

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.

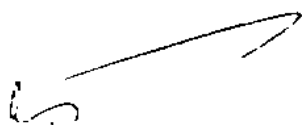
IN FAITH WHEREOF WE, THE HEADS OF STATE AND GOVERNMENT OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES HAVE SIGNED THIS SUPPLEMENTARY PROTOCOL.

DONE AT OUAGADOUGOU THIS 30TH DAY OF JUNE 1989 IN SINGLE ORIGINAL IN THE ENGLISH AND FRENCH LANGUAGES, BOTH TEXTS BEING EQUALLY AUTHENTIC.

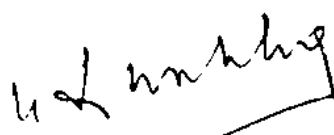
.....
 H.E. General Mathieu KERKOU
 Chairman of the Central Committee of the People's Revolutionary Party of Benin,
 President of the Republic
 Head of State
 President of the National Executive Council of the People's Republic of BENIN

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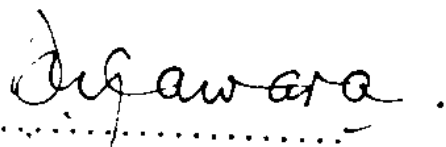
 H. E. Captain Blaise COMPAORE
 President of the Popular Front
 Head of State
 Head of Government
 BURKINA FASO



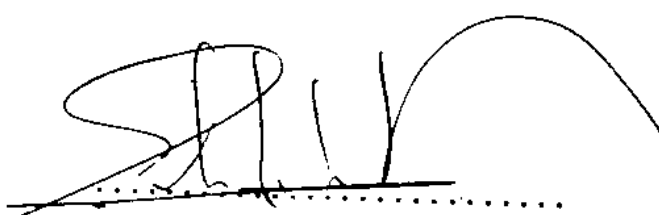
The Hon. Mr. Pedro Verona
RODRIGUES PIRES
Prime Minister
For and on behalf of
H.E. Mr. Aristides Maria
PEREIRA
President of the Republic
of CABO VERDE



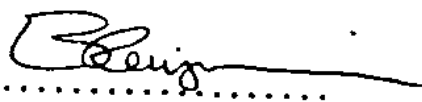
The Hon. Mr. Maurice Seri
GNOLEBA
Minister of State
For and on behalf of
H. E. Mr. HOUPHOUET - BOIGNY
President of the Republic
of COTE D'IVOIRE




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



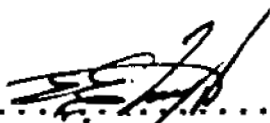
The Hon. Dr. Kwesi BOTCHWEY PNDC
Secretary for Finance and Economic Planning
For and on behalf of H. E. Flight-Lt Jerry John
RAWLINGS
Head of State and Chairman of the
Provisional National Defence Council
Republic of Ghana



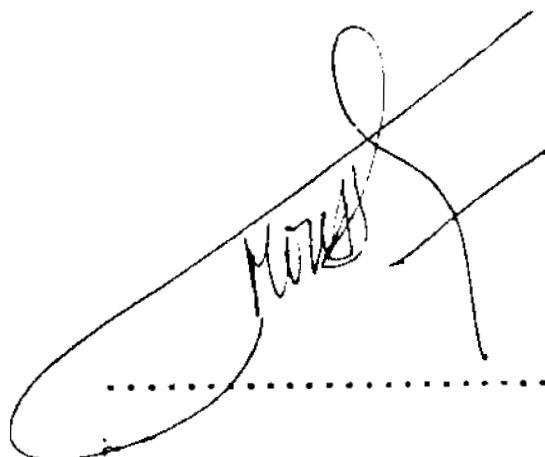
The Hon. Mr. Edouard BENJAMIN
Minister of Planning and International Cooperation
For and on behalf of H.E. General Lansana CONTE
President of the National Recovery Committee,
Head of State
President of the Republic of Guinea.



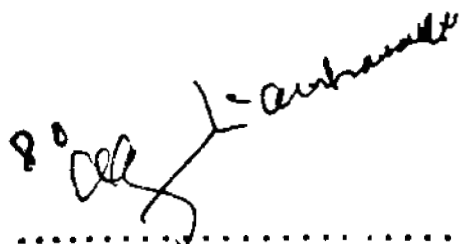
H. E. General
JOAO Bernardo VIEIRA
President of the Republic of GUINEA BISSAU



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



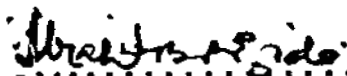
H. E. General Moussa TRAORE
Secretary General of the Malian People's
Democratic Union
President of the Republic of MALI




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



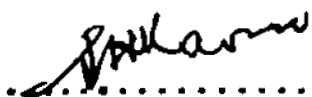
H. E. General Ali SAIBOU
President of the Supreme Council for
National Orientation
Head of State of the Republic of NIGER



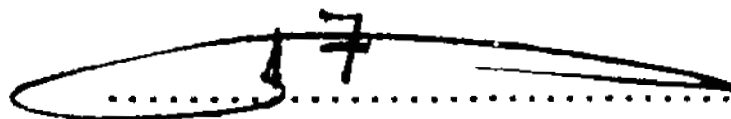
H. E. General Ibrahim
Badamasi BABANGIDA
President, Commander-in-
Chief of the Armed Forces of
the Federal Republic of NIGERIA



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