. Measures will also be taken to rehabilitate production industries and to enhance capacity utilisation;
 7. To pursue the existing Community policies regarding transport and communication infrastructural development to promote social and economic intercourse among the peoples of the Sub-Region;
 8. To take immediate joint action to mobilise our Governments and peoples to combat the desertification of our Sub-Region through a tree planting programme defined Community-wide;
 9. To adopt collective measures to solve the unemployment problem within the Community;
 10. To employ coordinated measures in the application of the finding of Research Institutes concerning the development problems of the Sub-Region and to make available to these institutes the resources needed for their smooth functioning;

To give effect to this Resolution, Ministerial Committee is hereby created to study the problems related to the economic crisis, indebtedness and drought. This Committee should present its findings to the Council of Ministers so that a report can be made to the Authority of Heads of State and Government at its next session.

We the Heads of State and Government hereby solemnly appeal to the international Community to lend its fullest support to the programme that would emerge from this Resolution.

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

DONE AT LOME THIS 23RD DAY OF NOVEMBER, 1984 IN ONE SINGLE ORIGINAL IN
THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

H. E. Brigadier Mathieu Kerekou
President of the People's Republic
of BENIN

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

H. E. Captain Thomas Sankara
President of FASO

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

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

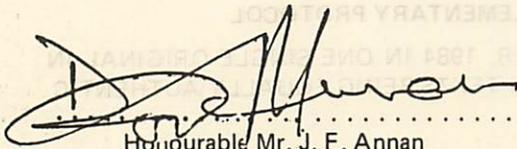
Mr. Sidi Ould Ahmed Deya
for, and on behalf of His
Excellency the President of the
Islamic Republic of MAURITANIA

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

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

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

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



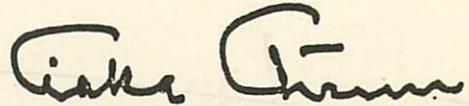
Honourable Mr. J. F. Annan
Vice-Chairman of the Provisional
National Defence Council, for and
on behalf of the Head of State of
the Republic of GHANA



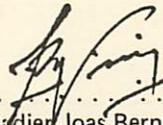
H. E. Mr. Abdou Diouf
President of the Republic of
SENEGAL



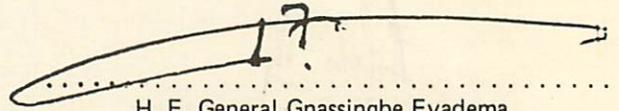
H. E. Colonel Lansana Conte
President of the Republic of GUINEA



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



H. E. Brigadier Joas Bernado Vieira
President of the Republic of
GUINEA BISSAU



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

A/RES.2/11/84 RESOLUTION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT ON THE IMPLEMENTATION OF THE FIRST PHASE OF THE PROTOCOL RELATING TO THE FREE MOVEMENT OF PERSONS THE RIGHT OF RESIDENCE AND ESTABLISHMENT

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;
- MINDFUL of the Protocol on the Free Movement of Persons, the Right of Residence and Establishment signed in Dakar on 29 May, 1979, especially Article 2, paragraph 4 of the said Protocol;
- CONSIDERING that this Protocol effectively entered into force in Member States on 5 June, 1980 and that the five year implementation period of the first phase relating to Free Movement and the abolition of compulsory visa before entry into the territory of a Member State for a ninety (90) day expires on 4 June, 1985;
- HAVING NOTED that all sixteen Member States of the Community have presently ratified this Protocol and put it into force but certain Member States are not applying it effectively;
- HEREBY APPEALS to those Member States which are not fully implementing all provisions of the Protocol on the Free Movement of Persons, the Right of Residence and Establishment, to take the necessary measures in order to ensure the effective implementation of this Protocol.
- DIRECTS the Executive Secretariat to give a progress report on this issue to the next session of the Council of Ministers.

DONE AT LOME THIS 23RD DAY OF NOVEMBER, 1984 IN ONE SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE AUTHORITY

H. E. LANSANA CONTE
THE CHAIRMAN

A/RES 3/11/84 RESOLUTION OF THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT RELATING TO THE SUPPORT FOR THE CREATION OF ECOBANK TRANS-NATIONAL INCORPORATED

THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT,

- CONSCIOUS that by the Treaty dated the 28th day of May, 1975, the ECONOMIC COMMUNITY OF WEST AFRICAN STATES (ECOWAS) has been established for the benefit of the peoples of West Africa,
- MINDFUL of Article 5 of the Treaty establishing the Authority of Heads of State and Government and defining its composition and functions,
- CONSIDERING the continuing need to accelerate, foster and encourage the development of the economies of our sub-region in order to improve the standards of our peoples, through imaginative and appropriate measures,
- CONVINCED that a dynamic and socially concerned private sector can make substantial contributions to the economic development of the countries of West Africa, particularly in the fields of banking, industry and commerce,
- RECOGNISING that modern banking and financial services are a pre-requisite for the development of industry and commerce,
- CONSIDERING the expected significant contribution of the ECOBANK Project to the financial and economic development of the ECOWAS,
- DESIROUS of facilitating successful international launching of the BANK and its acceptance as a recognised financial institution of international repute,

RESOLVES

1. To give the ECOBANK its full support and agree in principle to participate in the Equity Capital through the ECOWAS Fund.
2. To direct the ECOWAS Fund to recommend to the next meeting of Council practical modalities for participation by the Community in the equity capital of ECOBANK.

DONE AT LOME THIS 23RD DAY OF NOVEMBER, 1984 IN ONE SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE AUTHORITY

H. E. LANSANA CONTE
THE CHAIRMAN

(b) OF THE COUNCIL OF MINISTERS

C/RES1/7/84 RESOLUTION OF THE COUNCIL OF MINISTERS ON THE APPLICATION OF DECISION A/DEC. 1/5/83 RELATING TO THE ADOPTION AND IMPLEMENTATION OF A SINGLE TRADE LIBERALIZATION SCHEME FOR INDUSTRIAL PRODUCTS ORIGINATING FROM MEMBER STATES OF THE COMMUNITY.

THE COUNCIL,

CONSIDERING Article 6 of the Treaty creating the Council of Ministers and defining its composition and functions;

CONSIDERING the provisions of Article 59 of the Treaty on the relations with other regional groupings and sister States;

CONSIDERING Resolution C/RES.3/5/83 relating to the adoption and implementation of a single trade liberalization scheme for industrial products originating from Member States;

CONVINCED that the implementation of a single trade liberalization scheme for industrial products within the framework of the Customs Union envisaged under Articles 13 and 14 of the Treaty of the Community does not threaten the existence of CEAO and MRU within ECOWAS;

PROPOSES TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT:

— to adopt and approve the attached draft decision relating to the implementation of Decision A/DEC. 1/5/83 on the single trade liberalization scheme for industrial products originating from Member States of the Community.

DONE AT LOME THIS 21ST DAY OF JULY, 1984 IN ONE SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE COUNCIL



H. E. KEMOKO KEITA
THE CHAIRMAN

C/RES2/7/84 RESOLUTION OF THE COUNCIL OF MINISTERS THE ADOPTION OF THE DRAFT PROTOCOL RELATING TO COMMUNITY ENTERPRISES.

THE COUNCIL,

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

MINDFUL of the provisions of Article 2 of the Treaty on the integration and development of the economies of Member States of the Community;

MINDFUL of Resolution ECW/CM.VI/Res. 26 of November 1979 of the Council of Ministers on the formulation of the ECOWAS Regional Industrial Policy and Programme;

CONVINCED of the indispensable role which Community Enterprises can play in the realisation of the objectives of the Community accelerated integration and development of the economies of the sub-region;

PROPOSES TO THE AUTHORITY OF HEADS OF STATE AND GOVERNMENT OF THE COMMUNITY :

— to approve and adopt the attached draft of the Protocol relating to Community Enterprises.

DONE AT LOME THIS 21ST DAY OF JULY, 1984 IN ONE SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE COUNCIL



H. E. KEMOKO KEITA
THE CHAIRMAN

C/RES 1/11/84 RESOLUTION OF THE COUNCIL OF MINISTERS RELATING TO THE RATIONALIZATION OF COOPERATION EFFORTS WITHIN THE WEST AFRICAN SUB-REGION.

THE COUNCIL

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

RECALLING its Decision A/DEC.8/5/83 taken on 30th May, 1983 in Conakry relating to the rationalisation of cooperation efforts within the West African Sub-region;

REQUEST**ARTICLE 1**

The Executive Secretary is directed to continue the studies requested to be undertaken, in close collaboration with the Executive Secretary of the Economic Commission for Africa. The additional studies should involve;

a) an analysis of structures and operational mechanisms or scope of action of existing inter-governmental organisations in West Africa, in order to propose the measures necessary to ensure the cooperation and integration of these organisations either by elimination, by merging, by redistribution of the various functions or by strengthening these existing organisations. Proposals should also be made on the management, personnel, financial and other resource requirements, as well as the general practices and procedures of the organisations to be retained: and

(b) a revision or adaptation of legal instruments for the inter-governmental organisations to be retained, with a view to modifying these documents to make them compatible with the philosophy and the guidelines for economic integration in the Community.

Article 2

The Executive Secretary is directed to ensure that the report on the said studies is submitted for examination at a joint meeting to be held between West African inter-governmental organisations and experts of Member States, before the issue is brought up for consideration by the Council of Ministers.

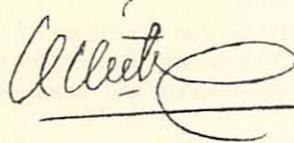
tion at a joint meeting to be held between West African inter-governmental organisations and experts of Member States, before the issue is brought up for consideration by the Council of Ministers.

Article 3

The Decision shall enter 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 LAGOS, THIS 21ST DAY OF NOVEMBER 1984 IN ONE SINGLE ORIGINAL, IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE COUNCIL



H. E. KEMOKO KEITA
THE CHAIRMAN

**DECLARATION OF THE AUTHORITY
OF THE HEADS OF STATE**

**A/DCL.1/11/84 LOME DECLARATION OF THE
AUTHORITY OF HEADS OF STATE AND GO-
VERNMENT ON THE SPECIAL FUND FOR AFRI-
CA SOUTH OF THE SAHARA**

**THE AUTHORITY OF HEADS OF STATE
AND GOVERNMENT, MEETING IN LOME, RE-
PUBLIC OF TOGO, ON 22 AND 23 NOVEMBER
1984**

CONSCIOUS of the serious economic crisis which has been afflicting Africa South of the Sahara for several years as a result not only of the worldwide recession and an unprecedented drought, but also of desertification and serious structural problems;

CONSIDERING that objectives of successive United Nations Development Decades have failed to make any significant social and economic impact;

CONVINCED that the national and international emergency relief measures must be supplemented and complemented by long-term economic revival policies and rehabilitation programmes;

CONVINCED further that the actions undertaken by African governments should be supported by an increase in official development aid tailored

to the needs of the African countries and that the exceptional economic reform programme embarked upon by these countries should be matched by exceptional assistance from the international community;

HEREBY URGE the developed countries to immediately combine forces with the African countries in executing the Joint Plan of Action for Sub-Saharan Africa adopted by the Joint Development Committee of the International Monetary Fund and the World Bank on September 23, 1984, and to support this plan of action by creating a Special Fund for Africa as proposed by the African delegations in September 1984.

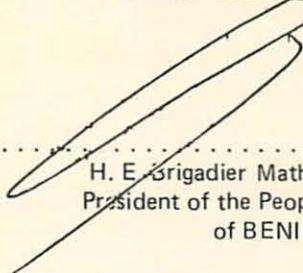
ENDORSE the resolution on this matter which was adopted by the Twentieth Meeting of Heads of State of the OAU in Addis-Ababa on November 12 - 15, 1984.

CALL ON the International Community and the leaders of the developed countries to urgently consider with careful attention the development problems of African countries and to contribute generously to this Fund.

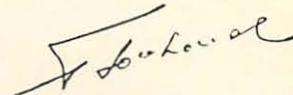
REQUEST the World Bank to organise without delay a donor's conference for this purpose.

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

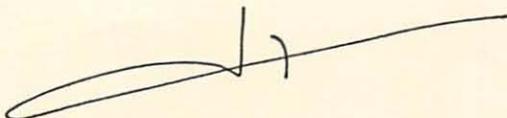
DONE AT LOME THIS 23RD DAY OF NOVEMBER, 1984 IN ONE SINGLE ORIGINAL IN
THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.



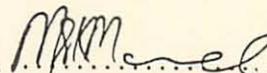
H. E. Brigadier Mathieu Kerekou
President of the People's Republic
of BENIN



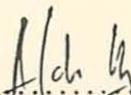
H. E. Mr. Felix Houphouet - Boigny
President of the Republic of
IVORY COAST



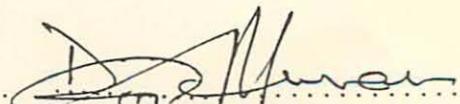
H.E. Captain Thomas Sankara
President of FASO



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



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



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

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

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

H. E. Brigadier Joas Berrado Vieira
President of the Republic of
GUINEA BISSAU

H.E. General Muhammadu Buhari
Head of State 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
LIBERIA

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

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

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

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

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

5. DIRECTIVES OF THE COUNCIL OF MINISTERS.

C/DIRI/11/84 DIRECTIVE OF THE COUNCIL RELATING TO THE IMPLEMENTATION OF THE COMMUNITY TELECOMMUNICATIONS PROGRAMME

THE COUNCIL

- MINDFUL of Article 7 of the ECOWAS Treaty establishing the Council of Ministers and defining its composition and functions;
- HAVING TAKEN COGNIZANCE of the final report of the Transport, Telecommunications and Energy Commission which had met in Lome from 6 to 9 June, 1984;
- CONSIDERING the coordination role devolving on the Executive Secretariat and the ECOWAS Fund in the activities developing telecommunications infrastructure in Sub-region;
- CONSIDERING the progress so far achieved in the realisation of the West African portion of the PANAFTEL project;

DIRECTS:

1. THE EXECUTIVE SECRETARIAT

- (i) to continue the study on the professional training requirements in collaboration with ITU and with the financial assistance of UNDP and other bodies.
- (ii) to continue the organisation of coordination meetings between Member States with a view to finding solutions to problems relating to the interconnection of their telecommunications networks.
- (iii) to organise during 1985 a seminar on the maintenance of transmission and power equipment and another seminar in 1985 on International telephone billing.

2. AND THE FUND

to mobilise all the financial and assistance within and outside the sub-region for the financing of the preparation and implementation of national plans for the improvement of maintenance.

DONE AT LOME THIS 21ST DAY OF NOVEMBER, 1984 IN ONE SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE COUNCIL



H. E. KEMOKO KEITA
THE CHAIRMAN

C/DIR2/11/84 DIRECTIVE OF THE COUNCIL RELATING TO THE FUNCTIONS OF THE FINANCIAL CONTROLLER ON THE CONTROL OF PLACEMENTS OF FUNDS AND VETTING OF TRAVEL AUTHORISATION BY THE INSTITUTIONS OF THE COMMUNITY AND VETTING OF MISSIONS UNDERTAKEN BY OFFICERS OF THE INSTITUTIONS

THE COUNCIL,

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

CONSIDERING Articles 26 to 33 of the Financial Regulations of the Community relating to the control of financial operations of the Institutions;

AFTER EXAMINING the Report of the Financial Controller;

HEREBY DIRECTS the Financial Controller to exercise his functions fully and strictly:

- 1) in matters relating to the placement of funds by the Institutions of the Community, in particular with regard to:
 - control of actual existence of funds
 - control of movements of Funds
 - compliance with the criteria relating to security, profitability and accessibility.
- 2) in matters relating to the vetting of all missions to be undertaken by officers of the Institutions before the missions are effected.

DONE AT LOME THIS 21ST DAY OF NOVEMBER, 1984 IN ONE SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

FOR THE COUNCIL



H. E. KEMOKO KEITA
THE CHAIRMAN

