

## 1. PROTOCOL AND SUPPLEMENTARY PROTOCOL

### A/SP1/6/89 SUPPLEMENTARY PROTOCOL 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/PI/5/79 on the Free Movement of Persons, Right of Residence and Establishment;

MINDFUL of Article 7 of the Supplementary Protocol A/SP1/7/85 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 cooperation 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 11 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. Any dispute that may arise among Member States regarding the interpretation and application of this Protocol shall be amicably settled by direct agreement.
  
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 despatch 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.

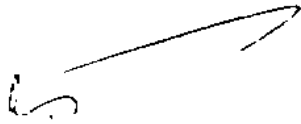
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H.E. General Mathieu KEREKOU  
 Chairman of the Central Committee of the People's Revolutionary Party of Benin,  
 President of the Republic  
 Head of State  
 President of the National Executive Council of the People's Republic of BENIN

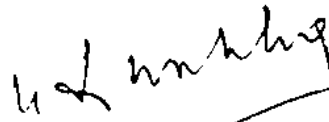
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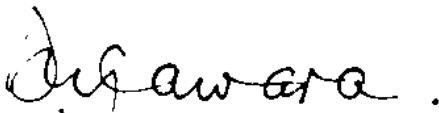
H. E. Captain Blaise COMPAORE  
 President of the Popular Front  
 Head of State  
 Head of Government  
 BURKINA FASO



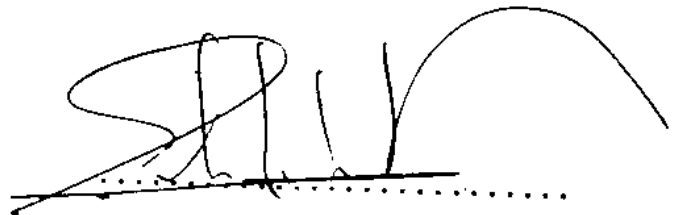
The Hon. Mr. Pedro Verona  
RODRIGUES PIRES  
Prime Minister  
For and on behalf of  
H.E. Mr. Aristides Maria  
PEREIRA  
President of the Republic  
of CABO VERDE



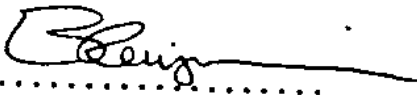
The Hon. Mr. Maurice Seri  
GNOLEBA  
Minister of State  
For and on behalf of  
H. E. Mr. HOUPHOUET - BOIGNY  
President of the Republic  
of COTE D'IVOIRE



H. E. Alhaji Dawda Kairaba JAWARA  
President of the Republic of THE GAMBIA



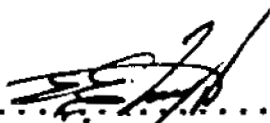
The Hon. Dr. Kwesi BOTCHWEY PNDC  
Secretary for Finance and Economic Planning  
For and on behalf of H. E. Flight-Lt Jerry John  
RAWLINGS  
Head of State and Chairman of the  
Provisional National Defence Council  
Republic of Ghana



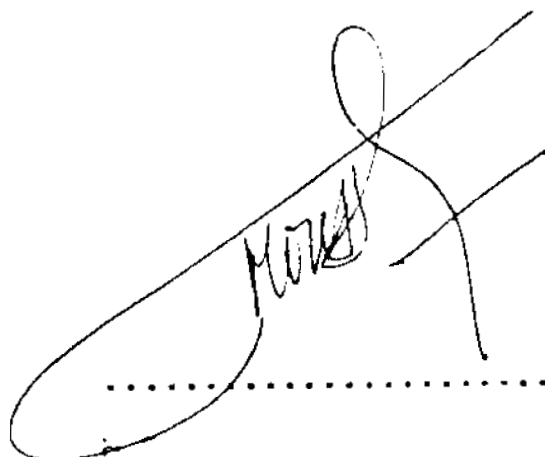
The Hon. Mr. Edouard BENJAMIN  
Minister of Planning and International Cooperation  
For and on behalf of H.E. General Lansana CONTE  
President of the National Recovery Committee,  
Head of State  
President of the Republic of Guinea.



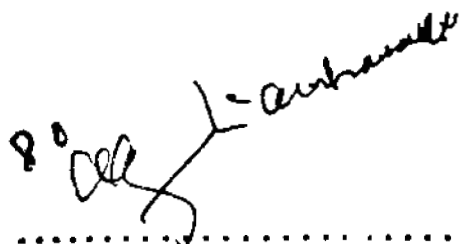
H. E. General  
JOAO Bernardo VIEIRA  
President of the Republic of GUINEA BISSAU



The Hon. Elijah TAYLOR  
Minister of Planning and Economic Affairs  
For and on behalf of  
H. E. Dr. Samuel Kanyon DOE  
President of the Republic of Liberia



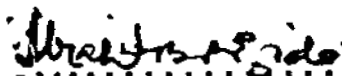
H. E. General Moussa TRAORE  
Secretary General of the Malian People's  
Democratic Union  
President of the Republic of MALI




H. E. Colonel Maaouiya Ould  
Sid Ahmed TAYA  
Chairman of the Military Committee for  
National Salvation  
Head of State of the Islamic Republic of  
MAURITANIA



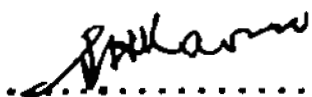
H. E. General Ali SAIBOU  
President of the Supreme Council for  
National Orientation  
Head of State of the Republic of NIGER



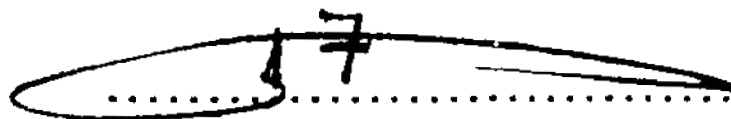
H. E. General Ibrahim  
Badamasi BABANGIDA  
President, Commander-in-  
Chief of the Armed Forces of  
the Federal Republic of NIGERIA



The Hon. Mr. Seydina Omar SY  
Minister of Commerce  
For and on behalf of  
H. E. Abdou DIOUF  
President of the Republic of SENEGAL



The Hon. Dr. Sheka H. KANU  
Minister of National  
Development and Economic  
Planning  
For and on behalf of  
H. E. General Dr Saidu MOMOH  
President of the Republic of  
SIERRA LEONE



H. E. General Gnassingbe EYADEMA  
President of TOGOLESE Republic