



HEADQUARTERS AGREEMENT BETWEEN THE ECONOMIC COMMUNITY  
OF WEST AFRICAN STATES AND THE GOVERNMENT OF THE  
FEDERAL REPUBLIC OF NIGERIA

In accordance with the decision of the Authority of Heads of State and Government of the Economic Community of West African States (ECOWAS) to establish the Headquarters of the ECOWAS in Lagos:

Having regard to paragraph 4 of Article 60 of the Treaty of the Economic Community of West African States which provides that the privileges and immunities to be granted to the officials of the Community at its Headquarters and in the Member States shall be the same as are accorded to diplomatic persons at the Headquarters of the Community and in the Member States. Similarly the privileges and immunities to the Secretariat at the Headquarters of the Community shall be the same as granted to the Diplomatic missions at the Headquarters of the Community and in the Member States.

NOW THEREFORE, the Federal Government of the Federal Republic of Nigeria duly represented by the Honourable Minister of National Planning Chief M.S. Adigun and the ECOWAS, duly represented by Dr. Aboubakar Diaby Quattara the Executive Secretary of the ECOWAS, have agreed as follows:

SECTION A

ARTICLE I:

For the purpose of this Agreement the following expressions shall have the meanings assigned to them hereunder:

- (a) the "Treaty" means the Treaty of the Economic Community of West African States;
- (b) the "ECOWAS" means the Economic Community of West African States including its Secretariat, as well as the institutions, technical and specialized commissions already created by



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- (c) the "Headquarters" means the buildings, premises, structures or portions thereof which at any given moment are in fact occupied or used by the ECOWAS in Nigeria;
- (d) the "Executive Secretary" means the Executive Secretary of the ECOWAS and/or his authorised representatives;
- (e) the "Officials and other employees of the ECOWAS" means all members of the staff of ECOWAS irrespective of nationality, with the exception of those who are recruited locally on hourly rates;
- (f) the "Representatives of Member States" include resident representatives, accredited temporary representatives, leaders of delegations from ECOWAS Member States and members thereof, including advisers, technical experts and secretariat personnel;
- (g) the "General Convention" means the Convention on the Privileges and Immunities of the ECOWAS;
- (h) the "Government" means the Federal Government of the Federal Republic of Nigeria;
- (i) the "Appropriate Nigerian Authorities" means the Federal Republic and such national, states, local or other authorities in Nigeria, as may be appropriate within the laws of Nigeria;
- (j) the "Laws of Nigeria" include legislative acts,



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SECTION B

ARTICLE II:

PRIVILEGES, IMMUNITIES AND CONTROL OF THE ECOWAS AND ITS ASSETS

1. The Headquarters shall be inviolable and shall be under the control and authority of the ECOWAS as provided in this Agreement.
2. The ECOWAS, and all its property shall enjoy immunity from every form of legal process except in so far as in any particular case the ECOWAS has expressly waived such immunity in accordance with the provisions of this Agreement.
3. The premises of the ECOWAS shall be inviolable and shall be immune from search, requisition, confiscation, expropriation or any other form of administrative or legislative action. Consequently, Government officers or officials, whether administrative, judicial, military or police, including officers or officials or any Appropriate Nigerian Authorities, shall not enter the Headquarters to perform any official duties therein except with the knowledge and consent and under conditions agreed to by the Executive Secretary or by the ECOWAS official duly authorised to act on his behalf.
4. Without prejudice to the provisions of the General Convention or of this Agreement, the ECOWAS shall have the power to make rules and regulations applicable within the Headquarters and to establish means for the application and enforcement of such rules and regulations.
5. The ECOWAS shall be entitled to display the ECOWAS flag in its Headquarters and on its vehicles, vessels and aircraft.
6. Without prejudice to the provisions of the General Convention or



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7. The appropriate Nigerian authorities shall exercise due diligence to ensure that the tranquility of the Headquarters is not disturbed by unauthorised entry of person or groups of persons from outside or by disturbance in its immediate vicinity, and shall cause to be provided on the boundaries of the Headquarters such police protection as is required for these purposes.
8. If and when so requested by the Executive Secretary or by the ECOWAS official duly authorised to act on his behalf, the Appropriate Nigerian Authorities shall provide a sufficient number of police for the preservation of law and order in the Headquarters and for the removal therefrom of the person or persons as requested under the authority of the Executive Secretary or of the ECOWAS official duly authorised to act on his behalf.
9. The ECOWAS, its assets, income and other property shall enjoy tax, duty and other related exemptions and privileges in accordance with Article 4 of the General Convention.

ARTICLE III:

COMMUNICATION AND TRANSPORT

1. For its official communications and the transfer of all its documents the ECOWAS shall enjoy in Nigeria the treatment granted by the Government to any other international organisation as well as to foreign diplomatic missions in Nigeria.
2. The archives and documents of the ECOWAS shall be inviolable. The official correspondence of the ECOWAS shall also be inviolable. Official correspondence means all correspondence relating to its functions.



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bags, having the same immunities and privileges as diplomatic couriers and bags.

4. The ECOWAS shall have the right to establish and operate at the Headquarters for its exclusive use an all-purpose radio station or stations and such additional broadcasting facilities as may be required by the ECOWAS provided however that the operation of such a station or stations shall be subject to the provisions of Article 45 and 46 of the International Convention relating to the rational use of frequencies and spectrum space and harmful interference. It is further provided that the frequencies on which any such station may be operated shall be as agreed upon between the ECOWAS and the Ministry of Communications, Nigeria, which agreement shall be duly communicated by the ECOWAS to the International Frequency Registration Board.

5. For its official purpose, the ECOWAS shall be entitled to use transportation operated by the Government at the same rates and treatment as may be granted to resident diplomatic missions or any other international organisation.

6. Aircraft operated by or for the ECOWAS shall be exempted from all charges except those for actual service rendered, and from fees or taxes incidental to the landing at, parking on or taking off from any aerodrome in Nigeria. Likewise, any vessel operated by or for ECOWAS shall be exempt from all charges, except those for actual service rendered, and from fees or taxes incidental to the docking at, or sailing away from any port in Nigeria. Except as provided for in the two preceding sentences, nothing herein shall be construed as



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7. No provision of this article shall be interpreted as forbidding the adoption of the necessary security measures, particularly in case of emergency in the Federal Republic of Nigeria which shall be mutually determined between the ECOWAS and the Government and aimed at hindering or avoiding the abuse of, the immunities, exemptions and privileges stipulated under this article.

#### ARTICLE IV

##### THE LAWS OF NIGERIA:

Subject to the provisions of the General Convention and of this Agreement, in particular paragraph 3 of Article II:

- (a) The Laws of Nigeria shall apply within the Headquarters of the ECOWAS;
- (b) the Nigerian Courts have jurisdiction over acts done and transactions taking place within the Headquarters as provided in applicable Laws of Nigeria;
- (c) the Nigerian Courts, when dealing with cases arising out of or relating to acts done or transactions taking place within the Headquarters, shall take into account the rules and regulations made by the ECOWAS under Article II sub-section 4.

#### ARTICLE V

##### ACCESS:

1. The Appropriate Nigerian Authorities shall not impede the transit to or from the Headquarters of the following persons:

- (a) officials of the ECOWAS together with their



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- (b) persons, other than officials of the ECOWAS performing mission for the ECOWAS together with their spouses and the members of their immediate families residing with and dependent on them;
- (c) other persons invited to the Headquarters on official business, whose names shall be communicated to the Government by the Executive Secretary or the ECOWAS official duly authorised to act on his behalf.

2. Visas for persons referred to in paragraph 1 above, when required, shall be granted free of charge, provided however that the provisions of the said paragraph 1 shall not imply exemption from obligation to produce reasonable evidence to establish that persons claiming the rights granted under paragraph 1 of Article V are included in the categories specified in sub-paragraphs (a), (b) and (c) of paragraph 1, nor from the application of quarantine and health regulations.

3. The authorities of the Federal Republic of Nigeria shall not take any measures that will restrain or make illegal the residence in Nigeria of any of these persons when their residence in Nigeria is for official purposes. However, in the event that any of the persons referred to in the preceding paragraphs of this Article, abuses the privileges granted under this Agreement, appropriate measures restraining or making illegal his further residence in Nigeria may be taken by the Government of the Federal Republic of Nigeria.

SECTION C

ARTICLE VI



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exercising their functions and during their travel to and from the Headquarters, to the same privileges and immunities as are accorded to diplomatic envoys of comparable rank under international law, including but not limited to those provided in Article 6 of the General Convention on the privileges and immunities of the ECOWAS.

2. Resident as well as temporary accredited representatives of Member Governments to the ECOWAS shall be entitled in the territory of Nigeria to the same privileges and immunities as the Government accords to diplomatic envoys accredited to Nigeria.

SECTION D

ARTICLE VII

PRIVILEGES AND IMMUNITIES OF OFFICIALS AND OTHER EMPLOYEES OF ECOWAS

1. The Executive Secretary shall specify the categories of officials to which the provisions of this Article shall apply. He shall submit those categories to the Ministry of External Affairs, Lagos.

2. The officials of the ECOWAS have the same privileges and immunities as diplomatic persons at the headquarters of the Community. Consequently, the Government undertakes to give the same recognition and facilities to the Executive Secretary as are given to the Heads of Diplomatic Missions.

3. In keeping with paragraph 2 of this Article, the officials of the ECOWAS particularly have the following privileges and immunities:

(a) The person of the ECOWAS official is inviolable. He





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or dignity. This provision shall apply in respect of a Nigerian national only in the course of the performance of his official duties.

- (b) The private residence of the ECOWAS official enjoys the same inviolability and protection as the premises of the Headquarters of the Community. His papers, correspondence and except as provided in paragraph 3(j) of this Article his property shall likewise enjoy inviolability. This provision shall apply in respect of a Nigerian national where such premises are provided by ECOWAS.
- (c) The ECOWAS official shall enjoy immunity from criminal jurisdiction. He shall also enjoy immunity from Civil and Administrative jurisdiction except in the case of:
- (i) A real action relating to private immovable property situated in the territory of Nigeria, unless he holds it on behalf of the Community for the purposes of the Executive Secretariat or the Fund or any institutions of the Community.
  - (ii) An action relating to succession in which the official is involved as executor, administrator, heir or legatee as a private person and not on behalf of the





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(j) Waiver of immunity from jurisdiction in respect of Civil or Administrative proceedings shall not be held to imply waiver to immunity in respect of the execution of the judgement for which a separate waiver shall be necessary.

4. The officials of ECOWAS are members of staff of the Community entitled to privileges and immunities. They shall be the professional international civil servants as defined in the Staff Rules and Regulations of the Community and such other persons as the Executive Secretary may designate from time to time.

5. All officials of the ECOWAS and such other persons as the Executive Secretary may designate as entitled to the privileges and immunities shall be provided with a special identity card issued by the relevant Nigerian Authority, certifying the fact that they are ECOWAS officials or persons so entitled to the privileges and immunities specified in this Agreement.

#### ARTICLE VIII

The privileges and immunities provided for in this Agreement are granted for the officials and other functionaries of the ECOWAS and not for the personal benefit of the individuals themselves but in order to safeguard the independent exercise of their functions in connection with the ECOWAS. Hence the Executive Secretary shall have the right and duty to waive the immunity granted to an official or a functionary in any case where, in the opinion of the Executive Secretary, the waiver of such immunity is in the interest of justice and it is not against the interest of the



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ARTICLE IX:

CO-OPERATION BETWEEN THE ECOWAS AND THE GOVERNMENT:

1. The ECOWAS shall co-operate at all times, with the Appropriate Nigerian Authorities, to facilitate the proper administration of justice, ensure the observance of police regulations and prevent any abuses in connection with the privileges, immunities and facilities specified in this Agreement.
2. If the Government considers that there has been an abuse of any privilege or immunity granted by or under this Agreement, consultations shall be held between the Government and the ECOWAS to determine whether any such abuse has occurred and to formulate such steps as may be necessary to deal with such an occurrence.

ARTICLE X:

PUBLIC SERVICE AND UTILITIES:

The Appropriate Nigerian Authorities will exercise to the extent requested by the Executive Secretary or the ECOWAS official in charge, the powers which they possess with respect to the supplying of public services to ensure that the Headquarters shall be supplied on equitable terms with the necessary public services, including electricity, water, post, telephone, telegraph, transportation, drainage, collection of refuse and fire protection. In case of any interruption or threatened interruption of any such services, the Appropriate Nigerian Authorities will consider the needs of the ECOWAS as being of equal importance with similar needs of essential agencies of the Government, and will take steps accor-



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ARTICLE XI

BUILDING AND RESIDENTIAL FACILITIES FOR HEADQUARTERS'  
STATUTORY OFFICERS:

1. The Government shall continue to designate 6 King George V Road, Onikan, Lagos as a temporary Headquarters of ECOWAS until the permanent Headquarters' building is provided by the Community.
2. The Government shall provide suitable residential accommodation free of charge for the Executive Secretary, the Deputy Executive Secretaries, the Financial Controller and such other statutory officers that may be appointed under and by virtue of Article 8 of the Treaty.

ARTICLE XII:

INTERPRETATION AND APPLICATION:

1. The provisions of the General Convention and of this Agreement shall where they relate to the same subject matter, be treated whenever possible as complementary, so, that the provisions of both shall be applicable and neither shall narrow the effect of the other; but in any case of absolute conflict, the provisions of this Agreement shall prevail.
2. The Government and the ECOWAS may enter into such supplementary agreement as may be necessary to fulfil the purposes of this Agreement.
3. Whenever this Agreement imposes obligations on the Appropriate Nigerian Authorities, the ultimate responsibilities for the fulfilment of such obligations shall rest with the Government.
4. The provisions of this and any supplementary agreements shall



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ARTICLE XIII:

SETTLEMENT OF DISPUTES:

Any dispute which may arise between the Government and the ECOWAS with respect to the interpretation and/or application of this Agreement or of any supplementary agreement, failing settlement by negotiation or any other agreed method of settlement shall be referred for arbitration to the Council of Ministers for solution and as a last resort to the Authority of Heads of State and Government of ECOWAS.

ARTICLE XIV:

AMENDMENT:

The Government or the ECOWAS may request in writing a consultation for the purpose of modification or amendment of this or any supplementary agreement and any such modification or amendment shall be subject to mutual consent.

ARTICLE XV:

FINAL PROVISIONS:

1. This Agreement and any supplementary Agreement entered into by the Government and the ECOWAS within the scope of its terms of reference, shall cease to be in force twelve months after either of the parties shall have given notice in writing to the other of its decision to terminate the Agreement and any other supplementary Agreement, except, as regards the provisions which may apply to the normal cessation of the activities of the ECOWAS in Nigeria and the disposal of its property.