

SUPPLEMENTARY PROTOCOL A/SP1/6/89 AMENDING AND COMPLEMENTING THE PROVISIONS OF ARTICLE 7 OF THE PROTOCOL ON FREE MOVEMENT, RIGHT OF RESIDENCE AND ESTABLISHMENT

THE CONTRACTING PARTIES,

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

and Government and defining its composition and functions;

MINDFUL of Article 7 of the Protocol A/P.1/5/79 on the Free Movement of Persons, Right of Residence and Establishment;

MINDFUL of Article 7 of the Supplementary Protocol A/SP.1/7/85 establishing a Code of Conduct for the implementation of the Protocol on Free Movement of Persons, Right of Residence and Establishment;

MINDFUL of Supplementary Protocol A/SP1/7/86 on the implementation of the Second phase (Right of Residence) of the Protocol on Free Movement of Persons, Right of Residence and Establishment;

CONSIDERING the need for harmonious development in all areas of ECOWAS activity including Free Movement of Persons, Goods, Services and Capital, which is a cornerstone of such development;

CONSIDERING the pressing need to foster active and effective co-operation through exchange of information and adoption of a common strategy by the Immigration Departments of Member States;

AWARE of the need to seek appropriate solutions to problems which may arise in the implementation of the Protocol on Free Movement of Persons, Right of Residence and Establishment and the need to prevent Member States from taking unilateral measures likely to obstruct the proper implementation of the provisions of this and the related Protocols;

BEING of the opinion that, pending the constitution of the Community Tribunal referred to in Article II of the Treaty, a mechanism should be set up to settle systematic or serious cases of violation of the Protocol on Free Movement of Persons, Right of Residence and Establishment.

DESIROUS of signing a Supplementary Protocol amending the provisions of Article 7 of the Protocol on Free Movement of Persons, Right of Residence and Establishment.

HAVE AGREED AS FOLLOWS:

Article 1 Definitions

Within this Supplementary Protocol,

“Treaty” means the Treaty of the Economic Community of West African States.

“Community” means the Economic Community of West African States.

“Member State or States” means Member State or States of the Economic Community of

West African States.

“Authority” means the Authority of Heads of State and Government established by Article 5 of the Treaty.

“Chairman of the Authority” means the current Chairman of the Authority of Heads of State and Government of the Economic Community of West African States.

“Executive Secretary and Executive Secretariat” means the Executive Secretary and the Executive Secretariat of the Economic Community of West African States as stipulated in Article 8 of the Treaty.

Article 2

The provisions of Article 7 of Protocol A/PI/5/79 on Free Movement of Persons, the Right of Residence and Establishment have been amended and complemented as follows:

Amended Article 7

1. 1 Any dispute that may arise among Member States regarding the interpretation and application of this Protocol shall be amicably settled by direct agreement.
2. 2 In the event of failure to settle such a dispute amicably, the Chairman of the Authority of Heads of State and Government may upon receiving a complaint from a Member State of the Community of systematic or serious violations of the provisions of the Protocols on Free Movement of Persons, the Right of Residence and Establishment on the part of another Member State, request the Executive Secretary to urgently dispatch to the Member States concerned a fact finding mission comprising officials from at least three Member States, acceptable to the parties concerned, and officials of the Executive Secretariat, to investigate the complaint.

A report shall be compiled by the fact-finding mission and submitted by the Executive Secretary to the Chairman of the Authority of Heads of State and

Government, and to the Government of all Member States with a view to finding appropriate solutions to the problems identified.

Article 3

Deposit and Entry into Force

1 This Supplementary Protocol shall enter into force provisionally upon signature by the Heads of State and Government of Member States and definitively upon ratification by at least seven signatory States in accordance with the constitutional

procedure in force in each signatory State.

2 The Supplementary Protocol and all the instruments of ratification shall be deposited with the Executive Secretariat of the Economic Community of West African States which shall transmit certified true copies of the Protocol to all Member States and notify them of the dates of deposit of the instruments of ratification and shall register this Supplementary Protocol with the Organisation of African Unity, the United Nations and any other such Organisations as the Council of Ministers shall determine.

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

DONE AT OUAGADOUGOU THIS 30TH DAY OF JUNE 1989

IN SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC

Signed

H.E. General Mathieu Kerekou

*Chairman of the Central Committee
of the People's Revolutionary
Party of BENIN, President of the Republic,
Head of State, President of the National Executive Council, People's Republic of Benin*

Signed

The Honourable Mr. Pedro Verona RODRIGUES PIRES

*Prime Minister
for and on behalf of*

*H.E. Mr. Aristides Maria PEREIRA
President of the Republic of CAPE VERDE*

Signed

H.E. Alhaji Sir Dauda Kairaba JAWARA

*President of the Republic of
THE GAMBIA*

Signed

The Hon. Edouard Benjamin

*Minister of Planning and
International Co-operation for
and on behalf of H. E. General Lansana Conte the President of the National
Recovery Committee, Head of State*

Signed

H.E. Captain Blaise COMPAORE

President of the Popular Front, Head of State, Head of Government BURKINA FASO

Signed

The Hon. MP. Maurice Seri GNOLEBA

*Minister of State
for and on behalf of*

*H.E. Mr. Felix HOUPHOUET- BOIGNY President of the Republic
of COTE D'IVOIRE*

Signed

The Hon. Dr. Kwesi BOTCHWEY

*PNDC Secretary for Finance and Economic Planning for and on behalf of
H.E. Flight-Lieutenant Jerry Rawlings
Head of State and Chairman of the Provisional National Defence Council,*

Republic of GHANA

Signed

H.E. General Joao Bernardo VIEIRA

President of the Republic of GUINEA BISSAU

President of the Republic of GUINEA

Signed

The Hon. Elian TAYLOR

*Minister of Planning and Economic Affairs
for and on behalf
H.E. Dr. Samuel Kanyon DOE President of the Republic of LIBERIA*

Signed

H.E. Colonel Maoulya Ould Sid Ahmed TAYA
Chairman of the Military Committee for National Salvation,

Islamic Republic of MAURITANIA

Signed

H.E. General Ibrahim Badamasi BABANGIDA
*President,
Commander-in-Chief of the Armed Forces of the Federal Republic*

of NIGERIA

Signed

The Hon. Dr. Sheka H. KANU

Minister of National
Development and Economic Planning
for and on behalf of
*H.E. Major-General Dr. Joseph Saidu MOMOH President of the Republic of
SIERRA LEONE*

Signed

H.E. General Moussa TRAORE

Secretary General of the Malians People's Democratic Union, President of the Republic of MALI

Signed

H.E. General Ali SAIBOU

*President of the Supreme Council for National Orientation,
Head of State of the Republic of
NIGER*

Signed

The Hon. Mr. Seydina Omar SY

*Minister of Commerce
for and on behalf of
H.E. Mr. Abdou DIOUF President of the Republic of SENEGAL*

Signed

H.E. General Gnassingbe EYADEMA

President of the TOGOLESE Republic