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

## **THE CONTRACTING PARTIES,**

**MINDFUL** of Article 5 of the ECOWAS Treaty establishing the Authority of Heads of State and Government and defining its composition and functions;

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

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

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

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

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

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

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

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

**HAVE AGREED AS FOLLOWS:**

### **Article 1**

#### **Definitions**

Within this Supplementary Protocol,

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

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

**“Member State or States”** means Member State or States of the Economic Community of West African States.

**"Authority"** means the Authority of Heads of State and Government established by Article 5 of the Treaty.

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

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

## **Article 2**

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

### **Amended Article 7**

- 1 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 dispatch to the Member States concerned a fact finding mission comprising officials from at least three Member States, acceptable to the parties concerned, and officials of the Executive Secretariat, to investigate the complaint.

A report shall be compiled by the fact-finding mission and submitted by the Executive Secretary to the Chairman of the Authority of Heads of State and Government, and to the Government of all Member States with a view to finding appropriate solutions to the problems identified.

## **Article 3**

### **Deposit and Entry into Force**

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

procedure in force in each signatory State.

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

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

**DONE AT OUAGADOUGOU THIS 30TH DAY OF JUNE 1989**

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

*Signed*

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

*Signed*

**The Honourable Mr. Pedro Verona  
RODRIGUES PIRES**  
*Prime Minister  
for and on behalf of  
H.E. Mr. Aristides Maria  
PEREIRA  
President of the Republic of  
CAPE VERDE*

*Signed*

**H.E. Alhaji Sir Dauda Kairaba  
JAWARA**  
*President of the Republic of  
THE GAMBIA*

*Signed*

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

*Signed*

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

*Signed*

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

*Signed*

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

*Signed*

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

*President of the Republic of GUINEA*

*Signed*

**The Hon. Elian TAYLOR**

*Minister of Planning and*

*Economic Affairs*

*for and on behalf*

*H.E. Dr. Samuel Kanyon DOE*

*President of the Republic of*

*LIBERIA*

*Signed*

**H.E. Colonel Maoulya Ould Sid**

**Ahmed TAYA**

*Chairman of the Military Committee*

*for National Salvation,*

*Islamic Republic of*

*MAURITANIA*

*Signed*

**H.E. General Ibrahim Badamasi**

**BABANGIDA**

*President,*

*Commander-in-Chief of the Armed*

*Forces of the Federal Republic*

*of NIGERIA*

*Signed*

**The Hon. Dr. Sheka H. KANU**

*Minister of National*

*Development and Economic Planning*

*for and on behalf of*

*H.E. Major-General Dr. Joseph Saidu MOMOH*

*President of the Republic of*

*SIERRA LEONE*

*Signed*

**H.E. General Moussa TRAORE**

*Secretary General of the Malians*

*People's Democratic Union,*

*President of the Republic of MALI*

*Signed*

**H.E. General Ali SAIBOU**

*President of the Supreme Council for National*  
*Orientation,*

*Head of State of the Republic of*

*NIGER*

*Signed*

**The Hon. Mr. Seydina Omar SY**

*Minister of Commerce*

*for and on behalf of*

*H.E. Mr. Abdou DIOUF*

*President of the Republic of*

*SENEGAL*

*Signed*

**H.E. General Gnassingbe EYADEMA**

*President of the TOGOLESE Republic*