ECW/CMXV/13/Rev 1

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

FIFTEENTH SESSION OF THE COUNCIL OF MINISTERS

ECOWAS SECRETARIAT
Date.....
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LAGOS, 20 - 21 JULY, 1984

FINAL REPORT

NOT TO BE TAKEN AWAY

I N T R O D U C T I O N

The ECOWAS Council of Ministers held its fifteenth Session on 20 and 21 July, 1984 in Lagos, Federal Republic of Nigeria.

The following Member States were represented:

PEOPLE'S REPUBLIC OF BENIN
REPUBLIC OF CAPE VERDE
REPUBLIC OF IVORY COAST
REPUBLIC OF THE GAMBIA
REPUBLIC OF GHANA
REPUBLIC OF GUINEA
REPUBLIC OF GUINEA BISSAU
REPUBLIC OF LIBERIA
REPUBLIC OF MALI
ISLAMIC REPUBLIC OF MAURITANIA
REPUBLIC OF NIGER
FEDERAL REPUBLIC OF NIGERIA
REPUBLIC OF SIERRA LEONE
REPUBLIC OF SENEGAL
REPUBLIC OF TOGO
REPUBLIC OF UPPER VOLTA

NOT TO BE TAKEN AWAY

The following Organisations attended as Observers.

MULPOC (NIAMEY)
WEST AFRICAN HEALTH COMMUNITY, and
FEDERATION OF WEST AFRICAN CHAMBERS OF COMMERCE.

The List of Participants is attached to this Report.

OPENING SESSION

2. In his opening speech, the Minister of National Planning of the Federal Republic of Nigeria, Chief M. S. ADIGUN welcomed all Honourable Ministers and Delegates on behalf of the people of Nigeria and the Federal Military Government. He particularly underscored the need to strengthen regional cooperation with a view to establishing within ECOWAS, a stronger bloc to enable Member States to face the problems confronting them.

The full text of the speech is attached as an annex.

3. In his address, MR. KEMOKO KEITA, Minister of Finance of the Republic of Guinea and current Chairman of the Council, welcomed his colleagues and on their behalf expressed the sincere thanks of the Council to the People and the Federal Military Government of Nigeria for accepting to host this Fifteenth Session which, according to Community tradition, should have taken place in Conakry. He also expressed the deep appreciation of his country for the total support demonstrated by the Peoples and Governments of ECOWAS Member States to Guinea, following the change of government which occurred in that country. He then assured his colleagues that the Guinean Government will do all it can in cooperation with the relevant authorities in other Member States, to ensure that all the statutory meetings, including the session of the Authority of Heads of State and Government are held before the end of the term of office of Guinea as Chairman of the Community.

In conclusion, he expressed the hope that this meeting would yield results which would infuse a new dynamism into the Community.

The full text of his speech is attached as an appendix.

NOT TO BE TAKEN AWAY

ELECTION OF BUREAU

4. The following Bureau was elected:

- CHAIRMAN : REPUBLIC OF GUINEA
- RAPPORTEURS : FEDERAL REPUBLIC OF NIGERIA
: REPUBLIC OF MALI

ADOPTION OF THE AGENDA

5. Council decided to refer the consideration of the Financial Controller's Report to the Committee of Financial Experts before forwarding its views on it to Council. After this amendment, the Agenda was adopted as follows:

1. REPORT OF EXECUTIVE SECRETARY
2. REPORT ON IMPLEMENTATION OF DECISIONS
   (a) BY MEMBER STATES
   (b) SECOND ASSESSMENT MISSION TO MEMBER STATES
3. REPORT OF MINISTERIAL AD HOC COMMITTEE ON DEROGATION
4. REPORT OF THE AD HOC MINISTERIAL COMMITTEE ON THE CONSTRUCTION OF THE HEADQUARTERS OF THE INSTITUTIONS
5. REPORT OF TECHNICAL COMMITTEES & COMMISSIONS
   (a) JOINT MEETING OF THE TRADE, CUSTOMS, IMMIGRATION MONEY & PAYMENTS COMMISSION & THE INDUSTRY, AGRICULTURE & NATURAL RESOURCES COMMISSION.
   (b) REPORT OF MEETINGS OF SOCIAL & CULTURAL COMMISSION
   (c) REPORT OF COMMITTEE OF GOVERNORS OF CENTRAL BANKS
6. REPORT OF BOARD OF DIRECTORS OF ECOWAS FUND
7. ECOWAS LOGO/EMBLEM
8. REQUEST SUBMITTED BY THE WEST AFRICAN HEALTH COMMUNITY AND OCCGE
9. OTHER MATTERS.

RESULTS OF DELIBERATIONS

REPORT OF THE EXECUTIVE SECRETARY (ITEM I)

6. The Executive Secretary introduced his Report covering the period from June, 1983 to May, 1984.

Council discussed the Report and noted it. It stressed the following points:-

- the need to promote and strengthen sub-regional cooperation for greater mobilisation of national resources in order to reduce the dependence of the sub-region on the outside world.

- the need for the ECOWAS Fund to manage the West African share of the funds to be provided by EEC under the LOME III CONVENTION. The Executive Secretariat was requested to prepare a Memorandum on this issue for submission to the next Session of Council.

- contact to be established by the Executive Secretariat with certain countries including the NETHERLANDS and other financial Institutions with a view to securing the financial assistance required by Member States within the context of regional cooperation.

- the case of the undelivered Mercedes Benz car. In this connection, the Fund Management was requested once again to take all the necessary measures to recover the cost of the vehicle and if this fails to initiate legal action to recover it without undue cost to the Community. The Management of the Fund was requested to present a detailed memorandum on the matter to the next Session of Council.

REPORT ON IMPLEMENTATION OF DECISIONS (ITEM 2)

7. This Report was presented by the Executive Secretariat. After taking note of the document, Council decided that before each Council session preceding the Heads of State's Summit, the Executive Secretariat should take stock of the implementation of Acts and Decisions, take note of the difficulties encountered and report to Council. Council requested Member States to do everything possible to ensure that Acts already ratified and Decisions taken by the Authority and the Council are implemented.

REPORT OF THE AD HOC MINISTERIAL COMMITTEE ON DELOCATION (ITEM 3)

8. The Report presented by the Executive Secretariat, was adopted without any comments.

. REPORT OF THE AD HOC MINISTERIAL COMMITTEE ON THE CONSTRUCTION OF THE HEADQUARTERS OF THE COMMUNITY INSTITUTIONS (ITEM 4)

9. After a long discussion on this Report which was presented by the Republic of Togo, in its capacity as Chairman of the Ad Hoc Ministerial Committee in the absence of the Republic of Guinea, Council arrived at the following conclusions and recommendations:

- in compliance with the relevant decision of the Authority of Heads of State and Government, the construction of the Fund Headquarters must be carried out;

- 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 should also be considered, but on favourable terms.

- Council directed the Fund Management to request the architect whose project was selected to reduce the size of the proposed building. Since such a reduction should take into account the urban planning and architectural constraints to the zone, Council stressed that the laws of the host country relating to this matter should be respected.

The selection made by the Experts and approved by the Ministerial Ad Hoc Committee was adopted by Council as follows:

FIRST - NO. 21
SECOND - NO. 24
THIRD - NO. 16
FOURTH - NO. 12

When the envelopes were opened the positions were found to correspond to the projects submitted by the following firms:-

FIRST : PIERRE GOUDIABY /TERA, B.P. 2191 - DAKAR (SENEGAL)

SECOND : CABINET INTERNAL, C/MURA, 159 RUE BLOMET-PARIS (FRANCE)

THIRD : ATELIER DES TRAVAUX D'ARCHITECTURE ET D'INGENIERIE B. P. 3030 LOME (TOGO)

FOURTH : CABINET D'ARCHITECTURE BLE Y/NGRA, 01 BP 305, ABIDJAN (IVORY COAST)

REPORT OF TECHNICAL COMMITTEE & COMMISSIONS (ITEM 5)

(a) Joint Meeting of the Trade, Customs, Immigration, Money & Payments Commission and the Industry, Agriculture and Natural Resources Commission (ITEM 5a).

10. The Report of this Joint Meeting presented by the Executive Secretariat was adopted along with the Mauritania reservation on Articles 2 and 24 of the draft Protocol, Cape Verde having withdrawn its own earlier reservation on the Protocol. The Mauritaniandelegation would communicate to the Executive Secretariat, as soon as possible, the final decision of its country on the matter.

(b) Reports of the meetings of the Social & Cultural Affairs Commission (item 5b).

11. It was agreed that the Executive Secretariat should first submit these reports to the relevant Ministries of Member States.

(c) Report of the Committee of Governors of Central Banks (ITEM 5C)

12. Alhaji A. AHMED, the Chairman of the Committee of Governors of Central Banks presented three documents on the following subjects:-

- study on proposals relating to the creation of a single monetary zone;
- Report of the meeting of Planning Experts and the Directors of Research of Central Banks on West African Economic Recovery Programme;
- ECOWAS/MK Project.

After discussions, the first two documents were adopted and recommendations proposed for the pursuit of studies undertaken were accepted.

In the case of the project for the creation of ECOBANK, Council took note of the views of the Governors to the effect that ECOBANK should be pursued as a private enterprise designed primarily to promote trade within the sub-region. They requested the promoters to continue with the project taking into account these views.

The ECOWAS Fund was however asked to study the request for participation in the equit capital of ECOBANK and to report to the next session.

REPORT OF BOARD OF DIRECTORS OF ECOWAS FUND (ITEM 6)

13. On behalf of the Chairman of the Board of Directors, the Managing Director of the Fund presented this Report which was adopted by Council.

As regards the problem of allowance for Staff in Categories G and M, Council decided to authorise the Executive Secretariat and the Fund to pay the allowance that prevailed prior to the adoption of the new staff regulations with effect from 1st January, 1984 pending the detailed and final consideration by the Committee of Financial Experts in November, 1984 of proposals based on similar benefits paid to civil servants by the Governments of Nigeria and Togo.

The Secretariat and the Fund should contact the competent authorities in the States hosting the Headquarters of the Institutions in order to obtain the documents necessary for the work of the Experts.

ECOWAS EMBLEM (ITEM 7)

14. Council selected specimen No. 1 as the Emblem for the Community.

REQUEST SUBMITTED BY THE WEST AFRICAN HEALTH COMMUNITY & OCCGE (ITEM 8)

15. The Council took note of this request in view of its importance in the sub-regional integration process. In this connection, Council invites both organisations to continue their negotiations and calls on the Executive Secretariat to report to Council during its next session on the results obtained.

16. ANY OTHER MATTERS

No issue was raised under this Item.

ADOPTION OF THE REPORT

17. This Report was adopted.

DONE AT LAGOS, 21 JULY, 1984

FOR THE COUNCIL

KEMOKO KEITA

CHAIRMAN

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

FIFTEENTH SESSION OF THE COUNCIL OF MINISTERS

LAGOS, 20 - 21 JULY 1984

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V O T E O F T H A N K S

The ECOWAS Council of Ministers, meeting in its Fifteenth Session from 20 to 21 July, 1984 in Lagos, wishes to express its profound gratitude to the People and the Federal Military Government of Nigeria for the typical African hospitality and for the facilities placed at its disposal for the smooth conduct and success of its deliberations.

LAGOS, 21 JULY 1984

THE COUNCIL

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

FIFTEENTH SESSION OF THE COUNCIL OF MINISTERS

LAGOS, 20 - 21 JULY 1984

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RESOLUTION 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.

LAGOS, THIS 21 DAY OF JULY 1984

FOR THE COUNCIL

H.E. KEMOKO KEITA

CHAIRMAN

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

AUTHORITY OF HEADS OF STATE AND GOVERNMENT

.....1984.

Decision ..... relating to the implementation of Decision A/DEC/1/5/83 on the adoption and implementation of a single trade liberalization scheme for industrial products originating from Member States of the Community.

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 functions;

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..... of the Council of Ministers of ECOWAS taken during its Fifteenth Session held in Lagos on 20 and 21 July 1984,

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D E C I D E S

Article 1

For the immediate implementation by all Member States of the Single Trade Liberalization 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 implementation 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 whenever necessary and decide the modalities of its operation. It will include Experts from Member States and Secretariats of the three organizations.

Article 3

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

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 1984

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

FIFTEENTH SESSION OF THE COUNCIL OF MINISTERS

LAGOS, 20 - 21 JULY 1984

RESOLUTION ON 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.

LAGOS, THIS 12 DAY OF JULY 1984

H.E. KEMOKO KEITA

CHAIRMAN

ECW/IANC/III/2 REV.8

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

DRAFT PROTOCOL RELATING TO COMMUNITY ENTERPRISES

LOME, MAY, 1984

THE HIGH CONTRACTING PARTIES

RECALLING the provisions of Article 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 N°. A/DEC/1/5/83 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:

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ARTICLE 1: DEFINITIONS

In this Protocol:

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

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

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

4 - "Third Country" means a country other than a Member State of the Community ;

5 - "Authority" means the Authority of Heads of State and Government of the Community established by Article 5 of the Treaty;

6 - "Council" means the Council of Ministers of the Community established by Article 6 of the Treaty;

7 - "Executive Secretariat" and Executive Secretary" means the Executive Secretariat and Executive Secretary of the Community as provided for under Article 8 of the Treaty;

8 - "The FUND" means the Funds for Cooperation, Compensation andDevelopment established by Article 50 of the Treaty;

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

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

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

12 - "Intergovernmental Enterprise" means an enterprise whose equity capital is owned entirely by two or more member States;

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

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

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

16- "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;

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

18- "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.

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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 the Member States, 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 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 the Member States or Nationals or legal persons of third countries, and

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(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, Upper Volta, 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; or

(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 ot 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 the 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 of 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 selection 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 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;

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(g) The promotion 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 the 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 the application.

3. Enterprises sponsored by Member States shall submit t[illegible] through such Member States thirty copies in French and twenty in English of their applications to the Executive Secretariat which shall acknowledge receipt both to the Member States and the enterprises 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 establishment 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 to enable them 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 informations and may determine a time limit in any case not exceeding six months for the communication of such informations;

(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 established in Article 11 of this Protocol for consideration and its recommendations.

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

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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 and implementation of training schemes instituted in pursuance with item (vii) of sub-parzgraph (j) of paragraph 2 of Article 6 of this Protocol;

(d) 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) deal as early as possible with any complaints or objections received affecting an Approval Agreement or the performance and conduct of a Community Enterprise after commencement of operations;

(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 consists 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 admission of Enterprises to the status of Community Enterprises submitted to it by the Executive Secretariat and make recommendations thereon to the Council;

(b) to consider any complaints or objections affecting an Approval Agreement or the performance and conduct of a Community Enterprise.

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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;

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

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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 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 which basis and rate shall be determined by the Council, taking into consideration the level or development of the different member states in accordance with the Provisions of Art.4 of Decision A/DEC1/5/83 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 applications 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;

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(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 to take such discriminatory or unreasonable measures as would adversely affect the management, maintenance, use, quite 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 objectives 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 permit;

(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 Enterprise;

...../17

(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 Enterprise 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 PRIVILEDGES 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.

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

(i) the remittance of funds for payment of normal commercial transactions;

(ii) the remittance of capital, including interests and dividents to the country of origin of shareholders and creditors in the event of sale or the liquidation of the Community Enterprises;

(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 Community Enterprise headquarters 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 Enterprises;

(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;

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(vi) the entry into the Member States of the requisite foreign managerial and technical personnel for employment or engagement in a Community Enterprises, if the requisite skills are not available within the Community.

(b) 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;

(c) Dividends paid to natural and 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 the 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;

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(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 3(b) 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 (h) of paragraph 1 of Article 15 of this Protocol, a Community Enterprise assets and liabilities 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 increase or minimise the loss or losses sustained.

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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 exportation 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 Secretary 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.

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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 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.

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4. Either party to an Approval Agreement wishing to terminate the Agreement 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 projects and vested rights during its period of validity.

ARTICLE 22 - SETTLEMENT OF DISPUTES

1. 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 so 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 (Washington D.C. USA) 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 (The HAGUE) 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 of 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 revision 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 :

1. Shall apply to Enterprises defined in Article 2 paragraph 1 sub-paragraphs (a) and (b).

2. May apply to wholly private-owned enterprises in which nationals or legal persons of Member States own not less than 70% of equity capital. 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 deposited 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.

A N N E X I:

- 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 (HEREINUNDER 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 such guarantees, benefits and privileges set out in Article 16, and contigently 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 is 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 Articles of the Promoter and the law of the Country where the principal office, incorporated branches and subsidiaries of the Promoter are located.

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ARTICLE 5: - DECISIONS RELATING TO THE ARTICLES 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 unforseable, irresistible and insurmountable event independent of both parties occuring after the entry into force of this Agreement such as tc impede the performance of either party obligations.

2. - Either party to the Agreement shall inform the other party of occurrence of the force majeure within fourty-eight (48) hours following the event of 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 fulfill the terms and cnoditions 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 unders 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 of 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, STATUS AND SIGNATURE)

(NAME,STATUS AND SIGNATURE)

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

DECISION 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.

H.E. KEMOKO KEITA

CHAIRMAN

FOR THE COUNCIL

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

DECISION ON THE CHOICE OF AN ECOWAS EMBLEM

---oOo---

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;

D E C I D E S

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

H.E. KEMOKO KEITA

CHAIRMAN

FOR THE COUNCIL

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

5TH SESSION OF THE COUNCIL OF MINISTERS

LAGOS, 20 - 21 JULY 1984

----oOo----

DECISION RELATING TO THE CONSTRUCTION OF THE HEADQUARTERS OF THE FUND

-----oOo-----

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

CONSIDERING Decision A/DEC.17/5/82 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 activites;

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;

.../2

D E C I D E S

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

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- 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 21 DAY
OF JULY 1984

FOR THE COUNCIL OF MINISTERS

CHAIRMAN

OPENING ADDRESS OF THE MEETING OF THE ECOWAS COUNCIL OF MINISTERS BY THE MINISTER OF NATIONAL PLANNING - CHIEF M. S. ADIGUN

HONOURABLE MINISTERS,
MR. EXECUTIVE SECRETARY,
DISTINGUISHED DELEGATES,
LADIES & GENTLEMEN,

I have the honour to welcome you to this important meeting on behalf of the people and Government of Nigeria.

2. I consider this meeting very important because we are now in the process of implementing the projects already mapped out with a view to attaining the objectives of integration in the sub-region. In this connection, we have articulated the modalities for the implementation of a number of programmes. Let me seize this occasion to congratulate our experts who served on the various technical and specialised commissions that drew the programmes.

3. For our consideration at this august meeting, the experts have presented in broad outlines for implementation, the following:

(i) the ECOWAS Motor Vehicle Insurance Brown Card Scheme;
(ii) the possibility of having a Monetary zone within the sub-region, including the ECOBANK Project;
(iii) the policy frame-work for economic recovery in our sub-region;
(iv) the programme of Trade Liberalisation, including the issue of Community Enterprises;
(v) the report of the Ad Hoc Ministerial Committee on the construction of the ECOWAS Headquarters and ECOWAS Fund Secretariat;
(vi) the report of the Ad Hoc Ministerial Committee on Derogation;

.../2

(vii) the Telecommunications programme;
(viii) the Transport Programme, etc. etc.

My appeal to you, dear colleagues, is that we should discuss these issues objectively so that we can come out with concrete conclusions and recommendations.

4. However, I would like to draw your attention to the fact that a lot still has to be done in the areas of trade promotion measures within the sub-region, common external tariff, common energy programme, monetary co-operation programme, and development of joint industrial enterprises.

5. This era, you will agree with me, fellow Ministers, is that of economic cooperation among sovereign states to attain rapid development. Our region should not be left out. For it is absolutely impossible for us to stand alone and fight our general backwardness individually when even bigger and stronger economies in Europe, Asia and America are coming together to form economic blocks. Therefore, my dear colleagues, our salvation lies in our own hands and no obstacles should be allowed to distract our laudable objectives for economic cooperation. We should be concerned with no other considerations except the integration of the sub-region into one powerful economic entity, united in all ramifications. Our past history notwithstanding, ECOWAS should be embraced and its growth nurtured by all of us to reality. Therefore we should use it as our forum for greater bargaining power within the international community. As such when we appeal for help, we should ask in one voice and when we dissent we should do so in unison.

6. In this regard, Ladies and Gentlemen, every Member of the Community should be his brother's keeper. The interests of each member nation should be protected by the others in the Community.

.../3

Therefore, I want to re-assure you that, as far as Nigeria is concerned, our Government and our people are committed to sustaining the interests of all Member States of ECOWAS. For, we believe, it is through complete solidarity and support for one another in the Community that we will be able to stand our ground and enhance our competitive capability in the present intensely competitive world.

7. Also, I need not reiterate that Nigeria is convinced that, given the political will of our leaders and peoples, the economic integration of the entire sub-region, which is so vital for our survival, is indeed an attainable goal. We should, therefore, not allow any petty interest to divide our ranks.

8. Feel at home Dear Colleagues, Our people and our Government will do all that is possible within our resources to make your stay here a happy one and your deliberations successful. Our faith in ECOWAS remains unshakable.

9. LONG LIVE ECOWAS

CHIEF M. S. ADIGUN
MINISTER OF NATIONAL PLANNING, LAGOS.

20TH JULY, 1984.

ECONOMIC COMMUNITY OF WEST AFRICAN STATES

COMMUNAUTE ECONOMIQUE DES ETATS DE L'AFRIQUE DE L'OUEST

FIFTEENTH SESSION OF THE COUNCIL OF MINISTERS

QUINZIEME SESSION DU CONSEIL DES MINISTRES

LAGOS, 20 - 21 JULY/JUILLET 1984

LIST OF PARTICIPANTS/LISTE DES PARTICIPANTS

-o-o-o-o-o-o-o-o-o-o-o-

COUNTRY/PAYS	NAME/NOM	ADDRESS & FUNCTION/ADRESSE & FONCTION
BENIN	AYAYI MANASSE	MINISTRE DU COMMERCE, COTONOU
	DANVIDE ADOLPHE	DIRECTEUR GENERAL ADJOINT DU MINISTERE DE L'INSPECTION DES SOCIETES D'ETAT, BP 203, COTONOU
	WILSON JAMES	CHEF SERVICE LEGISLATION, DIRECTION DES DOUANES, BP 400 C
	LABITE JEAN	DIRECTEUR ADJOINT DES ETUDES ET DE LA PLANIFICATION, BP 302, COTONOU
	MME DO REBO BERNARDINE	AMBASSADEUR REP. POP. BENIN AU NIGERIA, BOX 5705, LAGOS
CAPE VERDE	RENATO CARDOSO	CONSEILLER DU PREMIER MINISTRE, CABINETE DO PRIMEIRO MINISTRO, PRAIA
	JORGE DANIEL SPENCER LIMA	CONSEILLER, AMBASSADE DU CAP VERT AU SENEGAL, DAKAR
	VICTOR FIDALGO	CHARGE DES RELATIONS EXTERIEURES, MINISTERE DE L'ECONOMIE ET DES FINANCES, PRAIA C.P. 30 REP. CAP VERT
COTE D'IVOIRE	S.E. AMON TANOE DESIRE	AMBASSADEUR DE COTE D'IVOIRE A LAGOS (NIGERIA)
	OULE RIGOBERT	DIRECTEUR DU CONTROLE DU SECTEUR PARA PUBLIC MINISTERE ECONOMIE & FINANCES 06 BP 437 ABIDJAN
	BOUBLI GOREDJE BENOIT	ADMINISTRATEUR DES SERVICES FINANCIERS AU COMITE NATIONAL CEDEAO 09 BP 673 ABIDJAN 09

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