

ECONOMIC COMMUNITY OF

WEST AFRICAN STATES

(ECOWAS)

REVISED TREATY

PUBLISHED BY THE

ECOWAS EXECUTIVE SECRETARIAT,

ABUJA, NIGERIA

REVISED TREATY OF THE ECONOMIC COMMUNITY

OF WEST AFRICAN STATES (ECOWAS)

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

- The President of the Republic of BENIN;
- The President of BURKINA FASO;
- The Prime Minister of the Republic of CAPE VERDE;
- The President of the Republic of COTE D'IVOIRE;
- The President of the Republic of The GAMBIA;
- The President of the Republic of GHANA;
- The President of the Republic of GUINEA;
- The President of the Republic of GUINEA BISSAU;
- The President of the Interim Government of National Unity the Republic of LIBERIA;
- The President of the Republic of MALI;
- The President of the Islamic Republic of MAURITANIA;
- The President of the Republic of NIGER;
- The President of the Federal Republic of NIGERIA;
- The President of the Republic of SENEGAL;
- The Head of State and Chairman of the National Provisional Ruling Council of the Republic of SIERRA LEONE;
- The President of the TOGOLESE Republic.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CHAPTER I

Article 1: DEFINITIONS

For the purpose of this Treaty,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"Treaty" means this revised Treaty.

CHAPTER II

ESTABLISHMENT, COMPOSITION, AIMS AND

OBJECTIVES AND FUNDAMENTAL PRINCIPLES

OF THE COMMUNITY

ARTICLE 2: ESTABLISHMENT AND COMPOSITION

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

ARTICLE 3: AIMS AND OBJECTIVES

1. The aims of the Community are to promote co-operation and integration, leading to the establishment of an economic union in West Africa in order to raise the living standards of its peoples, and to maintain and¹ enhance economic stability, foster relations-among Member States and contribute to the progress and development of the African Continent.
2. In order to achieve the aims set out in the paragraph above, and in accordance with the relevant provisions of this Treaty, the Community shall, by stages, ensure;
 - a) the harmonization and co-ordination of national policies and the promotion of integration programmes, projects and activities, particularly in food, agriculture and natural resources, industry, transport and communications, energy, trade, money and finance, taxation, economic reform policies, human resources, education, information, culture, science, technology, services, health, tourism, legal matters;
 - b) the harmonization and co-ordination of policies for the protection of the environment;
 - c) the promotion of the establishment of joint production enterprises;
 - d) the establishment of a common market through;
 - i. the liberalisation of trade by the abolition, among Member States, of customs duties levied on imports and exports, and the abolition, among Member States, of non-tariff barriers in order to establish a free trade area at the Community level;
 - ii. The adoption of a common external tariff and a common trade policy vis-à-vis third countries;
 - iii. the removal, between Member States, of obstacles to the free movement of persons, goods, services and capital, and to the right of residence and establishment;
 - e) the establishment of an economic union through the adoption of common policies in the economic, financial, social and cultural sectors, and the creation of a monetary union.
 - f) the promotion of joint ventures by private sector enterprises and other economic operators, in particular through the adoption of a regional agreement on cross-border investments;
 - g) the adoption of measures for the integration of the private sectors, particularly the creation of an enabling environment to promote small and medium scale enterprises;
 - h) the establishment of an enabling legal environment;

- i) the harmonisation of national investment codes leading to the adoption of a single Community investment code;
- j) the harmonization of standards and measures;
- k) the promotion of balanced development of the region, paying attention to the special problems of each Member State particularly those of landlocked and small island Member States;
- l) the encouragement and strengthening of relations and the promotion of the flow of information particularly among rural populations, women and youth organizations and socio-professional organizations such as associations of the media, business men and women, workers, and trade unions;
- m) the adoption of a Community population policy which takes into account the need for a balance between demographic factors and socio-economic development;
- n) the establishment of a fund for co-operation, compensation and development; and
- o) any other activity that Member States may decide to undertake jointly with a view to attaining Community objectives.

ARTICLE 4: FUNDAMENTAL PRINCIPLES

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

- a. equality and inter-dependence of Member States;
- b. solidarity and collective self reliance;
- c. inter-State co-operation, harmonisation of policies and integration of programmes;
- d. non-aggression between Member States;
- e. maintenance of regional peace, stability and security through the promotion and strengthening of good neighborliness;
- f. peaceful settlement of disputes among Member States, active co-operation between neighbouring countries and promotion of a peaceful environment as a prerequisite for economic development;
- g. recognition, promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights;
- h. accountability, economic and social justice and popular participation in development;

- i. recognition and observance of the rules and principles of the community;
- j. promotion and consolidation of a democratic system of governance in each Member State as envisaged by the Declaration of Political Principles adopted in Abuja on 6 July, 1991; and
- k. equitable and just distribution of the costs and benefits of economic co-operation and integration.

ARTICLE 5: GENERAL UNDERTAKINGS

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

CHAPTER III

INSTITUTIONS OF THE COMMUNITY

ESTABLISHMENT COMPOSITION AND FUNCTIONS

ARTICLE 6: INSTITUTIONS

1. The Institutions of the Community shall be:
 - a) the Authority of Heads of State and Government;
 - b) the Council .OfMinisters;
 - c) the Community Parliament;
 - d) the Economic and Social Council;
 - e) the Community Court of Justice;
 - f) the Executive Secretariat;

- g) the Fund for Co-operation, Compensation and Development;
 - h) Specialised Technical Commissions; and
 - i) Any other institutions that may be established by the Authority.
2. The Institutions of the Community shall perform their functions and act within the limits of the powers conferred on them by this Treaty and by the Protocols relating thereto.

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

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

- h) request the Community Court of Justice, as and when necessary, to give advisory opinion on any legal questions; and
- i) exercise any other powers conferred on it under this Treaty.

ARTICLE 8: SESSIONS

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

ARTICLE 9: DECISIONS

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

ARTICLE 10: THE COUNCIL OF MINISTERS ESTABLISHMENT, COMPOSITION AND FUNCTIONS

1. There is hereby established a Council of Ministers of the Community.

2. The Council shall comprise the Minister in charge of ECOWAS Affairs and any other Minister of each Member State.
3. Council shall be responsible for the functioning and development of the Community. To this end, unless otherwise provided in this Treaty or a Protocol, Council shall:
 - a) make recommendations to the Authority on any action aimed at attaining the objectives of the Community;
 - b) appoint all statutory appointees other than the Executive Secretary.
 - c) by the powers delegated to it by the Authority, issue directives on matters concerning co-ordination and harmonisation of economic integration policies;
 - d) make recommendations to the Authority on the appointment of the External Auditors;
 - e) prepare and adopt its rules of procedure;
 - f) adopt the Staff Regulations and approve the organisational structure of the institutions of the Community;
 - g) approve the work programmes and budgets of the Community and its institutions;
 - h) request the Community Court of Justice, where necessary, to give advisory opinion on any legal questions;
 - i) carry out all other functions assigned to it under this Treaty and exercise all powers delegated to it by the Authority.

ARTICLE 11: MEETINGS

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

ARTICLE 12: REGULATIONS

1. The Council shall act by regulations.
2. Unless otherwise provided in this Treaty regulations of the Council shall be adopted, depending on the subject matter under consideration, by unanimity, consensus or by a two-thirds majority of Member States, in accordance with the Protocol referred to in Article 9 Paragraph 3 of this Treaty. Until the entry into force of the said Protocol, the Council shall continue to adopt its regulations by consensus.

3. Regulations of the Council shall be binding on institutions under its authority. They shall be binding on Member States after their approval by the Authority. However, in the case of regulations made pursuant to a delegation of powers by the Authority in accordance with paragraph 3(t) of Article 7 of this Treaty, they shall be binding forthwith.
4. Regulations shall be published and shall enter into force within the same period and under the same conditions stipulated in Paragraphs 5, 6 and 7 of Article 9 of this Treaty.

ARTICLE 13: THE COMMUNITY PARLIAMENT

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

ARTICLE 14: THE ECONOMIC AND SOCIAL COUNCIL

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

ARTICLE 15: THE COURT OF JUSTICE, ESTABLISHMENT AND FUNCTIONS

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

ARTICLE 16: ARBITRATION TRIBUNAL, ESTABLISHMENT AND FUNCTIONS

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

ARTICLE 17: THE EXECUTIVE SECRETARIAT, ESTABLISHMENT AND COMPOSITION

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

ARTICLE 18: APPOINTMENTS

1. The Executive Secretary shall be appointed by the Authority for a 4-year term renewable only once for another 4-year period. He can only be removed from office by the Authority upon its own initiative or on the recommendation of the Council of Ministers.
2. The Ministerial Committee on the Selection and Evaluation of the Performance of Statutory Appointees shall evaluate the three (3) candidates nominated by the Member State to which the statutory post has been allocated and make recommendations to the Council of Ministers. Council shall propose to the Authority the appointment of the candidate adjudged the best.
3. The Executive Secretary shall be a person of proven competence and integrity, with a global vision of political and economic problems and regional integration.
4. a) The Deputy Executive Secretaries and other Statutory Appointees shall be appointed by the Council of Ministers on the proposal of the Ministerial Committee on the Selection and Evaluation of the Performance of Statutory Appointees following the evaluation of the three (3) candidates nominated by their respective Member States to whom the posts have been allocated. They shall be appointed for a period of 4 years renewable only once for a further 4-year term.

b) Vacancies shall be advertised in all Member States to which statutory posts have been allocated.
5. In appointing professional staff of the Community, due regard shall be had, subject to ensuring the highest standards of efficiency and technical competence, to maintaining equitable geographical distribution of posts among nationals of all Member States,

ARTICLE 19: FUNCTIONS

1. Unless otherwise provided in the Treaty or in a Protocol, the Executive Secretary shall be the chief executive officer of the Community and all its institutions.
2. The Executive Secretary shall direct the activities of the Executive Secretariat and shall, unless otherwise provided in a Protocol, be the legal representative of the Institutions of the Community in their totality.

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

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

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

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

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

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

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

ARTICLE 22: TECHNICAL COMMISSIONS ESTABLISHMENT AND COMPOSITION

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

To be continued...