SUPPLEMENTARY CONVENTION *A/SP.1/5/90* ESTABLISHING A COMMUNITY GUARANTEE MECHANISM FOR INTER-STATE ROAD TRANSIT OF GOODS

**THE GOVERNMENTS OF MEMBER STATES OF THE ECONOMIC COMMUNITY OF WEST AFRICAN STATES**

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 the provisions of Article 22, paragraphs 3 and 4 and Article 23 of the ECOWAS Treaty on the reexportation of goods and transit facilities and on customs legislation;

Mindful of the provisions of paragraph (3) of article 28 of Convention A/P.4/5/82 of the ECOWAS Authority of Heads of State and Government on Inter-State Road Transit of Goods;

Considering the urgent necessity to establish a Community guarantee mechanism to facilitate the free flow of goods in the field of Inter-State Road Transit of goods;

HEREBY AGREE AS FOLLOWS

**Article 1**

In this Supplementary Convention, the following expressions shall have the meaning assigned to them hereunder:

1.

'"Treaty" means the Treaty of the Economic Community of West African States.

2.

'"Community" means the Economic Community of West African States.

3.

"Member State' or "Member States" means a Member State or Member States of the Economic Community of West African States.

4, 'Authority' means the Authority of Heads of State and Government established by article 5 of the Treaty.

5.

'Executive Secretary" or "Executive Secretariat"' means the Executive Secretary or the Executive Secretariat of the Economic Community of West African States as defined in Article 8 of the Treaty.

**Article 2**

There is hereby established within the Community a guarantee mechanism for Inter-State Road Transit of Goods.

**Article 3**

1.

The mechanism shall consist of a chain of national bodies responsible for guaranteeing the payment of duties, taxes and other imposition incurred in the territory of the Member State transitted within the frame-work of the Inter-State Road Transit of Goods.

2.

The national body shall be the institution or body corporate designated by each Member State to provide the principal obligee with the requisite guarantee for cover under |SRT-ECOWAS booklets.

3.

The national institution or body-corporate so designated shall also be appointed by the Member State as the correspondent of the national institutions or body-corporates designated by the other Member States of the Community.

**Article 4**

Each guarantee provided by the national institution or designated body-corporate shall be valid for a single transit operation commencing from' customs office or departure to the customs office of 1...al destination.

**Article 5**

1.

Each designated correspondent shall represent the guarantor in its relations with the competent authorities in the territory of the Member State of the Correspondent.

2.

The national institution or body corporate designated in each Member State and their correspondents in each of the other Member States shall be linked to one another by an agreement which shall define the obligations between them.

**Article 6**

The national institutions and its correspondents, as well as the principal obligee, shall jointly and severally undertake to comply with the obligations stipulated in the convention on the Inter-State Road Transit of goods in force within the Community.

**Article 7**

In the event of partial or total failure to honour obligations or contravention of custom legislation and regulations, the guarantor or its correspondents shall pay the amounts due from the defaulting principal obligee on demand by the customs department of the Member State in which the offence is committed.

**Article 8**

Each Member State shall inform the Executive Secretariat of all measures taken for the implementation of this Supplementary Convention and of all measures taken for the implementation of Convention A/P. 4/5/82 dated 29 May, 1982, on Inter-State Road Transit of Goods. :

**Article 9**

Any dispute which may arise between Member State regarding the interpretation of application of this Supplementary Convention shall be settled in conformity with the procedure for the settlement of disputes stipulated in article 56 of the Treaty.

**Article 10**

1.

Any Member State may submit proposals for amendment or revision of this Supplementary Convention.

2.

Any such proposals shall be submitted to the Executive Secretary who shall communicate them to other Member States within (30) thirty days of the receipt of such proposals. The amendments or revisions shall be examined by the Authority at the expiration of the thirty (30) days notice period given to Member States.

**Article 11**

1.

This Supplementary Convention shall enter into force provisionally upon signature by the Heads of State and Government of Members States and definitively upon ratification by at least seven (7) signatory Member States in accordance with the constitutional procedures applicable for each signatory Member State.

2.

This Supplementary Convention and all the \_ instruments of ratification shall be deposited with the Executive Secretariat which shall transmit certified true copies to all Member States and notify them of the dates of deposits of the instruments of ratification and shall register this Supplementary Convention with the Organisation of African Unity, the United Nations Organisation and other Organisations designated by Council.

3.

This Supplementary Convention shall be annexed to and shall be an integral part of the Convention A/P 4/5/82 of 29 May, 1982

IN FAITH WHERE OF, we the Heads of State and Government of the Economic Community of West African States have signed this Supplementary Convention.

DONE AT

BANJUL

THIS 29TH DAY OF MAY, 1990

IN ONE SINGLE ORIGINAL IN THE FRENCH AND ENGLISH LANGUAGES BOTH TEXTS BEING EQUALLY AUTHENTIC.

Honourable Theophile NATA Minister of Foreign Affairs for and on behalf of the President of the Republic of Benin

Honourable Adriano De Oliveira LIMA, Minister of Publics Works for and on behalf of the President of the Republic of CAPE VERDE

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

Honourable Simeon AKE, Minister of Foreign Affairs for and on behalf of the President of the Republic of COTE D'IVOIRE

Honourable Dr. Obed Yao ASAMOAH, PNDC Secretary for Foreign Affairs for and on behalf of the H. &. Alhaji Sir Dawda Kairaba Jawara, President of the Head of State and Chairman of the Provisional National Republic of The Gambia Defence Council.

H.E. General Lansana CONTE, Chairman of the H. E. Joao Bernardo VIEIRA, Secretary-General of the National Military Committee of Recovery, Head of PAIGC, Chairman of the Council of State, President of State, President of the Republic of GUINEA. the Republic of GUINEA BISSAU.

Honourable Dr. Elijah E. TAYLOR, Minister of Planning H. E. General Moussa TRAORE, Secretary-General of and Economic Affairs for and behalf of the President of the Democratic Union of the People of Mali, President, the Republic of LIBERIA. Head of State of the Republic of MALI.

Honourable Hasmi Ould DIDI, Minister of External Affairs for and on behalf of the President of the Islamic Honourable Aliou MAHIMIDOU, Prime Minister, for Republic of MAURITANIA. and on behalf of the President of the Republic of NIGER

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

H.E. Major-General Dr. Joseph Saidu MOMOH, President of the Republic of SIERRA LEONE

H.E. Chiekh HAMIDOU KANE, Minister responsible for African economic integration for and on behalf of the President of the Republic of SENEGAL

H.E. Yaovi ADODO, Minister of Foreign Affairs and Cooperation for and on behalf of the President of the TOGOLESE Republic.